



AGENDA

Corporation of the Town of Kirkland Lake
Regular Meeting of Council
Electronically via Zoom
Tuesday, May 4, 2021
4:40 p.m.

1. **Call to Order and Moment of Silence**

2. **Approval of the Agenda**

BE IT RESOLVED THAT the Agenda for the Regular Meeting of Council held on May 4, 2021 beginning at 4:40 p.m. be approved as circulated to all Members of Council.

3. **Declaration of Pecuniary Interest**

4. **Petitions and Delegations**

4.1 **Zoning By-law Application Extension Request**
Kasey Rosko

BE IT RESOLVED THAT the delegation from Kasey Rosko be received.

5. **Acceptance of Minutes and Recommendations**

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

- Minutes of the Regular Meeting of Council held April 20, 2021
- Minutes of the Public Meeting held April 20, 2021

THAT Council accept the minutes from the following committee meeting:

- Minutes of the Police Services Board Meeting held February 10, 2021

6. **Reports of Municipal Officers and Communications**

6.1 **Zoning By-Law Update**
Jenna McNaughton, Planning Administrator/Recycling Coordinator/Data Manager

BE IT RESOLVED THAT Report Number 2021-DEV-017 entitled “**Zoning By-law Update**” be received,

THAT staff be directed to present the Zoning By-law for adoption and provide all necessary notices as required by the Planning Act, and

THAT staff be directed to process completed building permit applications as defined below under the existing Zoning By-law 12-019, while new and incomplete applications in process be processed under the updated Zoning Bylaw as adopted by Council.

- 6.2 Request to Widen Portion of Road Along Sandy Drive
Jenna McNaughton, Planning Administrator/Recycling Coordinator/Data Manager

BE IT RESOLVED THAT Report Number 2021-DEV-018 entitled “***Request to Widen a Portion of Road along Sandy Drive***” be received, and

THAT staff be directed to enter into an Indemnity and Hold Harmless Agreement with the Contractor, Rosko Logging and Lumber, for conducting work on municipal property.

- 6.3 Verbal COVID-19 Update
Bonnie Sackrider, Director of Community Services

BE IT RESOLVED THAT the verbal COVID-19 update be received.

- 6.4 User Fee Reduction Request
Bonnie Sackrider, Director of Community Services

BE IT RESOLVED THAT Report Number 2021-CS-008 entitled “***Reduction in User Fees for COVID-19 Vaccination Clinics***” be received, and

THAT staff be directed to charge a reduced rate of \$254.46 per clinic for the COVID-19 vaccination clinics held at Heritage North in 2021.

- 6.5 Potential Grant Applications
Bonnie Sackrider, Director of Community Services

BE IT RESOLVED THAT Report Number 2021-CS-009 entitled “***Upcoming Grant Opportunities***” be received, and

THAT staff be directed to apply to the Green and Inclusive Community Buildings fund for Community Complex retrofits and the Canada Healthy Communities Initiative for walking trails.

- 6.6 Reporting on Tax and Water Bills Delinquency
Don Studholme, Interim CAO

BE IT RESOLVED THAT Memorandum Number 2021-CAO-009M entitled “***Reporting on Tax and Water Bills Delinquency***” be received.

- 6.7 OMNRF Hangar Rental Agreement
Wilf Hass, Director of Economic Development

BE IT RESOLVED THAT Report Number 2021-DEV-011 entitled “***OMNRF Hangar Rental Agreement***” be received, and

THAT staff be directed to sign the attached OMNRF Hangar Rental Agreement with the Ontario Ministry of Natural Resources and Forestry.

6.8 Request to Purchase Land (Heritage North)
Wilf Hass, Director of Economic Development

BE IT RESOLVED THAT Report Number 2021-DEV-020 entitled “**Request to Purchase Land – 400 Government Road West**” be received, and

THAT staff be directed to present an executing by-law for the purchase and sale of 400 Government Road West to 2827269 Ontario Inc. for a sale price of \$799,000.00 plus legal costs.

6.9 Off-Road Vehicle By-Law Update
Meagan Elliott, Clerk

BE IT RESOLVED THAT Memorandum Number 2021-DEV-007 entitled “**Off-Road Vehicle By-Law Update**” be received, and

THAT staff be directed to present the Off-Road Vehicle By-Law to Council at the next Regular Meeting for passing.

7. Consideration of Notices of Motion

BE IT RESOLVED THAT staff be directed to continue the process of implementing the Municipal Accommodation Tax, and that a report is brought back at the next Regular Meeting of Council providing a timeline on progress.

8. Introduction, Reading and Consideration of By-Laws

By-Law 21-032 Being a by-law to adopt the Town of Kirkland Lake Zoning By-law

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 21-032, being a by-law to adopt the Town of Kirkland Lake Zoning By-law

By-Law 21-033 Being a by-law to amend By-law 15-017 for the regulation of parking for the Town of Kirkland Lake

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 21-033, being a by-law to amend By-law 15-017 for the regulation of parking for the Town of Kirkland Lake

By-Law 21-034 Being a by-law to authorize the Mayor and Clerk to execute documents related to the sale of property located at 400 Government Road West to 2827269 Ontario Inc.

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 21-034, being a by-law to authorize the Mayor and Clerk to execute documents related to the sale of property located at 400 Government Road West to 2827269 Ontario Inc.

9. Questions from Council to Staff

10. Notice(s) of Motion

11. Councillor's Reports

11.1 Councillor Updates

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

12. Additional Information

12.1 Strengthening Accountability for Municipal Council Members

BE IT RESOLVED THAT the invitation to participate in the Ministry of Municipal Affairs and Housing's session be received.

12.2 National Action Plan on Missing and Murdered Indigenous Women

BE IT RESOLVED THAT the correspondence from the Missing and Murdered Indigenous Women and Girls Secretariat be received.

13. Closed Session

BE IT RESOLVED THAT Council move into a Closed Session pursuant to Section 239(2) for 1 item relating to personal matters about an identifiable individual, and pursuant to Section 239(3)(b) for 1 item about an ongoing Ombudsman investigation.

14. Matters from Closed Session

15. Confirmation By-Law

By-law 21-035 Being a by-law to confirm the proceedings of Council at its meeting held May 4, 2021

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 21-035**, being a by-law to confirm the proceedings of Council at its meeting held May 4, 2021.*

16. Adjournment

***BE IT RESOLVED THAT** Council adjourn the May 4, 2021 Regular Meeting of Council.*

Kasey Rosko & Ian Berube
48 Sandy Drive
Nettie Lake, Ontario

April 29, 2021

Mayor & Council
Town of Kirkland Lake
3 Kirkland Street West
PO Box 1757
Kirkland Lake, Ontario
P2N 3P4

Re: Zoning bylaw – Nettie Lake

Dear: Mayor & Council

This letter is concerning the zoning by-law update and specifically the affect it would have on us as property owners of Nettie Lake. We have been in the process of obtaining a building permit to build a cottage on our property at Nettie Lake and were completely unaware of the zoning by-law update. We have come to learn in the last week that after May 4, 2021 any new development at Nettie Lake requiring a septic system approval would require the completion of a lakeshore feasibility study. We understand that some form of public notice was given pertaining to the zoning by-law update but I can assure you that as property owners of Nettie Lake we never received a letter informing us of such changes.

Therefore, we are asking that you grant us a 60-day extension and allow time for our site plan and building permit to be approved. COVID-19 has slowed much of everything down including our efforts to submit our building permit. Trying to make appointments with all the necessary people in order to obtain the required permits while many people are working from home has been a challenge. Not being able to meet face to face has also complicated the entire process. In addition to COVID-19 we have encountered other matters beyond our control including bureaucratic delays in widening a portion of the existing road, as well as, insufficient communications with town staff. Despite these setbacks we have been able to get our septic system certified and completed the building permit application which will be submitted before May 4, 2021. We have also easily invested a minimum of \$10,000 throughout this process thus far, and simply cannot afford to assume additional costs or potentially forfeit our investment should we be denied under the new zoning bylaw.

Lastly, we know there are other Nettie Lake property owners that have submitted applications under the existing Zoning Bylaw. As established landowners, we simply ask for the same opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kasey Rosko', written in a cursive style.

Kasey Rosko



MINUTES

Corporation of the Town of Kirkland Lake
Regular Meeting of Council
Electronically via Zoom
Tuesday, April 20, 2021
4:40 p.m.

Attendance

Acting Mayor: Stacy Wight
Councillors: Rick Owen
Casey Owens
Eugene Ivanov
Lad Shaba
Patrick Adams
Absent: Pat Kiely
Staff: Interim CAO: Don Studholme
Clerk: Meagan Elliott
Director of Community Services: Bonnie Sackrider
Director of Public Works: Michel Riberdy
Director of Care: Tanya Schumacher
Fire Chief: Rob Adair
Director of Economic Development: Wilf Hass
Manager of Operations and Engineering: Stephane Fortin
Planning Administrator/Recycling Coordinator/Data Manager: Jenna McNaughton

1. Call to Order and Moment of Silence

Acting Mayor Wight requested a moment of silence.

2. Approval of the Agenda

Moved by: Rick Owen

Seconded by: Lad Shaba

BE IT RESOLVED THAT the Agenda for the Regular Meeting of Council held on April 20, 2021 beginning at 4:41 p.m. be approved as circulated to all Members of Council.

CARRIED

3. Declaration of Pecuniary Interest

Acting Mayor Wight requested those present to declare any pecuniary interests with matters appearing on the Open Session and Public Meeting agendas. Councillor Owen noted a pecuniary interest on item 7.1 Proposed 2021 Capital Budget for any conversations that arose surrounding water and wastewater as his spouse and son work in the water department.

4. Petitions and Delegations

None noted.

5. Public Meeting (See Separate Minutes)

5.1 TKL Zoning By-Law Update

6. Acceptance of Minutes

Moved by: Casey Owens

Seconded by: Eugene Ivanov

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

- Minutes of the Regular Meeting of Council held April 6, 2021

THAT Council accept the minutes from the following committee meetings:

- Minutes of the Committee of Adjustment Meeting held July 7, 2020
- Minutes of the Museum Advisory Committee Meeting held September 23, 2020
- Minutes of the Committee of Adjustment Meeting held September 29, 2020
- Minutes of the Youth Council Committee Meeting held October 8, 2020
- Minutes of the Economic Development Committee Meeting held October 21, 2020
- Minutes of the Parks and Recreation Advisory Committee Meeting held November 4, 2020
- Minutes of the Committee of Adjustment Meeting held November 24, 2020
- Minutes of the Parks and Recreation Advisory Committee Meeting held November 24, 2020
- Minutes of the Economic Development Committee Meeting held November 25, 2020
- Minutes of the Police Services Board Meeting held December 9, 2020
- Minutes of the Museum Advisory Committee Meeting held December 16, 2020
- Minutes of the Kirkland Lake Public Library Board Meeting held January 28, 2021
- Minutes of the Kirkland Lake Public Library Board Meeting held February 18, 2021

CARRIED

7. Reports of Municipal Officers and Communications

7.1 Proposed 2021 Capital Budget
Don Studholme, Interim CAO

Moved by: Patrick Adams

Seconded by: Eugene Ivanov

BE IT RESOLVED THAT Memorandum Number 2021-CAO-006M entitled “**Proposed 2021 Capital Budget**” be received, and

THAT staff be directed to present only necessary items with a range of 1.5%-4% overall tax levy increase.

CARRIED

7.2 MIS Update and Request
Don Studholme, Interim CAO

Moved by: Lad Shaba

Seconded by: Rick Owen

BE IT RESOLVED THAT Report Number 2021-CAO-007 entitled “**MIS Update and Request**” be received,

THAT staff be directed to hire an MIS Coordinator Assistant to provide assistance to the MIS Coordinator in setting up, servicing and providing backup to IT, and

THAT The Town remove the present IT contract with KDH and run the system internally as of July 31, 2021.

CARRIED

7.3 Service Delivery Review – Museum of Northern History
Bonnie Sackrider, Director of Community Services

Moved by: Casey Owens

Seconded by: Lad Shaba

BE IT RESOLVED THAT Report Number 2021-CS-007 entitled “Service Delivery Review – Museum of Northern History” be received, and

THAT staff be directed to write a formal letter to the Ontario Heritage Trust (formerly known as the Ontario Heritage Foundation) to negotiate new terms of a lease agreement ensuring that OHT covers all future capital expenditures required to maintain and preserve the Property.

CARRIED

7.4 Team Northern Throttle Drag Races Summer Airport Use Request
Wilf Hass, Director of Economic Development

Moved by: Eugene Ivanov

Seconded by: Rick Owen

BE IT RESOLVED THAT Report Number 2020-DEV-015 entitled “**Team Northern Throttle Drag Races Summer Airport Use Request**” be received,

THAT staff be directed to finalize arrangements with Team Northern Throttle for the use of the Kirkland Lake Airport to host Drag Races for June 23rd to June 28th 2021 inclusive (pending any pandemic restrictions) as per Council resolution dated December 1, 2020,

THAT Council approve in principle (pending any pandemic restrictions) Team Northern Throttle's request for the use of the Kirkland Lake Airport to host for Drag Races for August 4th to August 9th 2021 inclusive,

THAT TNT provide in writing their approvals from THU for each event.

CARRIED

7.5 Golden Corridor Snow Drifters Frog's Breath Application
Wilf Hass, Director of Economic Development

Moved by: Rick Owen

Seconded by: Patrick Adams

BE IT RESOLVED THAT Report Number 2021-DEV-014 entitled "**Golden Corridor Snow Drifters Frog's Breath Application**" be received,

THAT Council approves the request from the Golden Corridor Snow Drifters to co-sponsor an application to the Frog's Breath Foundation for a grant to purchase a storage container and purchase materials to repair trail bridges, and

THAT staff be directed to receive any funds granted by the Frog's Breath Foundation, issue a charitable receipt to the Frog's Breath Foundation and forward a donation of the same value to the Golden Corridor Snow Drifters.

CARRIED

7.6 2021 Conference Attendance
Meagan Elliott, Clerk

Moved by: Lad Shaba

Seconded by: Casey Owens

BE IT RESOLVED THAT Memorandum Number 2021-CLK-009M entitled "**2021 Conference Attendance**" be received,

THAT staff be directed to register Pat Kiely and Rick Owen, to attend FONOM virtually,

THAT staff be directed to register Pat Kiely, Stacy Wight, and Rick Owen to attend AMO virtually and budget the appropriate registration costs, and

THAT staff be directed with input from the Mayor to submit any questions to the Minister Forum for FONOM by April 30th and communicate with Council further information received about AMO Delegations.

CARRIED

8. Consideration of Notices of Motion

Acting Mayor Wight stepped down as Chair for consideration of the below motion. Councillor Adams assumed the Chair during this consideration.

Moved by: Stacy Wight

Seconded by: Lad Shaba

BE IT RESOLVED THAT staff be directed to bring back a report within the next 30 days, which detail the following items in preparation of Budget Process 2021:

1. The total number of properties in tax and separately water payment arrears
2. The total number of properties without a single payment in 2020 as above
3. The total monetary value of non-collected taxes / water payments on said properties
4. How said amounts is dealt with in both the budgeting process and government reporting standards
5. Any current policy developed for collection of delinquent accounts

CARRIED

Acting Mayor Wight resumed as Chair.

9. Introduction, Reading and Consideration of By-Laws

None noted.

10. Questions from Council to Staff

None noted.

11. Notice(s) of Motion

Councillor Adams put forth the following notice of motion to be considered at the next Regular Meeting of Council:

THAT staff be directed to continue the process of implementing the Municipal Accommodation Tax, and that a report is brought back at the next Regular Meeting of Council providing a timeline on progress.

12. Councillor's Reports

12.1 Councillor Updates

Moved by: Eugene Ivanov
Seconded by: Rick Owen

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

CARRIED

13. Additional Information

13.1 Support for Universal Paid Sick Days in Ontario

Moved by: Patrick Adams
Seconded by: Lad Shaba

BE IT RESOLVED THAT the motions of support for universal sick days be received,
THAT the Town of Kirkland Lake endorses legislated sick leave and calls on the government of Ontario to permanently legislate universal paid sick days for all workers in Ontario during the pandemic and beyond, regardless of workplace size, type of work or immigration status, and

THAT staff be directed to forward this motion to the Premier of Ontario, Minister of Labour, and surrounding Ontario municipalities.

CARRIED

13.2 Support for Reform of Joint and Several Liability

Moved by: Patrick Adams
Seconded by: Rick Owen

BE IT RESOLVED THAT the motions of support for reform of Joint and Several Liability be received,

THAT the Town of Kirkland Lake supports the Municipality of Tweed in their call for reform and reconsideration of the Negligence Act, RSO 1990 c N.1, and

THAT staff be directed to forward this motion to the Minister of Municipal Affairs and Housing and surrounding Ontario municipalities.

CARRIED

14. Closed Session

Moved by: Lad Shaba
Seconded by: Casey Owens

BE IT RESOLVED THAT Council move into a Closed Session pursuant to Section 239(2) to discuss 2 matters involving personal matters of identifiable individuals and 1 matter that contains advice that is subject to solicitor-client privilege.

CARRIED

*Council moved into Closed Session at 7:58pm
Council rose from Closed Session at 8:19pm*

15. Matters from Closed Session

Moved by: Rick Owen
Seconded by: Patrick Adams

BE IT RESOLVED THAT the following committee appointments be in effect:
Raymond Mallette – Committee of Adjustment and Planning Advisory Committee
Donna Legros – Committee of Management (TPR)
Athena LaCarte – Property Standards Committee

CARRIED

16. Confirmation By-Law

Moved by: Casey Owens
Seconded by: 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 21-031, being a by-law to confirm the proceedings of Council at its meeting held April 20, 2021.

CARRIED

17. Adjournment

Moved by: Patrick Adams
Seconded by: Rick Owen

BE IT RESOLVED THAT Council adjourn the April 20, 2021 Regular Meeting of Council.
CARRIED

The meeting adjourned at 8:20pm

Stacy Wight, Acting Mayor

Meagan Elliott, Clerk



MINUTES

Corporation of the Town of Kirkland Lake
Public Meeting – Zoning By-Law Update
Electronically via Zoom
Tuesday, April 20, 2021
4:40 p.m.

Attendance

Acting Mayor: Stacy Wight
Councillors: Rick Owen
Casey Owens
Eugene Ivanov
Lad Shaba
Patrick Adams
Absent: Pat Kiely
Staff: Interim CAO: Don Studholme
Clerk: Meagan Elliott
Director of Community Services: Bonnie Sackrider
Director of Public Works: Michel Riberdy
Director of Care: Tanya Schumacher
Fire Chief: Rob Adair
Director of Economic Development: Wilf Hass
Manager of Operations and Engineering: Stephane Fortin
Planning Administrator/Recycling Coordinator/Data Manager: Jenna McNaughton
Consultants: Sarah Vereault, J.L. Richards
Erin Reed, J.L. Richards
Residents: Michelin Guertin
Rob Laing
Bev Laing
Ann Kmyta

1. Call to Order

Acting Mayor Wight called the meeting to order at 4:42pm.

2. Purpose of Meeting

Jenna McNaughton gave a summary of the purpose of holding the public meeting for considering a new zoning by-law. The Town of Kirkland Lake procured the services of J.L. Richards for this project.

