



We acknowledge that the Town of Kirkland Lake is located on the traditional territories of the Anishinabewaki ᐱᐅᓂᓂᐅᐅᐅᐅ, Cree, and Omàmiwininiwag (Algonquin) peoples and other Indigenous peoples whose presence continues to enrich our vibrant community today. We recognize and offer our gratitude for their care and teachings about the earth and culture, we honour those teachings through our interactions today and every day hereafter. We thank them for sharing this land with us. We commit to ongoing learnings about how cultural identity is celebrated, represented and honoured as well as the inclusion of indigenous perspectives through action. Miigwetch – Thank you.

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RECOMMENDATION:

BE IT RESOLVED THAT Council receive the minutes of the following meetings:

- Minutes of the Kirkland Lake Museum Advisory Committee held February 16, 2022

6. REPORTS OF MUNICIPAL OFFICERS AND COMMUNICATIONS

- 6.1. Radar Speed Signs
Jim Roman, Director of Public Works
[2022-PW-007 Radar Speed Signs](#)

RECOMMENDATION:

BE IT RESOLVED THAT Report Number 2022-PW-007 entitled “**Radar Speed Signs**” be received for information.

- 6.2. Traffic Options for Foss Lane
Jim Roman, Director of Public Works
[2022-PW-008 Traffic Options for Foss Lane](#)

RECOMMENDATION:

BE IT RESOLVED THAT Report Number 2022-PW-008 entitled “**Traffic Options for Foss Lane**” be received;

AND FINALLY THAT Council direct the installation of additional road signs advising motorists to watch for pedestrians, to yield to oncoming traffic, and to keep right.

- 6.3. Swastika Forcemain Project Update
Jim Roman, Director of Public Works
[2022-PW-010 Swastika Forcemain Project Update](#)

RECOMMENDATION:

BE IT RESOLVED THAT Report Number 2022-PW-010 entitled “**Swastika Forcemain Project Update**” be received for information.

- 6.4. Community Standards By-Law Update
Luke Williams, Chief Building Official
[2022-DEV-021 Community Standards By-law Amendment](#)

RECOMMENDATION:

BE IT RESOLVED THAT Report Number 2022-DEV-021 entitled “**Community Standards By-Law Amendment**” be received;

AND FINALLY THAT Council hereby approve the amendments to the Community Standards By-Law and direct that the proposed amendment as presented be brought forward for three (3) readings at the July 12, 2022 meeting.

- 6.5. Agnico-Eagle (Kirkland Lake Gold Ltd.) Request to Purchase: Archer Drive Industrial Park
Wilfred Hass, Director of Economic Development
[2022-DEV-023 AE KLG Request to Purchase Archer Drive Industrial Park](#)

RECOMMENDATION:

BE IT RESOLVED THAT Report Number 2022-DEV-023 entitled “**Agnico-Eagle (Kirkland Lake Gold Ltd.) Request to Purchase: Archer Drive Industrial Park**” be received for information.

- 6.6. Request to Purchase Surplus Land at 776 Government Road West
Jenna McNaughton, Planning Administrator
[2022-DEV-024 Request to Purchase Surplus Land at 776 Government Rd. W.](#)

RECOMMENDATION:


BE IT RESOLVED THAT Report Number 2022-DEV-024 entitled “**Request to Purchase Surplus Land at 776 Government Road West**” be received for information.

- 6.7. Pool By-Law Update
Luke Williams, Chief Building Official
[2022-DEV-030 Pool By-law Update](#)

RECOMMENDATION:

BE IT RESOLVED THAT Report Number 2022-DEV-030 entitled “**Pool By-law Update**” be received;

AND FINALLY THAT Council hereby approve the proposed amendments to the Pool By-Law and direct that the proposed By-Law as presented be brought forward for three (3) readings at the July 12, 2022 meeting.

- 6.8. March 16, 2022 Tax Sales and Collection Update
 Lloyd Crocker, Treasurer
[2022-FIN-009 March 16, 2022 Tax Sales and Collection Update](#)

RECOMMENDATION:

BE IT RESOLVED THAT Report Number 2022-FIN-009 entitled “**March 16, 2022 Tax Sales and Collection Update**” be received for information.

7. CONSIDERATIONS OF NOTICES OF MOTIONS

- 7.1. Councillor Adams - Reconsideration of Flag, Pole Banner & Announcements Protocols Policy (CORP 2020-026)
[CORP2020-026 Flag Pole Banner and Announcement Protocols Policy](#)

RECOMMENDATION:

BE IT RESOLVED THAT Council request that Policy CORP2020-026 Flag Pole Banner and Announcement Protocols be amended to allow for flag raisings and announcements/proclamations at the Town of Kirkland Lake Municipal Office;

AND THAT a Flag Raising and Proclamation Request Program be established by the Town of Kirkland Lake;

AND THAT a guiding document be established for the raising and half-masting of flags at the Municipal Office in keeping with the protocols as set out by the Department of Canadian Heritage;

AND FINALLY THAT a Report be presented before the end of this Term of Council for approval.

8. INTRODUCTION, READING AND CONSIDERATION OF BY-LAWS

8.1. By-Law #22-047

[By-Law 22-047 Notice Policy By-Law](#)

RECOMMENDATION:

BE IT RESOLVED THAT the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

By-law Number 22-047, being a by-law to establish a Notice Policy.

8.2. By-Law #22-048

[By-Law 22-048 Execute Agreement with TNT for Drag Racing at Municipal Airport](#)

RECOMMENDATION:

BE IT RESOLVED THAT the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

By-law Number 22-048 being a by-law to authorize the execution of an agreement between Team Northern Throttle (TNT) and The Corporation of the Town of Kirkland Lake for the use of the Municipal Airport for Annual Drag Racing Events.

8.3. By-Law #22-049

[By-Law 22-049 Appointing By-law Enforcement Officer \(Housekeeping\)](#)

RECOMMENDATION:

BE IT RESOLVED THAT the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

By-law Number 22-047, being a by-law to appoint a Municipal Law Enforcement Officer for the purposes of enforcing by-laws in the Town of Kirkland Lake.

8.4. By-Law #22-050

[By-Law 22-050 Property Standards](#)

RECOMMENDATION:

BE IT RESOLVED THAT the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

By-law Number 22-050, being a by-law to prescribe standards for maintenance and occupancy of properties within the Town of Kirkland Lake.

8.5. By-Law #22-051

[By-Law 22-051 Execute Land Sale Agreement - Theresa Erny 776 Govt Rd W](#)

RECOMMENDATION:

BE IT RESOLVED THAT the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

By-law Number 22-051, being a by-law to authorize the Mayor and Clerk to execute documents related to the sale of 776 Government Road West to Theresa Erny.

8.6. **By-Law #22-052**

[By-Law 22-052 Execute Land Sale Agreement - AE KLG Ltd. Archer Drive Industrial Park.](#)

RECOMMENDATION:

BE IT RESOLVED THAT the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

By-law Number 22-052, being a by-law to authorize the Mayor and Clerk to execute documents related to the sale of land in the Archer Drive Industrial Park to Kirkland Lake Gold Ltd.

9. QUESTIONS FROM COUNCIL TO STAFF

10. NOTICE(S) OF MOTION

11. COUNCILLOR'S REPORTS

11.1. Updates from Members of Council

RECOMMENDATION:

BE IT RESOLVED THAT the verbal updates from members of Council be received.

12. ADDITIONAL INFORMATION

13. CLOSED SESSION

14. MATTERS FROM CLOSED SESSION

15. CONFIRMATION BY-LAW

15.1. **By-Law #22-053**

[By-Law 22-053 Confirming Proceedings - June 21, 2022](#)

RECOMMENDATION:

BE IT RESOLVED THAT the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and Clerk, and the Seal of the Corporation be affixed thereto;

By-Law Number 22-051, being a by-law to confirm the proceedings of Council at its meeting held June 21, 2022.

16. ADJOURNMENT

RECOMMENDATION:

BE IT RESOLVED THAT this Regular Meeting of Council do now adjourn at _____ p.m.



MINUTES

Regular Council Meeting

Tuesday, June 7, 2022
4:40 PM
Council Chambers/Zoom

The Regular Council of the Town of Kirkland Lake was called to order on Tuesday, June 7, 2022, at 4:44 p.m., in the Council Chambers/Zoom, with the following members present:

Present: Mayor Pat Kiely, Councillor Patrick Adams, Councillor Eugene Ivanov, Councillor Rick Owen, Councillor Casey Owens, Councillor Stacy Wight, and Councillor Lad Shaba

Absent:

Staff: Director of Community Services Bonnie Sackrider, Executive Director Tanya Schumacher, Director of Economic Development Wilfred Hass, Planning Administrator Jenna McNaughton, Treasurer Lloyd Crocker, Municipal Clerk Jennifer Montreuil, Chief Administrative Officer Alan Smith, Director of Public Works Jim Roman, Director of Corporate Services Shawn LaCarte, Deputy Treasurer Joshua Brimicombe, Chief Building Official Luke Williams, and Human Resources Supervisor Stephanie Dell

1. CALL TO ORDER AND MOMENT OF SILENCE

Mayor Kiely called the meeting to order and requested a moment of silence.

2. APPROVAL OF THE AGENDA

Moved by: Councillor Eugene Ivanov
Seconded by: Councillor Rick Owen

BE IT RESOLVED THAT the Agenda for the Regular Meeting of Council held on Tuesday, June 7, 2022 be approved as circulated.

CARRIED

3. DECLARATION OF PECUNIARY INTEREST

Mayor Kiely requested those present to declare any pecuniary interests with matters appearing on the open session agenda. None noted.

4. PETITIONS AND DELEGATIONS

5. ACCEPTANCE OF MINUTES AND RECOMMENDATIONS

Moved by: Councillor Lad Shaba
Seconded by: Councillor Casey Owens

BE IT RESOLVED THAT Council approve the minutes of the following meeting:

- Minutes of the Regular Meeting of Council held May 17, 2022.

CARRIED

6. REPORTS OF MUNICIPAL OFFICERS AND COMMUNICATIONS

- 6.1.** Verbal Report - 2022 FONOM Conference Update
Alan Smith, Chief Administrative Officer

Moved by: Councillor Lad Shaba

Seconded by: Councillor Stacy Wight

BE IT RESOLVED THAT Verbal Report entitled "**2022 FONOM Conference Update**" be received for information.

CARRIED

- 6.2.** Timiskaming District Compliance Audit Committee Terms of Reference
Jennifer Montreuil, Municipal Clerk

Moved by: Councillor Eugene Ivanov

Seconded by: Councillor Lad Shaba

BE IT RESOLVED THAT Memorandum Number 2022-CLK-013 entitled "**Timiskaming District Joint Compliance Audit Committee Terms of Reference**" be received;

AND FINALLY THAT Council approves the Timiskaming District Joint Compliance Audit Committee Terms of Reference and direct that a By-Law be brought forward for three (3) readings at the June 7, 2022 meeting.

CARRIED

- 6.3.** Provisions of Notice By-Law Updates
Jennifer Montreuil, Municipal Clerk

Moved by: Councillor Stacy Wight

Seconded by: Councillor Patrick Adams

BE IT RESOLVED THAT Memorandum Number 2022-CLK-014 entitled "Updates to the By-Law Prescribing the Form, Manner and Times for the Provision of Notice" be received;

AND THAT Council adopt the recommendations as set out in the Report;

AND FINALLY THAT Council direct that the proposed Notice Policy By-Law be brought forward for three readings at the June 21, 2022 meeting.

CARRIED AS AMENDED

- 6.4.** Kirkland Lake Police Services Board Recommendation – Foss Lane
Jennifer Montreuil, Municipal Clerk

Councillor Owen left the Chambers at 4:59 p.m. and returned at 5:01 p.m.

Moved by: Councillor Rick Owen
Seconded by: Councillor Lad Shaba

BE IT RESOLVED THAT Memorandum Number 2022-CLK-015 entitled “**Kirkland Lake Police Services Board Recommendation – Foss Lane**” be received;

AND FINALLY THAT Council direct that a site inspection be conducted at Foss Lane and a further Report be prepared identifying options for remediation in the standard/design of Foss Lane.

CARRIED

- 6.5.** Vesting Properties: Tax Sale of March 16, 2022
Lloyd Crocker, Treasurer

Moved by: Councillor Eugene Ivanov
Seconded by: Councillor Patrick Adams

BE IT RESOLVED THAT Report Number 2022-FIN-008 entitled “**Vesting Properties: Tax Sale of March 16, 2022**” be received;

AND THAT Council authorize the vesting of 20 Queen Street and 7 Park Street in the Town of Kirkland Lake;

AND FINALLY THAT the Municipal taxes be written off once the properties have been vested.

CARRIED

- 6.6.** Disconnecting from Work Policy
Stephanie Dell, Human Resources Supervisor

Moved by: Councillor Stacy Wight
Seconded by: Councillor Rick Owen

BE IT RESOLVED THAT Memorandum Number 2022-HR-003 entitled “**Disconnecting from Work Policy**” be received;

AND THAT Council hereby approve the Disconnecting from Work Policy;

AND FINALLY THAT CORP2022-005 Disconnecting from Work Policy be inserted into the Corporate Policy Manual.

CARRIED

- 6.7.** Community Safety and Well Being Plan Adoption
Bonnie Sackrider, Director of Community Services

Moved by: Councillor Eugene Ivanov
Seconded by: Councillor Casey Owens

BE IT RESOLVED THAT Report Number 2022-CS-009 entitled “**Community Safety and Well Being Plan Adoption**” be received;
AND THAT the “Timiskaming District Community Safety and Well-Being Plan” as attached to the Report be adopted;
AND FINALLY THAT Council approve in principle an annual contribution for a Community Safety and Well Being (CSWB) Plan resource based on the current apportionments by the District of Timiskaming Social Services Administration Board (DTSSAB), resulting in a district-wide funding approach.

CARRIED

- 6.8.** Property Standards By-Law Update
Luke Williams, Chief Building Official and Property Standards Officer

Moved by: Councillor Eugene Ivanov
Seconded by: Councillor Patrick Adams

BE IT RESOLVED THAT Report Number 2022-DEV-022 entitled “**Property Standards By-law Update**” be received;
AND FINALLY THAT Council hereby approve the updates to the Property Standards By-law and direct that the proposed By-law as presented be brought forward for three (3) readings at the July 13, 2022 meeting.

CARRIED AS AMENDED

7. CONSIDERATIONS OF NOTICES OF MOTIONS

8. INTRODUCTION, READING AND CONSIDERATION OF BY-LAWS

Moved by: Councillor Rick Owen
Seconded by: Councillor Eugene Ivanov

BE IT RESOLVED THAT the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

By-Law Number 22-044, being a by-law to appoint a Building Inspector and Property Standards Officer.

CARRIED

Moved by: Councillor Patrick Adams
Seconded by: Councillor Stacy Wight

BE IT RESOLVED THAT the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and the Clerk, and the Seal of the Corporation be affixed thereto;

By-law Number 22-045, being a by-law to adopt the Timiskaming District Joint Compliance Audit Committee Terms of Reference.

CARRIED

9. QUESTIONS FROM COUNCIL TO STAFF

9.1. Councillor Wight - Portable Traffic Radar Signs

Moved by: Councillor Stacy Wight
Seconded by: Councillor Rick Owen

BE IT RESOLVED THAT Council receive the Question re Portable Traffic Radar Signs and Administration's Response for information;

AND FINALLY THAT Council direct that a Report be prepared identifying the purpose, data collection and communication of results of the Town's Portable Traffic Radar Signs at the June 21, 2022 Regular Meeting of Council.

CARRIED

10. NOTICE(S) OF MOTION

10.1. Councillor Adams - Reconsideration of Flag, Pole Banner & Announcements Protocols Policy (CORP 2020-026)

11. COUNCILLOR'S REPORTS

11.1. Updates from Members of Council

Moved by: Councillor Eugene Ivanov
Seconded by: Councillor Patrick Adams

BE IT RESOLVED THAT the verbal updates from members of Council be received.

CARRIED

12. ADDITIONAL INFORMATION

13. CLOSED SESSION

Moved by: Councillor Lad Shaba
Seconded by: Councillor Stacy Wight

BE IT RESOLVED THAT Council adjourn in-camera pursuant to Section 239(2) of the Municipal Act, 2001 as amended at 5:52 p.m. for the following reasons:

Item 13.1, being personal matters about an identifiable individual, including municipal or local board employees; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations.

Item 13.2, being a proposed pending acquisition or disposition of land by the municipality or local board.

Item 13.3, being a proposed pending acquisition or disposition of land by the municipality or local board.

Item 13.4, being a proposed pending acquisition or disposition of land by the municipality or local board; and a position, plan, procedure, criteria, or instruction to be applied to negotiations.

CARRIED

Moved by: Councillor Casey Owens
Seconded by: Councillor Eugene Ivanov

BE IT RESOLVED THAT Council reconvene in open session at 6:53 p.m.

CARRIED

14. MATTERS FROM CLOSED SESSION

Mayor Kiely canvassed for any declarations of pecuniary interest. Councillor Adams declared a conflict with Item 14.3 Agnico-Eagle Request to Purchase: Archer Drive Industrial Park as he is an "employee of Agnico-Eagle".

14.1 Request to Purchase Surplus Land at 776 Government Road West
Jenna McNaughton, Planning Administrator

Moved by: Councillor Rick Owen
Seconded by: Councillor Patrick Adams

BE IT RESOLVED THAT Report Number 2022-DEV-018 entitled "Request to Purchase Surplus Land at 776 Government Road West" be received;

AND THAT Council approve the sale of land at 776 Government Road West to Theresa Erny for the amount of \$8,000.00;

AND THAT Council authorize the Mayor and Municipal Clerk to execute the Offer to Purchase and all appropriate sale documents as may be required;

AND FINALLY THAT Council authorize the by-law of the sale of property be given three readings on June 21, 2022.

CARRIED

14.2 Request to Purchase Surplus Land at 31 Kirkland Street West

Moved by: Councillor Eugene Ivanov

Seconded by: Councillor Stacy Wight

BE IT RESOLVED THAT Report Number 2022-DEV-019 entitled “Request to Purchase Surplus Land at 31 Kirkland Street West” be received, and

AND THAT Council offer a lease for the north part of 31 Kirkland Street West to Charles Dubé;

AND THAT Council authorize the Mayor and Municipal Clerk to execute a lease agreement and all appropriate documents as may be required;

AND FINALLY THAT Council authorize the by-law of the lease agreement be given three readings on June 21, 2022.

CARRIED

14.3 Agnico-Eagle Request to Purchase: Archer Drive Industrial Park

Having declared a conflict, Councillor Adams was placed in the Waiting Room of the Zoom platform at 6:55 p.m. and did not participate in the debate or vote.

Moved by: Councillor Rick Owen

Seconded by: Councillor Lad Shaba

BE IT RESOLVED THAT Report Number 2022-DEV-017 entitled “Agnico-Eagle Request to Purchase: Archer Drive Industrial Park (2)” be received;

AND THAT Council approve the sale of those mining claims legally described as

L16555, L16554, L15750, L15752, L16589, L11882, L16619 & L16691 and the South

part of mining claims L1354 & MC6787 identified as being of interest to Agnico-Eagle to Agnico-Eagle for the amount of \$818,913.00;

AND THAT Council authorize the Mayor and Municipal Clerk to execute the Offer to

Purchase and all appropriate sale documents as may be required;

AND FINALLY THAT Council authorize the by-law of the sale of property be given

three readings at the June 21, 2022 meeting.

CARRIED

Councillor Adams was re-admitted to participate electronically in the meeting at 6:56 p.m.

15. CONFIRMATION BY-LAW

15.1. By-Law # 22-046

Moved by: Councillor Stacy Wight

Seconded by: Councillor Casey Owens

BE IT RESOLVED THAT the following by-law be read a first, second, and third time, numbered, passed, signed by the Mayor and Clerk, and the Seal of the Corporation be affixed thereto;

By-Law Number 22-046, being a by-law to confirm the proceedings of Council at its meeting held June 7, 2022.

CARRIED

16. ADJOURNMENT

Moved by: Councillor Casey Owens

Seconded by: Councillor Eugene Ivanov

BE IT RESOLVED THAT this Regular Meeting of Council do now adjourn at 6:57 p.m.

CARRIED

Pat Kiely, Mayor

Jennifer Montreuil, Municipal Clerk

APPROVED BY COUNCIL ON



MINUTES

Corporation of the Town of Kirkland Lake
Museum Advisory Committee
Electronically via Zoom
February 16, 2022
4:45pm

Attendance

Chair: Stacy Wight
Members: Meghan Howe
Ann Black, Auxiliary Representative
Staff: Kelly Gallagher, Municipal Curator
Bonnie Sackrider, Director of Community Services
Secretary: Kaitlyn McKay, Museum Supervisor

1. Call to Order

Chair Stacy Wight called the meeting to order at 4:48pm.

2. Approval of the Agenda

Moved by: Meghan Howe
Seconded by: Ann Black

BE IT RESOLVED THAT the Agenda for the Museum Advisory Committee held on *February 16, 2022* beginning at *4:48pm* be approved as circulated to all Committee Members.

CARRIED

3. Declaration of Pecuniary Interest

None noted.

4. Acceptance of Minutes and Recommendations

4.1 Minutes of the MAC meeting held December 15th, 2021

Moved by: Ann Black
Seconded by: Meghan Howe

BE IT RESOLVED THAT the Museum Advisory Committee accept the minutes of the Museum Advisory Committee meeting held December 15th, 2021.

CARRIED

5. Items for Discussion

5.1 December 2021 & January 2022 Statistics

Moved by: Meghan Howe
Seconded by: Ann Black

BE IT RESOLVED THAT the December 2021 & January 2022 Attendance Statistics Report be received.

CARRIED

5.2 Ontario Heritage Trust Update

Moved by: Ann Black
Seconded by: Meghan Howe

BE IT RESOLVED THAT Report Number 2022-MAC-001 entitled “Ontario Heritage Trust Update” be received.

CARRIED

5.3 Strategic Plan Work Plan

Moved by: Meghan Howe
Seconded by: Ann Black

BE IT RESOLVED THAT Report Number 2022-MAC-002 entitled “Museum Strategic Plan – Work Plan” be received.

CARRIED

5.4 Federal Reopening Fund.

Moved by: Ann Black
Seconded by: Meghan Howe

BE IT RESOLVED THAT Report Number 2022-MAC-003 entitled “Reopening Fund for Heritage Organizations” be received.

CARRIED

5.5 Gallery, Programming and Community Engagement.

Moved by: Meghan Howe
Seconded by: Ann Black

BE IT RESOLVED THAT the 2022 Gallery Schedule and Programming Report be received.

CARRIED

6. **Reports**

6.1 Auxiliary Report – Representative Ann Black

Moved by: Stacy Wight

Seconded by: Meghan Howe

BE IT RESOLVED THAT the Auxiliary Report for February 2022 be received.

CARRIED

6.2 Curator's Report – Municipal Curator Kelly Gallagher

Moved by: Meghan Howe

Seconded by: Ann Black

BE IT RESOLVED THAT the Curator's Report for February 2022 be received.

CARRIED

7. **Additional Information**

7.1 Museum Advisory Committee Recruitment – TKL Call for Applicants

MAC Member Monica Haase will be taking a temporary sabbatical from the Committee.

8. **Date of Next Meeting**

8.1 Wednesday, April 20, 2022 – Chair Ann Black

9. **Adjournment**

Moved by: Meghan Howe

Seconded by: Ann Black

BE IT RESOLVED THAT Members adjourn the February 16, 2022 Museum Advisory Committee Meeting at 5:44pm.

CARRIED

Stacy Wight, Chair

Kaitlyn McKay, Secretary

REPORT TO COUNCIL

Meeting Date: 21/06/2022

Report Number: 2022-PW-007

Presented by: Jim Roman

Department: Public Works

REPORT TITLE

Radar Speed Signs

RECOMMENDATION(S)

BE IT RESOLVED THAT Report Number 2022-PW-007 entitled “**Radar Speed Signs**” be received for information.

INTRODUCTION

This report was prepared in response to a request from Council to identify the purpose, data collection and communication of results of the town’s portable traffic radar signs.

It is also an opportunity to inform the public on the purpose and limitations of these units.