3. Confirmation of Notice and Appeal Process

Jenna McNaughton confirmed notice was circulated for this meeting in accordance with the *Planning Act* regulations and explained the appeal process.

4. Summary of Planning Report Including Correspondence Received

The consultants Sarah and Erin presented the planning report and noted the main changes to the zoning by-law from the current by-law in effect. Correspondence received was included with the report for members to review.

Moved by: Rick Owen

Seconded by: Casey Owens

BE IT RESOLVED THAT the memo from J.L Richards dated April 16, 2021 including public comments be received.

CARRIED

5. Draft Zoning By-Law

The draft zoning by-law document including schedules was included in the agenda package for members to review. No comments or motions at this time.

6. Recommendations from Planning Advisory Committee

Jenna McNaughton presented a report on recommendations of changes to the zoning by-law from the Planning Advisory Committee.

Moved by: Eugene Ivanov

Seconded by: Lad Shaba

BE IT RESOLVED THAT Memorandum Number 2021-DEV-016M entitled “**Recommendation from Planning Advisory Committee – Zoning By-law Update**” be received, and

THAT the draft Zoning By-law be amended to include the recommendations put forth by the Planning Advisory Committee on April 8th, specifically as these pertain to portable shelters (inclusive of staff recommendation that portable shelters should have a minimum setback distance of 0.6 metres (2 feet) from the side and rear yards), Recreational Vehicles on private property and fencing in the Industrial and Mining zones, and the Commercial (C2) zone, as explained in this report.

CARRIED

7. Questions and Comments from Council

Acting Mayor Wight asked Council for any questions or comments. Members of Council asked some clarifying questions on the update and correspondence received. The consultants confirmed all correspondence received had been presented.

8. Questions and Comments from Members of the Public

Acting Mayor Wight opened the floor to members of the public for questions or comments. This was an electronic meeting so the Clerk asked those on the call to turn on their videos if they wished to speak. Michelin Guertin spoke to summarize her letter pertaining to her property on Nettie Lake. Council discussed Ms. Guertin's proposal and agreed for her property under the O1 zone to allow a recreational vehicle with a holding tank. Rob Laing spoke to this decision for his property on Nettie Lake and requested the same permission. Council agreed to his request. Ann Kmyta spoke to asking permission to build a storage shed adjacent to her property on Nettie Lake. Council determined without sufficient information on size and use that they would not allow this at this time as part of the zoning by-law update. Ms. Kmyta is to apply through the regular channels to provide further information. Michelin Guertin spoke to a 2nd property on Nettie Lake and requested the same exception be added to this property as well and Council agreed. Acting Mayor Wight and the consultants asked if all comments and questions were complete and closed this portion of the meeting to move to a motion to consider.

9. Consideration of By-Law

Members of Council took into account all comments received and passed the following motion:

Moved by: Casey Owens

Seconded by: Patrick Adams

BE IT RESOLVED THAT staff be directed to present the updated by-law to Council for adoption at a future meeting of Council inclusive of the PAC recommendations motion passed in this meeting, update Ms. Guertin's 2 noted properties as well as Mr. Laing's property specified in the public meeting to remain being zoned O1 but allow recreational vehicle to be placed on the property with a holding tank, and that Ms. Kmyta's property request will have to apply for an amendment after the passing of the by-law for more information to consider.

CARRIED

10. Adjournment

Acting Mayor Wight called for adjournment of the public meeting at 5:50pm.

Moved by: Lad Shaba

Seconded by: Eugene Ivanov

BE IT RESOLVED THAT Council adjourn the April 20, 2021 Public Meeting – Zoning By-Law Update.

Stacy Wight, Acting Mayor

Meagan Elliott, Clerk

DRAFT



MINUTES

Corporation of the Town of Kirkland Lake
Police Services Board
Electronically via Zoom
Wednesday, February 10, 2021
4:30 p.m.

Attendance

Chair: Pat Kiely, Mayor
Members: Rick Owen, Councillor
Emile Boulley
Meghan Howe, Provincial Rep
Ted Assad, Provincial Rep
OPP: Ryan Dougan
Secretary: Meagan Elliott, Clerk

1. Call to Order

Chair Kiely called the meeting to order.

2. Approval of the Agenda

Moved by: Emile Boulley

Seconded by: Rick Owen

BE IT RESOLVED that the agenda for the PSB meeting held February 10, 2021 be approved as circulated to all members.

CARRIED

3. Declaration of Pecuniary Interest

4. Acceptance of Minutes and Recommendations

4.1 Minutes of the PSB Meeting held December 9, 2020

Moved by: Meghan Howe

Seconded by: Rick Owen

BE IT RESOLVED that the minutes from the PSB meeting held December 9, 2020 be approved.

CARRIED

5. Items for Discussion

5.1 2020 Q4 Report

Moved by: Ted Assad

Seconded by: Rick Owen

BE IT RESOLVED that the 2020 Q4 Report be received.

CARRIED

5.2 All Terrain Vehicle By-Law Review

Emile Boulley noted a conflict of interest and did not vote on the matter

Moved by: Meghan Howe

Seconded by: Ted Assad

BE IT RESOLVED that the All Terrain Vehicle By-Law Review be received, and THAT the language of usage of a portion of Government Road remain in the updated by-law that is being presented to Council but that the draft by-law be sent to OPP for review of legalities with MTO.

CARRIED

5.3 Regulating Taxis

Moved by: Rick Owen

Seconded by: Ted Assad

BE IT RESOLVED that the discussion on the Regulating Taxis By-Law be received, **THAT** the Police Service Board recommends to Council that the current language on requiring a criminal record check each year remain but relief may be permitted for 2021 due to challenges of local access to OPP administration staff due to the pandemic but only for existing permit holders, and **THAT** the Police Service Board recommends to Council to have staff be directed to present an updated by-law to Council that amends some of the duties of the Clerk to the By-Law Enforcement Officer

CARRIED

6. Additional Information

6.1 Correspondence from the Ministry of the Solicitor General

Moved by: Meghan Howe

Seconded by: Emile Boulley

BE IT RESOLVED that the correspondence from the Ministry of the Solicitor General dated January 8, 2021 be received.

CARRIED

6.2 Verbal update of PSB items to Council

Moved by: Rick Owen

Seconded by: Meghan Howe

BE IT RESOLVED that the verbal update of Police Service Board items to Council be received, and

THAT the Police Service Board recommends to Council to have staff be directed to review the parking spot in front of the Lasalle Theatre for possible removal from the parking by-law.

CARRIED

7. **Adjournment**

Moved by: Emile Boulley

Seconded by: Ted Assad

BE IT RESOLVED that the PSB meeting held February 10, 2021 be adjourned.

CARRIED

The meeting adjourned at: 5:47 pm

Pat Kiely, Chair

Meagan Elliott, Secretary

APPROVED BY BOARD ON APRIL 22, 2021

REPORT TO COUNCIL

Meeting Date: 04/05/2021

Report Number: 2021-DEV-017

Presented by: Jenna McNaughton

Department: Development Services

REPORT TITLE

Zoning By-law Update

RECOMMENDATION(S)

BE IT RESOLVED THAT Report Number 2021-DEV-017 entitled “**Zoning By-law Update**” be received, and

THAT staff be directed to present the Zoning By-law for adoption and provide all necessary notices as required by the *Planning Act*.

THAT staff be directed to process completed building permit applications as defined below under the existing Zoning By-law 12-019, while new and incomplete applications in process be processed under the updated Zoning Bylaw as adopted by Council.

BACKGROUND

The Official Plan for the Town of Kirkland Lake was adopted in 2015, and the Town is required under the *Planning Act* to update its Zoning By-law within two years of passing a new Official Plan. Although staff began the process in 2017, it was put on hold due to staff turnover and added responsibilities. In 2019, staff prepared an RFP to have a consultant complete the project. J.L. Richard was awarded RFP-548-19, Zoning By-law Update at the February 4, 2020 Council meeting, for a contractual price of \$21,962.00.

- Notice of Project Commencement was posted on the municipal website on June 12, 2020. Staff have met with J.L. Richards regularly to discuss changes and updates that would be required including updating the schedules.
- An Open House was held on November 9th, 2020 at Heritage North. Two sessions, from 1:00pm to 3:00pm and 6:00pm to 8:00pm were held in person with an option to connect virtually. All comments provided during the open house were discussed between the consultant and staff.

- A public meeting to review the draft Zoning By-law was scheduled for March 23, 2021, however was rescheduled to April 20, 2021. As per the requirements under the *Planning Act*, notice of the public meeting was provided on February 17th, 2021; and with the rescheduling of the meeting, an additional notice was posted in the newspaper dated March 8th, 2021, online and ads were also placed within the municipal radio daily ad package.
- The Planning Advisory Committee met on April 8th, 2021 to review the draft document and provided recommendation on items relating to storage containers, portable sheds and fence heights in non-residential areas.
- At the April 20th, 2021 public meeting for the Zoning By-law update, Council directed staff to make amendments to the proposed By-law based on recommendations from the Planning Advisory Committee and some public comments that were received.

Since the public meeting on April 20th, 2021, staff have received correspondence from four residents at Nettie Lake who were under the impression they would be able to construct a cottage or complete an addition or renovation, based on the requirements under the existing By-law 12-019. There has been an increased workload relating to the interaction with the public who are seeking the information they need.

Under the new Zoning By-law, the requirements for those within the RR-01 zone, would not be permitted to construct or renovate, should their application require septic approval. Currently as it sits, staff are in receipt of two complete applications and two that are in the process of being reviewed for completeness. If an application has been deemed completed the applicant has been advised accordingly and the process begins.

RATIONALE

Recommendation 1: Bylaw Adoption

All direction provided by Council at the Public meeting has been completed, and the By-law is ready to be adopted.

The Consultants, J. L. Richards, have completed the requested changes and have provide a final By-law for adoption. Once the By-law has been adopted, it will come into effect. Staff will provide notice of passing, including the requirements under the *Planning Act* detailing the appeal process.

Recommendation 2: Building Permit Applications

Currently, development in the Nettie Lake area is governed under Zoning By-law 12-019, which states only cottages and parks are permitted uses.

A number of applicants have been communication with the municipality regarding property development plans, dating back to 2019 These applicants have expressed

concern that their applications will be affected by the proposed updates to the Zoning Bylaw. Staff have confirmed that this is not the case, as past practice and procedure is to process application under the legislative regime that the application has been received and deemed a complete application that can proceed for processing. For definition purposes, a complete application, as per the Ontario Building Code Div. C 1.3.1.3(5), generally consists of an approved site plan, a completed building permit application, final drawings, and septic approval from THU. Once all the required paperwork is received, the application is forwarded to the Chief Building Official (CBO) for review and the CBO can issue a letter indicating the application is complete and will be processed. The time period to issue a permit once the application has been deemed complete, is prescribed under the Building Code, Div. C 1.3.1.3(8).

Staff adhere to this process because it provides a consistency of process to residents, and a reassurance against unanticipated financial impacts. Rationally, applications that do not or have not met this criterion, will be assessed according to the new Zoning Bylaw.

OTHER ALTERNATIVES CONSIDERED

Recommendation 1: Bylaw Adoption

If the Zoning By-law is not passed, the municipality will continue to be out of compliance with the *Planning Act* which requires a municipality to update its Zoning By-law within two years of passing a new Official Plan. The existing Bylaw will continue to apply. However, the uncertainty of if and when a new bylaw will come into effect will negatively affect the public because they will not have confidence to proceed with their property development plans.

Recommendation 2: Building Permit Applications

There are two concerns.

1. Council confirmation that staff continue to follow established process and procedure and process complete applications under the existing Zoning Bylaw 12-019. This is as per the recommendation above. Council may decide that all applications in process must follow the updated Zoning Bylaw. Staff caution that this may result in significant disruption to residents' plans, financial hardship and potentially legal action against the Municipality.
2. The second concerns regards applications that staff have received since the April 20 meeting and that do not meet our definition of being 'complete' applications. For whatever reason, these applicants were not able to submit earlier. They contend that since they have initiated the application process with the municipality before the new Zoning Bylaw takes effect, their applications should also be considered under the current Bylaw. To be clear, the new Zoning Bylaw is more

constrictive than the existing one, meaning it will be more costly and challenging for these applicants.

- Council may direct staff to continue to use the definition of a 'complete application' as per above. These applicants will then fall under the new Bylaw.
- Council may choose to delay the passing of the By-law in order to allot additional time to the individuals with applications pending. Should Council choose this course, staff request that this apply only to those applications received by May 4th, 2021. A cut off date is critically important to avoid speculative applications. Staff recommend May 4 as it is the date of the Bylaw's adoption by Council.

FINANCIAL CONSIDERATIONS

An approved amount of \$21,962.00 was allocated to the consultants relating to the project, as per RFP-548-19

RELATIONSHIP TO STRATEGIC PRIORITIES

Adopting the By-law reflects the municipality's goal of Achieving Sustainable Operational Excellence

ACCESSIBILITY CONSIDERATIONS

As per the requirement under the Contract, the document shall be AODA compliant.

CONSULTATIONS

Director of Economic Development

Building Division, Building Inspector

RSM, Chief Building Official

J.L. Richards, Planning Consultant

ATTACHMENTS



REPORT TO COUNCIL

Meeting Date: 04/05/2021

Report Number: 2021-DEV-018

Presented by: Jenna McNaughton

Department: Development Services

REPORT TITLE

Request to Widen a Portion of Road along Sandy Drive

RECOMMENDATION(S)

BE IT RESOLVED THAT Report Number 2021-DEV-018 entitled “**Request to Widen a Portion of Road along Sandy Drive**” be received, and

THAT staff be directed to enter into an Indemnity and Hold Harmless Agreement with the Contractor, Rosko Logging and Lumber, for conducting work on municipal property.

BACKGROUND

A request was received from property owners on Nettie Lake to widen the road allowance approaching their cottage (attachment 1). The applicant initiated their conversation with the Ministry of Natural Resources and Forestry, as a portion of the road requested to be widened crosses Crown lands. As a result, the Ministry identified a portion of the area being on municipally owned lands, and requested the applicant receive comment from the Municipality. Estimated construction costs are \$50,000. The applicant states that they have consulted with neighbouring property owners and have secured their verbal approval.

Staff reviewed the area (attachment 2) and agree that the roadway could be widened within the allotted road allowance of 20 metres, as per the subdivision plan 54M361; however it should be noted that the Subdivision Agreement for the Nettie Lake area, By-law 03-048 states that “The Town of Kirkland Lake advises that they will NOT maintain the road extending from Airport Road to the subject property nor any internal roadways within the Plan of Subdivision.”

RATIONALE

Staff recommend that prior to permitting any work to commence on municipal lands, that the applicants shall provide a scope of work, proof of insurance, comments from the neighbouring property owners and a signed work agreement (sample shown as attachment 3). As per Article 4 of the Indemnity and Hold Harmless Agreement, the Contractor (and any sub-contractors) will also provide proof of insurance policies with the same coverage limits and stipulations as those required of the applicant.

Staff have not received any prior applications from area residents to widen the road or make other changes to the road. Extrapolating from the Applicant's letter of request, it is reasonable to assume that a wider road will benefit other residents (and road users), not least in terms of enhanced road safety. As per By-law 03-048, the change will not affect future service delivery levels. For this reason, staff believe that that applicant's request is deserving of Council's consideration.

OTHER ALTERNATIVES CONSIDERED

Council may choose to not permit the applicant to widen the municipal portion. Should that be the case, Council, through staff, is still requested to provide comment in regards to the widening of the road along the Crown lands. Staff respectfully suggest that the comment should be in the positive based on the enhanced road safety that a widening of the road will theoretically affect.

FINANCIAL CONSIDERATIONS

This request would result in no cost to the municipality, as the applicant will bear all legal costs and operational costs associated with the road widening. There is a potential for revenue associated with removal of trees (50 cubic metres, values at approximately \$500); however the Applicant proposed that this be used to offset the costs of widening the road and the concomitant benefit that will result for other residents and road users.

RELATIONSHIP TO STRATEGIC PRIORITIES

Providing Outstanding Service

ACCESSIBILITY CONSIDERATIONS

Not applicable

CONSULTATIONS

Director of Economic Development

Director of Public Works

Manager of Operations and Engineering

ATTACHMENTS

Attachment 1 – Letter from Ms. Rosko and Mr. Berube

Attachment 2 – Map of area to be widened

Attachment 3 – By-law 03-48, Nettie Lake Subdivision Agreement

Ian Berube & Kasey Rosko




March 15, 2021

Jenna McNaughton
Planning Administrator
Corporation of the Town of Kirkland Lake
1 Dunfield Rd
Kirkland Lake, Ontario
P2N 3P4

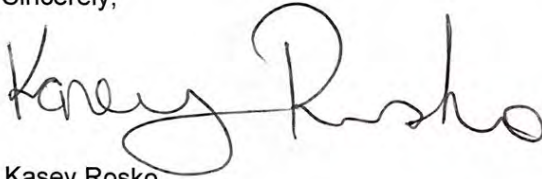
Re: Sandy Drive, Nettie Lake, Ontario

Dear: Jenna

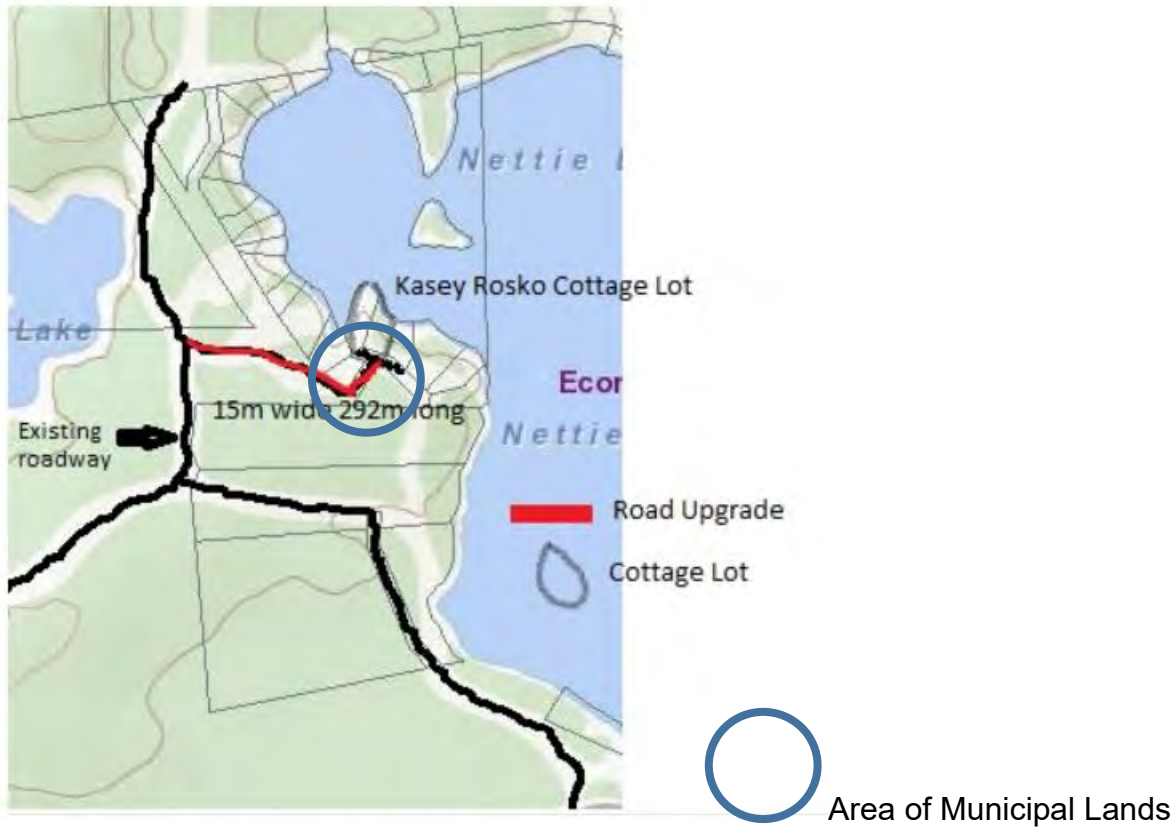
Currently Ian and I are in the process of obtaining a work permit from the Ministry of Natural Resources in order to widen approximately 292 meters of Sandy drive at Nettie Lake, which is the road we use to access our property. As it is right now the road is single lane with many twists and turns and therefore can be dangerous when meeting other vehicles. The road is currently 10 meters wide and we are looking to widen it to 15 meters wide. Part of the ministry's application process is to obtain municipal comments where applicable and it is our understanding that the road is on crown land and that the Town of Kirkland Lake owns the right hand side. If you could please provide us with any necessary comments to submit our application it would be greatly appreciated. If you require any further information please do not hesitate to contact me at 705-



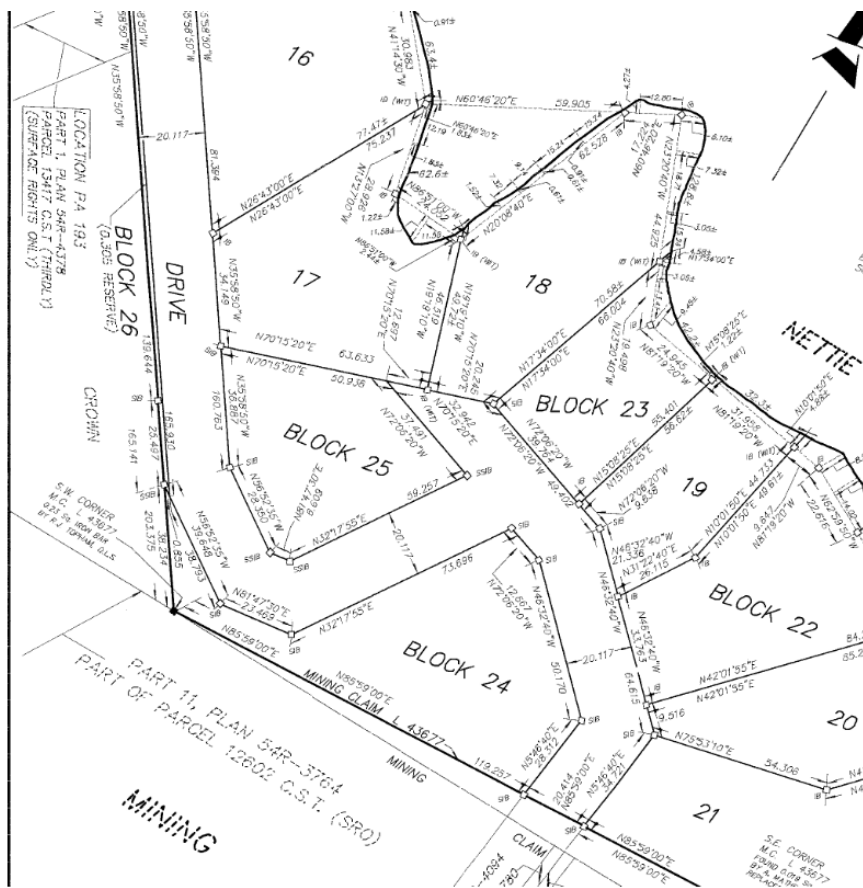
Sincerely,



Kasey Rosko



54M361



INDEMNITY AND HOLD HARMLESS AGREEMENT

THIS AGREEMENT made this day of , 2021

B E T W E E N:

TOWN OF KIRKLAND LAKE

(hereinafter called the “Town”)

OF THE FIRST PART

- and -

(hereinafter called "Rosko Logging and Lumber")

OF THE SECOND PART

WHEREAS the Town owns the land identified as Sandy Drive, known as the “Property”;

WHEREAS Rosko Logging and Lumber is an existing corporation;

WHEREAS the Town has received a request from Rosko Logging and Lumber to enter onto the Property for the purposes of conducting road widening and tree removal (the “Work”);

AND WHEREAS the Town intends to grant Rosko Logging and Lumber’s request subject to the terms of this agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to the following:

1. Rosko Logging and Lumber enters into this agreement freely and voluntarily having fully read and understood its terms. Rosko Logging and Lumber assumes the risk of entering onto the Property and undertaking the Work thereon. Rosko Logging and Lumber waives any and all claims or defenses based upon failure of consideration and inadequacy of consideration and stipulates that the consideration given for this agreement is adequate.
2. Rosko Logging and Lumber shall indemnify and hold harmless the Town, its servants, agents, employees, and representatives from all claims, demands, causes of action, damages, costs, expenses, recoveries and judgments of any nature and descriptions brought against the Town for or by reason of the entry onto or undertaking the Work on the Property by Rosko Logging and Lumber or those for whom Rosko Logging and Lumber is legally liable including, but not necessarily limited to, Rosko Logging and Lumber’s subcontractors,

employees, representatives or agents. This indemnification shall survive the expiry or termination of this agreement.

3. Rosko Logging and Lumber shall take out and keep in force until the expiry or termination of this agreement the following insurance coverage:
 - a. Comprehensive general liability and automobile insurance (owned and non-owned) acceptable to the Town providing insurance coverage respectively of not less than FIVE MILLION DOLLARS per claim/occurrence against bodily injury or loss or damage to the Property. Such insurance shall name the Town as an additional insured/loss payee.
 - b. The above-noted insurance shall state it will be the primary and will not require pro rata sharing of any loss by the Town's insurers.
 - c. Certificates of insurance evidencing the above-noted insurance must be attached to this agreement as addenda prior to Rosko Logging and Lumber commencing the Work.

It is understood and agreed that the taking or and keeping in force the above-noted insurance shall not relieve Rosko Logging and Lumber of its obligation to indemnify and hold the Town harmless under clause 3 of this agreement regardless of whether the subject amount(s) exceed the coverage provided by the above-noted insurance.
4. Rosko Logging and Lumber shall require all Rosko Logging and Lumber's subcontractors who may enter onto or undertake the Work on the Property to obtain, maintain and keep in force during the currency of this agreement insurance policies with the same coverage limits and stipulations as those set out in clause 3 of this agreement. If requested by the Town, Rosko Logging and Lumber agrees to promptly provide the Town with certificates or adequate proof of such insurance.
5. Each party shall promptly notify the other should they become party become aware of matter that may is reasonably expected to expose the other party to any liability related to the entry onto or undertaking the Work on the Property as contemplated by this agreement.
6. Before the expiry or termination of this agreement the Town shall at all times have access to the Property for all reasonable purposes and nothing in this agreement shall be construed as granting Rosko Logging and Lumber or any other person or entity an exclusive right to occupy the Property to the Town's exclusion.
7. This agreement shall continue until terminated or the Work successfully concluded.

8. This agreement shall terminate immediately should Rosko Logging and Lumber fail to comply with any of its terms or by a party giving (5) business days prior written notice to the other party.
9. Upon conclusion of the Work or upon termination of this agreement, Rosko Logging and Lumber shall restore the Property to its original condition to the Town's satisfaction and be responsible for all costs associated with such restoration.
10. This agreement shall be binding upon the parties hereto and their respective estate trustees, beneficiaries, heirs and successors.
11. This agreement shall not be assignable by the Rosko Logging and Lumber without the Town's prior written approval.
12. This agreement constitutes the entire agreement between the parties and no understanding or agreements, oral or otherwise, exist between the parties with respect to the matters herein.
13. This agreement shall be governed by the laws of the Province of Ontario, Canada.
14. This agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall be but one and the same instrument.
15. This agreement may be transmitted electronically and that the reproduction of signatures electronically will be treated as binding as if originals and each party hereto undertakes to provide each and every other party hereto with a copy of this agreement bearing original signatures forthwith upon demand.
16. If any part of this agreement is determined unenforceable or invalid for any reason whatsoever that unenforceability or invalidity shall not affect the enforceability or validity of the remaining portions of this agreement, and such unenforceable or invalid portion shall be severed from the remainder of this agreement.
17. The Town's failure to insist upon the strict performance of the terms and conditions hereof shall not constitute or be construed as a waiver or relinquishment or the Town's rights to thereafter enforce the same in accordance with this agreement in the event of a continuing or subsequent default on the part of Rosko Logging and Lumber.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have executed this agreement, effective as of the day and year first above written.

Rosko Logging and Lumber

Per:

I have the authority to bind the corporation

Town of Kirkland Lake

Per:

I have the authority to bind the corporation



REPORT TO COUNCIL

Meeting Date: 04/05/2021

Report Number: 2021-CS-008

Presented by: Bonnie Sackrider

Department: Community Services

REPORT TITLE

Reduction in User Fees for COVID-19 Vaccination Clinics

RECOMMENDATION(S)

BE IT RESOLVED THAT Memorandum Number 2021-CS-008 entitled “**Reduction in User Fees for COVID-19 Vaccination Clinics**” be received, and

THAT staff be directed to charge a reduced rate of \$254.46 per clinic for the COVID-19 vaccination clinics held at Heritage North in 2021.

BACKGROUND

The Timiskaming Health Unit currently utilizes Heritage North for its Community Vaccination Clinics. To date they have hosted nine clinics, with another five booked in May, two in July and nine booked in August. Prior to COVID-19 Clinics, THU has offered annual influenza clinics at Heritage North.

Due to the large number of rentals, the THU is requesting a reduction in rates for the COVID-19 vaccination clinics.

The day rate for the hall, as per By-Law 20-054, is \$465.00 per hour plus \$50 per hour for cleaning. They are eligible for the non-profit reduction of 25%, \$116.25. Two hours of cleaning is required per use.

As a comparator, the rate for use of the arena floor, or civic park, by a local, non-profit group is \$254.46 per occurrence.

It may be of note, that prior to the Provincial Shutdown, there were potential rentals that were turned away due to the COVID vaccination clinics.

RATIONALE

Partnerships to ensure timely vaccine delivery is paramount at this time. Due to the variance in number of clinics per month, staff do recommend a per-occurrence rate rather than a flat rate.

OTHER ALTERNATIVES CONSIDERED

Council may choose to charge any of the options offered below or determine a different fee structure.

FINANCIAL CONSIDERATIONS

	# of clinics	Regular Rate	Rate - 25%	\$1000 / month	\$254.46/ use
March	1	465.00	348.75	1,000.00	254.46
April	7	3,255.00	2,441.25	1,000.00	1,781.22
May	5	2,325.00	1,743.75	1,000.00	1,272.30
June	0				
July	2	930.00	697.50	1,000.00	508.92
August	9	4,185.00	3,138.75	1,000.00	2,290.14
Total		11,160.00	8,370.00	5,000.00	6,107.04

NOTES

1. If the Heritage North building sells during the time that clinics are booked, the clinics would either be the responsibility of the new owners, or would move to another location.
2. The above do not have any additional cleaning costs attributed to the rentals. Once Shutdown is over, the municipality will incur additional costs for cleaning.
3. All rates are pre tax rates.

RELATIONSHIP TO STRATEGIC PRIORITIES

The recommendation does allow for *Outstanding Service*, including *Improving Health and Safety for the Public* as well as *Aim for Financial Sustainability*, specifically *competitiveness of rates in comparison to other nearby municipalities*.

ACCESSIBILITY CONSIDERATIONS

Heritage North is an accessible building with ease of access for anyone with a mobility impairment.

CONSULTATIONS

Randy Winters – Director of Corporate Services, Timiskaming Health Unit

Don Studholme, Interim CAO

ATTACHMENTS

Attachment 1 – Letter from Randy Winters – Director of Corporate Services - THU



Services de santé du

TIMISKAMING

Health Unit

Enhancing your health in so many ways.

Head Office:

247 Whitewood Avenue, Unit 43
PO Box 1090
New Liskeard, ON P0J 1P0
Tel.: 705-647-4305 Fax: 705-647-5779

Branch Offices:

Englehart Tel.: 705-544-2221 Fax: 705-544-8698
Kirkland Lake Tel.: 705-567-9355 Fax: 705-567-5476

www.timiskaminghu.com

April 20, 2021

Dear Mayor Kiely and Council Members
Town of Kirkland Lake
3 Kirkland Street,
Kirkland Lake, ON P2N 3P4

RE: Emergency Rental Fee for Heritage North for COVID Vaccination Clinics

The Timiskaming Health Unit appreciates the use of Heritage North for holding our COVID vaccination clinics for the residents of Kirkland Lake and area. We have held a number of clinics already and plans will be to hold one to two clinics per week for the foreseeable future.

Partnerships in rolling out vaccine delivery are key in ensuring we can vaccinate all eligible residents in a timely fashion, and the relationships we have with our municipalities to utilize municipal facilities for the delivery of vaccines is of utmost importance.

As you can imagine, the costs in supplies and labour to administer vaccines is one of the largest expense items that the Health Unit will incur, although provincial funding may be available to cover extraordinary expenses related to vaccine delivery, the province has made it clear that health units are to work in partnership with local municipalities to assist in providing these services. As such, we are respectfully requesting a reduced emergency rate for the use of Heritage North that is in line with rental agreements that we have from other municipalities – which is a monthly rental fee of \$1000 plus HST.

We recognize that there are associated costs that will be incurred plus loss of revenue from our use of the facility. We have been informed from our Ministry of Health representatives, that funding may be available to cover this from Municipal Affairs as part of the COVID funding package that was recently announced.

Thank you for your consideration in this matter and we look forward to our continued partnership in responding to the COVID-19 pandemic.

Yours truly

Randy Winters
Director of Corporate Services

REPORT TO COUNCIL

Meeting Date: 04/05/2021

Report Number: 2021-CS-009

Presented by: Bonnie Sackrider

Department: Community Services

REPORT TITLE

Upcoming Grant Opportunities

RECOMMENDATION(S)

BE IT RESOLVED THAT Report Number 2021-CS-009 entitled “**Upcoming Grant Opportunities**” be received, and

THAT staff be directed to apply to the Green and Inclusive Community Buildings fund for Community Complex retrofits and the Canada Healthy Communities Initiative for walking trails.

BACKGROUND

- 1) **Infrastructure Canada** has a funding opportunity entitled **Green and Inclusive Community Buildings (GICB)**. *With this program, the Government of Canada is making investments to improve the availability and condition of community buildings – in particular with populations experiencing higher needs – while making the buildings more energy efficient, lower carbon, resilient and high performing. The program focuses on publically accessible community buildings with a recognition that these structures and spaces are at the heart of community vitality: they are the places where Canadians gather, access essential services, and learn and play. The quality, availability and location of these spaces-along with the services that they sustain – plays a meaningful role in fostering inclusion in society and combating systemic inequities.*

<https://www.infrastructure.gc.ca/alt-format/pdf/gicb-bcvi/GICB-Applicant-Guide-BCVI-Guide-du-demandeur-EN.pdf>

Key Information

- Municipalities are eligible to apply for municipally owned buildings
- Retrofits must be to a facility that is accessible to the public and that will provide non-commercial services to the community
- Minimum requirements include: the building must be the site of publicly-accessible programming and activities that serve underserved populations experiencing higher needs
- Building information including condition assessment, energy profile, and GHG emissions must be submitted
- Specific types of municipal facilities eligible – community centres, sports and recreational facilities, cultural buildings, child and youth centres, adult learning centres, senior's activity centres
- Retrofits completed by March 31, 2026
- Retrofits must include green retrofit measures; measures that improve environmental outcomes (achieve at least 25% in energy efficiency improvements compared to the building's baseline energy consumption)
- Higher scores are received for – projects that begin sooner, buildings that benefit high needs populations, projects that exceed accessibility standards and increase accessibility, higher energy savings. Projects need to meet or exceed a minimum point threshold in order to be granted funding.
- 80% of project cost is funded by the grant
- The 20% can be spread out until March 2026
- Retrofit projects with total eligible project costs between \$100,000 and \$3,000,000 will be evaluated on a continuous basis

- 2) The **Community Foundations of Canada** is delivering the **Canada Healthy Communities Initiative**. The Healthy Communities Initiative supports communities as they create and adapt public spaces, and programming and services for public spaces to respond to ongoing needs arising from COVID-19 over the next two years. Eligible organizations include Municipalities. Under the Safe and Vibrant public spaces theme, projects that create and adapt public spaces, or programming and services for public spaces that improve open spaces, parks, main streets and access to other amenities to meet public health guidance, are eligible. Staff propose to apply for continuation of the trail system throughout Kirkland Lake, enhancing ideas from the Trail Strategy of 2008.

<https://communityfoundations.ca/wp-content/uploads/2019/04/Healthy-Communities-Initiative-Applicant-Guide-Feb-8.pdf>

Although lighting at Kinross was suggested for Staff to consider, after consultation with local police enforcement, it is not recommended. It would not follow the concept of *Crime Prevention through Environmental Design*. According to this model, we do not want to light an area that is at all secluded since although people tend to feel safe, they are more likely to be victimized. Additionally, a lighted area in a secluded, treed area is potential for criminality such as underage drinking, and drug use.

RATIONALE

Green and Inclusive Community Buildings

This grant was discussed at the Senior Management Team meeting and it was agreed that the best application will be to apply for funding that the municipality would need to fund at the Community Complex over the next 5 years, based on the most recent Building Condition Assessment received and the subsequent Class C estimates. This would meet the proactive approach to Facility Management that Council has requested.

Canada Healthy Communities Initiative

This grant was also discussed at the Senior Management Team meeting and the group felt that an application to the Safe and Vibrant Public Spaces theme, for walking trails, was the best fit.

OTHER ALTERNATIVES CONSIDERED

- 1) Do not apply for GICB funding and reactively fund building retrofits through the levy as required.
- 2) Apply for lighting for the Canada Healthy Communities Initiative
- 3) Apply for another project presented by Council.

FINANCIAL CONSIDERATIONS

Green and Inclusive Community Buildings

This project is funded 80% by Infrastructure Canada. Staff would look for provincially funded opportunities to share in the remaining 20%.