DISCUSSION

The Province of Ontario follows an established system for road classification. A road is identified as Class 1 to Class 6, based on its Average Annual Daily Traffic (AADT) and the legal posted speed limit, Class 1 roads being the busiest. There are a number of accepted standards associated with each individual road classification. These include design standards such as road width, grade, and sight distances, and maintenance standards such as the requirements and timing for snow clearing, and frequency of inspections. At times, road classification even factors into government funding opportunities.

As road classification plays such an important role, it is essential to get it right, especially in these times of increased litigation. In 2021, Council approved the purchase of 2 radar traffic counters. Late delivery, and the need to purchase and mount the units on portable trailers, resulted in their rollout being delayed until Spring 2022. They will now be utilized throughout the summer for traffic counts.

These units also have the ability to determine, display, and records vehicle speed. This feature is useful as a traffic calming measure, and can be used to determine speed compliance, say at a particular time of day. It should be noted that the units cannot take photographs or identify individual vehicles in any way. We also have the ability to disconnect the display altogether and simply use the units for traffic counts.

OTHER ALTERNATIVES CONSIDERED

Not Applicable.

FINANCIAL CONSIDERATIONS

The units were purchased in 2021. The only financial consideration is the cost of labour to relocate them from site to site.

ALIGNMENT TO STRATEGIC PRIORITIES

These units will allow us to fine tune and defend our minimum maintenance standards, thereby helping the town to achieve the values defined within the pillar of “Sustainable Operational Excellence”. The traffic calming effect of the speed displays will contribute to “improving health and safety for staff and the public”, as per the pillar “Outstanding Service”.

ACCESSIBILITY CONSIDERATIONS

Not Applicable.

CONCLUSION

Public Works will continue to use these units for traffic counts in order to properly classify the town road network. They will also be used to analyse those areas where speeding is problematic, as a step towards determining a solution.

CONSULTATIONS

Town of Kirkland Lake Senior Management Team
Manager of Operations and Engineering

ATTACHMENTS

None.

REPORT TO COUNCIL

Meeting Date: 21/06/2022

Report Number: 2022-PW-008

Presented by: Jim Roman

Department: Public Works

REPORT TITLE

Traffic Options for Foss Lane

RECOMMENDATION(S)

BE IT RESOLVED THAT Report Number 2022-PW-008 entitled “**Traffic Options for Foss Lane**” be received;

AND FINALLY THAT Council direct the installation of additional road signs advising motorists to watch for pedestrians, to yield to oncoming traffic, and to keep right.

INTRODUCTION

Council directed that a site inspection be conducted at Foss Lane, and a report be prepared identifying options for remediation in the standard/design of Foss Lane. This is in response to safety concerns brought to the attention of Council and subsequently the Kirkland Lake Police Services Board.

DISCUSSION

Foss Lane is unique in that the road allowance is significantly narrower than a standard 20m roadway. The average asphalt width of Foss Lane is 6m (3m per lane) which does meet minimum lane width standards. The asphalt roadway itself takes up the entire width of the road allowance. This leaves no room for shoulders, hence no room for pedestrians when there is traffic in both directions.

Public Works acknowledges the narrow width of Foss Lane can present a safety concern when the roadway is congested with multiple vehicles and pedestrians. Considering the relatively remote location of Foss Lane and low traffic volumes, we believe the best option is to add additional road signs advising motorists to watch for pedestrians, to yield to oncoming traffic, and to keep right.

OTHER ALTERNATIVES CONSIDERED

Foss Lane can be changed from a two-way street to a one-way street. This would reduce the possibility of collisions, and provide room for pedestrians. The only concern with this option is that it will not be a popular decision with area residents, in that their customary driving routes will be upset.

Widening the roadway is not practical. This would require the process of securing additional land for a standard road allowance, and may even require the removal of structures.

Closing the roadway is also not practical as several homes front on Foss Lane. There are also water and sewer mains running beneath the roadway.

FINANCIAL CONSIDERATIONS

The cost to add additional road signs is minimal. The cost to change Foss Lane into a one-way street is also minimal.

ALIGNMENT TO STRATEGIC PRIORITIES

Outstanding Service - Improving Health and Safety for the public.

ACCESSIBILITY CONSIDERATIONS

Not Applicable.

CONCLUSION

The vast majority of drivers using Foss Lane are already aware of its limitations. However, adding traffic signs to warn the driving public of the narrow roadway will be beneficial and is certainly warranted as a first step towards improving public safety. Should the problem persist, Council could then consider changing Foss Lane into a one-way street.

CONSULTATIONS

Town of Kirkland Lake Senior Management Team

Manager of Operations and Engineering

ATTACHMENTS

None.

REPORT TO COUNCIL

Meeting Date: 21/06/2022

Report Number: 2022-PW-010

Presented by: Jim Roman

Department: Public Works

REPORT TITLE

Swastika Forcemain Project Update

RECOMMENDATION(S)

BE IT RESOLVED THAT Report Number 2022-PW-010 entitled “**Swastika Forcemain Project Update**” be received for information.

INTRODUCTION

This project consists of the conversion of the Swastika Water Pollution Control Plant into a sewage pumping station, the construction of approximately 5 km of 200mm sanitary forcemain from Swastika to the Kirkland Lake Wastewater Treatment Plant, and the retrofit of the Riverside and Archer Drive Pumping Stations to accommodate the flow.

The project initially called for the complete decommissioning of the Swastika Water Pollution Control Plant, to be replaced with the construction of a new Culver Park Pumping Station. Projected cost overruns led to a redesign, which utilizes the existing Swastika Water Pollution Control Plant as a pumping station. This configuration could continue indefinitely. However, it should be noted that the town will experience additional operating and maintenance costs for the existing plant until the estimated \$1.2 million in funding can be secured in order to fully bring this project to completion.

OCWA Engineering was hired to oversee project management, with the consulting firm Stantec responsible for project design. On September 7, 2021, Pedersen Construction (2013) Inc. was awarded the contract for construction, which is currently underway. Kusiak Project Services, a sub-contractor for Stantec, provides the town with on-site inspection and contract management.

DISCUSSION

To date, all of the forcemain has been installed and successfully pressure tested. Ground restoration has been completed along Archer Drive, and continues along the Highway 66 corridor. Restoration of the affected roadways in Swastika is to follow.

The required modifications to the Swastika plant and two pumping stations have begun. However, this work is now on pause as the contractor awaits delivery of critical components such as control panels and transfer switches, due to supply chain issues. As a result, commissioning of the system has been pushed back to a September/October time frame from the original proposed June 30 completion date.

FINANCIAL CONSIDERATIONS

This project dates back to 2016 when funding was secured through the Building Canada Fund – Small Communities Fund. The work is to be completed by October 31, 2022.

The contract for construction was awarded to Pedersen Construction (2013) Inc. for \$7,693,310. This included a contingency amount of \$600,000; subsequently reduced to \$350,000 in order to make this project a reality. To date, there have been approximately \$290,000 in approved change orders, with over half of this attributed to additional rock excavation. At this time, no major additional cost overruns are anticipated, as the bulk of the unknowns were associated with the linear infrastructure, now in place.

ALIGNMENT TO STRATEGIC PRIORITIES

Not Applicable.

ACCESSIBILITY CONSIDERATIONS

Not Applicable.

CONCLUSION

It is anticipated the contract with Pedersen Construction will be completed close to the original budget figure, and will meet the October 31, 2022 deadline for project funding.

CONSULTATIONS

Chief Administrative Officer

ATTACHMENTS

None.

REPORT TO COUNCIL

Meeting Date: 21/06/2022

Report Number: 2022-DEV-021

Presented by: Luke Williams

Department: Development Services

REPORT TITLE

Community Standards By-Law Amendment

RECOMMENDATION(S)

BE IT RESOLVED THAT Report Number 2022-DEV-021 entitled “**Community Standards By-Law Amendment**” be received;

AND FINALLY THAT Council hereby approve the amendments to the Community Standards By-Law and direct that the proposed amendment as presented be brought forward for three (3) readings at the July 12, 2022 meeting.

INTRODUCTION

The proposed amendment will maintain the regulations for community standards that the public is familiar with, while updating the enforcement section so that the procedure for obtaining compliance will be consistent across staff members and across By-Laws. The proposed enforcement method mirrors the method proposed in the Property Standards By-Law update.

DISCUSSION

The existing enforcement procedure is not prescribed in the By-Law leading to interpretation. The proposed prescribed enforcement procedure will promote clarity, accountability and transparency in the administration and enforcement of the By-Law.

The regulations of the Community Standards By-Law have been deemed sufficient by staff and are not proposed to be included in this amendment. Altering the regulations would require the short form ticketing – the main enforcement tool of the Community Standards By-Law – to be resubmitted to the Ministry for approval, a process deemed unnecessary by administration.

A prescribed enforcement method will significantly improve staff's ability to address areas of non-compliance, and defend such actions should they be challenged in a court of law.

OTHER ALTERNATIVES CONSIDERED

Council may consider to maintain the existing Community Standards enforcement procedure which would perpetuate the existing inefficiencies in the administration and enforcement methods.

Council may also consider directing staff to update the entirety of the Community Standards By-Law, which would force the repetition of Ministry approvals for such items as short form ticketing and delay the implementation of the new enforcement methods.

FINANCIAL CONSIDERATIONS

Ticketing of contraventions of the Community Standards By-Law will not be altered. The improved enforcement method will improve the ability of the Town to recover costs incurred through correcting contraventions at the owner's expense.

ALIGNMENT TO STRATEGIC PRIORITIES

Improving the health and safety of the community for the public and staff.

ACCESSIBILITY CONSIDERATIONS

Not Applicable.

CONCLUSION

The existing enforcement method for community standards is not prescribed in the By-Law. Prescribing the enforcement method via an amendment will promote consistency in the application of the Community Standards By-Law, promote consistency across the Town's similar by-laws, and prevent the repetition of Ministry approvals.

CONSULTATIONS

Town of Kirkland Lake Senior Management Team

By-Law Enforcement Officer

Planning Administrator

City of North Bay Staff

City of Temiskaming Shores Staff

ATTACHMENTS

Attachment 1 – Existing Community Standards By-Law

Attachment 2 – Proposed Community Standards By-Law Amendments



The Corporation of the Town of Kirkland Lake

Bylaw No # 17-005

Being a Bylaw to Provide for Maintaining Land in a Clean and Clear Condition
(Community Standards By-Law)

WHEREAS pursuant to Sections 10(2) Clauses 5, 6, 127, 128, and 131 of the Municipal Act S.O. 2001, c. 25 as amended, Council may pass By-Laws for requiring the cleaning and clearing of yards, for prohibiting the depositing of refuse on private and public lands; for prohibiting automotive wrecking yards and requiring removal or repair of dilapidated fences and structures;

AND WHEREAS pursuant to Section 446 of the Municipal Act S.O. 2001, c.25, as amended, a municipality may enact a bylaw to require that a matter of thing be done and in default, the matter of thing may be done by the municipality at the person's expense and further that the costs of doing so may be added to the tax rolls and collected in the same manner as taxes;

AND WHEREAS pursuant to Section 391 of the Municipal Act S.O. 2001, as amended, a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it,

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE
HEREBY ENACTS AS FOLLOWS:

PART 1 GENERAL PROVISIONS

- 1.1 Short Title
This Bylaw shall be cited as the Community Standards By-law.
- 1.2 Scope
The provisions of this Bylaw shall apply to all properties within the geographic limits of the Town of Kirkland Lake, except where otherwise provided.
- 1.3 Enforcement
This Bylaw shall be enforced by a Municipal Bylaw Enforcement Officer, special constables, Property Standards Officer and/or Peace Officers.
- 1.4 Conflicts with Other Bylaws and/or Regulations
Where a provision of this Bylaw conflicts with a provision of another bylaw in force in the Town of Kirkland Lake, the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the municipality, shall prevail to the extent of the conflict.

PART 2 DEFINITIONS

- 2.1. General
 - 2.1.1 Definitions of words, phrases and terms used in this Bylaw that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in the Bylaw.
- 2.2 The words, phrases and terms defined in this section have the following meaning for the purposes of this Bylaw.
 - 2.2.1 "Council" means the Municipal Council of the Corporation of the Town of Kirkland Lake.
 - 2.2.2 "**Domestic Waste**" means any article, thing, matter or any effluent belonging to or associated with a residence, household or dwelling unit, or concerning or relating to the home or family that appears to be waste material; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause, it is hereby declared that domestic waste extends to the following classes of waste material:
 - a) Grass clippings, tree cuttings, brush, leaves and garden refuse;
 - b) Paper, cardboard, clothing;

- c) All kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of food except any material of vegetable origin placed in a composting container;
 - d) Feces;
 - e) Cans, glass, plastic containers, dishes;
 - f) New or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
 - g) Refrigerators, freezers, stoves or other appliances and furniture;
 - h) Furnaces, furnace parts, pipes, fittings to pipes, water or fuel tank;
 - i) Unlicensed motor vehicles, inoperative motor vehicle, vehicle motor parts; and accessories, vehicle tires mounted or not mounted on rims, mechanical equipment
 - j) Rubble, inert fill, fencing materials.
- 2.2.3 **“Fence”** means any freestanding structure, wall or barrier other than a building, erected at grade for the purpose of delineating the boundaries of a property, restricting ingress to or egress from a property, providing security or protection to property, and does not include a hedge;
- 2.2.4 **“Gate”** means any swinging or sliding barrier used to fill in or close an access in a fence;
- 2.2.5 **“Grade”** means the elevation of the finished level of the ground adjoining the fence exclusive of any artificial embankments or berms;
- 2.2.6 **“Hobby Vehicle”** means a vehicle that is actively being repaired or restored as a hobby for the owner/occupant of the property, a race car, or vehicle that by its special nature is not routinely used or licensed but is intended to show or display on occasion;
- 2.2.7 **“Industrial Waste”** means any article, thing, matter or any effluent belonging to or associated with industry or commerce or concerning or relating to manufacturing or concerning or relating to any trade, business, calling or occupation that appears to be waste material; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this clause it is hereby declared that industrial waste extends to the following classes of waste material:
- a) Articles, things, matter or effluent, which in whole or in part or fragments thereof, are derived from or are constituted from or consist of:
 - i. agricultural, animal, vegetable, paper, lumber, or wood products;
 - ii. mineral, metal, or chemical products; or
 - iii. whether or not the products are manufactured or otherwise processed.
 - b) Inoperative motor vehicles and motor vehicle parts including but not limited to tires, mechanical equipment, mechanical parts, accessories, appurtenant or adjuncts to the motor vehicles and mechanical equipment;
 - c) Piping, tubing, conduits, cable and fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
 - d) Containers or pallets of any size, type or composition;
 - e) Materials resulting from, or as part of, construction or demolition projects;
 - f) Rubble, inert fill except loose soil, sand, gravel;
 - g) Bones, feathers, hides; or
 - h) Sewage.
- 2.2.8 **“Inoperative Motor Vehicle”** means any motor vehicle with an expired registration date over twelve (12) month and/or no license plate, or any motor vehicle having missing parts, including: tires, damaged or missing glass, deteriorated or removed metal components, or anything which prevents its mechanical function.
- 2.2.9 **“Lot”** means all contiguous land under one ownership;
- 2.2.10 **“Lot line”** means the boundary of a lot;
- 2.2.11 **“Motor Vehicle”** means commercial and industrial vehicles and equipment, automobiles, motorized snow vehicles, off-road vehicles, motorcycles, all-terrain vehicles, trailers, boats, marine equipment, farm equipment, construction equipment and heavy machinery.
- 2.2.12 **Municipality** means the Municipality of the Town of Kirkland Lake

- 2.2.13 **"Officer"** means Municipal By-Law Enforcement Officer or designate, Property Standards Officer, Special Constables and Peace Officers.
- 2.2.14 **"Owner"** Includes:
- a) Both the owner in trust and beneficial owner of land;
 - b) The person for the time being managing or receiving rent of the land or premises in connection with which the work is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and/or
 - c) A lessee or occupant of the property who manages or controls the condition of the property.
- 2.2.15 **"Person"** in addition to its regular meaning, includes an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau and agency or any director, officer, manager or person in charge of such entity or the collecting of rent of any property, or any other person who is the occupier of the property.
- 2.2.16 **"Private Swimming Pool"** means a privately owned outdoor pool of water, capable of containing water in excess of 450 mm (18 inches) but does not include a secure hot tub.
- 2.2.17 **"Refuse"** means any article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned, or is discarded from its usual and intended use, or is used up, in whole or in part, or expended or worn out in whole or in part; and shall include; domestic waste and industrial waste, and that domestic waste and industrial waste does not cease to be refuse by reason that it may be commercially saleable or recyclable:
- a) Rubble;
 - b) inoperative Motor Vehicle, parts of motor vehicles, unused or abandoned motor vehicles, vehicles without validated license plates, vehicles without license plates;
 - c) objects or conditions that may create fire, health or accident hazards;
 - d) dead animals;
 - e) old or decayed lumber, decayed trees, discarded trees, part of trees, leaves; and
 - f) discarded organic material.
- 2.2.18 **"Rubble"** includes but not limited to broken concrete, flagstone, bricks, broken asphalt, patio or sidewalk slabs.
- 2.2.19 **"Secure hot tub"** means a private outdoor hot tub, whirlpool, hydro massage pool or spa with a lockable tight fitting cover that will withstand human weight without collapse while not in use.
- 2.2.20 **"Town"** means the Town of Kirkland Lake.

PART 3 REGULATIONS

3.1 CLEAN AND CLEAR YARDS

- 3.1.1 Every owner, lessee or occupant shall keep his ground, yards or vacant land clear of all garbage, refuse or domestic or industrial waste of any kind;
- 3.1.2 For the purpose of section 3.1.1, "keeping clear" includes:
- a. The removal of dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe condition in relation to their environment;
 - b. The removal, trimming, or cutting of weeds, grass or ground cover more than 20 centimeters (8 inches) in height.
- 3.1.3 In determining compliance with section 3.1.2 due consideration shall be paid to the distinction between groomed lawns and naturalized or underdeveloped areas particular in relationship to the surrounding environment.

3.2 LITTER

- 3.2.1 No person shall throw, place or deposit or in any manner put refuse on any Town street, sidewalk or property.

- 3.2.2 No person shall throw, place or deposit or in any manner put refuse on any private property within the Town.
- 3.2.3 Notwithstanding section 3.2.1 of this By-law, acceptable refuse placed on municipal property for the purposes of regular garbage or waste collection, in accordance with applicable By-laws respecting garbage and waste collection, shall be exempted from the provisions of this By-law.
- 3.2.4 Acceptable refuse placed on municipal property for the purposes of regular garbage or waste collection shall be in a suitable municipally approved waste receptacle and not over flowing.
- 3.2.4 Notwithstanding section 3.2.1 of this Bylaw, acceptable refuse placed on municipal property for the purposes of special garbage or waste collection, placed in accordance with applicable By-laws and within the timeframe allotted, shall be exempted from the provisions of this By-law.
- 3.2.5 No person shall place refuse, set out for garbage collection prior to 6 p.m. in the afternoon of the day preceding the collection unless otherwise directed.
- 3.2.6 No person shall leave remaining empty receptacles and all materials and scattered refuse which was considered uncollectible by the Municipality after 9 p.m. in the afternoon on the same day the garbage is collected or the material refused.

3.3 CLEAN UP WEEK REGULATIONS

- 3.3.1 No person shall place garbage, refuse or debris meant for pickup during cleanup week on private property or Town property prior to seven days preceding the pickup date established by Council.
- 3.3.2 No person shall place any appliance containing Freon gas meant for pickup during cleanup week, on private property or Town property, unless such Freon gas has been removed from the appliance by a qualified technician and such technician properly tags the appliance.
- 3.3.3 No person shall allow items not picked up during cleanup week to remain on private property or Town property for a period exceeding two days after the pickup date.

3.4 VEHICLES

- 3.4.1 Except as provided in the Town of Kirkland Lake Zoning Bylaw and amendments thereto or otherwise permitted by law; no person shall store inoperative or partly dismantled motor vehicles or parts of motor vehicles on private or town property.
- 3.4.2 3.4.1 shall not apply to Owners who are actively restoring not more than one vehicle and/or one hobby vehicle provided the vehicles are stored in an enclosed structure or located in a manner so as to be screened from view by neighboring residents or from adjacent roadways;

3.5 POOLS/HOT TUBS

- 3.5.1 No person shall maintain a private swimming pool in the Town unless the area in which the swimming pool is located is completely enclosed by fencing including gates therein, and shall extend from the grounds to a height of not less than one point eight (1.8) metres or be enclosed by a pre-manufactured guard.
- 3.5.2 No person shall maintain a private hot tub, whirlpool, hydro massage pool or spa in the Town unless the area in which the hot tub is located is completely enclosed by fencing including gates therein, and shall extend from the grounds to a height of not less than one point two (1.2) metres unless qualified as a secured hot tub.

3.6 FENCE, RETAINING WALL AND TENT CONDITION

- 3.6.1 Every person who erects a fence or causes a fence to be erected shall keep such fence
 - a) in good repair;
 - b) in a safe and structurally sound condition; and
 - c) free from accident hazards.
- 3.6.2 Restrictions

No person shall erect a fence or cause a fence to be erected which:

- a) is wholly or partly constructed of barbed wire, chicken wire or other barbed or sharp material unless approved by the municipality; and/or
- b) contains a device for projecting an electric current.

3.6.3 Every person shall maintain any storage tent and or tent of any type, in good repair and free from becoming in a ruinous, dilapidated or unsafe condition.

3.7 HEDGES, SHRUBS AND TREES

3.7.1 No person shall allow any hedge, shrub or tree to overhang from such property and interfere with pedestrian or vehicular traffic lawfully using such street or walkway.

PART 4 ADMINISTRATION AND ENFORCEMENT

4.1 An officer may, by personal service or by notice sent by registered post served on the owner, lessee or occupant of the land or structure, require the Owner within the time specified in the notice:

4.1.1 To clean, clear or remove from the land or structure refuse, domestic or industrial waste of any kind;

4.1.2 To cease using the land or structure for the dumping or disposing of refuse, domestic or industrial waste of any kind;

4.1.3 To cover over, screen or enclose the refuse, domestic or industrial waste in the manner prescribed by the officer;

4.1.4 To pull down, repair or renew any structure (including but not limited to fences, retaining walls and storage tent or tents of any type) that by reason of its ruinous or dilapidated state is in an unsafe condition;

4.1.5 To remove any such overhanging material as mentioned in Subsection 3.7.1.

4.2 Every notice sent by the officer shall identify the land or structure.

4.3 Every notice shall be to an owner or lessee and shall be sent to the address shown on the last revised assessment roll or to the last known address.

4.4 Every notice sent to an occupant shall be to the address of the land or structure or to the last known address of the occupant.

4.5 When there is an immediate risk to public health and safety, the notice may require immediate action or remediation.

4.6 A copy of a notice to an owner from a property standards by-law officer, will be sent to the Municipal By-law Enforcement Officers/Special Constables unit for enforcement purposes.

4.7 After the specified time of the notice for remediation has lapsed, the Officer will perform a site visit to ensure compliance. If compliance has not been met, the Officer will issue a ticket for the penalty as provided in the Provincial Offences Act.

PART 5 RIGHT OF ENTRY

5.1 Where the Municipality has a power of entry under the said Act, the power shall be exercised by an Officer of the Municipality who may be accompanied by a person under his/her direction.

5.2 The Municipal Officer, for the purpose of inspection and/or remedial action, may enter upon the land and into accessible or open structures other than a place actually used as a dwelling house, at any reasonable time, without notice.

5.3 A person exercising power of entry on behalf of the Municipality under this Act must, on request display or produce proper identification.

PART 6 REMEDIATION

- 6.1 Where the owner is in default of doing any matter of thing directed or required to be done under this by-law, an Officer may direct the completion of such at the owner’s expense. In so doing, the Municipality may charge an administration fee in the amount of \$150.00, and both the expense and the fee may be recovered from the owner.
- 6.2 Where any matters of things are removed in accordance with Section 6.1, such matters or things may be immediately disposed of by the officer.
- 6.3 The Municipality may recover the remedial action cost and administration fee incurred under Section 6.1 by action, or by adding them to the tax roll and collecting them in the same manner as taxes in accordance with *Section 446 of the Municipal Act*.
- 6.4 The Municipality may, prior to recovering costs incurred in Section 6.1 pursuant to *Section 446 of the Municipal Act* by adding costs to the Municipal Taxes, invoice Owners requesting voluntary payment of said remedial action costs.