Piotrowski Consulting - Joe Mavrinac Community Complex - Building Condition Assessment - Class C estimate							
Priority:	Condition						
1 - Currently Critical (immediate)	G - good						
2- Potentially Critical (Year 2)	F - Fair						
3- Necessary, not yet critical (3-5 years)	P - Poor						
4- Recommended (6-10 years)							
5 - Does not meet current codees/standards (grandfathered)							
	Priority	Condition	Approximate Age	Useful Life	Remaining Life	Cost	TKL Portion
Mechanical - Plumbing items							
piping, fittings, valves	3	F	40	30	0	\$130,000.00	
replace domestic hot water heater	1	P	40	20	0	\$50,000.00	
replace four instantaneous hot water heaters	3	F	10	15	5	\$40,000.00	
						\$220,000.00	\$ 44,000.00
Mechanical - Heating and Ventilation							
upgrade air handling units, improve energy efficiency, replace pneumatic controls with digital	2	P	40	20	0	\$990,000.00	
replace arena dehumidifier (north end)	1	P	20+	20	0	\$70,000.00	
upgrade arena ventilation						\$ 70,000.00	
replace hot water heating piping, fittings, valves	3	P	40	15	0	\$325,000.00	
						\$1,455,000.00	\$ 291,000.00
Electrical							
Replace MCC, transformer, sub-panel and programmable relay	1	P	40			\$100,000.00	
Replace 600V, 600A electircal distribution panel	1	P	40			\$20,000.00	
Replace 225kVA transformer	3	F	40		0	\$15,000.00	
Replace disconnects with 208V, 800A panelboard	2	F	40	10	0	\$30,000.00	
Replace sub-panels and feeders throughout	1	P	40	5	0	\$60,000.00	
Replace arena wall packs with LED fixtures	4	P	20	5	0	\$15,000.00	
						\$240,000.00	\$ 48,000.00
Base Building							
Roofing Upgrade	2	P				\$830,000.00	
Accessibility enhancements	5	P				\$50,000.00	
Window replacement	3	P				\$30,000.00	
Replace Exit doors in arena	2	P				\$55,000.00	
						\$965,000.00	\$ 193,000.00
Arena							
compressor and condenser						\$100,000.00	
						\$100,000.00	\$ 20,000.00
Sub Total						\$2,980,000.00	\$ 596,000.00
Spread over 2022-2026							\$ 119,200.00
At this point there is no contingency, no design, no escalation and no tax							

Canada Healthy Communities Initiative

This program funds 100% of the project applied for, up to the threshold of \$250,000 (although there is a maximum allotment for Northern Ontario).

RELATIONSHIP TO STRATEGIC PRIORITIES

Planning for future facility needs has been a priority in the Strategic Plan, as well as with the Service Delivery Reviews on Facilities. Long Term Planning, and leveraging Federal and Provincial dollars will allow the following Areas of Focus to be met:

In the area of *Achieve Sustainable Operational Excellence* – Aim for Financial Sustainability, Better Management of Capital Assets, Find and Implement Efficiencies

In the pillar of *Outstanding Service*, improving accessibility falls in the sustainable service delivery area of focus.

ACCESSIBILITY CONSIDERATIONS

Accessibility enhancements are included as a step to meet the Province's vision of an accessible Province by 2025.

CONSULTATIONS

Senior Management Team

ATTACHMENTS

Attachment 1 – November 5, 2019 – Class C Estimate – Piotrowski Consultants

Attachment 2 – 2008 – Trail Development Strategy – MMM Group



Piotrowski Consultants Ltd.
1820 Bond St
North Bay, ON P1B 4V6

November 5, 2019

Bonnie Sackrider
Director of Community Services
Town of Kirkland Lake
3 Kirkland Street
Kirkland Lake, ON P2N 3P4

Dear Mrs. Sackrider,

Piotrowski Consultants Ltd (PCL) has been retained by the Corporation of the Town of Kirkland Lake (TKL) to provide cost estimates for mechanical and electrical upgrades at the Joe Mavrinac Community Complex located at 55 Allen Avenue in Kirkland Lake, ON. The upgrades are based on a building condition assessment (BCA) of the facility by PCL dated May 2018 and the recommendations made therein, as well as additional items identified by TKL.

The purpose of this letter is to provide an estimate of probable costs to facilitate application for funding from town council. The costing presented below is organized based on major trade or area of work, and is intended to include labour and material.

The costs presented assume a project of sufficiently large size that overhead and administrative costs are well distributed – any line item undertaken as an individual project is likely to incur additional costs above those stated. These estimates represent the consultant's best judgement based on the information available. The probable costs – particularly those in Table 1 – may vary significantly as the owner's requirements are outlined in fuller detail.

Estimates do not include HST, contingencies, or design fees.

Table 1: Estimate of probable costs for **Base Building** items

Item	Description	Estimate of probable cost
1.1	Roofing Upgrade	\$830,000
1.2	Accessibility to washrooms and main floor of arena (includes grab bars, door operators, wider doors, etc. , existing room finishes and fixtures to remain)	\$50,000
1.3	Window replacement in coed gym and blueline/spin room	\$30,000
1.4	Flooring in blueline/spin room (\$13/sq foot)	\$30,000
1.5	Replace exit doors in arena	\$55,000
1.6	Relocate fitness room upstairs (repurpose existing pool area to fitness area along with surrounding spaces; owner's project requirements to be finalized)	\$2,700,000
1.7	Add additional dressing rooms to arena area (repurpose existing aerobics room and weight room; project to be completed in conjunction with HVAC upgrades)	\$400,000
	Base building total:	\$4,095,000

Table 2: Estimate of probable costs for **Arena** items

Item	Description	Estimate of probable cost
2.1	Chiller and header replacement	\$180,000
2.2	Olympia zamboni (electric)	\$200,000
2.3	Replace arena ice boards with aluminum boards; glass to be reused	\$190,000
2.4	Qty (2) 75 hp ammonia compressors and condenser	\$100,000
	Arena total:	\$670,000

Table 3: Estimate of probable costs for **Mechanical – Plumbing** items

Item	Description	Estimate of probable cost
3.1	Upgrade all domestic water and above-grade sanitary piping, fittings, valves and insulation (Washroom upgrade not included in estimate)	\$130,000
3.2	Replace domestic hot water heater with two high-efficiency natural gas fired units	\$50,000
3.3	Replace four (4) instantaneous hot water heaters used for zambonis	\$40,000
	Mechanical – Plumbing total:	\$220,000

Table 4: Estimate of probable costs for **Mechanical – Heating and Ventilation** items

Item	Description	Estimate of probable cost
4.1	Review ventilation systems and upgrade eight (8) air handling units (serving office area, changerooms, lower changerooms, pool community room, arena corridor, arena south, arena north, and pool/gym); consider system/equipment changes and client requirements to improve energy efficiency or to add cooling in appropriate spaces	\$850,000
4.2	Replace pneumatic controls with direct digital controls	\$140,000
4.3	Replace arena dehumidifier (north end)	\$70,000
4.4	Upgrade arena ventilation	\$70,000
4.5	Replace hot water heating piping, fittings, valves and insulation (fin radiation, unit heaters, etc. not included)	\$325,000
	Mechanical – Heating and Ventilation total:	\$1,455,000

Table 5: Estimate of probable costs for **Electrical** items

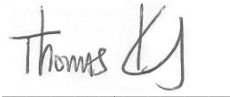
Item	Description	Estimate of probable cost
5.1	Replace boiler room motor control centre, transformer, sub-panel and programmable relay	\$100,000
5.2	Replace 600V, 600A electrical distribution panel	\$20,000
5.3	Replace 225kVA transformer	\$15,000
5.4	Replace disconnects with 208V, 800A panelboard	\$30,000
5.5	Replace sub-panels and feeders throughout (branch circuits to be re-connected)	\$60,000
5.6	Replace interior arena wall packs and wall wash lighting with LED fixtures	\$15,000
	Electrical total:	\$240,000

Table 6: Estimate of probable costs for miscellaneous items

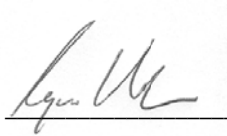
Item	Description	Estimate of probable cost
6.1	Fire protection – replace conventional heat detectors with addressable devices in all service rooms. Add addressable input modules to all sprinkler valves.	\$25,000
6.2	Security system - upgrade camera system with higher resolution cameras and larger storage capacity	\$45,000
6.3	Emergency systems – replace red lettered exit lights with new green running man style	\$15,000
6.4	Side parking lot outdoor lighting (east of new pool addition)	\$80,000

We trust that the above information satisfies your needs. If you have any questions do not hesitate to contact our office.

Sincerely,



Thomas Krajci, M.E.Sc., P.Eng.



Ryan MacVicar, P.Eng.



FINAL REPORT
THE CORPORATION OF THE TOWN OF KIRKLAND LAKE
FOR
TRAIL DEVELOPMENT STRATEGY REPORT

PREPARED BY:



MAY 20, 2008
PROJECT No:
1407438.001.LA1

EXECUTIVE SUMMARY

Background:

The Town of Kirkland Lake commissioned MMM Group to prepare a Trail Master Plan providing guidelines, recommendations and strategies to develop and implement a trails system in phases over a five year period. Presenting a framework for a Trail Development Strategy, the report identifies a non-motorized multi-use trail route system that integrates neighbourhoods, recreation areas and key destinations, and provides a contiguous network and series of trail loops / connections for the community. It also outlines a management / implementation plan that proposes various practices and mechanisms to build support towards trail development, and engage the community in collaborative partnerships.

The plan is consistent with background criteria established for the development of trails, namely:

- Trails must be located within the boundaries of the incorporated Town of Kirkland Lake.
- Links and destinations outside of Kirkland Lake must be acknowledged, and access points considered to areas outside of the Town limits.
- The trails must service the whole community including Swastika, Goodfish Village and King Kirkland, and the core area of Kirkland Lake.
- A balance of urban and rural trails should be considered.
- A variety of surface types should be considered.
- Historical heritage / tourism and nature sights should be targeted.
- Culver Park, the Complex, the Hospital, the College, the Gull Lake Trails and the Museum as well as historical sites should be targeted destinations.⁴

The plan reflects discussions held with the Trails “2000” Committee, municipal staff, community representatives and partners; and, clearly identified Vision and Goals statements, together with fieldwork, research and a review of background information.

The project is consistent with current trends in urban communities across North America and supports the Town’s initiative to develop and implement a trail system in that trail use activities:

- Are evolving to become a practical, cost effective, environmentally sensitive and healthy mode of transportation for both recreational and utilitarian purposes;
- Are popular recreational activities and means of transportation that are efficient, affordable and accessible;
- Provide enjoyable, convenient and affordable means of exercise and recreation;
- Are energy-efficient, non-polluting modes of travel; and
- Can provide significant economic benefits for adjacent landowners and local businesses.

⁴ Trails “2000” Healthy Communities Trails Committee (March 1998). A Feasibility Study of Multi-Use Trails in the Town of Kirkland Lake for Mayor and Council, Town of Kirkland Lake.

Vision, Goals and Objectives:

VISION

To establish a practical, identifiable and well-defined multi-use trail system that integrates the community, culture, attractions and surrounding areas; and, provides diverse opportunities for all users to engage in a healthy, active and sustainable means of transportation, recreation and community-building.

GOALS

To develop a comprehensive and connective trail

To engage residents / visitors in outdoor activity and exploration

To provide an affordable, convenient and functional trail system

To build a healthy and walkable community

To encourage a healthy and active lifestyle, and healthy and active life choices

To encourage a healthy, sustainable and active means of transportation

To support a variety of non-motorized travel for recreation and / or utilitarian purposes

To provide safety and accessibility

To encourage social interaction and community-oriented activities

To increase awareness, support and protection of Kirkland Lake's heritage, cultural and natural environment

To enhance and contribute to the community, economy and quality of life

OBJECTIVES

The **Kirkland Lake Trail** will:

- Be constructed to a high quality of design based on relevant traffic engineering principles, applications and best practices
- Complement / build on existing trails, facilities and community developments
- Provide convenient, non-motorized links / access to neighbourhoods, recreation areas, key destinations, attractions, natural sites, businesses and commercial areas
- Highlight and link historical, heritage, tourism and cultural assets
- Provide future connections to surrounding communities
- Integrate recreational areas showcasing activities / opportunities
- Integrate the tourism / business sector showcasing activities / opportunities
- Provide a variety of trail types, facilities and terrain that can be enjoyed by all
- Provide a variety of trail loops, distances and alternate routes about the Town
- Provide a variety of trail types, facilities and terrain with respect to sensitive areas and concerns
- Provide a variety trail experiences for leisure, recreation, exercise, commuting, nature exploration and education
- Provide safe design and minimize risks for trail users
- Promote shared use and provide opportunities that cross all demographics
- Accommodate people of all ages, skill levels and abilities
- Build awareness and motivation in the community, and get people involved with the trail

- Market / promote to ensure return visitors / users
- Identify opportunities to engage the community in collaborative planning and partnerships
- Market / promote to gain sponsors and support towards trail development
- Benefit from finding sources of funding and accessing senior government

Opportunities:

The Kirkland Lake trail will provide a well-defined and comfortable environment for recreational, tourist and utilitarian trail users, incorporating universal design principals and accessible / barrier-free design treatments to accommodate trail users of all ages, abilities and skill levels. Opportunities and benefits that will be gained through the development and implementation of the trail system include:

- Provision of new and / or improved trail infrastructure that compliments and builds upon existing trails and related facilities.
- Creation of a safe and enjoyable trail environment and multi-modal network that accommodates a range of users, ages, skill levels and abilities, whether for recreational or utilitarian use.
- Creation of a comprehensive trail network that is integrated into the transportation system.
- Application of sound engineering principles and practices to create a practical and intuitive trail system that facilitates responsible riding practices and overall traffic safety amongst all road and trail users.
- Development of partnerships with Town staff, organizations, businesses, community groups, and so forth to increase support of trail activity, and engage collaborative partnerships towards the development and implementation of the trail system.
- Connection and greater access to neighbourhoods, surrounding communities, recreational areas, key destinations, tourism / cultural attractions, natural sites, retail / commercial areas, as well as employment areas throughout the Town.
- Increased awareness and appreciation of the Town through exploration and exposure to the culture and community Kirkland Lake.
- Promotion and showcasing of Kirkland Lake and the many great attractions thereby helping to support tourism and the local economy.
- Encouragement of alternative and sustainable forms of transportation that support healthy outdoor activity, the quality of life, the environment, and community-building.
- Creation of innovative programs and outreach activities to promote and encourage trail use in Kirkland Lake.

Trail Layout and Development

The key trail areas that are to be included in the Trails Master Plan include a gravel trail in the west end of Town around Kinross Pond and connecting to Highway 66 and the adjacent neighbourhood. Existing paths, beaten trails and snowmobile routes west of Kinross Pond will also be incorporated.

In the east end of Town, an existing footpath skirting the west edge of Gull Lake area will be integrated together with a beaten path existing between Kirkland Hospital and Dunfield Road. South of Gull Lake, existing cross country ski and hiking trail loop sections between the Joe Mavrinac Community Complex and Nowry Lake will be incorporated.

The Highway 66 connection between Kirkland Lake and the Town of Swastika will be established as a trail route. As well, the Highway 66 / Government Road East thoroughfare (referred to as the “Mile of Gold”) connecting the west and east ends of Town will be integrated. Existing paths and beaten trails near the Joe Mavrinac Community Complex, and following Rick’s Trail and Murdock Creek will also be included to provide a southern trail link between the west and east ends of Town.

Effectively setting the stage for the development and implementation of an integrated trail system, the Kirkland Lake Trail Master Plan will build upon existing trails to create a series of trail loops and connections that highlights key destinations and assets in the Town and vicinity. The focus of the trail system is to provide access to key attractions and recreational areas, neighbourhoods and facilities, reflecting the culture and community of Kirkland Lake.

Key destination areas located directly on the Trail include:

- Kinross Pond
- Gull Lake
- Highway 66 / Government East Road “Mile of Gold” and Downtown Core
- Town of Swastika
- West End Tourism / Cultural Attractions
- Old Toburn Mine Site & Northern College of Applied Arts and Technology
- Joe Mavrinac Community Complex
- Cross Country Ski and Hiking Trails

Other significant destination points located near or close to the proposed trail include:

- Residential Areas and Neighbourhoods
- Public Parks and Playgrounds
- Outdoor Recreation and Sports Facilities
- Elementary / Secondary Schools - District School Board Ontario North East
- Elementary / Secondary Schools - Northeastern Catholic District School Board
- Other Government / Public Facilities
- Other Tourism / Cultural Attractions
- Other Retail / Commercial Areas (local shops, malls, strips, complexes)
- Employment areas (industrial facilities, government / non-government offices, public / private Enterprises)
- Community Facilities and Organizations

Trail Route Sections and Design Treatments (See Appendix A: Map MP-1 Trail Master Plan)

The trail route description follows the six phases of proposed construction for Kinross Pond and Gull Lake, Highway 66 / “Mile of Gold, cross country ski / hiking trail sections south of Gull Lake, and signed routes at the south end of Town. Different trail sections will have different characteristics, calling for various kinds of design treatments and attracting various kinds of users. The trail sections and phases are as follows:

- Phase 1 - Kinross Pond
- Phase 2 – Gull Lake
- Phase 3 – Swastika Trail Connection / “Mile of Gold”
- Phase 4 – Kinross Pond West
- Phase 5 – Gull Lake South
- Phase 6 – Southern Trail Links

For a complete description of individual trails sections, existing and proposed trail facilities, and pertinent details and characteristics, refer to Chapter 5.

When complete, the Kirkland Lake trail will be a four season continuous trail facility intended for all non-motorized users, and built to a variety of standards and design. Different portions of the trail will have differing characteristics appropriate for the terrain and immediate environment. The report references elements of the Kirkland Lake trail according to generalized characteristics.

Multi-Use Trails are off-road paths located in parks, open spaces, and alongside valley lands. They also occur on roadways, either within a boulevard right-of-way or adjacent to the roadway. Multi-use trails will have asphalt, granular or woodchip surfaces and, in some cases, will be a combination and include existing concrete sidewalks.

Multi-use trails accommodate a variety of recreational and utilitarian users including cyclists who may use these trails in lieu of roads.

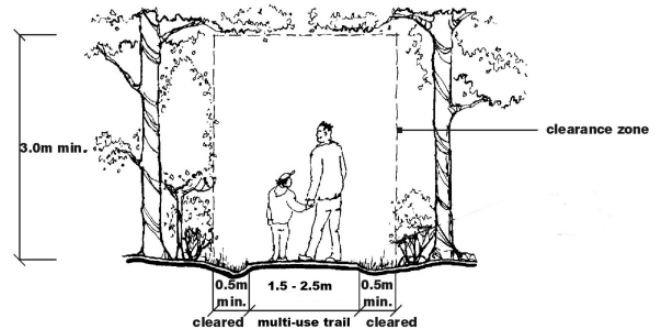
The decision to use asphalt, granular or woodchip trail material is dependent on a number of factors. These include condition of the landscape / nature of the soil where the trail is proposed, the purpose of the trail facility, surrounding environment, suggested trail users, and consideration for installation and maintenance costs.

Footpaths and hiking trails are typically narrow single-track routes with a soft surface (earth, granular or woodchip) and are intended for pedestrian use only unless otherwise mentioned. These trails may often be located in more environmentally sensitive areas, parks and greenways and certain types of uses may be restricted.

Boardwalks are designed for multi-use but not motor vehicle traffic, with the exception of service vehicles. This type of facility provides for crossing over of travel barriers such as waterways or marshy areas that are lower in elevation than the trail. The boardwalk travel surface should be a non-slip material as untreated wood or flat metal surfaces become slippery when wet or icy.

Paved Shoulders are located on roads in rural sections with no curb. When off-road routes are not feasible or desirable, paved shoulders should be considered to establish key connections and to facilitate utilitarian use.

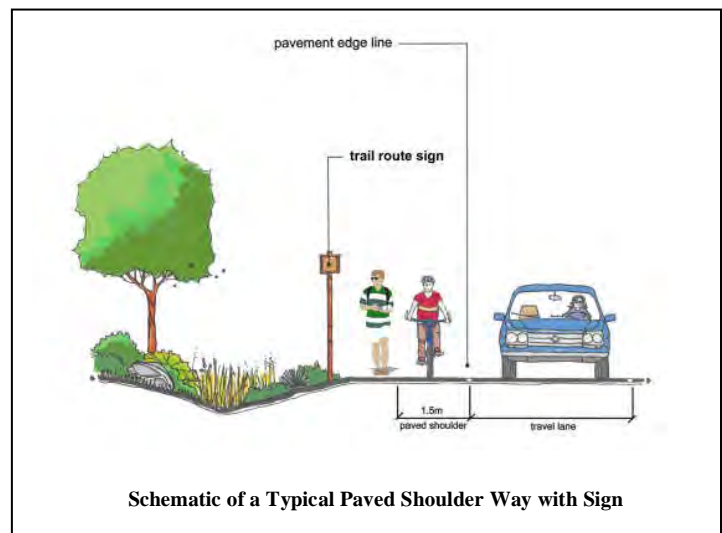
Signed-Only Routes serve to identify existing on and / or off-road travelways that are recommended to be integrated as part of a trail system. Signed-only routes are typically implemented where traffic volumes are low and adequate travelways already



Schematic for an Off-Road Multi-Use Trail



Footpath / Hiking Trail, Gull Lake



Schematic of a Typical Paved Shoulder Way with Sign

exist such as local or collector roads, roadway shoulders, sidewalks, trails or beaten paths. They do not necessarily require any construction or design treatment(s) other than regularly placed sign postings to indicate the route.



Elements of Pathway / Multi-Use Trail Approaches to Roadways

Roadway and Mid-block crossings should be designed in a way that provides advance warning to both motorists and trail users of the impending crossing. Trails should be designed and signed to encourage users to reduce speed and stop. Grade changes on the trails in advance of the crossing combined with adequate sight distances, signing, textural surface contrast, and bollards should be constructed.

Railway crossings can be hazardous for cyclists and trail users and, therefore, extra caution should be applied to assure their safe operation. It is strongly recommended that appropriate traffic control devices be installed at the intersections of railway tracks and trails.

Bridges on roads typically only provide sufficient width for the travelled lanes plus a raised sidewalk. The separation of trail users from motor vehicle traffic, either through pavement markings or fully separated facilities, is often recommended to reduce the potential for conflict between the various types of users, especially on arterial and collector roads.



Photo displays a gated approach to safe trail crossings at a railway route.

Trailhead Areas and *Viewing Platforms* should be provided in areas where users tend to stop and / or rest, such as interpretative stations, lookouts, community facilities, museums and other attractions / services. Where feasible, they should connect with parking lots, provide for shelter, and offer a plaza / gathering area, seating benches, bicycle parking, and waste receptacles, as well as a signboard to display a trail map and information. Trail lookouts and viewing platforms should also be provided where viewshed opportunities exist.



Trailhead Concept

Gateways are a key element for the trail as they add character and “set the tone” for the trail system. They can also help introduce the Town of Kirkland Lake as a community-oriented place and create a sense of welcome, arrival and safety.

Signs along the Kirkland Lake trail should communicate various kinds of information to the trail user. Recommended signing for the trail has been organized according to the following six functions:

- Trail Designation Signs
- Way-Finding Signs
- Regulatory Signs
- Warning Signs
- Information Signs
- Interpretative Signs



**Millennium Trail Information Sign,
City of Niagara Falls**

Whether signs are to include standard or large signboard formats, or special applications, they should be economical, adaptable, durable and identifiable with the trail system. They should convey accessibility and inclusiveness, and also provided in both English and French. Signage should provide a unifying design and graphic image of the Kirkland Lake trail, and the various trail loops and connections.

Barriers and Challenges to Trail Construction

The layout of the proposed trail system must address the following barriers and challenges:

- Trail Conditions
 - Environment, nature of soil and areas subject to wet, muddy or flood conditions
 - Steep grades, exposed rocks, tree roots and space between trees
 - Sandy / rocky / loam areas
- Safety Concerns
 - Litter / debris / vandalism
 - Lack of trail monitoring and supervision, particularly at night-time
- Roadway / Traffic Crossings
- Shared Roadways including bridges
- Restriction of Motorized Access
- Railway Crossings / Underpasses

- Engineering of On and Off-Road Trails
 - Reconstruction
 - Retrofitting
 - Full Construction
- Land Ownership / Easement Restrictions
- Maintenance Issues

Phases / Timeline (See Appendix B: Cost Estimate and Breakdown)

A phased implementation and development program has been prepared which prioritizes the construction of the Kirkland Lake trail system over the next five years. Cost estimates for construction of the trail are included in Appendix B of the report. The proposed development plan is:

2008 Phase 1 – Kinross Pond (See Appendix A: Map L-4, Plan F)

- Design and re-construct trail around Kinross Pond with connections to Highway 66 and Queen Street (assess and determine design treatment between northwest Kinross Pond and Highway 66 through commercial property by way of an off-road multi-use gravel trail or signed-route on Oakes Drive; acquire permission / support from neighbouring private and public landowners)
- Design and construct viewing platform lookout at old Water Tower site with amenities and interpretive signage (preservation or removal of building remnants / mining debris in area to be left to discretion of Town)
- Install retaining walls, railings and culverts where required
- Install overall trail signage

2009+ Phase 2 – Gull Lake (See Appendix A: Map L-5, Plan H)

- Design and construct trail loops in Gull Lake area; co-ordinate with neighbouring health-care facilities, Hydro One, and Ontario Ministry of Natural Resources (MNR)
- Design and construct three viewing platform lookouts with amenities and interpretive signage
- Install culverts where required
- Construct trails along Hospital Road, the Kirkland Hospital driveway, the private road / driveway for the Water Treatment Plant and Dunfield Road with pavement marking edge lines; co-ordinate in conjunction with roadway improvements
- Install signs and pavement / road crosswalk markings on Hospital Road
- Install overall trail signage

- | | |
|--------------|--|
| 2010+ | <p>Phase 3 – Swastika Trail Connection (See Appendix A: Maps L-1 to L-3, Plans A to E)</p> <ul style="list-style-type: none"> ▪ Construct paved shoulder trail on Highway 66 between Town of Kirkland Lake and Swastika with pavement marking edge lines; co-ordinate with Kirkland Lake and Swastika in conjunction with roadway improvements ▪ Install signs and pavement / road crosswalk markings ▪ Install concrete pedestrian road crossing with curb cut and signage as per MTO (Ontario Ministry of Transportation) ▪ Install railway crossing traffic control measures and devices ▪ Install sidewalk or alternative trail facility on south side of Amikougami bridge structure on Highway 66 ▪ Install overall trail signage |
| 2010+ | <p>Phase 3 – “Mile of Gold” (See Appendix A: Maps L-4 to L-5, Plans F to H)</p> <ul style="list-style-type: none"> ▪ Install trail signage along existing sidewalk ▪ Install signs and pavement / road crosswalk markings ▪ Design and construct trailhead facility with plaza, access control bollards, amenities, interpretive signage and tree planting; co-ordinate with Town of Kirkland Lake and planned construction of parking facility at the Old Toburn Mine Site ▪ Install two concrete pedestrian road crossings with curb cuts and signage as per MTO |
| 2011 | <p>Phase 4 – Kinross Pond West (See Appendix A: Map L-4, Plan F)</p> <ul style="list-style-type: none"> ▪ Design and re-construct trail loop west of Kinross Pond ▪ Install culverts where required ▪ Install overall trail signage |
| 2012 | <p>Phase 5 – Gull Lake South (See Appendix A: Map L-5 to L-6, Plans H to I)</p> <ul style="list-style-type: none"> ▪ Design and construct trail links between Dunfield Road and Allan, and the Joe Mavrinac Community Complex parking lot and cross country ski and hiking trails ▪ Install signs and pavement / road crosswalk markings ▪ Design and re-construct trail loops on existing cross country ski and hiking trail sections; acquire support from neighbouring Kirkland Lake District Composite School, Joe Mavrinac Community Centre, and local cross country ski runners club ▪ Design and construct trailhead facility with plaza, access control bollards, amenities, interpretive signage and tree planting ▪ Install retaining walls, railings and culverts where required ▪ Install overall trail signage |
| 2012 | <p>Phase 6 – Southern Trail Links (See Appendix A: Map L-7, Plan J)</p> <ul style="list-style-type: none"> ▪ Install trail signage along existing beaten paths and roadways ▪ Install signs and pavement / road crosswalk markings |

Guidelines, Recommendations and Strategies

Recommendation #1: Trail Development and Construction

- Follow guidelines and recommendations for trail construction design treatments, signage and maintenance based on relevant traffic engineering principles, applications and best practices, taking into consideration that guidelines and recommendations are not intended to take precedence over “good engineering judgement.”
- As the Trail Development Strategy is implemented, the guidelines and recommendations in this report should be confirmed, where appropriate, to ensure that they remain current, and continue to inform and guide the implementation of the proposed trail system.

Recommendation #2: Fundraising and Financing

- Pursue support and financing opportunities at the municipal, provincial and federal level.
- Pursue support and financing opportunities through various granting agencies including the Frogsbreath Foundation, the Ontario Trillium Foundation, and the Northern Ontario Heritage Fund Corporation (NOHFC).
- Pursue support and financing opportunities through various organizations including Walmart / Unilever Evergreen Fund, TD Friends of the Environment Foundation, the Molson Local Heroes, the Northern Trails Program and Shell Environmental Fund.
- Engage local participation and support through identifying and outreaching to potential partners in Kirkland Lake, and surrounding areas and communities.
- Pursue sponsorship opportunities within the business community and corporations in Kirkland Lake, and surrounding areas and communities.
- Pursue support and assistance through various local community organizations, volunteers, in-kind donations and incentives.
- Work in collaboration with partners and the community to continue identifying and investigating other finance and sponsorship opportunities, and engage further support from the community.

Recommendation #3: Education and Marketing

- Work in collaboration with partners and the community to deliver a “Name the Trail” contest event, campaigning / engaging participation and support from schools, local community organizations, associations and businesses to name a few.
- Work in collaboration with partners and the community to develop, manage and deliver education and marketing programs to promote the trail.
- Work in collaboration with partners and the community to co-ordinate educational and marketing campaigns which include activities such as a community-wide “Name the Trail” contest, kick-off / launch event to unveil the trail name(s) and the Trail Master Plan – Trail Development Strategy, public outreach and consultation, fundraisers, trail challenges; and, regular monitoring, tracking and publicizing of trail user participation.
- Encourage workplaces, facilities and establishments to engage in activities and initiatives that support trail use such as incentive programs, commuter challenges, installing bike parking, shower and change facilities, and establishment of trail user groups.
- Act as a role model, adopting programs and initiatives, and demonstrating and leading by example.

Recommendation #4: Media and Outreach

- Work in collaboration with partners, the community and media to develop, manage and deliver public outreach programs to promote the trail.
- Work in collaboration with partners and the community maintaining regular contact with radio, television and newspapers to promote trail activities and opportunities, and deliver public service announcements.
- Work in collaboration with partners and the community to post trail activities, opportunities and public service announcements on the Town and related websites.
- Work in collaboration with partners, the community and media to develop and deliver public outreach materials such as press releases, publications, promotional literature, and trail maps.
- Work in collaboration with partners, the community and media to co-ordinate and host high-profile events i.e. special trail events and trail conferences.

Recommendation #5: Mapping / Promotional Material

- Work in collaboration with partners, the community and media to produce a comprehensive trail map identifying all existing trail facilities in Kirkland Lake, key points and destinations including surrounding areas and communities, alongside distances to key areas.
- Work in collaboration with partners and the community to develop a way-finding sign plan that identifies key destinations, attractions, trailheads, rest areas and related service facilities alongside providing contact information and trail etiquette tips.
- Work in collaboration with partners and the community to develop a unique and unifying symbol, theme and name for the overall trail, and various trail sections.

Recommendation #6: Community Event Programming

- Work in collaboration with partners, the community and other agencies to co-ordinate:
 - Community-Oriented and Town Celebration Events featuring the trail as a special venue.
 - Educational Programming enabling trail users to explore and gain appreciation for the trail, nature and the outdoor environment.
 - Historical, Heritage, Tourism and Cultural Programs drawing trail users to key destinations, attractions, businesses and commercial areas.
 - Sport and Recreation Activities providing health, fitness and community-building opportunities.
 - School Programming engaging staff and students in scholastic trail activities, and providing for exciting and inspiring curriculum and school projects.
 - Service Club Activities providing opportunities to engage in trail construction and maintenance activities, and various community-oriented opportunities.

Recommendation #7: Economic Development and Tourism – Marketing Initiatives

- Work in collaboration with partners, the community and other agencies to:
 - Generate interest for use of the Kirkland Lake Trail and the many opportunities available through visitor and travel resources and information.
 - Promote trail-use in association with other walking, hiking, cycling clubs and organizations, tourist boards, bicycle tourism operators, marketing Kirkland Lake as friendly and welcoming destination that provides excellent trail facilities, a safe and positive trail environment, and a variety of exciting trail experiences.
 - Stimulate private sector individual and joint commitment to investing in making Kirkland Lake a trail-use tourist destination.
 - Co-ordinate and host a major event that would attract trail users and tourists.

Recommendation #8: Economic Development and Tourism – Marketing Approaches

- Work in collaboration with partners, the community and other agencies to:
 - Create pamphlets, brochures and maps that shows the trail system alongside tourism and recreation facilities and services including commercial accommodation, food and beverage outlets, attractions, sport repair and rental shops.
 - Develop distinctive trail signage that draws visitors to tourism and recreation facilities and services.
 - Partner link with other advertising opportunities such as Ontario Tourism Publications, local Destination Marketing Organization publications, and local and regional tourism-oriented web sites.
 - Develop a series of special events throughout Kirkland Lake that will attract trail users and tourists.

Recommendation #9: Policy / Administration

- Involve Town departments in the pursuit of trail development, expansion and improvements:
 - The route should remain flexible as it is developed, inviting opportunities to realign the route in the future as private land holdings allow easements or as new road and traffic patterns emerge in the Town. The Planning Department should look for opportunities for developing the trail when development applications are received. Site plans, and commercial and residential development plans should be reviewed for access to or inclusive of the trail system.
 - A part-time position should be opened to coordinate the planning, construction and programming of the Kirkland Lake trail.
 - The off-road system of the trail should be coordinated with the Community Services Department; the on-road system of the trail should be coordinated with the Public Works & Transportation Department.
 - An interdepartmental communication strategy should be implemented to ensure that all departments are aware of the progress of the Kirkland Lake trail.
 - All new site, commercial and residential developments should follow the recommendations of this report at the preliminary design stages through to implementation. Construction of the Kirkland Lake trail should be as much a part of the development as the vehicular roads system.
 - When confirming trail routes the following policies apply:
 - Use City owned or public lands
 - Review practicality of the trail and its usefulness in terms of function and target trail users
 - Review setting or surroundings for the trails with respect to natural versus the built surrounding
 - Review residential access
 - Town Council should empower the Engineering and Planning Department staff representative to work with other agencies and partners.
 - Long range planning documents, such as the Official Plan, should adopt the results of this study.

Recommendation #10: Long-Range Planning and Administration

- Review the report prior to construction of all road projects, prior to establishing the annual budget for parks and recreation, and annually to ensure that the report is current to the changing needs of the community.

TABLE OF CONTENTS

	Page Number
EXECUTIVE SUMMARY	i - xii
1.0 INTRODUCTION	1-1
1.1 Background and Purpose	1-1
1.2 Study, Scope and Methodology	1-2
1.3 Guidelines, Recommendations and Strategies - Considerations	1-4
2.0 TRAIL IMPLICATIONS AND DESIGN CONSIDERATIONS	2-1
2.1 Benefits and Impacts - Trends and Opportunities.....	2-1
2.2 Trail User Types	2-5
2.3 Existing Trails.....	2-9
3.0 VISION, GOALS AND OBJECTIVES	3-1
4.0 DESTINATIONS, CONNECTIONS AND ACCESS POINTS	4-1
4.1 Primary Destinations	4-1
4.2 Other Significant Destinations	4-3
4.3 Barriers	4-3
4.4 Challenges	4-7
4.5 Opportunities	4-9
5.0 THE TRAIL ROUTE	5-1
5.1 Kirkland Lake Trail.....	5-2
Phase 1 – Kinross Pond	5-2
Phase 2 – Gull Lake.....	5-2
Phase 3 – Swastika Trail Connection	5-5
Phase 3 – “Mile of Gold”	5-6
Phase 4 – Kinross Pond West	5-6
Phase 5 – Gull Lake South.....	5-7
Phase 6 – Southern Trail Links	5-8
6.0 TRAIL CONSTRUCTION GUIDELINES	6-1
6.1 Multi-Use Trails	6-1
6.2 Footpaths / Hiking Trails	6-2
6.3 Boardwalks	6-2
6.4 On-Road Facilities	6-3
6.5 Roadway and Mid-Block Crossings.....	6-5
6.6 Railway Crossings.....	6-6
6.7 Bridges on Roads	6-7
6.8 Trailhead Areas	6-9
6.10 Gateways	6-10

7.0	SIGNAGE GUIDELINES	7-1
7.1	Signage	7-1
7.2	Sign Formats	7-2
8.0	MAINTENANCE GUIDELINES.....	8-1
8.1	Maintenance Issues and Guidelines for On and Off-Road Trail Routes.....	8-1
8.2	Snow Clearing on On-Road Trail Routes.....	8-3
8.3	Trail Maintenance Costs and Implications	8-4
9.0	FUNDRAISING AND FINANCING OPPORTUNITIES.....	9-1
9.1	Government Participation.....	9-1
9.2	Other Granting Agencies.....	9-2
9.3	Local Participation	9-3
10.0	EVENTS AND PROMOTION	10-1
10.1	Education and Marketing	10-1
10.2	Media and Outreach	10-2
10.3	Mapping / Promotional Literature	10-2
10.4	Community / Event Programming	10-3
10.5	Economic Development and Tourism.....	10-4
11.0	MANAGEMENT / IMPLEMENTATION PLAN.....	11-1
11.1	Overview	11-1
11.2	Phases / Timeline	11-1
11.3	Guidelines, Recommendations and Strategies.....	11-3
12.0	REFERENCES	12.1

APPENDICES

Appendix A (Maps)

- MP1 – Trail Master Plan
- D-1 – Trail Destinations Map
- L-1 – Trail Section Phase 3: Swastika Trail Link (Swastika to Amikougami Creek)
- L-2 – Trail Section Phase 3: Swastika Trail Link (Highway 112 to Chaput Hughes)
- L-3 – Trail Section Phase 3: Swastika Trail Link (Chaput Hughes to Kirkland Lake)
- L-4 – Trail Section Phase 1, 3 & 4 : Kinross Pond – Mile of Gold
- L-5 – Trail Section Phase 2 & 3: Mile of Gold – Gull Lake
- L-6 – Trail Section Phase 5: Gull Lake South
- L-7 – Trail Section Phase 6: Southern Trail Links

Appendix B

- Cost Estimate and Breakdown

Appendix C

- Trail Construction Details

1.0 INTRODUCTION

The Trail Development Strategy provides guidelines, recommendations and strategies to develop and implement a trail system in the Town of Kirkland Lake through a phased approach over a five year period. It will identify a non-motorized multi-use trail that integrates neighbourhoods, recreation areas and key destinations through a contiguous network and series of trail loops within the community. It will also include an implementation plan that proposes various practices and mechanisms to increase support, and engage the community in collaborative planning and partnerships.