PART 7 PENALTIES

- 7.1 Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this Bylaw or any permit or order issued pursuant thereto commits an offence and is liable to any penalty as provided in the Provincial Offences Act.
- 7.2 Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

PART 8 VALIDITY

- 8.1 If any section, clause, or provision of this Bylaw, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Bylaw as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses, or provisions of this Bylaw shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

Part 9 TRANSITION

- 9.1 This by-law will take effect once short form wording is approved.

Read a first and third time this 10th day of January 2017

Tony Antoniazzi, Mayor

Ryan Dagelman, Deputy Clerk

Read a third time, enacted and passed, this 24th day of January 2017

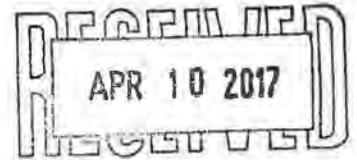
Tony Antoniazzi, Mayor

Jo Ann Ducharme, Clerk



April 3, 2017

Ms. Jo Ann Ducharme
Municipal Clerk
Town of Kirkland Lake
3 Kirkland Street,
Kirkland Lake, Ontario, P2N 3P4



Dear Ms. Ducharme;

Re: Set Fine Application – Provincial Offences Act
Part I – Town of Kirkland Lake, Temiskaming District

Enclosed herewith is an original Order and an original schedule of set fines for By-law No. 17-005, the By-law indicated in the schedule. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Town of Kirkland Lake.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedule of this set fine to the Ontario Court of Justice in Kirkland Lake, together with a certified copy of the By-Law.

Yours truly,

A handwritten signature in black ink, appearing to read "P. Boucher".

PATRICK BOUCHER
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

PJB/hrd

Encl.

c.c.: His Worship Theodore Hodgins, Regional Senior Justice of the Peace

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 17-005, of the Town of Kirkland Lake, Temiskaming District, attached hereto is the set fine for that offence. This Order is to take effect April 10th, 2017.

Dated at the City of Greater Sudbury, this 3rd day of April, 2017.

A handwritten signature in black ink, appearing to read 'P. Boucher'.

PATRICK BOUCHER
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

**THE CORPORATION OF THE TOWN OF KIRKLAND LAKE
PART 1 PROVINCIAL OFFENCES ACT**

BY-LAW NO. 17-005 Being a bylaw to Provide for Maintaining Land in a Clean and Clear Condition (Community Standards Bylaw).

| ITEM | COLUMN 1 Short Form Wording | COLUMN 2 Provision Creating or Defining Offence | COLUMN 3 Set Fine |
|------|--|---|----------------------|
| 1 | Fail to keep ground, yards or vacant land clear of all garbage, refuse or domestic or industrial waste of any kind | Section 3.1.1 | \$75.00 |
| 2 | Litter on Town of Kirkland Lake Property | Section 3.2.1 | \$75.00 |
| 3 | Litter on Private Property | Section 3.2.2 | \$75.00 |
| 4 | Fail to use municipally approved container | Section 3.2.4 | \$75.00 |
| 5 | Placing out garbage prior to 6 p.m. preceding collection day | Section 3.2.5 | \$75.00 |
| 6 | Leaving empty receptacles and scattered refuse after 9 p.m. on collection day. | Section 3.2.6 | \$75.00 |
| 7 | Placing refuse for Cleanup Week seven days preceding pickup date | Section 3.3.1 | \$150.00 |
| 8 | Placing Freon gas appliance on Private or Town property | Section 3.3.2 | \$150.00 |
| 9 | Leaving Cleanup Week refuse on Private or Town Property two days after pickup date | Section 3.3.3 | \$150.00 |
| 10 | Storing inoperative motor vehicles on Private or Town Property | Section 3.4.1 | \$150.00 |
| 11 | Fail to secure private swimming pool | Section 3.5.1 | \$100.00 |
| 12 | Fail to secure private hot tub, whirlpool, hydro massage pool or spa | Section 3.5.2 | \$100.00 |
| 13 | Fail to keep fence in good repair | Section 3.6.1 | \$75.00 |
| 14 | Fail to prevent hedge, shrub, or tree from interfering with pedestrian or vehicular traffic | Section 3.7.1 | \$75.00 |

NOTE: Penalty provision for the offences indicated above is Part 7 of Bylaw 17-005, a certified copy of which has been filed and s. 61 of the Provincial Offences Act, R.S.O., 1990, c. P.33





The Corporation of the Town of Kirkland Lake

Bylaw No # 22-000

Being a Bylaw to Amend By-Law 17-005 Community Standards By-Law

WHEREAS pursuant to Sections 10(2) Clauses 5, 6, 127, 128, and 131 of the Municipal Act S.O. 2001, c. 25 as amended, Council may pass By-Laws for requiring the cleaning and clearing of yards, for prohibiting the depositing of refuse on private and public lands; for prohibiting automotive wrecking yards and requiring removal or repair of dilapidated fences and structures;

AND WHEREAS section 10(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes the municipality to regulate matters related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS section 5(3) of the Municipal Act, provides that a municipal power shall be exercised by By-law;

AND WHEREAS section 425(1) of the Municipal Act, provides that a municipality may pass By-laws providing that a person who contravenes a By-law of a municipality is guilty of an offence;

AND WHEREAS section 445(1) of the Municipal Act, authorizes a municipality that is satisfied that a contravention of a By-law has occurred, the municipality may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

AND WHEREAS pursuant to Section 446 of the Municipal Act S.O. 2001, c.25, as amended, a municipality may enact a bylaw to require that a matter of thing be done and in default, the matter of thing may be done by the municipality at the person's expense and further that the costs of doing so may be added to the tax rolls and collected in the same manner as taxes;

AND WHEREAS pursuant to Section 391 of the Municipal Act S.O. 2001, as amended, a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it,

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE HEREBY ENACTS AS FOLLOWS:

PART 1 GENERAL PROVISIONS

- 1.1 Short Title
This By-law shall be cited as the Community Standards By-law Amendment.
- 1.2 Scope
The provisions of this By-law shall apply to all properties within the geographic limits of the Town of Kirkland Lake, except where otherwise provided.
- 1.3 Enforcement
This By-law shall be enforced by a Municipal By-law Enforcement Officer, Special Constable, Property Standards Officer, Peace Officer, or an individual designated by the Chief Administrative Officer for the purpose of enforcing this By-law.
- 1.4 Conflicts with Other Bylaws and/or Regulations
Where a provision of this Bylaw conflicts with a provision of another bylaw in force in the Town of Kirkland Lake, the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the municipality, shall prevail to the extent of the conflict.

PART 2 DEFINITIONS

Definitions of words and phrases used in this By-law that are not included in the list of definitions in this Part shall have the meanings which are commonly assigned to them in the context in which they are used.

in the By-law.

The words and phrases defined in this part have the following meaning for the purposes of this By-law:

- 2.1 Council
Shall mean the Municipal Council of the Corporation of the Town of Kirkland Lake.
- 2.2 Municipality
Shall mean the Municipality of the Town of Kirkland Lake.
- 2.3 Officer
Shall mean a Municipal By-law Enforcement Officer, Special Constable, Property Standards Officer, Peace Officer, or an individual designated by the Chief Administrative Officer for the purpose of enforcing this By-law.
- 2.4 Owner
Shall mean:
 - a) Both the owner in trust and beneficial owner of land;
 - b) The person for the time being managing or receiving rent of the land or premises in connection with which the work is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and/or
 - c) A lessee or occupant of the property who manages or controls the condition of the property.
- 2.5 Person
Shall mean, in addition to its regular meaning, an individual, firm, corporation, association, partnership, contractor, company, occupant, owner, or lessee.
- 2.6 Private Swimming Pool
Shall mean a structure, basin, chamber or tank capable of containing water and is designed to be used for the purposes of swimming or wading.
- 2.7 Town
Shall mean the Corporation of the Town of Kirkland Lake.

PART 3 REVISIONS TO BY-LAW 17-005

- 3.1 Part 1 General Provisions
 - 3.1.1. Section 1.3 of Town of Kirkland Lake By-law 17-005 shall be considered repealed and replaced with section 1.3 of this By-law.
- 3.2 Part 2 Definitions
 - 3.2.1. Where in conflict, the definitions in this By-law shall supersede the like definitions of Town of Kirkland Lake By-law 17-005.
- 3.3 Part 3 Regulations
 - 3.3.1. The provisions of Town of Kirkland Lake By-law 17-005 Part 3 Regulations shall remain unchanged.
- 3.4 Part 4 Administration and Enforcement
 - 3.4.1. The provisions of Town of Kirkland Lake By-law 17-005 Part 4 Administration and Enforcement shall be considered repealed and replaced with the provisions contained in Part 4 Administration and Enforcement of this By-law.
- 3.5 Part 5 Right of Entry
 - 3.5.1. The provisions of By-law 17-005 Part 5 Right of Entry shall be considered repealed and replaced with the provisions contained in Part 4 Administration and Enforcement of this By-law.
- 3.6 Part 6 Remediation
 - 3.6.1. The provisions of Town of Kirkland Lake By-law 17-005 Part 6 Remediation shall be considered repealed and replaced with the provisions contained in Part 4 Administration and Enforcement of this By-law.

3.7 Part 7 Penalties

3.7.1. The provisions of Town of Kirkland Lake By-law 17-005 Part 7 Penalties shall remain unchanged.

3.8 Part 8 Validity

3.8.1. The provisions of Town of Kirkland Lake By-law 17-005 Part 8 Validity shall remain unchanged.

3.9 Part 9 Transition

3.9.1. The provisions of Town of Kirkland Lake By-law 17-005 Part 9 Transition shall remain unchanged.

PART 4 ADMINISTRATION AND ENFORCEMENT

4.1 Obstruction

4.1.1. No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the lawful exercise of a power or the performance of a duty under this By-law.

4.1.2. Any person who is alleged to have contravened any provision of this By-law shall identify themselves to the Officer upon request. Any failure to do so shall be deemed to be an obstruction or hindrance to the Officer in the execution of the Officer's duties.

4.2 Powers of Entry

4.2.1. An Officer or any person acting under their instruction may, upon producing proper identification, enter upon a property at any reasonable time without a warrant for the purpose of inspecting to determine:

- a) whether the property conforms to the standards prescribed in By-law 17-005.
- b) whether an Order made under this By-law has been complied with.

4.2.2. For the purposes of an inspection under this By-law, an Officer may:

- a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- c) require information from any person concerning a matter related to a property or part thereof;
- d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take photographs necessary for the purposes of the inspection.

4.3 Informal Notice

4.3.1. An Officer who finds that a property does not conform with any of the standards prescribed in this By-law or By-law 17-005 may issue an informal notice to the owner of the property:

- a) stating the municipal address or legal description of the property containing the non-conformity;
- b) giving reasonable particulars to the corrective steps that need to be made.
- c) indicating the time for complying with the notice, and giving notice that if not complied with an Order may be issued.

4.3.2. An Order may be served personally, by email to the last known email address of the person to whom service is requiring to be made, or by registered mail sent to the last known address of the person to whom the notice is given or to that person's agent for service.

4.4 Formal Notice & Order

4.4.1. An Officer who finds that an informal notice has not been complied with may issue a formal notice and/or an Order requiring the person who contravened this By-law or By-law 17-005 or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

4.4.2. An Officer who finds that a property does not conform with any of the standards prescribed in this By-law or By-law 17-005 may, without first issuing an informal notice, issue a Page 38 of 121

notice and/or an Order requiring the person who contravened this By-law or By-law 17-005 or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

4.4.3. The formal letter and/or Order shall contain:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- b) the work to be done and the date by which the work must be done.

4.4.4. An Order shall be served on the appropriate person(s) of subsection 4.4.1. and 4.4.2., as an Officer determines, and a copy of the Order may be posted on the property in a location visible to the public.

4.4.5. An Order may be served personally, by email to the last known email address of the person to whom service is requiring to be made, or by registered mail sent to the last known address of the person to whom the notice is given or to that person's agent for service.

4.4.6. If a notice or Order is served by registered mail, the service shall be deemed to have been made on the fifth (5th) day after the mailing unless the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.

4.4.7. If a notice or Order is served by email, the service is deemed to have been made on the day of sending unless,

- a) the document was sent after 5 p.m., in which case service shall be deemed to have been made on the following day; or
- b) the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date.

4.4.8. An Order may be registered in the proper land registry office, and upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served under section 4.4.1. & 4.4.2. of this By-law and, when the requirements of the Order have been satisfied, a certificate of compliance shall be registered forthwith, which shall operate as a discharge of the Order.

4.5 Notice of Appeal

4.5.1. An owner or occupant who has been served with an Order may appeal the Order to the Community Standards Committee by sending a Notice of Appeal by registered mail to the secretary of the Committee within fourteen (14) days of being served with the Order.

4.5.2. An Order that is not appealed within the time provided by subsection 4.5.1. of this By-law shall be deemed to be confirmed.

4.5.3. The Town or any owner or occupant or person affected by a decision under subsection 5.9.1. of this By-law may appeal to the Superior Court of Justice by notifying the Town Clerk in writing and by applying to the court within fourteen (14) days after a copy of the decision is sent.

4.6 Failure to Comply with an Order

4.6.1. If an Order is not complied with in accordance with the Order as deemed confirmed by the Officer or as confirmed or modified by the Community Standards Committee, or a judge of the Superior Court of Justice, the Town may cause the property to be repaired, cleaned, cleared up or demolished, as the case may be.

4.6.2. For the purpose of subsection 4.6.1. of this By-law, employees or agents of the Town may enter the property at any reasonable time, without a warrant, in order to repair, clean, clear or demolish the area of non-compliance.

4.6.3. The Town or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Town in the reasonable exercise of its powers under subsection 8.6.1. of this By-law.

4.6.4. The Town shall have a lien on the land for the amount spent on the repair, cleaning, clearing or demolishing the area of non-compliance.

or demolition under subsection 8.6.1. of this By-law and the amount shall have priority lien status as described in s.1 of the Municipal Act, 2001.

4.7 Certificate of Compliance

4.7.1. An Officer who inspects a property and is of the opinion that the property is in compliance with the standards established by this By-law and By-law 17-005 may issue a certificate of compliance to the owner.

4.7.2. Where an owner requests a certificate of compliance and where, having inspected the property, an Officer is of the opinion that the property is in compliance with the standards established by this By-law and By-law 17-005, the Officer shall issue a certificate to the owner.

4.8 Offences

4.8.1. A person who contravenes any provision of this By-law or By-law 17-005; fails to comply with an order, direction or other requirement made under this By-law is guilty of an offence.

4.8.2. A person who is guilty of an offence under this By-law or By-law 17-005 is liable to a fine in accordance with the Provincial Offences Act, as outlined in the short form ticketing of By-law 17-005, and to any other applicable penalty.

4.8.3. If a provision of this By-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an Order prohibiting the continuation or repetition of the offence by the person convicted.

4.9 Fees

4.9.1. Every owner shall pay the fees imposed pursuant to the Town's User Fees By-law which become due and payable upon written notification by an Officer or upon issuance of an invoice by the Town.

4.9.2. Where an owner is in default of payment of fees for more than thirty (30) calendar days after due, the Town may add the cost to the tax roll of the subject property and collect the amount in the same manner as property taxes.

4.10 Cost Recovery

4.10.1. Where the Town does work or causes work to be done such work shall be done at the expense of the owner.

4.10.2. If the Town undertakes the work to correct the contraventions, the owner will be charged one-hundred percent of the cost of any third party invoice plus any costs incurred by the Town.

4.10.3. If the owner fails to pay the cost of the work completed under this By-law within thirty (30) days of the work being completed, the amount shall be added to the tax roll of the subject property and collected in the same manner as municipal taxes.

PART 5 COMMUNITY STANDARDS COMMITTEE

5.1 Members of the Community Standards Committee

5.1.1. Council shall pass a By-law to provide for the establishment of a Community Standards Committee, composed of such persons that the Council considers advisable to hold office for such term and on such conditions as the By-law may establish.

5.1.2. The Community Standards Committee shall not be composed of fewer than three members.

5.1.3. Appointed members of the Community Standards Committee shall not be members of Council, or employees of the municipality.

5.1.4. The Council shall forthwith fill any vacancy that occurs in the membership of the Community Standards Committee.

5.2 Compensation

- 5.2.1. The members of the Community Standards Committee shall be paid such compensation as the Council may provide.
- 5.3 Chair
- 5.3.1. The members of the Community Standards Committee shall elect one of themselves as chair; when the chair is absent through illness or otherwise, the Community Standards Committee may appoint another member as acting chair.
- 5.4 Quorum
- 5.4.1. A majority of members of the Community Standards Committee constitutes a quorum for transacting the Committee's business.
- 5.5. Secretary
- 5.5.1. The members shall make provisions for a secretary for the Community Standards Committee.
- 5.5.2. The secretary shall keep on file the records of all official business of the Community Standards Committee, including records of all applications and minutes of all decisions respecting those applications.
- 5.6 Rules of Procedure and Oaths
- 5.6.1. The Community Standards Committee may adopt its own rules of procedure and any member may administer oaths.
- 5.7 Notice
- 5.7.1. The Community Standards Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.
- 5.8 Duty of the Community Standards Committee
- 5.8.1. The Community Standards Committee shall hear appeals of Orders issued under this By-law.
- 5.8.2. The Community Standards Committee shall hear evidence and determine if an Order issued under this By-law has or has not been complied with.
- 5.9 Powers of the Community Standards Committee
- 5.9.1. On an appeal, the Community Standards Committee has all the powers and functions of the Officer who made the Order and the Community Standards Committee may do any of the following things if, in the Community Standards Committee's opinion, doing so would maintain the general intent and purpose of the By-law and of the Official Plan or policy statement:
1. Confirm, modify or rescind the Order issued under the Community Standards By-law.
 2. Extend the time period for complying with the Order.

REPORT TO COUNCIL

Meeting Date: 21/06/2022

Report Number: 2022-DEV-023

Presented by: Wilfred Hass

Department: Development Services

REPORT TITLE

Agnico-Eagle (Kirkland Lake Gold Ltd.) Request to Purchase: Archer Drive Industrial Park

RECOMMENDATION(S)

BE IT RESOLVED THAT Report Number 2022-DEV-023 entitled “**Agnico-Eagle (Kirkland Lake Gold Ltd.) Request to Purchase: Archer Drive Industrial Park**” be received for information.

INTRODUCTION

Kirkland Lake’s industrial park is located on a swath of land that is recognized as being of rich mineral potential. The municipality owns the surface rights to the land, while the mineral rights in that area belong to various companies. With the recent merger between Agnico-Eagle (AE) and Kirkland Lake Gold (KLG), Agnico-Eagle (Kirkland Lake Gold Ltd., AE/KLG) is the dominant mineral rights owner.

AE/KLG recently communicated to the Town its desire to buy the majority of the vacant land located to the south of Archer Drive (Attachment 1). This is to facilitate exploration and future development work in the area without having to contend with the constraints that may apply if the land is in productive use by another company. In addition, AE/KLG plans to extend a hydro corridor along the southern most boundary of the purchased area, and potentially establish an equipment storage area, warehouse and assay laboratory.

The value of 277 acres is estimated by the mine’s appraiser at \$818,913.60

DISCUSSION

Staff recommended that Council proceed with the proposed sale at the price suggested by AE/KLG. The reasons were as follows:

- The proposed price is fair. Staff engaged a certified appraiser to review the land area under consideration. The appraiser noted that value is influenced by a number of factors including topography, market demand, economic activity within the town/district, past land sales of a similar kind in the immediate area, etc. The fact that much of the area in question is landlocked and un-serviced with significant development challenges (i.e. no road access, wetlands present) also affects value as some of these claims would be very difficult to sell for industrial development purposes. The appraiser reviewed similar sales in the region and compared the proffered price to the MPAC assessed value (x 3 to account for the historical difference between assessed and actual market value for select areas). The Agnico Eagle offer for 277 acres is \$818,913.60; the MPAC assessed value for those 277 acres x 3 is \$711,843.
- The proposed sale will contribute to the long term viability of AE/KLG's operations in Kirkland Lake and consequently the municipality's long term economic prospects.

At the June 7, 2022 meeting, Council resolved the following:

*"Moved by: Councillor Rick Owen
Seconded by: Councillor Lad Shaba*

BE IT RESOLVED THAT Report Number 2022-DEV-017 entitled "Agnico-Eagle Request to Purchase: Archer Drive Industrial Park (2)" be received;
AND THAT Council approve the sale of those mining claims legally described as L16555, L16554, L15750, L15752, L16589, L11882, L16619 & L16691 and the South part of mining claims L1354 & MC6787 identified as being of interest to Agnico-Eagle to Agnico-Eagle for the amount of \$818,913.00;
AND THAT Council authorize the Mayor and Municipal Clerk to execute the Offer to Purchase and all appropriate sale documents as may be required;
AND FINALLY THAT Council authorize the by-law of the sale of property be given three readings at the June 21, 2022 meeting.

CARRIED"

This open-session report is being provided for information purposes on the request to purchase stemming from the recommendation that was brought forward from the in-camera session on June 7, 2022. As so directed by Council, the by-law authorizing the sale of the property will be presented later in the Agenda.

OTHER ALTERNATIVES CONSIDERED

Not Applicable.

Town of Kirkland Lake – Report to Council – Agnico-Eagle (Kirkland Lake Gold Ltd.)
Request to Purchase: Archer Drive Industrial Park

FINANCIAL CONSIDERATIONS

With Council proceeding with the sale, the Town will realize revenues of \$818,913.60 from the sale of the land in question. The potential construction of a warehouse and laboratory will result in revenue through the application of permits and fees, as well as property taxes.

ALIGNMENT TO STRATEGIC PRIORITIES

Proceeding with the sale of surplus municipal land is fiscally responsible. The sale will also support economic development in Kirkland Lake.

ACCESSIBILITY CONSIDERATIONS

Not Applicable.

CONCLUSION

In summary, Staff recommended that Council proceed with the proposed sale in order to realize potential revenues and support long term economic development in Kirkland Lake.