1.1 Background and Purpose

A system of multi-use trails in Kirkland Lake that promotes a healthy lifestyle and an interest in our heritage and natural landscape. Residents and visitors of every age and ability will enjoy this recreation for years to come (Trails 2000 Committee)

In March 1998, the Town of Kirkland Lake, working in partnership with the Temiskaming Health Unit and Healthy Communities Coalition, completed a feasibility study concerning the construction, operation and maintenance of a multi-use trail system in the Town of Kirkland Lake.¹ Referred to as the Trails “2000” Healthy Communities Trails Committee, the working group compiled data from previous studies and garnered community input through public consultation meetings, a local survey poll and volunteers to identify potential trails and opportunities within the Town of Kirkland Lake.

Results from the survey conducted in August 1997 in Kirkland Lake and the communities of Swastika, Chaput Hughes and Goodfish / Nettie Lake to which 188 individuals responded, revealed that walking would be the most favoured activity on a trail system followed by biking and cross country skiing.² As well, it was revealed that the majority of respondents were in support of a trail system for health reasons as well as heritage / tourism purposes.³

The survey together with background research and work undertaken by the Committee, enabled a review and assessment of trail locations, uses, amenities, destinations, and heritage / tourism needs within the Town of Kirkland Lake. Committee endeavors also helped raise awareness and support towards trail development and, identify potential partnerships, volunteers, funding and sponsorship opportunities.

The feasibility study outlined several criteria for the development of trails to be considered, namely:

- Trails must be located within the boundaries of the incorporated Town of Kirkland Lake.
- Links and destinations outside of Kirkland Lake must be acknowledged, and access points considered but no further consideration for areas outside of the Town limits.
- The trails must service the whole community including Swastika, Chaput Hughes, Goodfish and Nettie Lakes and the core area of Kirkland Lake.
- A balance of urban and rural trails should be considered.

¹ Trails “2000” Healthy Communities Trails Committee (March 1998). A Feasibility Study of Multi-Use Trails in the Town of Kirkland Lake for Mayor and Council, Town of Kirkland Lake.

² Ibid.

³ Ibid.

- A variety of surface types should be considered.
- Historical heritage / tourism and nature sights should be targeted.
- Culver Park, the Complex, the Hospital, the College, the Gull Lake Trails and the Museum as well as historical sites should be targeted destinations.⁴

Ultimately, the development of trails was to take into consideration several aspects including access, destination areas, tourism needs, historical / heritage sites and land ownership, and complement existing trails and related facilities to provide for positive recreation, transportation, and heritage tourism opportunities in addition to physical and mental well-being.⁵

In October 2007, MMM Group was commissioned to prepare a Trail Master Plan for the Town of Kirkland Lake, providing guidelines, recommendations and strategies to develop and implement a trails system in phases over a period of five years. Providing a framework for a Trail Development Strategy, the report will identify a contiguous non-motorized multi-use trail route system that integrates neighbourhoods, recreation areas, key destinations and existing trail facilities, and, provides a series of trail loops and connections that encourage active transportation amongst the community. It will also include an implementation plan that proposes various practices and mechanisms to build support towards trail development, and engage the community in collaborative planning and partnerships.

1.2 Study, Scope and Methodology

This report reflects upon discussions held with the Trails “2000” Committee, municipal staff, community representatives and partners, alongside fieldwork research and a review of background information related to the development of trails in the Town of Kirkland Lake. The baseline for the report was set by the Feasibility Study of Multi-Use Trails in the Town of Kirkland Lake completed in March 1998, taking into account that many changes and developments have evolved since the document was produced.

The following outlines the background research work undertaken for the report:

- Review all existing information that may be relevant to trails including the Official Plan, Strategic Plan, previous trail studies, and trail inventory information;
- Compile data that may be available from other sources and that pertain to the development of a comprehensive trail system;
- Collect and analyze trends or projections that would affect the feasibility and /or development of a trail system such as trail users and usage, and benefits of trails;
- Assist in a public consultation process to gain resident input;
- Identify sensitive areas and concerns that may have an impact on the development and implementation of the trail system including land ownership issues, easements, environmental concerns and risks; and,
- Identify funding opportunities.

⁴ Trails “2000” Healthy Communities Trails Committee (March 1998). A Feasibility Study of Multi-Use Trails in the Town of Kirkland Lake for Mayor and Council, Town of Kirkland Lake.

⁵ Ibid.

With respect to background research and guidance from the Trails “2000” Committee, municipal staff, community representatives and partners, the following items were prepared for the Trail Development Strategy:

- An overall trail route and mapping including potential connections to out of area trails;
- Guidelines and recommendations for trail construction (width, slope, rating) of identified key project areas, including detailed drawings;
- Guidelines for signage and other trail amenities;
- The location, length and characteristics of each trail section with a projected timeline for development;
- The estimated implementation cost for each section, including unit cost and detailed cost breakdown of recommended amenities; and,
- Guidelines and recommendations for future trail maintenance.

Providing a framework for the Trail Development Strategy and Management Plan for the development and implementation of a comprehensive trail system in a phased manner over several years, the report is broken down into the following:

- *Chapter 1* outlines the overall purpose and scope of the Trail Development Strategy.
- *Chapter 2* reviews the benefits and impacts of trails to illustrate the importance of implementing a trail system; and, identifies trail user types and existing facilities in Kirkland Lake to inform the development of the trail system.
- *Chapter 3* outlines the vision, goals and objectives for the trail system and Trail Development Strategy.
- *Chapter 4* outlines key destination areas, related trail connections and access points, and provides an analysis and constraints section to inform the development of the trail system.
- *Chapter 5* outlines the Trail Master Plan, providing an overview of the routing and location of individual trail sections, as well as the concept design for future trail facilities and amenities. The completion of the multi-use trails system will comprise of a contiguous network and series of loops / connecting links within Kirkland Lake and the Town of Swastika serving both recreational and utilitarian purposes. All of the trail routes serve to access destinations within the Town and to the Town of Swastika.
- *Chapters 6, 7 and 8* provide design, signage and maintenance guidelines, respectively, and outline recommendations and strategies for the implementation of the trail system.
- *Chapter 9* identifies funding sources, potential partnerships and sponsorship opportunities which can contribute to the development and implementation of the trail system, and who could assist in marketing and promotion.
- *Chapter 10* outlines various marketing mechanisms and promotion programs to increase awareness, appreciation and support towards the implementation of the trail system.
- *Chapter 11* focuses on the Management / Implementation plan outlining development priorities and phasing based on a detailed timeline. Policy recommendations are also provided to facilitate the development of the trail.
- Lastly, *Chapter 12* provides a list of references for on and off-road trail facility design, guidelines and standards. These include the Ontario Traffic Manual (OTM) Series produced by the Ontario Ministry of Transportation (MTO), and Transportation Association of Canada (TAC).

1.3 Guidelines, Recommendations and Strategies - Considerations

The guidelines, recommendations and strategies provided in this report offer a variety of concepts and ideas that should be considered in the development and implementation of the proposed trail system in the Town of Kirkland Lake. The report provides technical guidance for on and off-road design treatments and considerations to accommodate a variety of trail users calling attention to relevant traffic engineering principles, applications and best practices. However, these recommendations are not intended to take precedence over “good engineering judgement.”

As the Trail Development Strategy is implemented, the guidelines and recommendations in this report should be confirmed, where appropriate, to ensure that they remain current and continue to inform and guide the implementation of the proposed trail system. When completed, the Town of Kirkland Lake will have developed a comprehensive trail system integrating a range of on and off-road facilities into the transportation system, and serving local and surrounding communities. These include on and off-road multi-use trails, sidewalks, signed-only routes, paved shoulders and shared roadways, alongside related trail amenities.

2.0 TRAIL IMPLICATIONS AND DESIGN CONSIDERATIONS

2.1 Benefits and Impacts - Trends and Opportunities

Benefits of a Co-ordinated Non-Motorized Trail System

Activities such as walking and cycling are evolving to become a practical, cost effective, environmentally sensitive and healthy mode of transportation for both recreational and utilitarian purposes across North America. It is recognized as an integral and necessary component of a balanced transportation system and as an alternative to the automobile.

The number of recreational trail users has grown significantly in recent years leading to an increased demand in communities throughout Ontario for related trail facilities. Across Ontario, recreational cycling is recognized as one of the top three recreational pursuits, having a 20% participation rate and estimated annual growth rate of 2.3%.¹ Regional municipalities, including Niagara and Waterloo, as well as municipalities such as Toronto, Ottawa, Brampton, Markham, London, Milton, Windsor and Sault Ste. Marie, to name a few, are actively developing networks to encourage cycling and walking, and to lower reliance on the automobile.

In the City of Toronto, approximately 20% of the population cycle for utilitarian purposes, such as getting to work, school, shopping, errands, etc., and 44% of the population cycle for recreational purposes to follow leisure and fitness pursuits.²

At the provincial level, the Ontario Trails Council is promoting the integration of community and regional trails into a province-wide system known as the Ontario Trillium Trails Network. At the same time, a national trail system is being developed through the Trans Canada Trail initiative.

According to David Foot, author of “Boom, Bust & Echo”, and his American counterparts, significant changes are occurring in recreation as a result of demography. In short, a large proportion of our population is aging and looking for different types of recreational opportunities than were typical in the past. The following general trends have been observed, all of which have implications for activities such as walking and cycling:

- There is a renewed interest in spending “quality time” with family and friends, while pursuing high quality recreational experiences;
- Staying healthy through active recreational pursuits is viewed as important;
- There is a strong interest in tourism and recreational activities that respect the natural and cultural environments, and also offer educational opportunities; and,
- There is a pervasive interest in getaway travel where the goal is to obtain a high quality recreational experience at a reasonable cost.

The promotion of walking, cycling and other forms of active travel has significant transportation, recreation, health and fitness, environmental, and economic benefits.

¹ Ministry of Citizenship, Culture and Recreation in Marshall Macklin Monaghan, 2001.

² Decima Research Inc., 2000.

Transportation Benefits

Walking, cycling and other forms of active travel such as in-line skating, skateboarding and non-motor scooter use are popular recreational activities and means of transportation that are efficient, affordable and accessible. They are the most energy efficient modes of transportation as they generate no pollution, except in the manufacture of bicycles and other equipment. The transportation benefits of walking, cycling and other active transportation means include reduced congestion and road maintenance costs, less costly infrastructure, increased road safety and decreased user costs.

The addition of even a small volume of traffic to a congested road can create enormous delays for all users. In fact, at capacity conditions, increasing traffic by 5% can reduce speeds by up to 25%. Congestion costs in Ontario were estimated to be \$6.4 billion annually and could grow by an additional \$7 billion annually by 2021 without increased investment in alternative modes of transportation.³ Shifting a little traffic off busy roads can create surprisingly large time savings for individuals as well as for time-sensitive commercial vehicles.⁴

Typical roadway funding requirements include maintenance costs, safety and enhancement costs plus the addition of roadway capacity through lane widening or additions. Furthermore, the costs for road construction, reconstruction and maintenance are usually paid for by road users through gas taxes. An emphasis on cycling and other “active transportation” modes such as walking can result in a reduction in roadway costs since bicycles are lightweight vehicles that take up little space and cause little “wear and tear” on a road surface.

A reduction in car use results in a reduction in the amount of parking spaces required. Parking is a significant cost of operating an automobile. The cost of providing additional parking spaces for an automobile on a surface parking lot is about \$3,000 per stall or \$16,000 to \$20,000 per stall in an underground parking garage.⁵ Encouraging more people to walk and cycle to work could lead to a reduction in the number of parking spaces required at a place of employment. Furthermore, bicycle parking facilities could be provided in an existing surface or underground parking lot with no additional parking lot expansion required.

Recreation, Health and Fitness Benefits

Walking, cycling and other forms of active transportation provide enjoyable, convenient and affordable means of exercise and recreation. The most effective fitness routines are moderate in intensity, individualized and are incorporated into our daily activities. Walking, cycling and other related activities can accomplish this and at the same time provide mobility.

In 2001, approximately \$2.8 billion was spent on health care due to physical inactivity in Canada, which could be reduced by \$280 million if physical activity was increased by 10%.⁶ Our health system is shifting from protecting people from hazards in the environment to developing healthy environments in which people live. Evidence suggests that improved walking and cycling facilities lead to higher use. Increased physical activity such as walking,

³ The Business Case for Active Transportation, The Economic Benefits of Walking and Cycling; Go for Green, March 2004.

⁴ Transportation Demand Management Strategy, City of Ottawa, Travelwise, Transportation, Utilities and Public Works, April 2003.

⁵ The Business Case for Active Transportation, The Economic Benefits of Walking and Cycling; Section 4.1.5; Go for Green, March 2004

⁶ Ibid.

cycling and other trail related activities could help to reduce the risk of coronary heart disease, premature death, high blood pressure, obesity, adult-onset diabetes, depression and colon cancer. A more active population can, in turn, reduce the cost of medical care, decrease workplace absenteeism, and maintain the independence of older adults.

There are other health benefits in addition to the physical gains. Non-motorized recreation and travel can enhance one's mental outlook and well-being, improve self-image, social relationships and increase self-reliance by instilling a sense of independence and freedom. These can contribute to healthier and happier personal relationships, and improve work and school productivity.

Improving active transportation methods and reducing automobile traffic can help make communities more "liveable" by creating an environment that is pleasant and safe without noise and pollution. This can help to encourage more social interaction within a neighbourhood and create a stronger sense of community. Walking, cycling and other active travel means can provide a form of mobility for people who do not have regular access to an automobile and live in communities with limited transportation alternatives.

Trail projects (construction, operation, maintenance and promotion) can help to foster partnerships among individuals, government, local business and interest groups. There are many examples of successful private and public-sector partnerships that have developed as a result of the development of trails across the country, such as the Chrysler Greenway through Essex County, near the City of Windsor.

Making an investment to include active transportation modes such as walking and cycling into daily commuting habits and errands, and recognizing the trail as an integral component of the Town of Kirkland Lake's transportation network, can help to promote a healthy and active lifestyle for the Town's residents.

Environmental Benefits

Activities such as walking and cycling are energy-efficient, non-polluting modes of travel. Short distance, motor vehicle trips are the least fuel-efficient and generate the most pollution per kilometre. These trips have the greatest potential of being replaced by cycling trips and integrated cycling-transit trips. Shifting to these modes can mitigate ozone depletion, the greenhouse effect, ground-level air pollution, photochemical smog, acid rain, water pollution and hydrologic disruptions, land use and noise pollution.

Reducing the amount of vehicles on the road reduces the number of hazardous pollutants that are emitted into the atmosphere by motor vehicles. Climate change is another problem that can be mitigated by encouraging drivers to use other modes, or to travel outside rush hours. Motor vehicles, roads and parking facilities are major sources of water pollution and hydrologic disruptions due to such factors as road de-icing, air pollution settlement, roadside herbicides, road construction along shorelines, and increased impervious surfaces.

Noise refers to unwanted sound and vibration. Motor vehicles generate various types of unwanted noise that cause disturbance and discomfort to residents. This includes engine acceleration, tire/road contact, braking, horns and vehicle theft alarms. Bicycles make little or no noise and walking is not disruptive to communities from a noise perspective.

Automobile dependent communities require more land for road rights-of-way and parking than communities that are not as reliant on the automobile. Making communities less auto-dependant by providing infrastructure for alternative transportation modes, such as walking and cycling, can reduce the amount of land required to construct new communities, thus creating more compact subdivisions that are easier to manage from a transportation perspective.

Economic Benefits

A study published by Go for Green in March of 2004 establishes a convincing Business Case for Active Transportation in the report entitled “The Economic Benefits of Walking and Cycling”.⁷ These benefits include:

- Reduction in road construction, repair and maintenance costs;
- Reduction in costs due to greenhouse gas emissions;
- Reduction in health care costs due to increased physical activity and reduced respiratory and cardiac disease;
- Reduction in fuel, repair and maintenance costs to users;
- Reduction of costs due to increased road safety;
- Reduction in external costs due to traffic congestion;
- Reduction in parking subsidies;
- Reduction of costs due to air pollution;
- Reduction of costs due to water pollution;
- The positive economic impact of bicycle tourism;
- The positive economic impact of bicycle sales and manufacturing;
- Increased property values along greenways and trails; and
- Increased productivity and a reduction of sick days and injuries in the workplace.

There is ample evidence that trails provide significant economic benefits for adjacent landowners and local businesses. Trails provide benefits to the local economy during both construction and operation. Trail construction results in direct benefits such as jobs, including the supply and installation of materials. Following construction, benefits emerge in the form of expenditures by trail users. A few examples include.⁸

- The Adanac Bikeway in Vancouver was completed in 1993 and bicycle volumes increased 225% during the period from 1992 to 1996;
- Trails in New Brunswick employ around 1500 people for an average of six months per year;
- 70% of Bruce Trail users cite the trail as the main reason for visiting the area, and they spend an average of about \$20.00 per user per visit within a 10 km corridor on either side of the trail;
- Annual expenditures linked to La Route Verte rose to \$95.4 million in 2000, representing 2,000 jobs and \$15.1 million and \$11.9 million for the governments of Quebec and Canada, respectively;
- In 2002, Quebec hosted 190,000 bicycle tourists who spent an average of \$112 per day and an average of 6.5 nights compared to \$52 per day and an average of 3.1 nights spent by other tourists; and,

⁷ The Business Case for Active Transportation, Go For Green, Better Environmentally Sound Transportation – BEST, March 2004.

⁸ Ibid.

- In Ontario, the Eastern Ontario Trails Alliance estimated that at the end of a ten year build-out period, construction of the trail will generate approximately \$36 million in *annual* economic benefits in the communities through which it passes, and create/sustain over 1100 jobs.

Trail systems can have varied levels of attraction for tourists. They can be travel destinations in themselves, encouraging visitors to extend their stay in the area or enhancing business and pleasure visits. By increasing the “level of tourist draw”, travellers can be expected to stay longer, resulting in an additional night’s lodging and meals, a major direct new benefit to local businesses.

A 1997 survey of Canadian tourists active in the outdoors showed that 30% of Ontario tourists cycled on at least one occasion while on vacation. The Ontario Ministry of Transportation reported that touring cyclists spend an average of \$130 per day in Ontario, and the bicycle retail and tourist industry contributes a minimum of \$150 million a year to the Ontario economy. Bed and breakfast operators between Ottawa and Kingston report that the majority of their business is from touring cyclists. Cyclists in Vermont spend an average of \$180 U.S. per day, the same amount expected of someone traveling by car.

Bicycle manufacture, sales and repairs, as well as bicycle tourism, recreation and delivery services contribute to the economy with little to no public investment or subsidy. In 2002, Canadian households spent an average of \$42 on bicycles, parts and accessories for a total of \$495,600,000.⁹ The small size of the bicycle results in infrastructure costs for bikeways and bicycle parking that are 10 to 20 times less than for the same quantity of automobiles.