CONSULTATIONS

Town of Kirkland Lake Senior Management Team

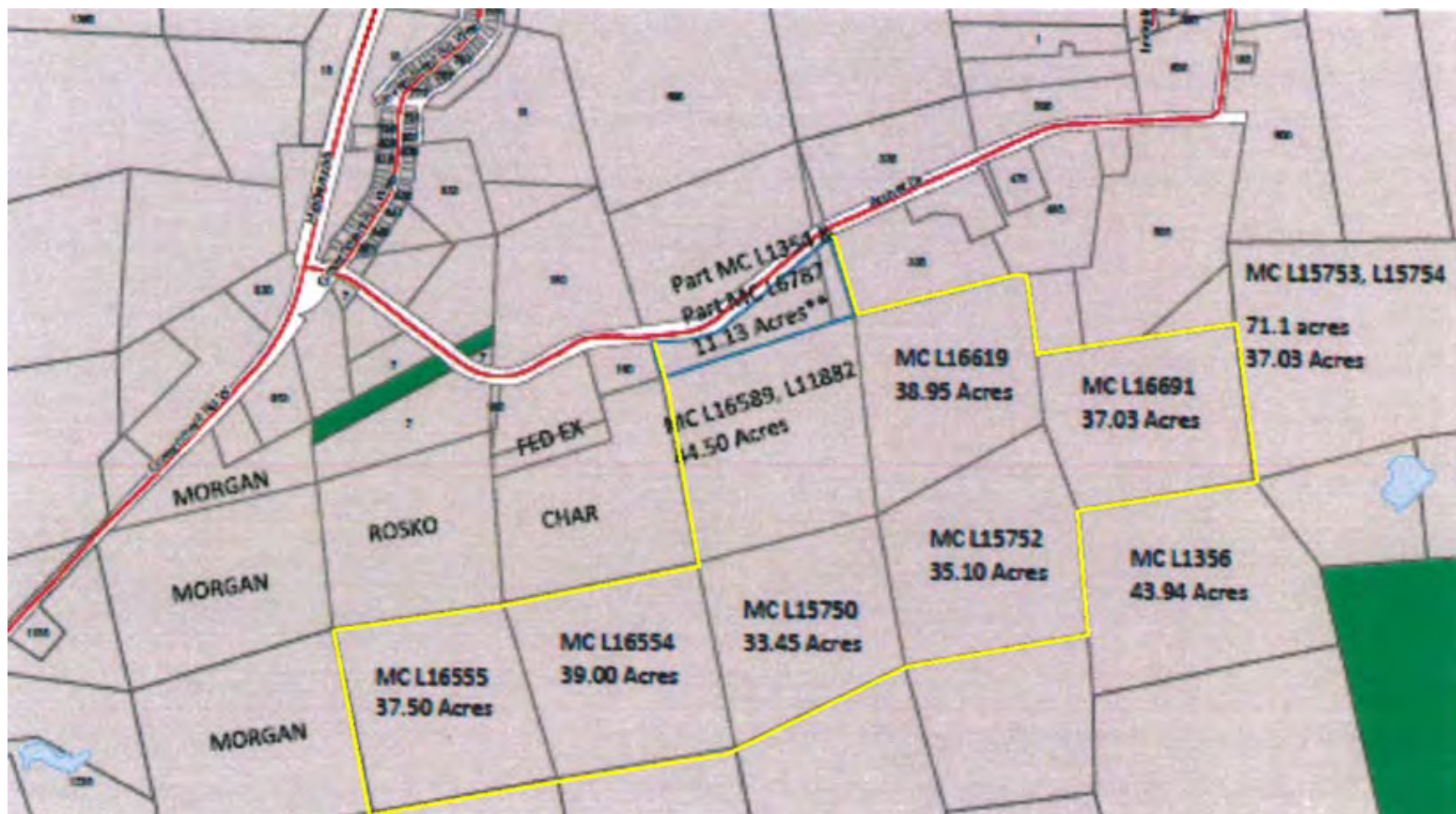
Planning Administrator

Northern Appraisals

ATTACHMENTS

Attachment 1 – Location of Proposed Disposition of Land

Attachment 1 – Location of Land for Proposed Sale



REPORT TO COUNCIL

Meeting Date: 21/06/2022

Report Number: 2022-DEV-024

Presented by: Jenna McNaughton

Department: Development Services

REPORT TITLE

Request to Purchase Surplus Land at 776 Government Road West

RECOMMENDATION(S)

BE IT RESOLVED THAT Report Number 2022-DEV-024 entitled “**Request to Purchase Surplus Land at 776 Government Road West**” be received for information.

INTRODUCTION

A request to purchase surplus land at 776 Government Road West was received from the adjacent property owner Ms. Theresa Erny. Ms. Erny currently owns the property at 772 Government Road West, where she proposes to expand her yard with the intent of constructing a garage in the near future. The proposed purchase price is \$8,000.

DISCUSSION

The property was declared as surplus land on March 4, 2003. It is a 40' x 100' lot located in the “Residential Low Density (R1)” zone. Currently Town staff are responsible for the summer maintenance on this property including grass cutting and tree removal when necessary. There has been little interest from the public for purchasing this property since it was declared as surplus land in 2003. Although the lot is of sufficient size for a single-family dwelling, there has been little interest from prospective buyers to purchase these smaller lots. By removing this lot from the surplus land listing, there wouldn't be a need for summer maintenance on this property by municipal staff.

The proposed purchase price of \$8,000 equates to \$2.00 per square foot, which is in line with similar Town owned land sales recently approved.

At the June 7, 2022 meeting, Council resolved the following:

“Moved by: Councillor Rick Owen

Seconded by: Councillor Patrick Adams

BE IT RESOLVED THAT Report Number 2022-DEV-018 entitled “Request to Purchase Surplus Land at 776 Government Road West” be received;
AND THAT Council approve the sale of land at 776 Government Road West to Theresa Erny for the amount of \$8,000.00;
AND THAT Council authorize the Mayor and Municipal Clerk to execute the Offer to Purchase and all appropriate sale documents as may be required;
AND FINALLY THAT Council authorize the by-law of the sale of property be given three readings on June 21, 2022.

CARRIED”

This open-session report is being provided for information purposes on the request to purchase stemming from the recommendation that was brought forward from the in-camera session on June 7, 2022. As so directed by Council, the by-law authorizing the sale of the property will be presented later in the Agenda.

OTHER ALTERNATIVES CONSIDERED

Not Applicable.

FINANCIAL CONSIDERATIONS

In the Town proceeding with the sale of the property, there is anticipated revenue of \$8,000.00 associated with the sale along with annual revenues associated with taxes.

ALIGNMENT TO STRATEGIC PRIORITIES

The Strategic Plan identifies a need to be fiscally responsible. Proceeding with the sale of surplus land is fiscally responsible.

ACCESSIBILITY CONSIDERATIONS

Not Applicable.

CONCLUSION

Based on the decision of Council, the purchase of the vacant municipal surplus land will proceed at the agreed upon purchase price of \$8,000.00.

CONSULTATIONS

Town of Kirkland Lake Senior Management Team

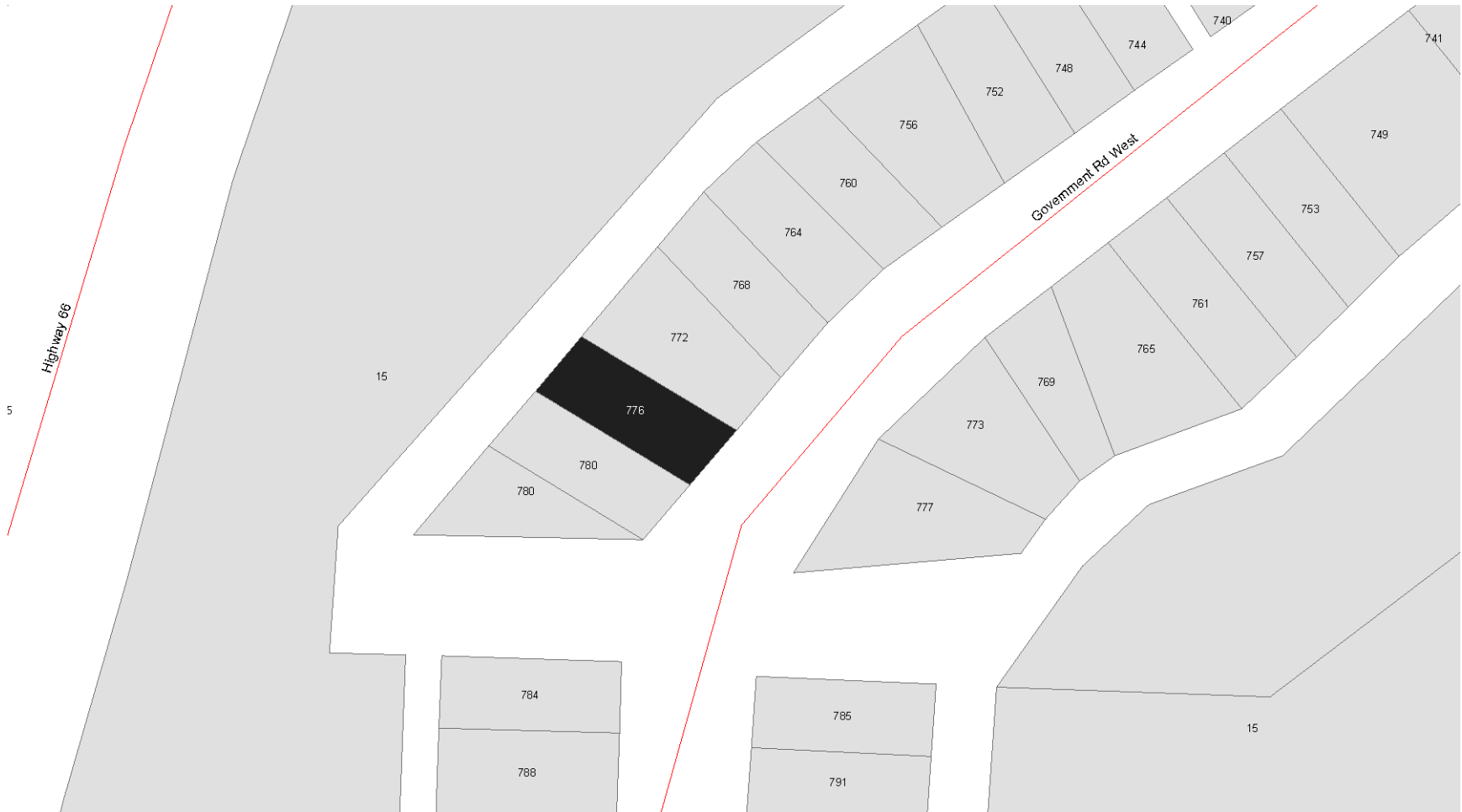
Public Works Department

Town of Kirkland Lake – Report to Council – Request to Purchase Surplus Land at 776 Government Road West

Treasury Department

ATTACHMENTS

Attachment 1 – Location of 776 Government Road West



REPORT TO COUNCIL

Meeting Date: 21/06/2022

Report Number: 2022-DEV-030

Presented by: Luke Williams

Department: Development Services

REPORT TITLE

Pool By-law Update

RECOMMENDATION(S)

BE IT RESOLVED THAT Report Number 2022-DEV-030 entitled “**Pool By-law Update**” be received;

AND FINALLY THAT Council hereby approve the proposed amendments to the Pool By-Law and direct that the proposed By-Law as presented be brought forward for three (3) readings at the July 12, 2022 meeting.

INTRODUCTION

By-law 07-048 being a by-law to regulate swimming pools in the Town of Kirkland Lake was passed at the June 19, 2007 meeting of Council.

Due to the changes in commercially available swimming pools, an update to By-Law 07-048 is recommended to identify which swimming pools shall be regulated under the said By-Law and what minimum standards should such swimming pools be subject to.

DISCUSSION

The proposed changes to the Pool By-law will promote clarity, administration and enforcement of the By-law. The existing Pool By-law regulates any swimming pool capable of containing 450 mm (18 in) of water, with the exception of hot tubs. Various children’s inflatable pools are capable of containing 500 mm (20 in) of water and, according to By-law 07-048, shall be regulated by the Town. It does not appear to staff that the intention of the Town’s By-law was or is to regulate children’s inflatable pools that are used a day or a weekend at a time.

Permit approval is required by By-law 07-048 prior to constructing a swimming pool. However, the Town has not issued permits for the construction of swimming pools, or charged a fee for the construction of swimming pools since the By-law's passing in 2007.

It is intended that by redefining which swimming pools are to be regulated by By-law, and by creating a permit approval process in line with existing permit approvals in the Town, the use of the Pool By-law by staff and community members will be significantly increased.

Existing swimming pools will not be required to meet the requirements of the updated By-law and will be granted legal non-complying status for possible contraventions if they are registered with the Town in writing by the end of 2022. A form will be made available for property owners to register their existing pools. A public information campaign is proposed to be undertaken to educate the members of the community of the updated regulations. Informational documents and graphics would be circulated through the Town's website, social media, and other methods as deemed necessary by staff.

OTHER ALTERNATIVES CONSIDERED

Council may consider maintaining the existing Pool By-law which would limit the ability of staff to regulate swimming pools, and maintain the liability exposure of having non-permitted and non-inspected swimming pools in the Town.

FINANCIAL CONSIDERATIONS

Permit fees are not currently applied as pool permits have not been issued under the existing Pool By-law. A permit fee in line with fence permits and sign permits is proposed to be included in the next User Fee By-law update so that revenue may be generated for the Town to offset the cost of regulating swimming pools in the Town.

ALIGNMENT TO STRATEGIC PRIORITIES

Improving the health and safety of the community for staff & public.

ACCESSIBILITY CONSIDERATIONS

Not Applicable.

CONCLUSION

As the existing Pool By-law has not been enforced as envisioned when passed, it is recommended that an update be adopted to promote the use of the Pool By-law as a regulatory tool for public safety.

CONSULTATIONS

Town of Kirkland Lake Senior Management Team

Planning Administrator

ATTACHMENTS

Attachment 1 – Existing Pool By-law

Attachment 2 – Proposed Pool By-law

BYLAW 07-048

Being a Bylaw to regulate swimming pools in the Town of Kirkland Lake

WHEREAS the Council of the Corporation of the Town of Kirkland Lake desires to enact the within Bylaw;

AND WHEREAS subsection 10. (2) of the Municipal Act R.S.O. 2001 authorizes the Municipality to regulate matters related to the health, safety and well being of the inhabitants of the municipality;

AND WHEREAS the Municipality deems it responsible to pass bylaws to require owners of privately-owned swimming pools to erect and maintain fences and gates around swimming pools, for prescribing the height and description of and the manner of erecting and maintaining such fences and gates, for prohibiting persons from placing water in privately-owned outdoor swimming pools or allowing water to remain therein unless the prescribed fences and gates have been erected, for requiring the production of plans of all such fences and gates, for the issuing of a permit certifying approval of such plans without which permit no privately-owned swimming pool may be excavated for, or erected and for authorizing the refusal of a permit for any such fences or gates that if erected would be contrary to the provisions of any bylaw of the municipality;

NOW THEREFORE the Council of the Corporation of the Town of Kirkland Lake enacts as follows:

1. Definitions

- (1) "Building Inspector" means the building inspector or person authorized by council to act as building inspector.
- (2) "Fence" means a barrier constructed of chain link, metal, wood, stone, or material having an equivalent degree of strength.
- (3) "Gate" means a swinging or sliding barrier used to fill or close an access and includes a door.
- (4) "Person" shall include a firm, partnership, company, corporation, contractor or owner.
- (5) "Private Swimming Pool" means a privately owned outdoor pool of water, capable of containing water in excess of 450 mm (18 inches), but does not include a secure hot tub.
- (6) "Secure Hot Tub" means a private outdoor hot tub, whirlpool, hydro massage pool or spa with a rigid lockable and tight fitting cover that will withstand human weight without collapse while not in use.
- (7) "Town" shall mean the Corporation of the Town of Kirkland Lake.

2. Enforcement

- (1) This Bylaw shall be enforced by the Building Inspector.

3. Fences and Permits

- (1) No person shall construct a pool or erect a fence around same without first acquiring the necessary permit or permits from the Building Inspector.
- (2) No person shall maintain a private swimming pool in the Town unless the area in which the swimming pool is located is completely enclosed by fencing in compliance with the requirements of this bylaw.
 - (a) Such fencing, including gates therein, shall extend from the grounds to the height of not less than 1.8 m (72 inches)
 - (b) A fence forming part of such enclosure:
 - (i) shall be vertically boarded wood construction, solid wood or basket weave construction, masonry, plastic, metal or chain link;
 - (ii) shall have no rails or other horizontal or diagonal bracing or attachments on the outside that may facilitate climbing; provided that this section shall not apply to prevent the construction or maintenance of a fence containing horizontal rails or bracing members which are spaced a minimum of 810 mm (32 inches) on center;
 - (iii) shall have no opening with a horizontal dimension greater than 37 mm (1½ inches);

- (iv) shall have no device for projecting electric current through the fence;
- (v) shall contain no barbed wire.

4. Guards

- (1) A fence is not required where a pre-manufactured guard is installed and maintained in accordance to manufactures requirements and fully encloses the pool.
- (2) Such guard shall not measure less than 1.8 m (6 feet) from ground level to the top rail.
- (3) Such guard shall not have any horizontal rails lower than 900 mm (36 inches) from ground level.
- (4) Such guard shall be capable to withstand normal loads it may be subject to without collapse.

5. Gates forming part of such fencing

- (1) Shall be:
 - (a) of the same construction and height to that required for the fence;
 - (b) supported on substantial hinges; and
 - (c) equipped with self-closing and self-latching devices placed at the top and on the pool side of the gate or equipped with a lock.

6. General requirements

- (1) The swimming pool area must be secured at all times except when actually used by the owner, his/her family or persons authorized by the owner to use this pool.
- (2) A fence erected on the property lines which complies with the provisions of this bylaw shall be deemed a sufficient fence if it completely fences in the yard in which the swimming pool is located.
- (3) A wall or walls of a building or buildings may form part of such fence or guards provided that all doors affording access from a building directly to an enclosed swimming pool area, other than doors located in a dwelling unit, are equipped with a self-closing device and a self-latching device located not less than 1.2 m (48 inches) above the bottom of the door.
- (4) The provisions of this bylaw shall apply to all private swimming pools regardless of the date of construction of such swimming pool.

7. Penalties

- (1) Any person convicted of a breach of any of the provisions of this bylaw shall forfeit and pay, at the discretion of the convicting Magistrate, a penalty of not more than \$500.00 exclusive of costs, and the same shall be recoverable under the provisions of The Summary Conviction Act as provided by The Municipal Act.

8. Effective Date

- (1) This Bylaw comes into effect on the date of enactment.

9. Repeal

- (1) Bylaw 00-042 is hereby repealed.
- (2) Bylaw 05-044 is hereby repealed

READ be read a first, second and third time, enacted and passed this 19th day of June 2007.

Bill Enouy, Mayor

Don Studholme, Director of Corporate Services/Clerk

Corporation of the Town of Kirkland Lake

Pool By-law 22-000

Department of Development Services

THE CORPORATION OF THE TOWN OF KIRKLAND LAKE**BY-LAW 2022-000****A By-law to Regulate Swimming Pools
within the Town of Kirkland Lake**

WHEREAS the Corporation of the Town of Kirkland Lake deems it desirable to enact the following By-law to require owners of private swimming pools to erect and maintain a fence or guard system around private swimming pools; and for prescribing the height and construction of such fence or guard system; and for prohibiting the placing of water in private swimming pools unless the private swimming pool is protected by an approved fence or guard system; and for requiring the production of plans and documentation relating to the installation of a private swimming pool for the purpose of issuing a permit certifying approval to install such private swimming pool; and to prohibit the installation of private swimming pools without permit approval;

AND WHEREAS section 10(2) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, authorizes the municipality to regulate matters related to the health, safety and well being of the inhabitants of the municipality;

AND WHEREAS section 5(3) of the *Municipal Act*, provides that a municipal power shall be exercised by By-law;

AND WHEREAS section 9 of the *Municipal Act*, authorizes a municipality to pass By-laws to provide for a system of permits in the regulation of a matter;

AND WHEREAS section 425(1) of the *Municipal Act*, provides that a municipality may pass By-laws providing that a person who contravenes a By-law of a municipality is guilty of an offence;

AND WHEREAS section 445(1) of the *Municipal Act*, authorizes a municipality that is satisfied that a contravention of a By-law has occurred, the municipality may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

AND WHEREAS section 446(1) of the *Municipal Act*, authorizes that a municipality may, in default of an order being complied with, the matter or things shall be done at the person's expense.

AND WHEREAS section 391(1) of the *Municipal Act*, provides that a municipality may pass By-laws imposing fees or charges for services provided or done by or on behalf of it;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:

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PART 1 – GENERAL PROVISIONS

1.1 SHORT TITLE

This By-law shall be cited as the “Pool By-law”.

1.2 SCOPE

The provisions of this By-law shall apply to all property within the geographic limits of the Town, except where otherwise provided. All private swimming pools that are capable of containing a water depth of 762 mm (30 in), and are of a permanent or seasonal installation shall be regulated by this By-law.

1.3 ENFORCEMENT

This By-law shall be enforced by a Property Standards Officer, By-law Enforcement Officer, or an individual designated by the Chief Administrative Officer for the purpose of enforcing this By-law.

1.4 CONFLICTS WITH OTHER BY-LAWS

Where provisions of this By-law conflict with a provision of another By-law in force in the Town, the provisions that establish the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the municipality, shall prevail to the extent of the conflict.

1.5 EXISTING SWIMMING POOLS

Private swimming pools installed prior to the passing of this By-law shall be granted legal non-complying status and are considered in compliance with this By-law unless considered unsafe by the Officer.

PART 2 – DEFINITIONS

Definitions of words and phrases used in this By-law that are not included in the list of definitions in this Part shall have the meanings which are commonly assigned to them in the context in which they are used in the By-law.

The words and phrases defined in this part have the following meaning for the purposes of this By-law:

2.1 BUILDING DIVISION

Shall mean the Town of Kirkland Lake’s Development Services Department – Building Division.

2.2 BUILDING INSPECTOR

Shall mean the person appointed by Council to such position pursuant to the Building Code Act.

2.3 CHIEF BUILDING OFFICIAL

Shall mean the person appointed by Council to such position pursuant to the Building Code Act.

2.4 EXTERIOR SIDE YARD

Shall mean a yard of a corner lot which extends from the front yard to the rear yard between the exterior lot and the nearest main wall of any building or structure.

2.5 FENCE

Shall mean any freestanding structure, wall or barrier other than a building, erected at grade for the purpose of delineating the boundaries of a property, restricting ingress to or egress from a property, providing security or protection to property, and does not include a hedge.

2.6 FRONT YARD

Shall mean a yard extending across the full width of the lot between the front lot line and the building line, as defined in the Zoning By-law.

2.7 GATE

Shall mean any swinging, sliding, or operable section of a barrier used for the purpose of filling in or closing an access opening in a fence or guard.

2.8 Guard

Shall mean a protective barrier meant to prevent accidental falls. A guard shall be able to withstand the weight of a falling person to prevent accidental access into a swimming pool.

2.9 Height

Shall mean the distance measured vertically from grade to the top of the fence, guard, or pool wall.

2.10 Interior Side Yard

Shall mean a yard extending from a front yard to a rear yard, between a side lot line and a line drawn parallel thereto and through the nearest point of the building.

2.11 OFFICER

Shall mean a Property Standards Officer, By-law Enforcement Officer, or an individual designated by the Chief Building Official or the Chief Administrative Officer for the purpose of enforcing this By-law.

2.12 OWNER

Shall mean and include:

- (a) The registered owner of the property,
- (b) The person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would so receive the rent if such land and premise were let, and
- (c) A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain

the property in accordance with the standards for the maintenance and occupancy of property.

2.13 PRIVATE SWIMMING POOL

Shall mean a structure, basin, chamber or tank capable of containing water and is designed to be used for the purposes of swimming or wading. A private swimming pool that is capable of containing a water depth of 762 mm (30 in), and is of a permanent or seasonal installation shall be regulated by this By-law.

2.14 REAR YARD

Shall mean a yard extending across the full width of the lot between the rear lot line and a line drawn parallel thereto and through the nearest point of the main building closest to the rear lot line.

2.15 SECURE HOT TUB

Shall mean a private outdoor hot tub, whirlpool, hydro massage pool, or spa with a rigid, lockable, and tight fitting cover that will withstand the weight of a person without collapse when secured closed.

2.16 SELF-CLOSING DEVICE

Shall mean a mechanical device or spring which returns the gate to its closed position within 30 seconds after it has been opened.

2.17 SELF-LATCHING DEVICE

Shall mean a mechanical device or latch which is engaged each time the gate is secured to its closed position so as to not allow the gate to be re-opened by pushing or pulling until unlatched either by lifting or turning the mechanical device.

2.18 TOWN

Shall mean the Corporation of the Town of Kirkland Lake.

PART 3 – REGULATIONS

3.1 PERMITS AND APPROVALS

3.1.1. No person shall commence, or carry out the erection, construction or placing of a private swimming pool without first obtaining a permit pursuant to this By-law.

3.1.1.a. In-ground swimming pools, and permanent above-ground swimming pools require a permit pursuant to this By-law.

3.1.1.b. Temporary and Seasonal above-ground swimming pools capable of containing a water depth of 762 mm (30 in) require a permit pursuant to this By-law.

3.1.1.c. Temporary inflatable pools, temporary and seasonal above-ground swimming pools, not capable of containing a water depth of 762 mm (30 in) do not require a permit under this By-law.

- 3.1.2. A swimming pool permit granted under this By-law shall be present on site during the installation or construction process and shall be presented to a Town employee upon request.
- 3.1.3. No permit shall be issued for the installation of a private swimming pool unless a Fence or Guard meeting the requirements of this By-law is similarly approved, existing on site.
- 3.1.4. Seasonal above-ground swimming pools shall only require one permit for their initial installation. Subsequent seasonal installations are considered pre-approved, provided the seasonal installations continue to follow any conditions or requirements stated in the permit approval.
- 3.1.5. All permit applications shall include the swimming pool application form, a site plan, details of the fence or guard system, the permit fee as specified in the User Fee By-law, and any additional information requested by the Building Division.