Increased walking and cycling can provide a number of transportation, economic, environmental and social benefits to the Town of Kirkland Lake. According to the aforementioned Go for Green study, “The current economic benefits are enough to justify increased government expenditures on active transportation in Canada. The projected benefits of doubling the mode share of active transportation make the case even more compelling.”¹⁰

Clearly, experience from other jurisdictions as well as data collected at the provincial and federal levels in Canada confirm the positive benefits of supporting walking, cycling and other forms of active transportation.

2.2 Trail User Types

The number of recreational and utilitarian trail users has increased significantly over the years and with that comes an increased need to plan, design and construct appropriate facilities. Results from a local survey poll conducted in August 1997 in Kirkland Lake, Swastika, Chaput Hughes and Goodfish / Nettie Lake to which 188 individuals responded, revealed that walking would be the most favoured activity on a trail system followed by biking and cross country skiing.¹¹ A successful trail system should provide a well-defined and comfortable environment for all its anticipated users, and accommodate a variety of trail use opportunities.

⁹ The Business Case for Active Transportation, Better Environmentally Sound Transportation – BEST, Go for Green, March 2004. Section 4.5.4, pg. 24.

¹⁰ Ibid.

¹¹ Trails “2000” Healthy Communities Trails Committee (March 1998). A Feasibility Study of Multi-Use Trails in the Town of Kirkland Lake for Mayor and Council, Town of Kirkland.

It is therefore important to identify the target group and range of activities for which the facility is being designed.

The following provides general information about trail users, and describes their abilities and needs from a multi-use trail planning and design perspective. Trail users include pedestrians, cyclists, and in-line skaters. They also include trail users with disabilities who may employ mobility aides such as a wheelchair, and other user types such as cross country skiing, non-motorized scooter users or skateboarders who are increasingly recognized and accommodated within recreational facility design.

While there is a wide range of skill levels and considerable variation in typical trip length and purpose, from a planning perspective, trail users can generally be grouped according to trip purpose, skill level and age. Consideration must also be given to the needs of tourists who may use the trail to experience the many attractions and natural amenities that the Town has to offer.

Utilitarian Users

A Utilitarian user is someone that regularly undertakes a trip for a specific purpose to reach a specific destination. Utilitarian users would use the trail for commuting purposes such as traveling to work, school or running errands. Utilitarian users can be expected to use the trail year-round in all weather conditions, although seasonally they may switch to public transit or other modes. Many people use their bicycle or walk to commute to work or school while others choose these active transportation modes to visit friends or to run errands. Typically, commuters have good mobility skills, and are cognizant of the “rules of the road”.

Recreational Users

Recreational users of the trail are defined as those who would use the trail casually for leisure and / or fitness purposes solely. Research undertaken in other municipalities throughout Ontario indicate that the number one reason people do not consider walking or cycling for commuting purposes is distance. It is also apparent that some feel walking or cycling to work is simply not feasible since they “cannot carry things” or there are unsafe traffic conditions.

Additional research has found that other major obstacles that discourage recreational users from becoming utilitarian users include the incompatibility of work clothes, plus lack of shower, change room and bicycle parking facilities. As standards for work dress have become less casual in recent years, the incompatibility with work clothes is slowly becoming less of an issue.

Age

Users of all ages must be considered when developing the trail system. The U.S. Federal Highway Administration reported that nearly half of all 5 to 18 year olds either walked or cycled to school in 1969. By 2001 nearly 9 out of every 10 children between the ages of 5 and 15 were driven to school by either a parent or a bus driver.¹¹ One cause for this can be the automobile-oriented suburbanization that has developed around many major cities around the world. The journey between one’s home and school has become longer and more treacherous

¹¹ National Center for Bicycling and Walking, Safe Routes to School: Introduction – The concept and history, www.bikewalk.org/safe_routes_to_school/SR2S_introduction.htm, 2004.

and in many communities, trails, sidewalks, crosswalks, paved shoulders and shared roadways are non-existent or inadequate.¹²

Many transportation plans developed today disregard the requirements of children. In order to promote a more active and energy-conscious lifestyle, child-friendly sustainable transportation networks should also be developed, as these can help to reduce problems ranging from personal health to pollution and gridlock.¹³ The trail system developed for Kirkland Lake would help provide access to key destinations in their community, such as schools, convenience stores and recreational facilities, and offer a feasible transportation alternative to the automobile, encouraging a healthy and active lifestyle for all ages.

Barrier-Free Design

The trail is to be viewed as a trail for many recreational uses, including skateboarders, in-line skating and cross-country skiing, but not exclusive of motorized and non-motorized mobility aides such as wheelchairs and scooters. In order to accomplish this, the trail has to be wide enough and of a suitable surface for these activities. Areas where there are sudden changes in grade (i.e. steps or stairs), provisions should be made to circumnavigate these obstacles or reconstruct the area with a ramp.

A 2003 report published by Social Development Canada (2004) on disability in Canada reveals that:

- Some 3,601,000 Canadians have a disability (one in eight).
- While the overall rate of disability in Canada is 12.4%, the rate of disability increases with age: from 3.3% among children, to 9.9% among working-age adults (15 to 64), and 31.2% among seniors 65 to 74 years of age. Disability rates are highest among older seniors (75 and over), with fully 53.3% in this age group reporting a disability.
- Mobility, agility, and pain-related disabilities are by far the most common types, each accounting for approximately 10% of reported disabilities nationally.¹⁴

Persons with disabilities represent a significant portion of active or potential trail users and are equally deserving of the opportunity to experience and enjoy the Kirkland Lake Trail. As such, their abilities, needs and interests should be considered in the design and implementation of multi-use trails.

The type of mobility device that may be employed by trail users with disabilities should also be considered in the design of multi-use trails. A 2004 report published by the United States Department of Transportation (USDOT) examined the characteristics and nature of emerging road users and outlined a variety of mobility aides that are being employed. They include power and racing wheelchairs, assistive power scooters and hand cycles.¹⁵ With this increase and advancement of mobility devices has come an increase in opportunities for people with varying abilities to access and experience the trail in different ways and at different speeds.

Providing access to trails and facilities in order to accommodate a diversity of people with varying abilities is central to the development of a multi-use trail system. This is of increasing

¹² Ibid.

¹³ Transportation Planning Failing Children: The Kids are Not All Right, Nova Res Urbis – Greater Toronto Area Edition, June 2004.

¹⁴ Social Development Canada, 2004, p. 2.

¹⁵ USDOT, 2004.

importance considering the increase in age in population and corresponding growth in mobility device usage. Though it may not be feasible or practical to design and implement trails that accommodate every ability, need, and interest throughout the entirety of the Kirkland Lake Trail, opportunities should be explored and appropriate facilities provided where possible.

Universal Design

Universal Design is a concept that takes into consideration the abilities, needs, and interests of the widest range of possible users. In regards to trail design, it means planning and developing a range of facilities that can be experienced by a variety of users of all abilities. Principles of universal trail design can be summarized as follows:

- Equitable use: provide opportunity for trail users to access, share and experience the same sections of trail rather than providing separate facilities.
- Flexibility in use: provide different options for trail users in order to accommodate a variety of experiences and allow choice.
- Simple, intuitive and perceptible information: whether conveying trail information through signage, maps or a web site, communicate using simple, straightforward forms and formats with easy to understand graphics and/or text.
- Tolerance for error: design trails and information systems so as to minimize exposure to hazards, and indicate to users any potential risks or challenges that may be encountered.
- Low physical effort: trails may provide for challenge but should not exceed the abilities of the intended users; where appropriate, rest areas should be provided.
- Size and space for approach and use: trails and amenities should provide for easy access, comfort and ease in their usage.

In conjunction with the above principles, trail users should also have access to accurate information regarding the nature and condition of the existing trail. Trail information may be presented through a relevant web site, or through literature. Where appropriate, this information can also be provided through signage installed at the beginning of a trail. Signage may include a web site address or provide instruction as to where trail literature may be obtained. Making such information available will, in turn, help facilitate safe and enjoyable trail use as each user can make an informed and responsible decision as to whether the trail meets their abilities, needs, and interests.

The benefits of trails that are designed in consideration of universal design principles include increased diversity and experiences amongst trail users, and higher levels of trail use amongst people with different abilities. Every effort should be made to develop and implement a trail system in accordance with universal design principles. Where it is not possible to incorporate these principles, the trail should be designed and constructed to comply to the greatest degree possible.

Information regarding Universal Design has been excerpted from Ontario's Best Trails – Draft Document (2006).¹⁵ Please consult this document for further details.

¹⁵ Trails for All Ontarians Collaborative (TAOC), 2006.

Tourists

A trail system will provide increased recreational opportunities for residents and visitors to Kirkland Lake and will attract many trail-using tourists to the Town. Tourists would be expected to use the entire trail, either on individual trips or on organized tours, and visit many of the tourists attractions located throughout the Town. It is expected that tourists would use the trail during all seasons. For that reason, the trail needs to provide a variety of experiences and a direct route to desirable destinations.

2.3 Existing Trails

Currently, there are approximately 4 km of walking trails in the Town of Kirkland Lake. Sporadically located about the Town, a significant percentage of these trails include informal, beaten paths in addition to a defined network of multi-use cross country ski and hiking trails lying south of Gull Lake.

The key trail areas that are to be included in the Trails Master Plan include a gravel trail in the west end of Town around Kinross Pond and connecting to Highway 66 and the adjacent neighbourhood. Existing paths, beaten trails and snowmobile routes west of Kinross Pond will also be incorporated.

In the east end of Town, an existing footpath skirting the west edge of Gull Lake area will be integrated together with a beaten path existing between Kirkland Hospital and Dunfield Road. South of Gull Lake, existing multi-use cross country ski and hiking trail sections between the Joe Mavrinac Community Complex and Nowry Lake will be incorporated.

The Highway 66 connection between Kirkland Lake and the Town of Swastika will be established as a trail route. As well, the Highway 66 / Government Road East thoroughfare (referred to as the “Mile of Gold”) connecting the west and east ends of Town will be signed and integrated as part of the trail route. Existing paths and beaten trails behind the Community Complex, and following Rick’s Trail and Murdock Creek will also be included to provide a southern link between the west and east ends of Town.

Ultimately, the goal of the Kirkland Lake Trails Master Plan is to complement and build upon these critical trail areas, providing opportunities for their expansion and development, and incorporating them into an overall trail system that integrates key destinations and assets within the Town and vicinity.

3.0 VISION, GOALS AND OBJECTIVES

The Town of Kirkland Lake – Trail Development Strategy was based on clear Vision and Goals statements that were established during a stakeholders' meeting held January 28, 2008, and serve as a framework for the development of a management / implementation program.

VISION

To establish a practical, identifiable and well-defined multi-use trail system that integrates the community, culture, attractions and surrounding areas; and, provides diverse opportunities for all users to engage in a healthy, active and sustainable means of transportation, recreation and community-building.

GOALS

- To develop a comprehensive and connective trail
- To engage residents / visitors in outdoor activity and exploration
- To provide an affordable, convenient and functional trail system
- To build a healthy and walkable community
- To encourage a healthy and active lifestyle, and healthy and active life choices
- To encourage a healthy, sustainable and active means of transportation
- To support a variety of non-motorized travel for recreation and / or utilitarian purposes
- To provide safety and accessibility
- To encourage social interaction and community-oriented activities
- To increase awareness, support and protection of Kirkland Lake's heritage, cultural and natural environment
- To enhance and contribute to the community, economy and quality of life

OBJECTIVES

The **Kirkland Lake Trail** will:

- Be constructed to a high quality of design based on relevant traffic engineering principles, applications and best practices
- Complement / build on existing trails, facilities and community developments
- Provide convenient, non-motorized links / access to neighbourhoods, recreation areas, key destinations, attractions, natural sites, businesses and commercial areas
- Highlight and link historical, heritage, tourism and cultural assets
- Provide future connections to surrounding communities
- Integrate recreational areas showcasing activities / opportunities
- Integrate the tourism / business sector showcasing activities / opportunities
- Provide a variety of trail types, facilities and terrain that can be enjoyed by all
- Provide a variety of trail loops, distances and alternate routes about the Town
- Provide a variety of trail types, facilities and terrain with respect to sensitive areas and concerns

- Provide a variety trail experiences for leisure, recreation, exercise, commuting, nature exploration and education
- Provide safe design and minimize risks for trail users
- Promote shared use and provide opportunities that cross all demographics
- Accommodate people of all ages, skill levels and abilities
- Build awareness and motivation in the community, and get people involved with the trail
- Market / promote to ensure return visitors / users
- Identify opportunities to engage the community in collaborative planning and partnerships
- Market / promote to gain sponsors and support towards trail development
- Benefit from finding sources of funding and accessing senior government

4.0 DESTINATIONS, CONNECTIONS AND ACCESS POINTS

4.1 Primary Destinations (see Appendix A: Map D-1, Trail Destinations Plan)

The intent behind the Kirkland Lake trail system is to highlight and connect trail users to key areas within the Town and nearby vicinities, thereby providing access and linkages between neighbourhoods and surrounding communities; recreational, heritage / tourism, institutional and commercial areas; as well as existing trails facilities.

Key destination areas located directly on the Trail may also serve as trail heads and include:

Kinross Pond

The Kinross Pond area encompasses wooded and open spaces, and informal trails. A gravel base trail around the Pond and connecting to the shopping / commercial development area to the north, Highway 66 and the neighbourhood immediately to the east, serves as a local tourist and recreation attraction. A gravel path, beaten trails, snowmobile routes and Oakes Drive create connections west of the Pond to Highway 66, and provide links to west end tourism / cultural attractions, a local toboggan hill, and the Kirkland Lake Industrial Park to the south.

Open spaces create appealing picnic / rest areas and opportunity to create a trailhead with parking facilities. Building remains such as the old Water Tower foundation and remnant piping facilities, along with mining debris provide for interpretive opportunities of the local history and culture. Rock outcrops and undulations in the landscape afford viewing opportunities from the west side of the Pond.

West End Tourism / Cultural Attractions

Tourism / Cultural Attractions in the west end of Town include Hockey Heritage North, Sir Harry Oakes Chateau-Museum and the Miner's Memorial. Located off Highway 66, these facilities serve as primary tourism destination areas and include visitor parking which could also accommodate trail users. In addition, the area located eastward (and north of Kinross Pond) is quickly becoming an established shopping and commercial development area.

Gull Lake

Gull Lake is a natural area housing wooded / open spaces and informal paths, and serves as a tourist attraction as well as destination for the recreational user. Existing footpaths / beaten trails along the west perimeter of the Lake and between Kirkland Hospital and Dunfield Road, and an open area along a Hydro corridor create links to Government East Road / Highway 66, healthcare facilities and Dunfield Road. Open spaces near the Extendicare facility and Kirkland Hospital create appealing picnic / rest areas and ideal opportunity for viewing platforms / lookouts. The marsh area at the west end of the Lake provides exposure to nature and wildlife.

Joe Mavrinac Community Complex

As part of the Parks and Recreation Division, the Joe Mavrinac Community Complex provides a diverse recreational centre for residents and visitors to Kirkland Lake offering a variety of multi-use facilities, programs and services. The complex is a key resource and venue for fitness, sports and recreation, as well as social events thereby encouraging healthy,

active and community-building opportunities. The complex is also in close proximity to local cross country ski and hiking trails, Gull Lake, and residential neighbourhoods in the east area of Town.

Cross Country Ski & Hiking Trails

An established trail network located at the southern end of the Lake between the Joe Mavrinac Community Complex and east past Nowry Lake, provides cross-country ski and hiking opportunities. The alignment of trail loops and sections near the Lake and in less developed, more naturalized areas provides quality recreational and experiential opportunities, alongside excellent views of the Lake. The proximity of the proposed trail to the Joe Mavrinac Community Centre at the westernmost end of the Lake provides opportunity to create a trailhead.

Downtown Core & Mile of Gold

The downtown area of Kirkland Lake encompasses the Town Hall, Ministry of Northern Development and Mines, Ministry of Natural Resources, various retail / commercial establishments, recreational venues, and tourism / cultural attractions. The main thoroughfare, Highway 66 / Government East Road, passes through the downtown core connecting the east and west end of Town, and providing links to surrounding communities. Referred to as the “Mile of Gold” because of its’ original construction using crushed stone remnants from local gold mines, Highway 66 / Government East Road offers a significant historical perspective of the Town, and provides opportunity to support local business, tourism and the commercial sector by bringing folk into the Town and engaging them with community.

Old Toburn Mine Site & Northern College of Applied Arts and Technology

The Old Toburn Mine Site, located off of Government East Road / Highway 66, provides for a unique educational and tourist experience and includes the Toburn Headframe - a distinct and emblematic symbol for Kirkland Lake. Future plans to create a visitor parking area at the corner of Government East Road / Highway 66 and Burnside Drive provide opportunity to create a trailhead. Northern College, also located off of Government East Road / Highway 66, is home to several art installations as well as a sample rock specimen known as Pillow Lava and serves as a key educational institution, community facility and venue.

Town of Swastika

Southwest of Kirkland Lake along Highway 66 is the Town of Swastika, a popular destination for residents and visitors. It is home to Culver Park which has well established trails and recreational facilities including a sandy beach, picnic and play areas, beach volleyball, and former cross country ski trails. Another attraction is the Ontario Northland Railroad underpass / bridge crossing of Blanche River via Highway 66 which is recognized as a unique engineering structure that incorporates three travel planes (water, road and railway) at a fixed point. Other points of interest along Highway 66 between Swastika and Kirkland Lake include Chapet Hughes, various commercial / industrial facilities, Amikougami Creek and Fireman’s Park which houses local trails, picnic and play areas, as well as a walking path and bridge over Blanche River rapids.