3.2 LOCATION

- 3.2.1. All swimming pools shall be clear of property lines, buildings, and other structures by a minimum distance of 1.22 m (4 ft), or the property's zoning setbacks as provided in the Zoning By-law, whichever is greater.
- 3.2.2. Notwithstanding subsection 3.2.1., swimming pools are permitted to be within 1.22 m (4 ft) of decks provided that they are tight fitting to the deck, and the gap between the edge of the deck and side of the swimming pool is not greater than 100 mm (4 in).

3.3 FENCES AND GUARDS

- 3.3.1. The owner of a property containing a swimming pool regulated under this By-law shall ensure that the swimming pool is protected by a fence or guard meeting the requirements of this section at all times, whether or not the pool is containing water.
- 3.3.2. The fence or guard system required by subsection 3.3.2. shall protect against unauthorized entry to the area surrounding the
- 3.3.2. No person shall construct a fence more than 1.22 m (4 ft) in height without first obtaining a permit under the Fence By-law.
- 3.3.3. Fences and guards must maintain a minimum height of 1.22 m (4 ft) above grade to be considered adequate protection for a swimming pool.
- 3.3.4. The side wall of an above-ground pool may serve as a guard provided that there are no attachments, openings, or objects in the vicinity, such as a ladder or pump that could facilitate the climbing of the exterior wall while the pool is not in use or is without supervision.
- 3.3.5. The wall of a building may constitute part of a fence system provided all doors and windows in the wall are equipped with locking or latching devices.
- 3.3.6. Fences and guards shall not contain openings larger than 100 mm (4 in) measured in any direction. Gates in fences and guards shall be considered part of the fence or guard and subject to the same requirements for permitted openings.
- 3.3.7. Gates in fences and guards shall be installed with a self-closing device, and a self-latching device.

- 3.3.8. Gates in fences shall be installed in a manner to prevent unauthorized entry to the swimming pool area.

3.4 REMOVAL OF SWIMMING POOL

- 3.4.1. Swimming pools regulated under this By-law do not require the issuance of a permit for removal.
- 3.4.2. Owners shall notify the Building Division following the removal of an in-ground swimming pool, or a permanent above-ground swimming pool.
- 3.4.3. Owners are not required to notify the Building Division of the seasonal removal of a seasonal above-ground swimming pool regulated by this By-law. Owners shall notify the Building Division when the seasonal above-ground pool regulated by this By-law is removed and will not be re-installed in the future.

3.5 HOT TUBS, WHIRLPOOLS, HYDRO MASSAGE POOLS, AND SPAS

- 3.5.1. The provisions of section 3.3. do not apply to hot tubs, whirlpools, hydro massage pools, or spas.
- 3.5.2. The owner of a hot tub, whirlpool, hydro massage pool, or spa shall ensure a secure cover of rigid material is locked in place over the water opening any time the unit is not in use.
- 3.5.3. The rigid cover referenced in subsection 3.5.2. shall be tight fitting and capable of withstanding the weight of a person without collapse.

PART 4 – ADMINISTRATION AND ENFORCEMENT

4.1 OBSTRUCTION

- 4.1.1. No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the lawful exercise of a power or the performance of a duty under this By-law.
- 4.1.2. Any person who is alleged to have contravened any provision of this By-law shall identify themselves to the Officer upon request. Any failure to do so shall be deemed to be an obstruction or hindrance to the Officer in the execution of the Officer's duties.

4.2 POWERS OF ENTRY

- 4.2.1. An Officer or any person acting under their instruction may, upon producing proper identification, enter upon a property at any reasonable time without a warrant for the purpose of inspecting to determine:
- a) whether the property conforms to the standards prescribed in this By-law.
 - b) whether an Order made under this By-law has been complied with.
- 4.2.2. For the purposes of an inspection under this By-law, an Officer may:
- a) require the production for inspection of documents or things, including drawings or Page 6 of 21

that may be relevant to the property or any part thereof;

b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;

c) require information from any person concerning a matter related to a property or part thereof;

d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;

e) alone or in conjunction with a person possession special or expert knowledge, make examinations or take photographs necessary for the purposes of the inspection.

4.3 INFORMAL NOTICE

4.3.1. An Officer who finds that a property does not conform with any of the standards prescribed in this By-law may issue an informal notice to the owner of the property:

a) stating the municipal address or legal description of the property containing the non-conformity;

b) giving reasonable particulars to the corrective steps that need to be made.

c) indicating the time for complying with the notice, and giving notice that if not complied with an Order may be issued.

4.3.2. An informal notice may be served in-person, by registered mail to the last known mailing address of the owner, or email to the last known address of the owner.

4.4 FORMAL NOTICE & ORDER

4.4.1. An Officer who finds that an informal notice has not been complied with may issue a formal notice and/or an Order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

4.4.2. An Officer who finds that a property does not conform with any of the standards prescribed in this By-law may, without first issuing an informal notice, issue a formal notice and/or an Order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

4.4.3. The formal letter and/or Order shall contain:

a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

b) the work to be done and the date by which the work must be done.

4.4.4. An Order shall be served on the appropriate person(s) of subsection 4.4.1. and 4.4.2., as an Officer determines, and a copy of the Order may be posted on the property in a location visible to the public.

- 4.4.5. An Order may be served personally, by email to the last known email address of the person to whom service is requiring to be made, or by registered mail sent to the last known address of the person to whom the notice is given or to that person's agent for service.
- 4.4.6. If a notice or Order is served by registered mail, the service shall be deemed to have been made on the fifth day after the mailing unless the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.
- 4.4.7. If a notice or Order is served by email, the service is deemed to have been made on the day of sending unless,
- a) the document was sent after 5 p.m., in which case service shall be deemed to have been made on the following day; or
- b) the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date.
- 4.4.8. An Order may be registered in the proper land registry office, and upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served under section 4.4.1. & 4.4.2. of this By-law and, when the requirements of the Order have been satisfied, a certificate of compliance shall be registered forthwith, which shall operate as a discharge of the Order.

4.5 FAILURE TO COMPLY WITH AN ORDER

- 4.5.1. If an Order is not complied as determined by an Officer, the Town may direct or cause the contravention specified in the Order to be corrected, in accordance with section 446 of the *Municipal Act, 2001*, S.O. 2001, c.25.

4.6 CERTIFICATE OF COMPLIANCE

- 4.6.1. An Officer who inspects a property and is of the opinion that the property is in compliance with the standards established by this By-law may issue a certificate of compliance to the owner.
- 4.6.2. Where an owner requests a certificate of compliance and where, having inspected the property, an Officer is of the opinion that the property is in compliance with the standards established by this By-law, the Officer shall issue a certificate to the owner.

4.7. OFFENCES

- 4.7.1. A person who contravenes any of the provisions of this By-law is guilty of an offence, and upon conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act and to any other applicable penalty.
- 4.7.2. If a provision of this By-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an Order prohibiting the continuation or repetition of the offence by the person convicted.

4.8 FEES

- 4.8.1. Every owner shall pay the fees imposed pursuant to the Town's User Fees By-law which become due and payable upon written notification by an Officer or upon issuance of an invoice by the Town.
- 4.8.2. Where an owner is in default of payment of fees for more than thirty (30) calendar days after due, the Town may add the cost to the tax roll of the subject property and collect the amount in the same manner as property taxes.

4.9 COST RECOVERY

- 4.9.1. Where the Town does work or causes work to be done such work shall be done at the expense of the owner.
- 4.9.2. If the Town undertakes the work to correct the contraventions, the owner will be charged one-hundred percent of the cost of any third party invoice plus any costs incurred by the Town.
- 4.9.3. If the owner fails to pay the cost of the work completed under this By-law within thirty (30) days of the work being completed, the amount shall be added to the tax roll of the subject property and collected in the same manner as municipal taxes.

PART 5 – ENACTMENT**5.1 BY-LAW COMING INTO FORCE**

- 5.1.1. This By-law shall come into force and effect upon passing.

5.2 REPEAL

- 5.2.1. Town of Kirkland Lake By-law 07-048 is repealed upon the enactment of this By-law.

APPENDICES**Appendix 01 Visual Guide to Swimming Pools Regulated by the Swimming Pool By-law**

Visual Guide to Swimming Pools Regulated by the Pool By-law

In the event of a conflict between this visual guide, and the swimming pool by-law, the provisions of the swimming pool by-law shall prevail.

Swimming Pools Regulated by the Pool By-law



Permanent In-Ground
Swimming Pools



Permanent Above-Ground
Swimming Pools



Seasonal Above-Ground
Swimming Pools Capable of
Containing a Water Depth of
762 mm (30 in)

Swimming Pools Not Regulated by the Pool By-law



Seasonal Above-Ground
Swimming Pools Not Capable of
Containing a Water Depth of
762 mm (30 in)



Temporary Inflatable
Swimming Pools

REPORT TO COUNCIL

Meeting Date: 21/06/2022

Report Number: 2022-FIN-009

Presented by: Lloyd Crocker

Department: Corporate Services

REPORT TITLE

March 16, 2022 Tax Sales and Collection Update

RECOMMENDATION(S)

BE IT RESOLVED THAT Report Number 2022-FIN-009 entitled “**March 16, 2022 Tax Sales and Collection Update**” be received for information.

INTRODUCTION

To provide an update on the results of the recent tax sale process and staff efforts on the collection of delinquent accounts.

DISCUSSION

On March 16, 2022 the Tax Sale tender process closed wherein seven (7) properties were put up for tax sale. There were five (5) successful bids for a total of \$382,446.00 received. The official results of the various tax sales are available for public viewing on the Town’s website (Attachment 1). The Corporation retained \$209,057.00 which was applied to outstanding taxes receivable. The balance (\$173,388.00) was remitted to the Province as the Town is unable to retain any amounts in excess of taxes/charges owing.

There are currently \$2.4 million of outstanding taxes receivable. This represents a drop of approximately \$750,000.00 since the same time last year. The decrease is primarily a result of increased efforts by the Tax Collector combined with the Tax Sale results. Collection efforts are a mix of mailed account reminders, mailed and emailed correspondence and telephone calls. There is currently one staff assigned to tax collection. Administration will be consulting with a third party for the management of future tax sales.

Town staff have identified \$1.4 million of taxes that are not current. Approximately \$813,000.00 (60 accounts) of this amount represents property holders who have made

little or no payments since before 2020. Staff are currently collecting information (contact details, payment history and property details) on these accounts to begin the process of potentially putting them up for tax sale.

After we have issued the final 2022 tax billings (July 2022), the plan is to prepare letters to these property holders which will have three (3) deadlines. Property holders will have 30 days to contact staff to discuss their delinquent account. They will have 60 days to pay their accounts (or arrange for a payment plan). If the Town receives no response after 90 days, the properties will go up for tax sale (approximately October, 2022).

It is important to note that any properties put up for tax sale that do not receive a bid could result in current year write-offs (subject to Council approval).

The remaining balance of delinquent accounts (\$584,000.00 and 60 accounts) have made little or no payments in the last two (2) years. These property owners will receive the same letters later in the year. We have broken up the delinquent accounts collection process to reflect our staffing realities (the letter and tax sales process are very time consuming).

OTHER ALTERNATIVES CONSIDERED

Not Applicable.

FINANCIAL CONSIDERATIONS

Improved cash flows will be a direct result of the increased collection effort. The Corporation will also likely benefit from improved collection of current accounts. Depending on the results of the collection efforts, the Town could incur further tax write-offs.

ALIGNMENT TO STRATEGIC PRIORITIES

These efforts align with the communicated desires of Council and will assist in ensuring that more cash is available for Council priorities.

ACCESSIBILITY CONSIDERATIONS

Not Applicable.

CONCLUSION

Directed collection efforts should result in improved collections of delinquent accounts thereby improving cash flows and financial results.

CONSULTATIONS

Town of Kirkland Lake Senior Management Team

ATTACHMENTS

Attachment 1 - March 16, 2022 Final Tax Sale Results

Corporation of the Town of Kirkland Lake
Tax Sales - Final Results
March 16, 2022

| | BIDDER | PRICE |
|---|--------------------|--------------|
| <p><u>File No. 20-01</u></p> <p>Roll No. 5468 000 007 17900 0000; 2 Birch Street, Kirkland Lake; PIN 61402-0440 LT; PCL 8382 SEC CST; MINING CLAIM RSC271; TECK SRO; EXCEPT PL M136TIM, LT115068, LT116981</p> <p>According to the last returned assessment roll, the assessed value of the land is \$460,000 Commercial</p> <p>Minimum Tender Amount: \$129,065.15</p> | HJH Transport Inc. | \$201,111.91 |
| <p><u>File No. 20-02</u></p> <p>Roll No. 5468 000 016 15800 0000; 37 Duncan Avenue North, Kirkland Lake; PIN 61228-1290 LT; PCL 10576 SEC CST; PT MINING CLAIM TC710 TECK (L2103) SRO PT 17 & 18 TER384 T/W PT 19 TER384 AS IN LT166512; PIN 61228-1291 LT PCL 9819 SEC CST; PT MINING CLAIM TC709 TECK (L1829) SRO; PT MINING CLAIM TC710 TECK (L2103) SRO PT 16 TER384 T/W PT 17 & 27 TER384 AS IN LT151223; PIN 61228-1327 LT; PCL 10961 SEC CST; PT MINING CLAIM L2101 TECK SRO PT 1 54R1504</p> <p>According to the last returned assessment roll, the assessed value of the land is \$150,000 Commercial</p> <p>Minimum Tender Amount: \$40,565.09</p> | HJH Transport Inc | \$75,121.94 |
| <p><u>File No. 20-03</u></p> <p>Roll No. 5468 000 010 01200 0000; 40 Government Road West, Kirkland Lake; PIN 61228-2005 LT; PCL 6847 SEC CST; LT 5 PL M15TIM TECK SRO; PIN 61228-2038 LT; PCL 11008 SEC CST; LT 5 PL M148TIM TECK SRO; PIN 61228-2048 LT; PCL 9428 SEC CST; PT MINING CLAIM L2192 TECK SRO PT 5 TER35;</p> <p>According to the last returned assessment roll, the assessed value of the land is \$53,100 Commercial/16,900 Residential</p> <p>Minimum Tender Amount: \$17,191.82</p> | HJH Transport Inc | 55,111.96 |
| <p><u>File No. 20-04</u></p> <p>Roll No. 5468 000 016 15301 0000; Goodfish Road; Kirkland Lake; PIN 61228-1329 LT; PCL 9259 SEC CST; PT MINING CLAIM L2101 TECK SRO PT 6 TER19 EXCEPT PT 1 54R1596 S/T LT134382</p> <p>According to the last returned assessment roll, the assessed value of the land is \$50,000 Residential</p> <p>Minimum Tender Amount: \$6,565.69</p> | ASHRAF, M | \$35,000.00 |
| <p><u>File No. 20-05</u></p> <p>Roll No. 5468 000 015 12103 0000; 20 Queen Street, Kirkland Lake; PIN 61406-0383 LT; PCL 12352 SEC CST; PT LT 181 PL M111TIM TECK SRO AS IN LT60418; THE N LIMIT OF SAID LT CONFIRMED BY PL BA1849 AS IN D162; PIN 61406-0384 LT; PCL 12546 SEC CST; PT MINING CLAIM L2678 TECK SRO PT 1 & 2 54R2987; S/T LT44365 TRANSFERRED BY LT82309; S/T LT50328</p> <p>According to the last returned assessment roll, the assessed value of the land is \$10,500 Residential</p> <p>Minimum Tender Amount: \$22,738.72</p> | No Bids | |

| | | |
|---|-----------|-------------|
| <u>File No. 20-06</u> Roll No. 5468 000 006 03900 0000; 7 Park Street, Kirkland Lake; PIN 61404-0278 LT; PCL 6711 SEC CST; PT LT 496 PL M110TIM According to the last returned assessment roll, the assessed value of the land is \$8,900 Residential Minimum Tender Amount: \$18,953.64 | No Bids | |
| <u>File No. 20-07</u> Roll No. 5468 000 017 00700 0000; 12 Wishman Street, Kirkland Lake; PIN 61228-0226 LT; PCL 8054 SEC CST; LT 8 PL M109TIM TECK SRO According to the last returned assessment roll, the assessed value of the land is \$9,400 Residential Minimum Tender Amount: \$15,669.65 | ASHRAF, M | \$16,100.00 |
| | | |

Tax Proceeds and Costs Recovered

| | | |
|-------|---|---------------------|
| 20-01 | - | \$129,065.15 |
| 20-02 | - | \$ 40,559.64 |
| 20-03 | - | \$ 17,186.83 |
| 20-04 | - | \$ 6,560.23 |
| 20-05 | - | \$ 0.00 |
| 20-06 | - | \$ 0.00 |
| 20-07 | - | <u>\$ 15,664.18</u> |
| Total | | <u>\$209,036.03</u> |

| POLICY | |
|--|---------------------------------|
| Policy Number: CORP2020-026 | Date Approved: December 1, 2020 |
| Department: Corporate | Date Reviewed: |
| Flag, Pole Banner and Announcement Protocols | |

1. **Policy Statement**

The Town of Kirkland Lake recognizes the symbolism of displaying flags and banners as a visual statement, recognizing Canada, Ontario, the Town of Kirkland Lake, local groups, special events and activities. The Town of Kirkland Lake holds these entities in high regard and wishes to emphasize the importance of publically recognizing these organizations and their institutions.

2. **Purpose**

This policy will provide a framework to ensure that flags at Municipal facilities are flown and displayed in an appropriate and consistent manner. This policy outlines the circumstances under which the Town will display flags at half-mast, as well as the design, approval, installation and maintenance of Pole Banners to ensure a consistent process for interested community groups. In addition, this policy provides a process to issue announcements, in the place of proclamations.

3. **Scope**

This policy applies to:

- i. Canadian Flag or Town of Kirkland Lake flags flown at municipally owned facilities,
- ii. Half-masting of flags flown at municipally owned facilities,
- iii. The design, approval, installation, maintenance and removal of Pole Banners placed on street poles located in the Town of Kirkland Lake as identified in schedule A to this policy.
- iv. Announcements made by Members of the Town of Kirkland Lake Municipal Council.

4. Definitions

Canadian Flag: The National Flag of Canada as approved by Parliament and proclaimed by Her Majesty Queen Elizabeth II, Queen of Canada, on February 15, 1965.

Half-mast: The position of the Flag when flying at half-mast will depend on its size, the length of the mast and its location. As a general rule, the centre of the Flag should be exactly half-way to the top of the mast. When raised to or lowered from the half-mast position, a flag should be first raised to the masthead.

Special Event or Activity: Defined as a one-time or infrequently occurring event and is an opportunity for a leisure, social or cultural experience outside of the normal range of choices or beyond everyday experience and are those activities that, in the opinion of the Chief Administrative Officer (CAO) or designate, have an identifiable community benefit and are consistent with the values and purpose of the Town of Kirkland Lake.

Pole Banner: A sign constructed of a pliable material, which is typically installed on a street pole on a temporary basis.

Community Organization: A charitable, not-for-profit, or government organization that wishes to pursue a Banner project.

5. Policy & Procedures

FLAGS

Displaying Flags

1. Only the National Flag of Canada, the Provincial Flag of Ontario and/or the Town of Kirkland Lake shall be flown on flagpoles owned and maintained by the Town of Kirkland Lake.
2. Flags will be displayed in accordance with the current guidelines set out by the Department of Canadian Heritage.

NOTE: The National Flag of Canada should always be flown on its own mast or flag pole; flag protocol dictates that it is improper to fly two or more flags on the same mast or flag pole (for example, one above the other).

3. When a flag becomes tattered and is no longer in a suitable condition for use, it shall be disposed of in a dignified way as identified in the guidelines set out by the Department of Canadian Heritage.

Flag Pole Locations

- Town Hall
- Development Services and Public Works Department
- Miner's Memorial Monument

Half-masting

Flags are flown at the half-mast position as a sign of respect and condolence or to commemorate significant dates.

The Town CAO is responsible for administering the half-masting protocol. Directors will be notified by email when flags are to be flown at half-mast. All notification emails will include the scheduled duration for the flag lowering and subsequent return to full-mast.

In accordance with the Department of Canadian Heritage, flags will be flown at half-mast on municipal properties upon the death of:

- The Sovereign, the Governor General and the Prime Minister,
- Sovereign's Family,
- Former Governor General,
- Former Prime Minister,
- Chief Justice of Canada and Members of the Canadian Ministry,
- Lieutenant Governors,
- Privy Councillors and Senators,
- Members of the House of Commons, and/or
- Accredited Heads of Mission to Canada while in Canada.

In addition, flags will be flown at half-mast upon the death of:

- the Premier of Ontario or another person similarly honoured by the Province of Ontario,
- the local Member of Parliament,
- the local Member of the Provincial Parliament,
- the Mayor,
- a sitting Member of Council,

- a current Municipal employee or volunteer firefighter, and/or
- a former Head or Member of Council.

Flags will be flown at half-mast from the time of notification of death until sunset on the day of the funeral or the memorial service.

Flags will also be flown at half-mast on the following commemorative dates:

- April 28 – National Day of Mourning, and
- November 11 – Remembrance Day.

Where the Town of Kirkland Lake Flag is flown or displayed with the Canadian Flag, the Canadian Flag will take the place of honour, which is to the left of the observer of the flags and the Town of Kirkland Lake Flag shall be on the right of the observer.

Where the Town of Kirkland Lake Flag is flown or displayed with the Canadian Flag and Province of Ontario Flag, the Canadian Flag shall occupy the centre position to the observer of the flags, the Province of Ontario Flag to the left and the Town of Kirkland Lake Flag to the right.

The Director responsible for the facility will maintain an inventory of flags flown at Municipal facilities and properties and will arrange for replacement of flags as needed.

POLE BANNERS

Seasonal Pole Banners will be installed four times per year. In addition, Council may approve supplementary installations for the promotion of civic, charitable or community events that are held to benefit the community at large, affiliated community groups, registered charities or other similar not-for-profit groups within the Town of Kirkland Lake.

The Town recognises the benefit of a limited number of Pole Banners to promote local groups, special events, and activities consistent with the purpose and values of the Town of Kirkland Lake. The installation of Banners enhances the community and compliments the surrounding neighbourhoods, thereby contributing to the overall quality of life in the community and enhancing resident and visitor experience.

The Director of Public Works is responsible for accepting and processing Pole Banner Applications.

Community organizations are solely responsible for designing, purchasing, maintaining, replacing and storing their Banners.

The Public Works Department will be responsible for the installation and removal of Banners in the locations specified in Schedule A.

Procedure

A Pole Banner Application must be submitted to the Town of Kirkland Lake Director of Public Works no less than 60 days prior to the requested installation date. The application must include:

- A description of the Special Event including the purpose of the event and an explanation of the event's benefit to the community,
- A description of the organization including its' intended purpose for pursuing the Banner project,
- Contact information for the group and/or the individual assigned to the Banner project,
- The proposed Banner design including measurements, fastening specifications, colours, text, and graphic content, and
- The requested installation and removal dates.

Installations may be permitted for the promotion of civic, charitable or community events, affiliated community groups, registered charities or other similar not-for-profit groups held to benefit the community at large.

Banner approvals are not guaranteed. In the case of multiple applications for the same date, preference will be given on a first-come first-served basis.

Authorized Banner locations are identified in Schedule A.

Installation and Removal

- a) Banners shall only be installed or removed by Town of Kirkland Lake authorized personnel.
- b) Banners are to be provided to the Town in the correct size and in ready-to-install condition. Banners that fail to meet the size and installation specifications will result in the installation approval being revoked. Banners in poor repair will not be installed and will be available to be collected at the Public Works Department by the organization.
- c) All Banners shall be delivered to the Town of Kirkland Lake Public Works Department at least two business days prior to the installation date. Failure to meet the delivery deadline will result in the installation approval being revoked.

- d) The date and time of installation shall be at the discretion of the Public Works Department and is conditional upon workload, weather conditions, staff resources, and equipment availability.
- e) Specific Streetlight Pole Banner locations shall be chosen at the discretion of the Public Works Department to ensure operational efficiency during installation.
- f) Banners are to be collected by the relevant organization within seven days of being removed. The Town of Kirkland Lake assumes no responsibility for Banners that are not collected within the specified time.

Liability

The applicant shall agree to assume full liability and indemnify the Town of Kirkland Lake for damage to persons or property arising from the display, installation, maintenance, and/or removal of the Banners and provide proof of insurance.

Design Guidelines

A. Flag Order Information

- Materials shall be selected for durability and dimensional stability e.g. sunbrella dual ply
- 2 sided print
- 28" width x 60" length
- 3.5" pockets top and bottom; with two grommets

B. Colours

- Vivid and contrasting colours are recommended
- Colour pigments or dyes should be selected for exterior applications and be resistant to fading or colour bleeding.
- Colours should be bold and able to stand out when viewed at a distance

C. Graphics / Banner Content

- Banner content should graphically convey the message of the event or its purpose in a simple manner using bold colors and a minimum number of images and text to inform the public of the event and avoid visual confusion.
- No commercial advertising will be allowed, except in cases where a sponsoring

entity's name is part of the name of the event.

- Banner content shall be subject to review and approval.

D. Costs

- The applicant is responsible for the cost of supplying the banners as well as the installation and removal fees.
- Municipal Council will approve banner installation and removal fees annually.
- Organizations requesting the waiving of installation and removal fees shall apply to the Community Grants Program.

ANNOUNCEMENTS

The Town of Kirkland Lake will not issue proclamations to recognize public campaigns, charitable fundraising campaigns, and/or arts and cultural celebrations. Members of Council may announce at a Regular Council Meeting any day, week or month recognizing a cause in the greater good of the residents in accordance with this Council approved policy. The Town of Kirkland Lake Council has sole authority to approve or deny requests for announcements.

Announcement Criteria

Announcements shall be issued only to recognized Town of Kirkland Lake organizations and not to individuals.

Announcements must demonstrate an interest in or have a relationship with the Town of Kirkland Lake including, but not limited to the following:

- Arts or cultural celebrations
- Charitable campaigns
- Civic Promotions
- Public awareness campaigns
- Honouring Organizations for special achievements

Process

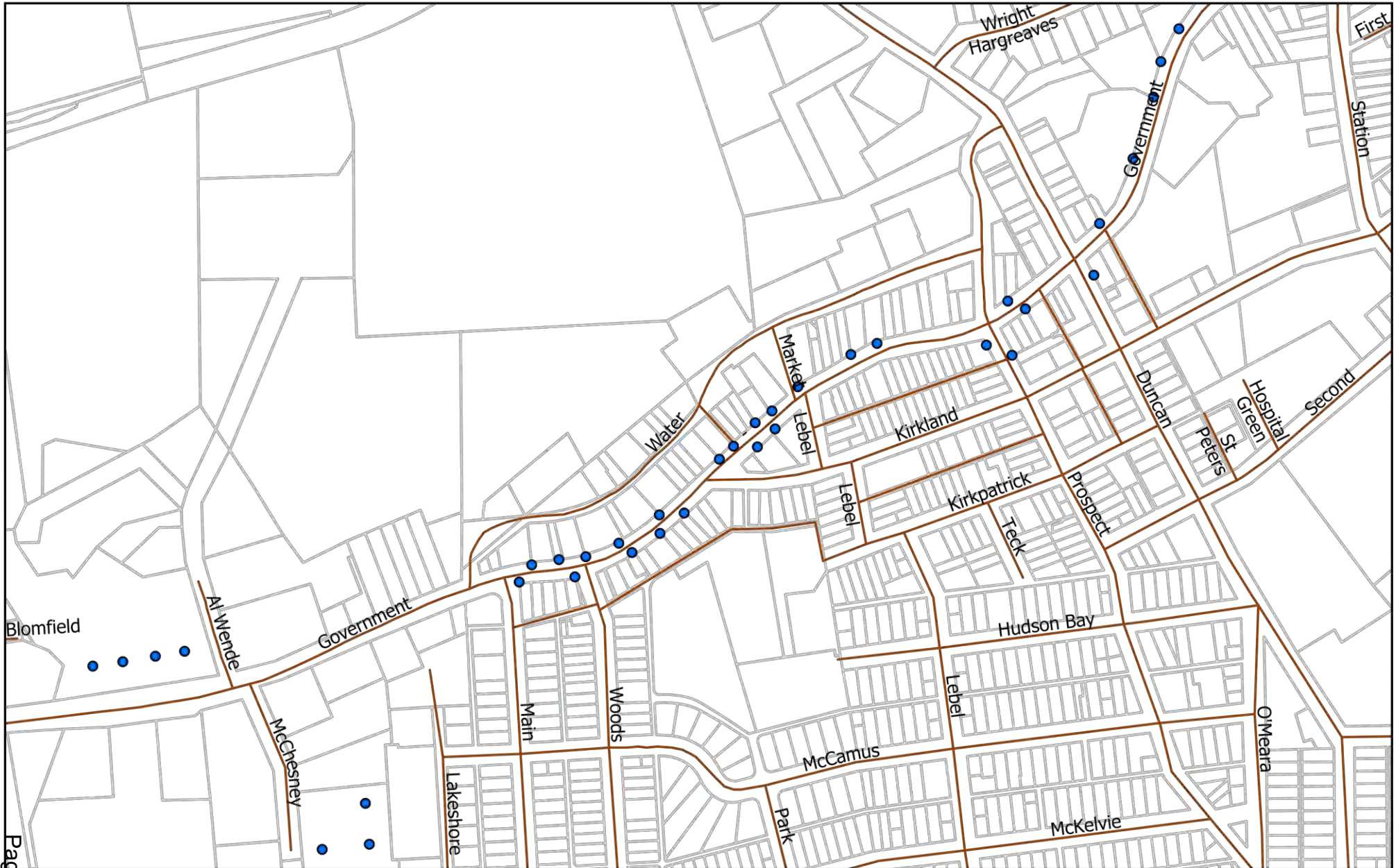
The request for an announcement must be submitted by an organization in writing on its letterhead and must include background information about the event requested to be announced.

The request is to be submitted to the Municipal Clerk who will place on the Weekly Communication to Council if it meets the announcement criteria. Any Member of Council may then choose to announce the requested information at an upcoming Council Meeting in support of the requesting organization.

6. Summary

Consistency in the application of requests and protocols for flags, pole banners and announcements allow residents and organizations to understand the processes involved.

Banner Locations



Legend

- Poles with Banners
- Roads
- Lakes
- Parcel Fabric



0 200 Metres



KIRKLAND LAKE
THE RIGHT ENVIRONMENT



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 22-047

BEING A BY-LAW TO ESTABLISH A NOTICE POLICY

WHEREAS section 270(1)(4) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, requires that a municipality shall adopt and maintain a policy with respect to the circumstances in which the municipality shall provide notice to the public and, if the notice is to be provided, the form, manner and times notice shall be given;

AND WHEREAS section 270(1)(5) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides the manner in which the Municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the Municipality will try to ensure that its actions are transparent to the public;

AND WHEREAS the Notice By-Law is one of the elements to help ensure the accountability and transparency of The Corporation of the Town of Kirkland Lake;

AND WHEREAS it is deemed desirable to implement notice requirements as set out under the Municipal Act, S.O. 2001, C. 25 and amendments thereto and for those actions for which notice requirements are not prescribed under the Municipal Act or any of Act or by regulation.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:

1. DEFINITIONS

- i. In this By-Law:

Town shall mean The Corporation of the Town of Kirkland Lake

Clerk shall mean the Municipal Clerk or designate of the Town.

Highway shall mean all road allowances, highways, streets and lanes shown on a registered plan of subdivision.

Municipal Act shall mean the Municipal Act, 2001, S.O. 2001, c.25, as amended, and any successor legislation thereto.

Newspaper shall mean a printed publication in sheet form, intended for general circulation, published regularly at intervals of no longer than a week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers.

Notice to the Public shall mean notice given to the public generally, but does not include notice given to specified persons.

Ontario Building Code Act shall mean the Building Code Act, 1992, S.O. 1992, c.23, as amended, and any successor legislation thereto.

Ontario Building Code shall mean *O. Reg. 332/12: Building Code* under the *Building Code Act*, 1992, S.O. 1992, c.23, as amended, or any successor regulation thereof.

Planning Act shall mean the *Planning Act*, R.S.O. 1990, c P.13, as amended, and any successor legislation thereto.

Public Notice shall mean a page on the Town's website identified as "Public Notices".

Published shall mean published on the Town's website or in the alternative in a daily or weekly newspaper that, in the opinion of Clerk, has such circulation within the Town as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.

Website shall mean the official internet website of the Town.

2. NOTICE OF INTENTION TO PASS BY-LAW – NOTICE OF PUBLIC MEETING

2.1. Manner of Notice

- i. Where notice of intention to pass a by-law or notice of a public meeting is required to be given, the Clerk shall cause such notice to be published on the Public Notice page on the Town's Website, unless:
 - a) notice is otherwise prescribed by statute or regulation, in which case notice shall be given in accordance with the statute or regulation; or
 - b) notice is otherwise prescribed in another by-law, in which case notice may be given either in accordance with this By-Law or with the other by-law.

2.2. Time of Notice

- i. Where notice of intention to pass a by-law or notice of a public meeting is required to be given, such notice shall be provided in the time frame prescribed in any statute or its regulations, and if not so prescribed, notice shall be given at least once, no less than 14 days prior to the proposed action being taken, with the exception of:
 - a) adoption of annual operating budget, for which notice shall be given no less than seven (7) days prior to adoption; and
 - b) by-laws relating to an enactment of a fee or charge, for which notice shall be given at least once no less than 14 days prior to proposed action being taken.

2.3. Form of Notice

- i. Unless otherwise prescribed in any statute or its regulations, where notice of intention to pass a by-law or notice of a public meeting is required to be given, the form of the notice shall include the following information:
 - a) description of the purpose of the meeting, or the purpose and effect of the proposed by-law;
 - b) the date, time and location of the meeting;
 - c) where the purpose of the meeting or proposed by-law is related to specific lands within the municipality, a key map showing the affected lands; and
 - d) the name and address of the person who will receive written comments on the issue, which is the subject of the meeting and the deadline for receiving such comments (if applicable).

3. GENERAL

- i. No notice shall be required under this By-Law, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session under section 239 of the Municipal Act.
- ii. Notice provisions prescribed under the Municipal Act are set out in Schedule “A” attached hereto.
- iii. Nothing in this By-Law shall prevent the Clerk from using more comprehensive methods of notice for providing for a longer notice period or additional notices. This includes but is not limited to the circulation of notices on approved social media accounts, within the Town’s monthly Municipal Update publication, etc.
- iv. Where expenditure estimates approved in the budget have been subject to quotations or tenders estimating an amount greater than the estimated expenditure, the approval process set out under the Town’s Purchasing By-Law shall apply, and sufficient notice shall be in the form of a report being for the Council or Committee of Whole of Council noting it as being an “Amendment to Budget”.
- v. Normal operating costs incurred prior to the adoption of the budget shall not require notice as approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.

4. EMERGENCY PROVISION

- i. If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the municipality, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this By-Law may be waived by the Chief Administrative Officer and the Clerk shall make his/her best efforts to provide such notice as is reasonable under the circumstances.

5. EFFECTIVE DATE

- i. This By-Law shall come into full force and effect upon passing.

6. REPEAL

- i. By-Law No. 19-078 is repealed upon this By-Law coming into full force and effect.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21st DAY OF JUNE, 2022.

Pat Kiely, Mayor

Jennifer Montreuil, Municipal Clerk

SCHEDULE “A” TO BY-LAW 2022-XX

| Subject Matter | Timing of Notice and Manner of Giving | Legislation |
|-------------------------------------|--|---|
| Annual Operating Budget | As set out in sections 2.1, 2.2 and 2.3 of this By-Law | N/A |
| Business Improvement Areas | As set out in sections 206, 210(1), and 211(1) | Municipal Act |
| Capital Facilities | As set out in sections 110(5) and 110(8) | Municipal Act |
| Debt and Investments | As set out in section 402(1) | Municipal Act |
| Enactment of a Fee or Charge | As set out in section 7(6) of the OBCA, OBC Div C.1.9.1.2. (a)(b), and sections 2.1, 2.2 and 2.3 of this By-Law. | Ontario Building Code Act (OBCA); Ontario Building Code (OBC) |
| Enforcement | As set out in sections 435(1), 447.1(3) and 441(1) | Municipal Act |
| Establishment of Wards | As set out in section 222(3) | Municipal Act |
| Financial Statements | As set out in section 295(1) | Municipal Act |
| Highway Permanently Closing | As set out in sections 2.1, 2.2 and 2.3 of this By-Law | N/A |
| Highway Permanently Altering | As set out in sections 2.1, 2.2 and 2.3 of this By-Law | N/A |
| Local Improvement By-Law | As set out in sections 4 and 6 of O. Reg. 586/06, and sections 2.1, 2.2 and 2.3 of this By-Law | Municipal Act |
| Municipal Restructuring | As set out in section 173(3), 174(10) and 187(3) of the Act, and sections 2.1, 2.2 and 2.3 of this By-Law | Municipal Act |
| Name or Change Name of Private Road | As set out in section 48 | Municipal Act |
| Procedure By-Law | As set out in section 238(2.1) of the Act, and sections 2.1, 2.2 and 2.3 of this By-Law Law | Municipal Act |

| | | |
|---------------------|---|---------------|
| Sale of Land | As set out in sections 2.1, 2.2 and 2.3 of this By-Law, and By-law 09-064 Sale of Real Property | N/A |
| Taxation | As set out in sections 318(15), 331(10), 342(5), 348(2), 350(1), 351(8), 356(4), 356(5), 357(5), 357(6), 358(8), 358(9), 358(10), 359(3), 359(4), 359(13), 361(10.1), 365(2), 365.2(5), 365.2(6) of the Act, and sections 2.1, 2.2 and 2.3 of this By-Law | Municipal Act |
| Tax Sales | As set out in sections 374(1), 374(2), 374(5), 379(1), 379(2), 379(4), 380(3), 380.1, 385.1(5), 386.2(1), 386.3 | Municipal Act |
| Utilities | As set out in sections 81(1), 81(2), and 81(3) of the Act, and section 2(2) of this By-Law | Municipal Act |



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 22-048

**BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT
BETWEEN TEAM NORTHERN THROTTLE (TNT) AND THE CORPORATION OF THE
TOWN OF KIRKLAND LAKE FOR THE USE OF THE MUNICIPAL AIRPORT FOR
ANNUAL DRAG RACING EVENTS**

WHEREAS the Team Northern Throttle has annually hosted drag racing events in the Town of Kirkland Lake at the Municipal Airport;

AND WHEREAS Council has annually recognized the importance of supporting local groups hosting community engagement and tourism attraction;

AND WHEREAS the request from Team Northern Throttle to host their summer drag racing events is consistent with the Town's strategic priorities;

AND WHEREAS on January 11, 2022, Council for the Corporation of the Town of Kirkland Lake resolved to approve in principle and for administration to finalize arrangements with Team Northern Throttle for the exclusive use of the Kirkland Lake Airport to host Drag Races between June 22nd and June 27th, 2022 inclusive, between July 6th through to July 11th, 2022 inclusive, and between August 17th and August 22nd, 2022 inclusive.

NOW THEREFORE BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE AS FOLLOWS:

1. **THAT** the Mayor and Clerk are hereby authorized to execute a Facility Use Agreement between The Corporation of the Town of Kirkland Lake and Team Northern Throttle., for the exclusive use of the Kirkland Lake Airport for their 2022 Drag Racing Events, a copy of which the said agreement and order pages are attached and marked as Schedule 'A' to this By-Law.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21st DAY
OF JUNE 2022.**

Pat Kiely, Mayor

Jennifer Montreuil, Municipal Clerk

THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 22-049

**BEING A BY-LAW TO APPOINT A MUNICIPAL LAW ENFORCEMENT OFFICER
FOR THE PURPOSE OF ENFORCING BY-LAWS IN THE TOWN OF KIRKLAND
LAKE**

WHEREAS Section 15 of the *Police Services Act, R.S.O. 1990, Chapter P. 15*, authorize Councils to pass by-laws for the appointing of municipal law enforcement officers;

AND WHEREAS Section 227 of the *Municipal Act, S.O. 2001, Chapter 25*, authorize Councils to pass by-laws for appointing such officers and employees as may be necessary for the purposes of the Corporation, for carrying into effect the provisions of any by-law of the Council;

AND WHEREAS the Animal Control Officer who performs contracted by-law enforcement services for the Town of Kirkland Lake may require other officers to issue tickets and charges;

AND WHEREAS the Officers named below meet the requirements of the Town and may be needed for enforcing other Town by-laws as well as parking by-laws from time to time;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:

1. **THAT** Katrina Fillion, be appointed as Municipal By-Law Enforcement Officer for:
 - (a) the enforcement of the Parking and Traffic By-Law and Clean Yards By-law of the Corporation of the Town of Kirkland Lake; and
 - (b) the enforcement of other by-laws of the Corporation of the Town of Kirkland Lake, as designated by the Municipal Clerk.
2. **THAT** the Mayor and Municipal Clerk are hereby authorized to sign this By-Law.
3. **THAT** By-Law 21-009 be repealed.

READ A FIRST, SECOND AND THIRD TIME, ENACTED AND PASSED THIS 21st DAY OF JUNE, 2022.

Patrick Kiely, Mayor

Jennifer Montreuil, Municipal Clerk



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 22-050

BEING A BY-LAW TO PRESCRIBE STANDARDS FOR MAINTENANCE AND OCCUPANCY OF PROPERTIES WITHIN THE TOWN OF KIRKLAND LAKE

WHEREAS the Corporation of the Town of Kirkland Lake deems it desirable to enact a by-law for prescribing standards for the maintenance and occupancy of all property within the municipality and prohibiting the use of such property that does not conform to the standards; and for requiring any property to be repaired and maintained so as to comply with said standards as described herein or to be cleared of all buildings and structures, rubbish, debris and the lands left in a graded and level condition;

AND WHEREAS section 5(3) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by By-law;

AND WHEREAS the Official Plan for the Town of Kirkland Lake provides that a Property Standards By-law be implemented to ensure buildings, structures and lands are kept in a structurally sound condition, and in good repair;

AND WHEREAS section 15.1 of the *Building Code Act*, 1992, S.O. 1992, c.23 provides that the Council may pass a by-law with respect to prescribing standards for the maintenance and occupancy of property, and requiring that property that does not conform with the standards to be repaired and maintained with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS sections 15.2 and 15.8 of the *Building Code Act*, 1992 provide inspection and enforcement authorities for a by-law made under section 15.1 of the Act;

AND WHEREAS section 15.4 of the *Building Code Act*, 1992 provides authority for a municipality to cause repairs or demolition of a property where an Order made under section 15.2(2) of the Act is not complied with and the Order has been deemed confirmed or confirmed or modified by a property standards committee or judge of the Superior Court of Justice, and further provides that the municipality shall have a lien on the land for the amount of the repair or demolition, which shall have priority lien status under the *Municipal Act*, 2001;

AND WHEREAS the offence and penalty provisions for contraventions are as set out in section 36 of the *Building Code Act*, 1992;

AND WHEREAS section 391(1) of the *Municipal Act*, 2001 provides that a municipality may impose fees or charges on persons:

- a) For services and activities provided or done by or on behalf of it; and
- b) For costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:

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PART 1 – GENERAL PROVISIONS

1.1 Short Title

This By-law shall be cited as the “Property Standards By-law”.

1.2 Scope

The provisions of this By-law shall apply to all property within the geographic limits of the Town, except where otherwise provided.

1.3 Enforcement

This By-law shall be enforced by a Property Standards Officer, By-Law Enforcement Officer, or an individual designated by the Chief Building Official.

1.4 Conflicts with other By-laws

Where provisions of the By-law conflict with a provision of another By-law in force in the Town, the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the municipality, shall prevail to the extent of the conflict.

PART 2 – DEFINITIONS

Definitions of words and phrases used in this By-law that are not included in the list of definitions in this Part shall have the meanings as defined in the Building Code Act and/or Article 1.4.1.2 of Division A of the Ontario Building Code where so provided, and otherwise the meanings which are commonly assigned to them in the context in which they are used in this By-law.

The words and phrases defined in this section have the following meaning for the purposes of this By-law:

2.1 Accessory Building

Shall mean a detached building or structure, not used for human habitation, that is naturally and normally incidental and subordinate to the primary use of the building or structure located on the same property.

2.2 Apartment Buildings

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Shall mean a building containing two or more dwelling units which have interior access to each other or which share a common access to exit, or common exit through an internal or exterior corridor system, lobby or stair and includes all such buildings whether under single ownership or condominium tenure.

2.3 Approved

Shall mean acceptance by the Officer enforcing this By-law.

2.4 Barrier-Free

Shall mean that a building and its facilities can be approached, entered and used by persons with physical or sensory disabilities.

2.5 Basement

Shall mean one or more storeys of a building located below the *first storey*.

2.6 Building

Shall mean “building” as defined in the *Building Code Act*.

2.7 Building Code Act

Shall means the Building Code Act, S.O. 1992, c.23, as amended.

2.8 By-law

Shall mean, unless otherwise referred to herein, this “Property Standards By-law”

2.9 Chief Building Official

Shall mean the Chief Building Official for the Corporation of the Town of Kirkland Lake appointed under the Building Code Act, 1992, c.23 and having jurisdiction for the enforcement thereof.

2.10 Clerk

Shall mean the Municipal Clerk of the Corporation of the Town of Kirkland Lake.

2.11 Common Area(s)

Shall mean those areas of a building, on a Residential Use Property that are not located within a dwelling unit, which are accessible to and for the use of the occupants of the *building* and or the public, and includes, but is not limited to; interior and exterior stairs, stairways, fire escapes, corridors, hallways, landings, decks, platforms, mezzanines, lobbies, laundry rooms, garbage rooms, exercise rooms, recreational rooms, and *toilet rooms*.

2.12 Council

Shall mean the Council of the Corporation of the Town of Kirkland Lake.

2.13 Dwelling Unit

Shall mean a suite within a building on residential use property operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually contains cooking, eating, living, sleeping, and sanitary facilities.

2.14 Exterior Envelope

Shall mean those parts of a building normally exposed to the elements and the effects of the sun, rain, snow and wind including the walls, roofs, soffits, fascia, gable ends, windows, doors and portions of the foundation located above grade.

2.15 Fence

Shall mean a structure which forms a barrier for enclosing, bounding, delineating, or protecting land.

2.16 First Storey

Shall mean the storey with its floor closest to grade and having its ceiling more than 1.8 metres (5 ft 11 in) above grade.

2.17 Guard

Shall mean a protective barrier, with or without openings through it, that is around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another.

2.18 Means of Egress

Shall include exits and access to exits and means a continuous path of travel provided for the escape of persons from any point in a building or in a contained open space to,

- (a) a separate building,
- (b) an open public thoroughfare, or
- (c) an exterior open space that is protected from fire exposure from the building and that has access to an open public thoroughfare

2.19 Non-Residential Use Property

Shall mean a property on which there are no buildings or structures that contain a dwelling unit, or on which no buildings or structures could lawfully be constructed that contain a dwelling unit, other than as permitted in Industrial Zones, and includes the lands and premises and accessory buildings, structures, fences or erections thereon or therein.

2.20 Occupant

Shall mean any person or persons over the age of 18 years in possession of the property.

2.21 Officer

Shall mean a Property Standards Officer, By-Law Enforcement Officer, or an individual designated by the Chief Building Official.

2.22 Ontario Building Code

Shall mean O. Reg 332/12 made under the Building Code Act, S.O. 1992, c.23 and amendments thereto.

2.23 Owner

Shall mean and include:

- (a) The registered owner of the property,
- (b) The person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would so receive the rent if such land and premise were let, and
- (c) A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

2.24 Pesticides Act

Shall means the Pesticides Act, R.S.O. 1990 c. p. 11.

2.25 Person

Shall mean an individual, firm, corporation, association, partnership, contractor, company, owner, or leasee.

2.26 Property Standards Committee

Shall mean the Committee established pursuant to Section 15.6 of the Building Code Act.

2.27 Property Standards Officer

Shall mean the person or persons duly appointed by Council as Property Standards Officer.

2.28 Property

Shall means the area of land as further defined in this By-law as Residential Use Property, Non-Residential Use Property and/or Vacant Property.

2.29 Residential Use Property

Shall mean a property on which a building is located, or on which a building could lawfully be constructed for use as a dwelling unit(s) for one or more persons, but does not include medical or correctional institutions or facilities, and encompasses any lands and accessory buildings and all stairways, walkways, driveways, parking spaces, and fences associated with the building and its yard.

2.30 Sign

Shall mean any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate, advertise or direct attention to any person, business, service, commodity or use.

2.31 Standards

Shall mean the minimum standards of the physical condition of a building to allow occupancy as prescribed for in this By-law.

2.32 Storey

Shall means the portion of a building,

- (a) that is situated between the top of any floor and the top of the floor next above it, or
- (b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

2.33 Suite

Shall mean a single room or a series of rooms of complimentary use, operated under a single tenancy, and includes,

- (a) dwelling units,
- (b) individual guest rooms in motels, hotels, boarding and rooming houses and dormitories, and
- (c) individual stores and individual or complimentary rooms for business and personnel services occupancies.

2.34 Temporary Shelter

Shall mean a non-permanent commercially fabricated accessory structure that is designed to provide shelter to a vehicle and is designed to be easily dismantled or removed.

2.35 Toilet Room

Shall mean a room containing a toilet and a wash basin.

2.36 Town

Shall mean the Town of Kirkland Lake.

2.37 Vehicle

Shall mean a motor vehicle, trailer, traction engine, farm tractor, road building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, or as otherwise defined under the Motor Vehicle Amendment Act.

2.38 Vacant Property

Shall mean the area of land situated between the lot lines of a lot, on which there are no buildings or structures or portions thereof currently constructed or situated.

2.39 Yard

Shall mean an open, uncovered space on a lot appurtenant to a building, except a court, and unoccupied by buildings or structures except as specifically permitted in this By-law.

2.40 Zone(s)

Shall mean an area of district of land shown on the schedules of the Zoning By-law 21-032.

PART 3 – GENERAL STANDARDS FOR ALL PROPERTIES

3.1 Workmanship

3.1.1. All repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction, renovations or repairs shall conform to the Building Code Act, the Ontario Building Code, the Fire Prevention and Protection Act, and the Ontario Fire Code where applicable.

3.2 Yards

Every yard in all zones shall be kept clean and free from:

- 3.2.1. rubbish or debris and objects or conditions that may create a health, fire, or accident hazard;
- 3.2.2. vehicles or any part of such vehicle which is in a wrecked, discarded, dismantled, inoperative, unlicensed or abandon condition, with the following exceptions:
 - (a) where it is part of an automotive repair establishment use, an automotive sales establishment (new or used) use or a vehicle compound use permitted by any zoning by-law;
 - (b) where it is part of any legal non-conforming automotive repair establishment use, automotive sales establishment (new or used) use, vehicle compound use or salvage yard use; or

- (c) where the vehicle is operative and can licensed pursuant to the provisions of the Highway Traffic Act, R.S.O. 1990, c.H. 8.

3.2.3. dilapidated, collapsed, partially collapsed or partially constructed buildings or structures that are not currently under construction or renovation authorized by a permit issued pursuant to the Building Code Act.

3.2.4. buildings or structures which have sustained damage due to flood, fire, or the effects of wind, rain or snow that render the building unusable for its normal intended use, that are not under renovation authorized by a permit issued pursuant to the Building Code Act.

3.3 Surface Conditions of Yards

Surface conditions of yards on developed lots shall be maintained so as to:

- 3.3.1. prevent ponding of storm water.
- 3.3.2. prevent instability or erosion of soil.
- 3.3.3. prevent surface water run-off from entering basements.
- 3.3.4. not exhibit an unsightly appearance in comparison to adjacent property.
- 3.3.5. be kept free of deep ruts and holes.
- 3.3.6. provide for safe passage under normal use and weather conditions, day or night.
- 3.3.7. not to create a nuisance to other property.
- 3.3.8. kept free of injurious insects, termites, rodents, vermin or other pests.

3.4 Surface Conditions of Driveways, Parking Areas, and Walkways

- 3.4.1. The surface condition of yards on developed lots used for vehicular traffic, driveways, parking areas or pedestrian walks shall be of asphalt, concrete, concrete paving stones, compacted stone or gravel and shall be kept in good repair free of dirt and litter so as to afford safe passage under normal use and weather conditions day or night.
- 3.4.2. Accumulations of ice and snow shall be promptly removed from all main entrances and exits of occupied buildings.
- 3.4.3. Where buildings and property have been designated, designed, constructed or altered for barrier-free access, every barrier-free path of travel and all barrier-free features and equipment shall be installed in accordance with the Building Code, and shall be maintained in good repair and shall function as designed.

3.5 Accessory Buildings, Fences, and Other Structures

- 3.5.1. Accessory buildings, fences and other structures appurtenant to the property shall be maintained in structurally sound condition, good repair and free from accident hazards.
- 3.5.2. Accessory buildings, fences, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

PART 4 – RESIDENTIAL STANDARDS

4.1 General Conditions For Exterior Envelope and Common Use Areas

- 4.1.1. Every owner of a building on a residential use property shall maintain the exterior envelope and the common areas of the buildings located on the property in accordance with this Part.

4.2 Pest Prevention

- 4.2.1. Openings in the exterior envelope of buildings on residential use property that may permit the entry of rodents, insects, vermin or other pests shall be appropriately screened or sealed.
- 4.2.2. Buildings on residential use property shall be kept reasonably free of rodents, vermin and insects at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the Pesticides Act and all Town By-laws.

4.3 Structural Soundness

- 4.3.1. Buildings on residential use property shall be maintained in a structurally sound condition so as to be capable of withstanding the live and dead loads that it may be exposed to, and the anticipated effects of wind, rain and snow to which it may be exposed. Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- 4.3.2. Foundation walls supporting buildings on residential use property shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes the shoring of the walls to prevent settling, and the installation of sub soil drains at the footing level, grouting masonry cracks, and the damp proofing and waterproofing of walls and floors where necessary.

4.4 Exterior Envelope

- 4.4.1. The exterior envelope of buildings on residential use property, including siding or cladding, masonry, soffits, fascia, and trim components shall be maintained in good repair, free from loose or improperly secured objects or materials. Paint or other suitable preservatives or coatings must be applied where necessary so as to prevent deterioration due to weather conditions, insects or other hazards.
- 4.4.2. Building materials susceptible to ultraviolet light deterioration shall not be left exposed longer than their manufacturer specified timeframe.
- 4.4.3. Buildings on residential use property shall not use temporary weather protection measures such as tarps or plastic sheeting for a period longer than thirty (30) days without providing a permanent exterior envelope solution.

4.5 Windows and Doors

- 4.5.1. Windows, doors, skylights, and basement hatchways in the exterior envelope of buildings on residential use property shall be maintained in good repair, weather tight and draft free, so as to prevent heat loss and infiltration by the elements. Maintenance includes painting, and the repair or replacement of damaged doors, door frames, window frames and sashes, and the replacement of non-serviceable hardware and re-glazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good repair.

- 4.5.2. Windows and doors in a required means of egress shall be equipped with hardware that can be readily opened from the interior without keys, special devices or special knowledge and shall be maintained in operable condition.
- 4.5.3. Doors between the common areas of buildings and individual suites shall be equipped with a locking device with a minimum 1 inch throw.
- 4.5.4. Where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door and installed between individual dwelling units and a secured entrance area, the said system shall be maintained in good working order at all times.
- 4.5.5. All windows located above the second story in the exterior envelope of a building on residential use property that have a sill height less than 1000 mm (3 ft 3 in) from the adjacent floor level shall be equipped with an approved safety device that prevents any part of the window from being opened to a position that would permit the passage of a 100 mm diameter (4 inches) sphere, or the window shall be protected by a guard described in Section 4.8 of this by-law.
- 4.5.6. Notwithstanding Section 4.5.5, where an exterior balcony is constructed, the full length of the window and this balcony is equipped with an approved guard system, the safety device described in section 4.5.5 need not be installed on the window.

4.6 Roofs

- 4.6.1. Roofs and their components on buildings on a residential use property shall be maintained in a weather tight condition, free from loose or unsecured objects or materials.
- 4.6.2. Buildings on residential use property shall not use temporary roofing measures such as tarps or plastic sheeting for a period longer than thirty (30) days without providing a permanent roofing solution.
- 4.6.3. Roofs shall be kept clear of accumulations of ice or snow where such accumulations could result in a hazard as a result of the ice or snow falling from the roof, or could affect the structural integrity of the building.
- 4.6.4. Where eave troughs or roof gutters are provided, they shall be kept in good repair, free from obstructions and properly secured to the building.

4.7 Interior Walls, Ceilings and Floors

- 4.7.1. Every wall, ceiling and floor in the common area of a building on a residential use property shall be maintained so as to provide a continuous surface free from excessive holes, cracks, loose coverings or other defects and where any components thereof are broken, rotted, warped, loose, excessively worn, or otherwise deteriorated that component shall be repaired or replaced.

4.8 Stairs, Porches, Balconies, Landings, Mezzanines, and Fire Escapes

- 4.8.1. Every stair, porch, balcony, landing, mezzanine and fire escape located in the common area or on the exterior envelope of a building on a residential use property shall be maintained in good repair and where any components thereof are broken, rotted, warped, loose, excessively worn, or otherwise deteriorated that component shall be repaired or replaced.

4.9 Guards

- 4.9.1. Every open side of a flight of steps, ramp, porch, balcony, landing, mezzanine or fire escape that is located in the common area or on the exterior envelope of a building on a residential use property, in which there

is a difference in elevation of 600 mm (24 inches) or greater to the adjacent surface, or where the adjacent surface within 1.2 m (3ft. 11 in) from the walking surface has a slope of more than 1 in 2, shall be protected by a guard in conformance with the Ontario Building Code.

4.9.2. Notwithstanding subsection 4.9.1, existing guards are acceptable, unless considered unsafe by the Officer.

4.10 Handrails

4.10.1. Every ramp, and stairway with 3 risers or more in the common area and exterior envelope of a building on a residential use property, shall have a handrail on at least one side, and where 1.5 metre (59 in) or more in width, shall have handrails on both sides. Handrails shall be constructed in conformance with the Ontario Building Code.

4.10.2. Notwithstanding subsection 4.10.1, existing handrails are acceptable, unless considered unsafe by the Officer.

4.11 Electrical Service

4.11.1 Every building on a residential use property that has access to hydro shall be wired for electricity and shall be connected to an approved electrical supply system unless it can be shown that an alternate method of supply is being provided. The electrical wiring, fixtures, switches, receptacles, and appliances located or used in a building in a residential use property shall be installed and maintained in good working order so as not to cause fire or electrical shock hazards and in conformity with the Ontario Electrical Safety Authority.

4.12 Lighting

4.12.1. An electrical light fixture shall be installed in common areas of building on a residential use property, including but not limited to storage rooms, service rooms, laundry rooms, service hallways, stairways, recreation rooms and public toilet rooms.

4.12.2. Lighting fixtures and appliances installed in common areas of building on a residential use property shall provide an adequate illumination level at the floor or tread level and at angles and intersections and changes of level where there are stairs or ramps.

4.12.3. Notwithstanding subsection 4.12.2, existing lighting fixtures are acceptable, where approved by the Officer.

4.13 Heating, Heating Systems

4.13.1. The common area of a building on a residential use property located within the interior of the exterior envelope shall be provided with a heating system and those areas shall be maintained with a minimum ambient temperature of 18° Celsius (64° Fahrenheit).

4.13.2. Notwithstanding subsection 4.13.1, the minimum ambient temperature requirement does not apply to storage rooms, service rooms or recreation rooms.

4.13.3. It is the responsibility of the owner that all heating and mechanical systems, and their components, be installed, operational, and maintained in good working order.

4.13.4. Only heating equipment approved for use by a recognized standards and testing authority shall be provided in a room used for or intended to be used for sleeping purposes.

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- 4.13.5. No residential dwelling suite shall be equipped with portable heating equipment as the primary source of heat.

4.14 Elevating Devices

- 4.14.1. Required elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems in the common areas of a building on a residential use property shall at all times be in good condition, operational and maintained.

4.15 Disconnected Utilities

- 4.15.1. Owners of residential use property or any person or persons acting on behalf of such owner shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to the common area of a building on an occupied residential use property, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

PART 5 – VACANT LAND AND BUILDINGS

5.1 Vacant Lands

- 5.1.1. Vacant land shall be maintained to the standards as described in Part 3 of this By-Law and with the requirements of this Part.

5.2 Vacant Buildings

- 5.2.1. Where any property is vacant, or has been damaged, the owner shall protect the property against unauthorized entry.
- 5.2.2. A building is deemed to be vacant if unoccupied for a period of more than ninety (90) days, or otherwise determined to be vacant by an Officer responsible for the enforcement of this By-law.
- 5.2.3. Vacant buildings shall be kept cleared of all garbage, rubbish and debris.
- 5.2.4. Vacant buildings shall have all water, electrical, gas, and other utility services properly disconnected.
- 5.2.5. Subsection 5.2.4. shall not apply where such utilities are necessary for the safety or security of the building.
- 5.2.6. The owner or agent of a vacant building shall keep the building secure to the satisfaction of the Officer by covering all openings through which entry may be obtained.
- 5.2.7. All materials used for boarding up unoccupied, vacant, or damaged buildings shall be made of a durable weather resistant material, and be securely fastened to the building.

PART 6 – NON-RESIDENTIAL USE PROPERTY STANDARDS

6.1 Yards

- 6.1.1. Yards in non-residential use property shall be maintained to the standards as described in Part 3 of this By-Law.
- 6.1.2. The warehousing or storage of material or operative equipment that is required for the continuing operation of the industrial or commercial aspect of the property shall be maintained in a neat and orderly fashion so as not to create a fire or accident hazard, or an unsightly condition. Where conditions are such that a neat and orderly fashion is achieved, however

the site is still offensive to view from a location not on the property, as determined by the Property Standards Officer, the offensive area shall be suitably enclosed by a solid wall or a painted board or privacy type fence not less than 1.8 metre (6 ft) in height, and shall be maintained in good repair.

6.2 Parking Areas and Driveways

- 6.2.1. All areas used for vehicular traffic and parking on a non-residential use property shall have a surface covering of asphalt, concrete, compacted stone or gravel sufficient to support the loads it will be subjected to and the covering shall be kept in good repair free of litter. Notwithstanding the foregoing, where a non-residential use property abuts a residential use property, all areas used for vehicular traffic and parking on the non-residential use property located within 30 meters (100 feet) of the residential use property shall have a surface covering of asphalt or similar hard surface, or such other measures as required shall be undertaken to eliminate the effects of dust, sand or gravel particles originating on those areas from being displaced onto the adjoining residential use property by the effects of wind or rain.
- 6.2.2. All areas used for vehicular traffic, parking spaces and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

6.3 Structural Soundness

- 6.3.1. Every part of a building or structure on a non-residential use property shall be maintained in a sound condition so as to be capable of withstanding the anticipated live and dead loads that it may be exposed to, and the anticipated effects of wind, rain and snow to which it may be exposed under normal use, having a level of safety required by the Ontario Building Code. Structural members or materials that have been damaged or indicate evidence of deterioration shall be repaired or replaced.

6.4 Exterior Walls

- 6.4.1. Exterior walls and their components on a building on non-residential use property, shall be maintained in good repair free from cracked, broken or loose masonry units, stucco, and other defective cladding or trim and shall be free of unauthorized signs that would require a building permit. Paint or some other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects or other damage.

6.5 Roofs

- 6.5.1. Roofs and their components on buildings on non-residential use property shall be maintained in a weather tight condition, free from loose or unsecured objects or material and shall be kept clear of accumulations of ice or snow where such accumulation may have a detrimental effect on the structural integrity of the building or where such accumulations otherwise creates a hazard.
- 6.5.2. Where eaves trough or roof gutters are provided they shall be kept in good repair, free from obstructions and properly secured to the building.

6.6 Guards

- 6.6.1. Every open side of a stair, porch, balcony, landing, mezzanine or fire escape that is located on the exterior or interior of a building on a non-residential use property, and in which there is a difference in elevation of 600 mm (24 inches) or greater to the adjacent surface, or where the

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adjacent surface within 1.2 m (3ft. 11 in) from the walking surface has a slope of more than 1 in 2, shall be protected by a guard constructed to the standards as described the Ontario Building Code.

6.6.2. Notwithstanding Section 6.6.1, if it can be shown that children will unlikely be present except under strict supervision, guards in a building of Industrial Occupancy may be built with openings that will prevent a spherical object having a diameter of 200 mm (7-7/8 inches) from passing through it.

6.6.3. Notwithstanding Section 6.6.1, if it can be shown that children will unlikely be present except under strict supervision, guards in a building on a non-residential use property are not required at loading docks, maintenance pits or at such locations where the presence of the guard would detrimental to the functionality of the business currently operating in the building.

6.6.4. Notwithstanding subsection 6.6.1, existing guards are acceptable, unless considered unsafe by the Officer.

6.7 Handrails

6.7.1. Every ramp, and stairways with 3 risers or more in a building on a non-residential use property, shall have a handrail on at least one side, and where 1.5 metre (59 inches) or more in width, shall have handrails on both sides. Such handrails shall be constructed to the standards as described in the Ontario Building Code.

6.7.2. Notwithstanding subsection 6.7.1, existing handrails are acceptable, unless considered unsafe by the Officer.

6.8 Lighting

6.8.1. Every building on a non-residential use property shall have sufficient windows, skylights, and lighting fixtures necessary for the safety of all persons attending the premises.

6.8.2. Notwithstanding Section 6.8.1, interior or exterior lighting on non-residential use property shall not be positioned or directed in manner that causes any impairment of use or enjoyment of neighbouring properties or causes a hazard to pedestrian or vehicular traffic on public streets, highways, or pedestrian walkways.

PART 7 – INTERIOR RESIDENTIAL PROPERTY MAINTENANCE

In addition to the standards, obligations, and requirements of this by-law, Sections 7.1 through 7.13 shall apply to all residential properties within the municipality.

7.1 Security

7.1.1 All operable windows shall have hardware so as to be capable of being locked or otherwise secured from the interior of the space.

7.1.2 All exterior doors to a dwelling unit shall have hardware so as to be capable of being locked from the outside, and locked or otherwise secured from the interior of the space.

7.1.3 Solid core or equivalent exterior type doors shall be provided for all entrances to dwellings and dwelling units.

7.1.4 The owner of a dwelling, upon the written request of an occupant of a dwelling unit in which children under the age of ten years are occupants, shall be subject to subsection 7.1.5 below, and shall provide and install a protective device on any window that,

- (a) has a moveable sash, and
- (b) is more than 2.0 metres (6 feet 3 inches) above adjacent finished ground level.

7.1.5 A protective device shall be installed within seven (7) days of the delivery of the written request upon the building owner, the owner's agent or the building's manager or superintendent, unless that such person and the occupant giving notice agree that the protective device is not required on every such window that meets the requirements of Section 7.2.4 above.

7.1.6 The protective device shall be installed and secured in such a manner as to prevent opening of the window(s) to any amount greater than 100 millimetres (4 inches).

7.2 Water

7.2.1 Every dwelling shall be provided with a supply of potable water from at least one of the following sources:

- (a) Municipal Water System;
- (b) Communal Water System; or
- (c) Private Source

7.2.2 For the purpose of this by-law, hot water shall be supplied at a temperature of not less than 43° Celsius (100° Fahrenheit) and not more than 49° Celsius (120° Fahrenheit) other than for installed dishwashers or clothes washers

7.3 Kitchen and Washroom Facilities

7.3.1 Every dwelling unit shall contain plumbing fixtures in operative condition, consisting of a minimum of:

- (a) one kitchen sink;
- (b) one water closet;
- (c) one hand wash basin; and
- (d) one bathtub or shower

7.3.2 The walls to a minimum height of 900 mm (3 feet) above the bathtub rim in every washroom is to be maintained as to be water-resistant and readily cleaned.

7.3.3 All washrooms and toilet rooms shall be located within and accessible from within the building.

7.3.4 All washrooms and toilet rooms shall be fully enclosed so as to provide privacy for the occupant.

7.3.5 A hand wash basin shall be located in the same room as each toilet or in an adjoining washroom except that no sink in a kitchen shall be considered a hand wash basin for the purpose of this Part.

7.3.6 Where toilet, kitchen or washroom facilities are shared by the occupants of residential accommodation, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities. The minimum number of toilets, kitchens or washrooms required shall be in accordance with the Ontario Building Code.

7.3.7 Every washroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good work order.

7.3.8 No toilet or urinal shall be located within a bedroom or kitchen.

7.4 Kitchen Facilities

7.4.1 Every dwelling unit shall be provided with a kitchen.

7.4.2 The kitchen provided for in Section 7.4.1 shall:

(a) be equipped with a sink that:

- i) is provided with a potable cold and hot water supply; and
- ii) is maintained in a state of good repair;
- iii) has a back splash which is water & grease resistant

(b) be equipped with electricity and necessary utility outlets suitable for the operation of a refrigerator and cooking surface;

(c) when equipped with a refrigerator, cooking surface, or kitchen fixtures, such appliances or fixtures shall be maintained in working order;

(d) has a clear space above any exposed cooking surface of a cooking apparatus of at least 610 mm (24 inches).

7.5 Electrical Services

7.5.1 Where electrical services are available, every suite and dwelling unit shall be:

- (a) connected to an electrical supply system; and
- (b) wired to receive electricity.

7.5.2 An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.

7.6 Ventilation

7.6.1. In every dwelling unit, all habitable rooms, washrooms and toilet rooms shall have adequate ventilation, either natural or mechanical to maintain a healthy environment.

7.7 Garages

7.7.1. Garages shall be so maintained as to prevent gas fumes and carbon monoxide from entering the area of the dwelling unit.

7.8 Egress

7.8.1 Every dwelling and each dwelling unit contained therein shall have a safe, continuous and unobstructed passage from the interior of the dwelling and the dwelling unit to the outside at street or grade level.

7.8.2 Each dwelling and every building containing more than one dwelling unit shall have at least two (2) exists. A single exit is permitted from a dwelling unit where the path of egress is through an exterior door located at or near ground level and access to such exit is through a

room or means of egress that has unrestricted access to the occupants of the dwelling unit.

7.9 Elevators

- 7.9.1. A building containing one or more dwelling units and more than three storeys in height and which has an elevator or elevators for the use of tenants shall have at least one elevator maintained and operable except for such reasonable time as may be required for repair or replacement.

7.10 Pest Control

- 7.10.1 Every dwelling, multiple dwelling and dwelling unit shall be kept free of infestation by pest(s).
- 7.10.2 Openings, including windows, that permit the entry of rodents, insects vermin or other pests shall be appropriately screened or sealed.

7.11 Interior Structure and Floors

- 7.11.1 Every structural component in every building, shall be of sound material and adequate for the load to which they are subjected.
- 7.11.2 Every floor shall be level and free of excessive holes and maintained to be safe, such defective floors shall be repaired or replaced.
- 7.11.3 Where floors have been covered with sheet or vinyl floor coverings, or other flooring that has become worn or torn so that may create an unsafe condition, the sheet or other flooring shall be repaired or replaced.
- 7.11.4 Every wall and ceiling shall be maintained in a condition free from excessive holes, open cracks, loose covering or other substantial defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 7.11.5 Where fire resistant walls, doors and/or floors exist between separate dwelling units, they shall be maintained in a condition, which maintains their fire-resistant quality.

7.12 Plumbing System

- 7.12.1 The plumbing system in every building shall be maintained in good working order and free from leaks and defects.
- 7.12.2 All water pipes and appurtenances thereto shall be protected from freezing.
- 7.12.3 All plumbing fixtures shall be connected to a sewage system shall be protected by a P trap.

7.13 Heating System

- 7.13.1 Except for spaces exempted by the Ontario Building Code, a heating system shall be installed in every building or dwelling that is capable of supplying during normal hours of occupancy sufficient heat to maintain a temperature of not less than 22° Celsius (72° Fahrenheit) at the outside design temperature specified in the Ontario Building Code.

- 7.13.2 For the purposes of subsection 7.13.1., heat shall be provided and maintained so that the room temperature at 1.5 metres (5 feet) above floor level and 1 metre (39 inches) from exterior walls in all habitable rooms and in any area intended for use by occupants including washrooms, and laundry rooms but excluding sun rooms, locker rooms and garages, is capable of maintaining 20° Celsius (68° Fahrenheit).
- 7.13.3 A fuel fired heating appliance shall not be located in corridors, hallways or other means of egress.
- 7.13.4 Except in the event of an emergency, no occupied building shall be equipped with portable heating equipment as the primary source of heat.
- 7.13.5 All fuel burning appliances, equipment and accessories to such appliances and equipment, in a dwelling shall be installed and maintained to the standards provided by the applicable legislation.

7.14 Exemption

- 7.14.1 This By-law does not apply to lands on which construction is actively proceeding in accordance with a permit issued pursuant to the Building Code Act.
- 7.14.2 This By-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the most current version of the Farming and Food Production Protection Act, from performing day to day operations.

7.15 Reporting of Section 7

- 7.15.1 Any persons reporting inadequate property maintenance standards covered by sections 7.1 through 7.14, must be:
 - a) A resident of the dwelling unit or property the concern applies to; or
 - b) an agent acting directly on the behalf of a resident of the dwelling unit
- 7.15.2 Except in the case of immediate life safety concerns, before provisions of Section 7 of this By-law are enforced all issues shall be reported in writing to the property owner or agent, and a reasonable amount of time be given to allow necessary repairs.

PART 8 – ADMINISTRATION AND PENALTIES

8.1 Obstruction

- 8.1.1. No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer in the lawful exercise of a power or the performance of a duty under this By-law.
- 8.1.2. Any person who is alleged to have contravened any provision of this By-law shall identify themselves to the Officer upon request. Any failure to do so shall be deemed to be an obstruction or hindrance to the Officer in the execution of the Officer's duties.

8.2 Powers of Entry

8.2.1. An Officer or any person acting under their instruction may, upon producing proper identification, enter upon a property at any reasonable time without a warrant for the purpose of inspecting the property to determine:

- a) whether the property conforms to the standards prescribed in this By-law; or,
- b) whether an Order made under section 15.2(2) of the Building Code Act, 1992, has been complied with.

8.2.2. For the purposes of an inspection under this By-law, an Officer may:

- a) require the production for inspection of documents or things, including drawings or specifications, that may be relevant to the property or any part thereof;
- b) inspect and remove documents or things relevant to the property or part thereof for the purpose of making copies or extracts;
- c) require information from any person concerning a matter related to a property or part thereof;
- d) be accompanied by a person who has special or expert knowledge in relation to a property or part thereof;
- e) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs, necessary for the purposes of the inspection; and
- f) order the owner of the property to take and supply at the owner's expense such tests and samples as are specified in the order.

8.3 Informal Notice

8.3.1. An Officer who finds that a property does not conform with any of the standards prescribed in this By-law may issue an informal notice to the owner of the property:

- a) stating the municipal address or legal description of the property containing the non-conformity;
- b) giving reasonable particulars of the repairs to be made;
- c) indicating the time for complying with the notice, and giving notice that if not complied with an Order may be issued.

8.3.2. An informal notice shall be made with the prescribed template forming part of the appendices to this By-law, or a variation thereof.

8.4 Formal Notice & Order

8.4.1. An officer who finds that an informal notice has not been complied with may issue a formal notice and/or an Order to Remedy Violation to the owner of the property:

- a) stating the municipal address or the legal description of the property;

- b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
 - c) indicating the time for complying with the terms and conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and,
 - d) indicating the final date for giving notice of appeal from the Order.
- 8.4.2. An officer who finds that a property does not conform with any of the standards prescribed in this By-law may, without first issuing an informal notice, issue a formal notice and/or an Order to Remedy Violation to the property owner:
- a) stating the municipal address or the legal description of the property;
 - b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
 - c) indicating the time for complying with the terms and conditions of the Order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and,
 - d) indicating the final date for giving notice of appeal from the Order.
- 8.4.3. A formal notice shall be made with the prescribed template forming part of the appendices to this By-law, or a variation thereof.
- 8.4.4. An Order to Remedy Violation shall be made with the prescribed template forming part of the appendices to this By-law, or a variation thereof.
- 8.4.5. An Order shall be served on the owner of the property and such other persons affected by it, as an Officer determines, and a copy of the Order may be posted on the property in a location visible to the public.
- 8.4.6. An Order may be served personally, by email to the last known email address of the person to whom service is required to be made, or by registered mail sent to the last known address of the person to whom the notice is given or to that person's agent for service.
- 8.4.7. If a notice or Order is served by registered mail, the service shall be deemed to have been made on the fifth day after the mailing unless the person to whom the notice or order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.
- 8.4.8. If a notice or Order is served by email, the service is deemed to have been made on the day of sending unless,
- a) the document was sent after 5 p.m., in which case service shall be deemed to have been made on the following day; or
 - b) the person to whom the notice or order is given or that person's agent for service establishes that, acting in good

faith, through absence, accident, illness or other unintentional cause, the notice was not received until a later date.

- 8.4.9. An Order may be registered in the proper land registry office, and upon such registration, any person acquiring any interest in the land subsequent to the registration of the Order shall be deemed to have been served with the Order on the day on which the Order was served under section 8.4.5. & 8.4.6. of this By-law and, when the requirements of the Order have been satisfied, a certificate of compliance shall be registered forthwith, which shall operate as a discharge of the Order.

8.5 Notice of Appeal

- 8.5.1. An owner or occupant who has been served with an Order may appeal the Order to the Property Standards Committee by sending a Notice of Appeal by registered mail to the secretary of the Committee within fourteen days of being served with the Order.
- 8.5.2. An Order that is not appealed within the time provided by subsection 8.5.1. of this By-law shall be deemed to be confirmed.
- 8.5.3. The Town or any owner or occupant or person affected by a decision under subsection 9.9.1. of this By-law may appeal to the Superior Court of Justice by notifying the Town Clerk in writing and by applying to the court within fourteen days after a copy of the decision is sent, and the provisions of sections 15.3(5) through (7) of the Building Code Act, 1992 shall apply thereto.

8.6 Failure to Comply with an Order

- 8.6.1. If an Order is not complied with in accordance with the Order as deemed confirmed or as confirmed or modified by the Property Standards Committee, or a judge of the Superior Court of Justice, the Town may cause the property to be repaired, cleaned, cleared up or demolished, as the case may be.
- 8.6.2. For the purpose of subsection 8.6.1. of this By-law, employees or agents of the Town may enter the property at any reasonable time, without a warrant, in order to repair, clean, clear or demolish the area of non-compliance.
- 8.6.3. The Town or a person acting on its behalf is not liable to compensate the owner, occupant or any other person by reason of anything done by or on behalf of the Town in the reasonable exercise of its powers under subsection 8.6.1. of this By-law.
- 8.6.4. The Town shall have a lien on the land for the amount spent on the repair, cleaning, clearing or demolition under subsection 8.6.1. of this By-law and the amount shall have priority lien status as described in s.1 of the Municipal Act, 2001.

8.7 Certificate of Compliance

- 8.7.1. An Officer who inspects a property and is of the opinion that the property is in compliance with the standards established by this By-law may issue a certificate of compliance to the owner.
- 8.7.2. Where an owner requests a certificate of compliance and where, having inspected the property, an Officer is of the opinion that the property is in compliance with the standards established by this By-law, the Officer shall issue a certificate to the owner.

- 8.7.3. A certificate of compliance shall be made with the prescribed template forming part of the appendices to this By-law, or a variation thereof.

8.8. Offences

- 8.8.1. A person who fails to comply with an order, direction or other requirement made under the Building Code Act, 1992 and this By-law is guilty of an offence.
- 8.8.2. A person who is convicted of an offence under this By-law is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence.
- 8.8.3. Notwithstanding subsection 8.8.2., if a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed upon the corporation is \$500,000 for the first offence and \$1,500,000 for a subsequent offence.
- 8.8.4. If a provision of this By-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an Order prohibiting the continuation or repetition of the offence by the person convicted.

8.9 Fees

- 8.1.1. Every owner shall pay the fees imposed pursuant to the Town's User Fees By-law which become due and payable upon written notification by an Officer or upon issuance of an invoice by the Town.
- 8.1.2. Where an owner is in default of payment of fees for more than thirty (30) calendar days after due, the Town may add the cost to the tax roll of the subject property and collect the amount in the same manner as property taxes.

8.10 Cost Recovery

- 8.10.1. Where the Town does work or causes work to be done such work shall be done at the expense of the owner.
- 8.10.2. If the Town undertakes the work to correct the contraventions, the owner will be charged one-hundred percent of the cost of any third party invoice plus any costs incurred by the Town.
- 8.10.3. If the owner fails to pay the cost of the work completed under this By-law within thirty (30) days of the work being completed, the amount shall be added to the tax roll of the subject property and collected in the same manner as municipal taxes.

PART 9 – PROPERTY STANDARDS COMMITTEE

9.1 Members of the Property Standards Committee

- 9.1.1. Council shall pass a By-law to provide for the establishment of a Property Standards Committee, composed of such persons that the Council considers advisable to hold office for such term and on such conditions as the By-law may establish.
- 9.1.2. The Property Standards Committee shall not be composed of fewer than three members.

9.1.3. Appointed members of the Property Standards Committee shall not be members of Council, or employees of the municipality.

9.1.4. The Council shall forthwith fill any vacancy that occurs in the membership of the Property Standards Committee.

9.2 Compensation

9.2.1. The members of the Property Standards Committee shall be paid such compensation as the Council may provide.

9.3 Chair

9.3.1. The members of the Property Standards Committee shall elect one of themselves as chair; when the chair is absent through illness or otherwise, the Property Standards Committee may appoint another member as acting chair.

9.4 Quorum

9.4.1. A majority of members of the Property Standards Committee constitutes a quorum for transacting the Property Standards Committee's business.

9.5 Secretary

9.5.1. The members shall make provisions for a secretary for the Property Standards Committee.

9.5.2. The secretary shall keep on file the records of all official business of the Property Standards Committee, including records of all applications and minutes of all decisions respecting those applications.

9.6 Rules of Procedure and Oaths

9.6.1. The Property Standards Committee may, subject to section 15.6(8) of the Building Code Act, 1992, adopt its own rules of procedure and any member may administer oaths.

9.7 Notice

9.7.1. The Property Standards Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Committee considers advisable.

9.8 Duty of the Property Standards Committee

9.8.1. The Property Standards Committee shall hear appeals of Orders issued under 15.2(2) of the Building Code Act, 1992.

9.8.2. The Property Standards Committee shall hear evidence and determine if an Order issued under 15.2(2) of the Building Code Act, 1992, has or has not been complied with, in accordance with 15.4(1) of the Building Code Act, 1992.

9.9 Powers of the Property Standards Committee

- 9.9.1. On an appeal, the Property Standards Committee has all the powers and functions of the Officer who made the Order and the Property Standards Committee may do any of the following things if, in the Property Standards Committee's opinion, doing so would maintain the general intent and purpose of the By-law and of the Official Plan or policy statement:
1. Confirm, modify or rescind the Orders issued under the Property Standards By-law.
 2. Extend the timer period for complying with the Order.

PART 10 - ENACTMENT

10.1 By-law Coming Into Force

- 10.1.1. This By-law shall come into force and effect upon the date of passing.

10.2 Repeal

- 10.2.1. Town of Kirkland Lake By-law 19-054 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21st DAY OF JUNE, 2022.

Pat Kiely, Mayor

Jennifer Montreuil, Municipal Clerk

Corporation of the Town of Kirkland Lake
Development Services – Building Division
1 Dunfield Road, Kirkland Lake, ON P2N 3P4
T: 705 567 9365 ext. 326
E: building@tkl.ca

Informal Notice

Informal Notice of Non-Compliance with Property Standards By-law

[Owner's Name]
[Address Line 1]
[Address Line 2]
[Town/Postal Code]

Date: _____

RE: [Property of Concern, Roll Number]

Dear Sir/Madam:

Please be advised that on [date of inspection], an inspection of your property, as noted above, revealed non-compliance with the Town of Kirkland Lake's Property Standards By-law, 2022-000.

Attached to this letter is a *Schedule A* form, which details the areas of non-compliance. Please correct the areas of non-compliance at your earliest convenience, and within the time frames indicated in the *Schedule A*.

Be advised that if the areas of non-compliance are not addressed, or addressed in a way that is deemed to be insufficient, By-law 2022-000 gives the Town of Kirkland Lake the authority to issue an Order to Remedy Violation pursuant to Section 15.2(2) of the Ontario Building Code Act, S.O. 1992, c.23. Non-compliance with an Order to Remedy Violation is an offence under the Provincial Offences Act.

It is desired that compliance is obtained through this informal notice so that the abovementioned procedural step will not be necessary.

A follow-up inspection of this property will take place on or about [insert date] to determine if compliance with the Property Standards By-law has been achieved. If the areas of non-compliance are addressed before that date, please notify the building department by emailing building@tkl.ca.

Should you require further information pertaining to this matter please do not hesitate to contact the undersigned during normal business hours.

Property Standards Officer

Violations of Property Standards By-law

Schedule A

Address: [Insert property address]

| Item 1 | |
|--------------------------------|--|
| Property Standards Violation | [Insert clause of non-compliance from Property Standards By-law] |
| Required Action | [Insert required action] |
| [Insert photo(s) of violation] | |

| Item 2 | |
|--------------------------------|--|
| Property Standards Violation | [Insert clause of non-compliance from Property Standards By-law] |
| Required Action | [Insert required action] |
| [Insert photo(s) of violation] | |

| Item 3 | |
|--------------------------------|--|
| Property Standards Violation | [Insert clause of non-compliance from Property Standards By-law] |
| Required Action | [Insert required action] |
| [Insert photo(s) of violation] | |

Corporation of the Town of Kirkland Lake
Development Services – Building Division
1 Dunfield Road, Kirkland Lake, ON P2N 3P4
T: 705 567 9365 ext. 326
E: building@tkl.ca

Formal Notice (Follow-up)

Formal Notice of Non-Compliance with Property Standards By-law

[Owner's Name]
[Address Line 1]
[Address Line 2]
[Town/Postal Code]

Date: _____

RE: [Property of Concern, Roll Number]

Dear Sir/Madam:

Please be advised that on [insert date of informal notice], an informal notice was sent to your address alerting you to your property's non-compliance with the Town of Kirkland Lake's Property Standards By-law, 2022-000.

The area(s) of non-compliance detailed in that notice have not been addressed, or have been addressed in way that has been deemed insufficient. As such, the Town is now issuing an Order to Remedy Violation, ordering you to correct the area(s) of non-compliance. Attached to this formal notice is the Order to Remedy Violation, and the previously sent Schedule A form, outlining the areas of non-compliance.

A follow-up inspection of this property will take place on or about [insert date] to determine if compliance with the Property Standards By-law has been achieved. If the areas of non-compliance are addressed before that date, please notify the building department by email at building@tkl.ca.

Not complying with an Order to Remedy Violation is an offence, and can carry a financial penalty. If the area(s) of non-compliance are not adequately addressed during the time period stated in the Order, the Town may correct the deficiency and collect the cost to do so through the municipal tax system. A certificate of compliance will be issued by the Town when the area(s) of non-compliance are adequately addressed.

Should you require further information pertaining to this matter please do not hesitate to contact the undersigned during normal business hours.

Property Standards Officer

Corporation of the Town of Kirkland Lake
Development Services – Building Division
1 Dunfield Road, Kirkland Lake, ON P2N 3P4
T: 705 567 9365 ext. 326
E: building@tkl.ca

Formal Notice (Direct)

Formal Notice of Non-Compliance with Property Standards By-law

[Owner's Name]
[Address Line 1]
[Address Line 2]
[Town/Postal Code]

Date: _____

RE: [Property of Concern, Roll Number]

Dear Sir/Madam:

Please be advised that on [insert date of inspection], an inspection of your property, as noted above, revealed non-compliance with the Town of Kirkland Lake's Property Standards By-law, 2022-000.

Attached to this notice is a *Schedule A* form, which details the areas of non-compliance. Also attached is an *Order to Remedy Violation*, issued under Section 15.2(2) of the Ontario Building Code Act, S.O. 1992, c.23. Please note that non-compliance with an Order to Remedy Violation is an offence under the Provincial Offences Act.

Please correct the area(s) of non-compliance at your earliest convenience, and within the time frame(s) indicated in the Order.

A follow-up inspection of this property will take place on or about [insert date] to determine if compliance with the Property Standards By-law has been achieved. If the areas of non-compliance are addressed before that date, please notify the building department by email at building@tkl.ca.

If the area(s) of non-compliance are not adequately addressed during the time period stated in the Order, the Town may correct the deficiency and collect the cost to do so through the municipal tax system. A certificate of compliance will be issued by the Town when the area(s) of non-compliance are adequately addressed.

Should you require further information pertaining to this matter please do not hesitate to contact the undersigned during normal business hours.

Property Standards Officer

Town of Kirkland Lake Development Services – Building Division
T: 705 567 9365 ext. 326 E: building@tkl.ca A: 1 Dunfield Road, Kirkland Lake, ON P2N 3P4

Corporation of the Town of Kirkland Lake
Development Services – Building Division
1 Dunfield Road, Kirkland Lake, ON P2N 3P4
T: 705 567 9365 ext. 326
E: building@tkl.ca

Order to Remedy Violation

Order to Remedy Violation of Property Standards By-law

Pursuant to Section 15.2 of the Ontario Building Code Act, S.O. 1992, c.23

[Owner's Name]

Date: _____

[Address Line 1]

[Address Line 2]

[Town/Postal Code]

Inspection:

Date of Inspection: _____

Inspected by: _____

Address Inspected: _____

Name of Owner: _____

Property Occupied by: _____

Non-conformity:

See attached *Schedule A*.

Required Action:

See attached *Schedule A*.

Terms:

Take notice that if such required actions are not completed within the time specified, the municipality may carry out the required actions at the expense of the property owner. BCA Clause 15.2(2)(c)

Appeal to property standards committee – an owner or occupant upon whom this order has been served, if not satisfied with the terms or conditions of the order, may appeal to the property standards committee by sending notice of appeal by registered mail to the secretary of the committee within fourteen (14) days of the serving of this order. BCA Clause 15.3(1).

Offence – A person is guilty of an offence if the person fails to comply with order made under the Building Code Act. A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first time offence. BCA Subsection 36(3).

Served by:

Property Standards Officer

Notice of Appeal

Notice of Appeal of Order to Remedy Violation

Pursuant to Section 15.3(1) of the Building Code Act, 1992, S.O. 1992, c.23

Secretary, Property Standards Committee
Town of Kirkland Lake
P.O. Box 1757
3 Kirkland Street West
Kirkland Lake, ON P2N 3P4

Date: _____

RE: Property Standards Order No.: _____

Address of Property Under Order: _____

TAKE NOTICE of the appeal of the undersigned to the Property Standards Committee because of dissatisfaction with the above references Order to Remedy Violation served upon the undersigned.

Date of Order: _____ Name of Property Owner: _____

Telephone Number: _____ Email: _____

Reason for Appeal Request: _____

Pursuant to Section 15.3(1) of the Building Code Act, 1992, S.O. 1992, c.23:

An owner or occupant who has been served with an order made under subsection 15.2(2) of the Building Code Act, and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending notice of appeal by registered mail to the secretary of the committee within fourteen (14) days after being served with the order.

Signature of Property Owner

Certificate of Compliance

Certificate of Compliance with Property Standards By-law 22-000

Pursuant to Section 15.5(1) of the Building Code Act, 1992, S.O. 1992, c.23

[Owner's Name]

Date: _____

[Address Line 1]

[Address Line 2]

[Town/Postal Code]

RE: Property Standards Order No.: _____

Address of Property Under Order: _____

On [insert date of inspection] an inspection was conducted at the above stated property. At the time of the inspection, the property was in compliance with the standards established in the Town of Kirkland Lake's Property Standards By-law 22-000.

Pursuant to Section 15.5(1) of the Building Code Act, 1992, S.O. 1992, c.23:

An officer who, after inspecting a property, is of the opinion that the property is in compliance with the standards established in a by-law passed under section 15.1 may issue a certificate of compliance to the owner.

Property Standards Officer



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 22-051

BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE DOCUMENTS RELATED TO THE SALE 776 GOVERNMENT ROAD WEST TO THERESA ERNY

WHEREAS the Municipality passed By-law 09-064; being a procedure for the purposes of the sale or other disposition of real property, on August 10, 2009;

AND WHEREAS By-Law 09-064 was in force on the date of the sale or disposition of the property described as M140T, Lot 117, PCL 8134CST;

AND WHEREAS on June 7, 2022, Council for the Corporation of the Town of Kirkland Lake resolved for the disposition of the above-described lands to Ms. Theresa Erny;

AND WHEREAS the Municipality provided public notice of the Town's intent to sell of dispose of the property on June 13, 2022;

AND WHEREAS the Municipality received an offer to purchase land described as PM140T, Lot 117, PCL 8134CST;

AND WHEREAS the purchaser is not in arrears on property taxes or been in tax registration in the last 10 years, and has no outstanding accounts owed to the Town of Kirkland Lake;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:

THAT the Mayor and Clerk are hereby authorized to execute all documents related to the sale of land described as M140T, Lot 117, Pcl 8134CST, to Theresa Erny for \$8,000.00, plus legal costs.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21st DAY OF JUNE, 2022.

Pat Kiely, Mayor

Jennifer Montreuil, Clerk



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 22-052

BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE DOCUMENTS RELATED TO THE SALE OF LAND IN THE ARCHER DRIVE INDUSTRIAL PARK TO KIRKLAND LAKE GOLD LTD.

WHEREAS the Municipality passed By-law 09-064; being a procedure for the purposes of the sale or other disposition of real property, on August 10, 2009;

AND WHEREAS By-Law 09-064 was in force on the date of the sale or disposition of the property described as;

AND WHEREAS on June 7, 2022 Council for the Corporation of the Town of Kirkland Lake resolved the approval of the disposition of lands of interest to Agnico-Eagle (Kirkland Lake Gold Ltd.);

AND WHEREAS the Municipality provided public notice of the Town's intent to sell or dispose of the property on June 14, 2022;

AND WHEREAS the Municipality received an offer to purchase land described as Mining Claims L16555, L16554, L15750, L15752, L16589, L11882, L16619 & L16691 and south part of Mining Claim L1354 & south part of Mining Claim L6787;

AND WHEREAS the purchaser is not in arrears on property taxes or been in tax registration in the last 10 years, and has no outstanding accounts owed to the Town of Kirkland Lake;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:

THAT the Mayor and Clerk are hereby authorized to execute all documents related to the sale of land described as Mining Claims L16555, L16554, L15750, L15752, L16589, L11882, L16619 & L16691 and south part of Mining Claim L1354 & south part of Mining Claim L6787, to Kirkland Lake Gold Ltd. for \$818,913.60, plus legal costs.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21st DAY OF JUNE, 2022.

Pat Kiely, Mayor

Jennifer Montreuil, Municipal Clerk



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 22-053

**BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS
REGULAR MEETING HELD JUNE 21, 2022**

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

AND WHEREAS Subsection 5(3) of the said Municipal Act provides that the powers of every Council are to be exercised by by-law;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Town of Kirkland Lake at this meeting be confirmed and adopted by by-law;

**NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION
OF THE TOWN OF KIRKLAND LAKE ENACTS AS FOLLOWS:**

- 1 **THAT** the actions of the Council of the Town of Kirkland Lake in respect of each motion passed and other actions taken by the Council of the Town of Kirkland Lake at this meeting are hereby adopted and confirmed as if all such proceedings were expressly embodied in this by-law.
- 2 **THAT** the Mayor and Councillors of the Town of Kirkland Lake are hereby authorized and directed to do all things necessary to give effect to the actions of the Council of the Town of Kirkland Lake referred to in the preceding section.
- 3 **THAT** the Mayor and the Clerk are hereby authorized to execute all documents necessary on behalf of the Council and to affix thereto the corporate seal of the Town of Kirkland Lake.
- 4 **THAT** this by-law comes into force upon adoption by Council of the Town of Kirkland Lake.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21st DAY
OF JUNE, 2022.**

Pat Kiely, Mayor

Jennifer Montreuil, Municipal Clerk