4.2 Other Significant Destinations

Other significant destination points are located near or close to the Trail, providing further access and connections within the community. Serving both recreational and utilitarian needs, these destinations include:

- Residential Areas and Neighbourhoods
- Public Parks and Playgrounds
- Outdoor Recreation and Sports Facilities
- Elementary and Secondary Schools - District School Board Ontario North East
- Elementary and Secondary Schools - Northeastern Catholic District School Board
- Other Government / Public Facilities
- Other Tourism / Cultural Attractions
- Other Retail / Commercial / Shopping Areas (local shops, malls, strips, complexes)
- Employment areas - Industrial Facilities
 - Government Offices
 - Non-Government Offices
 - Public and Private Enterprises
 - Community Facilities and Organizations

4.3 Barriers

- *Kinross Pond*
 - Condition of existing granular path around Pond needs to be addressed (sandy, rocky and rough along south; sandy loam at southwest)
 - Slope / ramp and ditch at southeast / east end of Pond will require culvert(s)
 - Condition of Oakes Drive needs to be considered (patchy asphalt / gravel surface)
 - Condition / grade along existing north-south path and beaten trails west of Pond needs to be addressed (rugged nature and grades)
 - Rough, rugged conditions / grade on existing snowmobile path(s) need to be addressed
 - Exposed rocks, outcrops, tree roots, space between trees and nature of soils may pose challenges for trail construction
 - Safety concerns (night time and lack of surveillance)
 - Existing mining debris, building remnants and materials in area need to be considered
- *Gull Lake*
 - Rough condition and grade along footpaths / trails needs to be addressed
 - Rough condition and grade along power line Hydro corridor needs to be addressed
 - No trail from Toburn / Highway 66 past Extendicare facility



Trail view north, west of Kinross Pond



Trail view south, west of Kinross Pond



Beaten footpath, west of Gull Lake

- Wet areas along Lake and private road subject to flooding and will require additional facilities such as culverts
- Layout of the trail along Lake will require setback as per the Ministry of Natural Resources
- Exposed rocks, outcrops, tree roots, space between trees and nature of soils may pose challenges for trail construction
- Safety concerns regarding litter, debris, vandalism, night time activities and lack of surveillance



Wood rails in wet area, west of Gull Lake



■ *Cross Country Ski & Hiking Trails*

- Condition / grade / nature of soils along existing trails needs to be addressed
- Mucky, rocky, marshy, rugged along south end of Gull Lake in summer particularly in section just west of Nowry Lake



Entrance to Ski & Hiking Trails

- *Roadway / Traffic Crossings* will require pavement markings and signage at minor crossings; major roadway / traffic crossing will require pavement markings and signage, along with additional design treatments to regulate traffic particularly along Highway 66 / Government Road East including:

- Near west end tourism / cultural attractions and Chateau Drive
- Between Kirkland Lake and the Town of Swastika, and including crossing at Riverside Drive to Firemen's Park
- At the Old Toburn Mine Site at Burnside Drive, and Northern College at Toburn



View east at Sylvanite on Highway 66



Northern College entrance at Highway 66

- *Shared Roadways / Roadway Right-of-Way Width* where physical separation from motorized traffic can only be accommodated through paved shoulder, pavement markings and / or signage, namely:

- Highway 66 connection to Town of Swastika which is currently a gravel shoulder
- Trail connection along Oakes Drive
- Private road / driveway between Water Treatment Plant and Dunfield Road which currently has a variable gravel / grass shoulder
- Trail connection along Dunfield Road
- Trail link along Carter Avenue and Queen Street



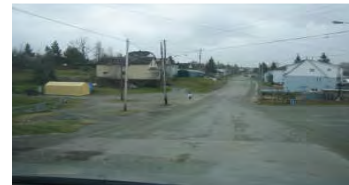
View on Highway 66, northeast from Swastika



View on Oakes Drive south to Kinross Pond



Private road / driveway, Water Treatment Plant



View south on Carter Avenue



View west on Queen Street, east of Kinross Pond

- *Town of Swastika (trail connection along Highway 66)*
 - Roadway / traffic crossings (as mentioned above), and also including major driveway crossings for commercial / industrial facilities
 - Shared roadway / roadway right-of-way width (as discussed above)
 - Railway crossings and underpasses (as discussed below)
 - Traffic volume and speed (note: high truck usage)
 - Bridge over Amikougami Creek has sidewalk on north side only and may require a bridge extension (i.e. cantilevered facility) on south side to accommodate trail
- *Railway Crossings* can be hazardous for cyclists and trail users. Extra caution should be applied to assure trail users safe passage. It is strongly recommended that appropriate traffic control devices be installed at the intersections of railway tracks and trails where routes crossover such as at the Ontario Northland Railroad crossing along Highway 66 in Swastika.



Railway crossing, Swastika

- *Railway Underpasses* may also be hazardous for cyclists and trail users who must share confined travel space with other vehicles and contend with restricted visibility in terms of reduced field of vision and availability of light. The Ontario Northland Railroad underpass combined with the Blanche River crossing along Highway 66 in Swastika is a case in point.



Railway underpass / river crossing, Swastika

- *Restriction of Motorized Access* may require physical barriers to deter motorized vehicles from accessing and using the proposed trail. This may be a sensitive issue as smaller vehicles users such as snowmobilers and All Terrain Vehicles users may have prior knowledge and experience traveling on certain proposed trail sections. Areas of concern include:

- Kinross Pond
- Gull Lake
- Gull Lake West area along Hydro corridor / power lines, and at Burnside Drive and Toburn
- Cross country ski and hiking trails
- Rick's Trail and Murdock Creek
- Trail access from Carter, Pollock and Duncan Avenue



Trail access at Carter Avenue and Balsam



Trail access west of Pollock Avenue

- *Steep grades* can affect the nature of the trail routes. Routes ascending and / or descending steeper grades may pose a challenge and need to be taken into consideration in order to accommodate a broad range of trail user abilities including those requiring mobility aides. Areas that encounter steeper grades are associated with:
- Kinross Pond
- Gull Lake
- Cross country ski & hiking trails



Slope on beaten trail, west of Gull Lake



Slope on beaten trail, west of Gull Lake

4.4 Challenges

- *Engineering of On and Off-Road Trails* will present various challenges in terms of their design, development and implementation. On-road trail alignments or improvements designed to accommodate trail users within roadway rights-of-way or influenced to some degree by proximity to motorized vehicles may require reconstruction or retrofitting of roads in addition to signing i.e. paving / widening of shoulders. Similarly, off-road trail alignments or improvements may require, alongside signing, reconstruction to formalize an existing trail, or full construction to establish a new trail. Ultimately, industry accepted traffic engineering principles and best practices will need to be reviewed and applied in order to provide for a safe and effective trail system. Any decision to implement a solution that may not exactly meet the preferred and recommended conditions must still be supported by “good engineering judgment”.

Successful implementation will require balancing the preferred trail route and design with real physical and environmental constraints, as well as the resources available from public and private interests. Planners, designers, engineers, and other associated bodies will have to work with what they now have in the short term, maintaining some flexibility in their interpretation and application, and establishing a hierarchy and prioritization / phasing of routes to be implemented.

Reconstruction or Retrofitting of on-road routes that need to be considered include:

- private road / driveway between Water Treatment Plant and Dunfield Road
- Dunfield Road
- connection to the Town of Swastika along Highway 66



View south of Fifth Street on Dunfield Road



View on Highway 66, northeast from Swastika

Reconstruction or Full Construction of trail routes that need to be considered include:

- areas about Kinross Pond
- areas about Gull Lake
- cross country ski & hiking trail sections



View south, west of Kinross Pond



Beaten footpath west of Kinross Pond

- *Land Ownership / Land Use / Easement Restrictions* present a challenge to establishing trail routes through public or private property, or areas where development is restricted. The challenge is to gain support from landowners or agencies who may have concerns over safety / liability, usage, privacy and / or trespassing issues. Areas that should be considered include:
 - Kinross Pond (commercial / shopping property north of Pond including new Canadian Tire; residential / private property northwest of Pond)
 - Gull Lake (Extendicare and Kirkland Hospital property; gates at south end of Hospital Road though observed to be always open; Water Treatment Plant property; Kirkland Lake District Composite School property)
 - Cross country ski & hiking trails (plot L2954 property may conflict with trail alignment / construction)
 - Areas of easement / hydro corridors
 - Murdock Creek (private residences nearby / backing onto easement / Creek area)
- *Maintenance of On and Off-Road Trails* can present challenges in keeping the trail route free of debris, vegetation and snow, or undertaking repairs to trail route surfaces. Major roads tend to receive priority for maintenance services over minor roadways and trails. Though good trail design and construction can help lessen maintenance issues, priority for services should be given to those routes recognized as providing key connections or links within the trail system. Trail users should also be made aware that they can submit a request to the Town for maintenance services. Areas in the Town that were observed and exhibited problem conditions requiring maintenance services include:
 - Areas about Kinross Pond
 - Areas about Gull Lake
 - Cross country ski and hiking trails
 - Areas along Murdock Creek



Residences near area of Murdock Creek



Trail near Taylor Avenue, east of Kinross Pond



Brush growth on footpath west of Gull Lake

4.5 Opportunities

There are many opportunities and benefits that will be gained through the development and implementation of the trail system. These include:

- Provision of new and / or improved trail infrastructure that complements and builds upon existing trails and related facilities to create a contiguous trail system.
- Creation of a safe and enjoyable trail environment and multi-modal network that accommodates a range of users, ages, skill levels and abilities, whether for recreational or utilitarian use.
- Creation of a comprehensive trail network that is integrated into the transportation system thereby encouraging active transportation amongst the community.
- Application of sound engineering principles and practices to create a practical and intuitive trail system that facilitates responsible riding practices and overall traffic safety amongst all road and trail users.
- Development of partnerships with Town staff, organizations, businesses, community groups, and so forth to increase support of trail activity, and engage collaborative partnerships towards the development and implementation of the trail system.
- Connection and greater access to neighbourhoods, surrounding communities, recreational areas, key destinations, tourism / cultural attractions, natural sites, retail / commercial areas, as well as employment areas throughout the Town.
- Increased awareness and appreciation of the Town through exploration and exposure to the culture and community Kirkland Lake.
- Promotion and showcasing of Kirkland Lake and the many great attractions thereby helping to support tourism and the local economy.
- Encouragement of alternative and sustainable forms of transportation that support healthy outdoor activity, the quality of life, the environment, and community-building.
- Creation of innovative programs and outreach activities to promote and encourage trail use in Kirkland Lake.

5.0 THE TRAIL ROUTE

Approximately 4 km of walking trails exist throughout the Town of Kirkland Lake. These include informal, beaten paths and granular trails, as well as a defined network of multi-use cross country ski and hiking trails.

As mentioned in Chapter 2, the key trail areas that are to be included in the Trails Master Plan include a 1 km coarse gravel trail in the west end of Town that encircles Kinross Pond and provides connections to Highway 66 and the residential neighbourhood to the east. An existing gravel path, beaten trails and snowmobile routes west of Kinross Pond will also be incorporated.

In the east end of Town, a 2 km footpath in the Gull Lake area will be integrated into the Trail Master Plan together with a maintained beaten path existing between Kirkland Hospital and Dunfield Road. In addition, trails will be developed between Highway 66 and Hospital Road, along Hospital Road and related driveway facilities, along the Hydro corridor west of Gull Lake, and through Municipal and School Board property to provide for further trail links and connections. South of Gull Lake, existing multi-use cross country ski and hiking trail sections between the Joe Mavrinac Community Complex and Nowry Lake will be incorporated.

The Highway 66 connection between Kirkland Lake and the Town of Swastika will be established as a key trail route providing access to destinations west of Kirkland Lake. As well, the Highway 66 / Government Road East thoroughfare known as the “Mile of Gold” will be integrated into the Trail Master Plan as a signed-only route connecting the west and east ends of Town. A southern course linking the west and east ends of Town will also be established as a signed-only trail route that follows existing roadways and beaten paths located behind the Community Complex, and along Rick’s Trail and Murdock Creek.

Effectively setting the stage for the development and implementation of an integrated trail system, the Kirkland Lake Trail Master Plan will build upon existing trails to create a contiguous network and series of trail loops / connections that highlight key destinations and assets in the Town and vicinity. The focus of the trail system is to provide access to key attractions, and create linkages between neighbourhoods and facilities, reflecting the culture and community of Kirkland Lake. The trail system will serve both recreational and utilitarian trail users, encouraging healthy, sustainable outdoor pursuits and community building activity. When complete, the trail system will provide an enjoyable and safe opportunity for residents and visitors to travel, explore and commute to the many attractions, features, commercial and recreational facilities offered in the Town of Kirkland Lake.

The trail route description follows the six phases of proposed trail construction beginning with the Kinross Pond area, Gull Lake area, Town of Swastika, “Mile of Gold, the cross country ski and hiking trails lying south of Gull Lake, and ending with the southern trail links. Different sections of the trail will have different characteristics, calling for various kinds of design treatments and attracting various kinds of users. The following describes individual sections of the Kirkland Lake trail system, outlining existing and proposed trail facilities, and pertinent details and characteristics which serve to inform the development and implementation of the trail. For a complete description of trail destinations, connections, access points and related implications, refer to Chapter 4.

5.1 Kirkland Lake Trail (see Appendix A: Map MP-1, Trail Master Plan)

Phase 1 – Kinross Pond (see Appendix A: Map L-4, Plan F)

Trail Route: Off-road trail loop around Kinross Pond with connections to Highway 66 and Queen / Forge Street

Existing Trail / Circumstance:

- Gravel base trail
- Informal gravel / dirt road on Oakes Drive

Proposed Trail Construction:

- Off-road 2.5m wide multi-use gravel trail with consideration for seepage areas around Kinross Pond and connecting to Queen / Forge Street
- Off-road 2.5m wide multi-use gravel trail with consideration for seepage areas through commercial development property or signed-only route on Oakes Drive between Kinross Pond at northwest end and Highway 66
- Install trail signage 500m O.C.
- Remove as few trees as possible; plant trees 30m O.C. or where deemed appropriate
- Reduce vertical incline to maximum 8% and regrade access ramps to make them accessible
- Construct retaining walls to accommodate regraded trail; add railings where appropriate
- Provide 300mm culverts every 500m or where required to channel rivulets and reduce freezing rain on trail
- Construct trailhead at northwest end of Pond with asphalt parking and access control bollards (2); construct shelter and plaza with seating bench, waste receptacle, bicycle rack and shade trees; provide interpretive trail signage
- Construct viewing platform (lookout deck) at old Water Tower site
- Install access control bollards (2) with trail signage at Queen / Forge Street

Access / Opportunities / Views / User Groups:

- Natural areas / features (Kinross Pond, green / open spaces, wooded areas, rock outcrops)
- Picnic areas
- Viewsheds from west side of Pond
- Interpretive / historical / cultural features (mining debris, old Water Tower remains)
- History, heritage, cultural attractions (west end)
- Shopping / commercial Area
- Residential area
- Commuters, recreational users, tourists

Issues / Concerns:

- Conditions / nature of soil (sandy / rocky / loam areas at south / southwest area of Pond)
- Slopes, ramp, ditch, low wet spots and areas at southeast / east end of Pond
- Exposed rocks, tree roots
- Preservation or removal of mining debris / building remnants (up to discretion of Town)
- Condition of Oakes Drive (patchy asphalt / gravel surface)
- Safety concerns (night time / lack of surveillance)
- Restriction of motorized access; shared use with snowmobilers
- Trail reconstruction and maintenance
- Landownership (private residence / commercial properties north of Kinross Pond)

Phase 2 – Gull Lake West (see Appendix A: Map L-5, Plan H)

Trail Route: Trail loop between Highway 66 at Toburn and Highway 66 / Government East Road at Burnside Drive, and connecting to Hospital Road, Kirkland Hospital driveway and Dunfield Road

Existing Trail / Circumstance:

- No trail between Highway 66 at Toburn and Hospital Road
- 2-lane, 2-way paved roadway on Hospital Road and Kirkland Hospital driveway
- Maintained beaten path between Kirkland Hospital driveway and Dunfield Road
- Snowmobile route / Hydro corridor between Dunfield Road and Highway 66 / Government East Road at Burnside Drive

Proposed Trail Construction:

- Off-road 2.5m wide multi-use gravel / woodchip trail through woodlot and adjacent to Hospital Road and Kirkland Hospital driveway with consideration for seepage areas
- Install pavement road crosswalk markings and signing as per MTO (Ontario Ministry of Transportation) across Hospital Road
- Install trail signage 500m O.C.
- Remove as few trees as possible; split and narrow trail to circumnavigate trees
- Reduce vertical incline to maximum 8% and re-grade access ramps to make accessible
- Provide 300mm culverts every 500m or where required to channel rivulets and reduce freezing rain on trail

Access / Opportunities / Views / User Groups:

- Natural areas (Gull Lake, green / open spaces, wooded areas)
- Picnic areas
- Health-care facilities (Extendicare, Kirkland Hospital)
- Commuters, recreational users, tourists

Issues / Concerns:

- Rough condition / nature of soils and steep grades
- Exposed rocks, tree roots and openings between trees
- Debris, litter
- Safety concerns such as night-time activities and lack of surveillance
- Restriction of motorized vehicles; shared use with snowmobilers
- Full trail construction / reconstruction and maintenance
- Landownership (health-care facilities, Hydro One)

Phase 2 – Gull Lake (see Appendix A: Map L-5, Plan H)

Trail Route: Trail loop between Hospital and Dunfield Road on west perimeter of Gull Lake and south perimeter of private road / driveway onto Dunfield Road

Existing Trail / Circumstance:

- Rough footpath between Hospital Road and Water Treatment Plant
- 2-lane, 2-way paved private road / driveway with variable gravel / grass shoulder between Water Treatment Plant and Dunfield Road
- 2-lane, 2-way paved roadway on Dunfield Road

Proposed Trail Construction:

- Off-road 3.0m wide multi-use asphalt trail between Hospital Road and proposed Viewing Platform #1 off of Gull Lake (note: consideration may be given to boardwalk trail if in-kind support, materials and / or labour can be attained to offset higher cost)
- 1.5m gravel / woodchip trail through woodlot along Gull Lake between proposed Viewing Platform #1 and Water Treatment Plant with consideration for seepage areas
- Construct 12m x 1.3m boardwalk in low / wet area southeast of proposed Viewing Platform #1 (note: consideration may be given to construction of further boardwalk trail sections if in-kind support, materials and / or labour can be attained to offset higher cost)
- Install trail signage 500m O.C
- Construct three viewing platforms (lookout decks) along Gull Lake
- Remove as few trees as possible; split and narrow trail to circumnavigate trees
- Reduce vertical incline to maximum 8%
- Provide 300mm culverts every 500m or where required to channel rivulets and reduce freezing rain on trail
- Construct 1.2m to 1.5m wide paved shoulder on south side of private road / driveway for Water Treatment Plant and east side of Dunfield Road incorporating existing shoulder
- Install trail signage 500m O.C.
- Install marked edge line to designate paved shoulder
- Provide 300mm culverts every 500m or where required to channel rivulets and reduce freezing rain on trail

Access / Opportunities / Views / User Groups:

- Natural areas (Gull Lake, green / open spaces, wooded areas)
- Picnic areas
- Viewsheds to Gull Lake
- Health-care facilities (Extendicare, Kirkland Hospital)
- Commuters, recreational users, tourists

Issues / Concerns:

- Setback requirements as per MNR (Ontario Ministry of Natural Resources)
- Wet areas along Lake subject to flooding
- Conditions / nature of soils and steep grades
- Exposed rocks, tree roots and openings between trees
- Debris, litter
- Safety concerns (night-time activities / lack of surveillance)
- Restriction of motorized vehicles; shared use with snowmobilers
- Trail reconstruction and maintenance
- Landownership (health-care facilities)

Phase 3 – Swastika Trail Link (see Appendix A: Map L-1 to L-3, Plans A to E)

Trail Route: On-road trail connection between Kirkland Lake and Culver Park, Swastika along Highway 66 / Trans Canada Highway

Existing Trail / Circumstance:

- 2-lane, 2-way paved roadway with centre and right-hand turning lanes, and gravel shoulder

Proposed Trail Construction:

- Construct 1.2m to 2.0m wide paved shoulder on south and east side of roadway incorporating existing gravel shoulder
- Provide additional 0.5m to 1.0m granular shoulder for extra manoeuvring space
- Install trail signage 500m O.C.
- Install marked edge line to designate paved shoulder
- Install pavement road crosswalk markings and signing as per MTO
- Install concrete pedestrian road crossing with curb cuts and signage as per MTO at Riverside Drive
- Install traffic safety control measures / devices at Ontario Northland Railroad crossing (painted stripes and signing as per MTO; crossing gate as per TAC (Transportation Association of Canada); rubber track guards, railseal or equivalent rubber anti-slip pad inserts)
- Construct 1.2m to 1.5m asphalt sidewalk with concrete curb on south side of Amikougami Creek bridge. If width is constrained, consider addition of a cantilevered facility on south side of bridge structure; consult with the Canadian Highway Bridge Design Code, 2002 and Geometric Design Standards for Ontario Highways, MTO – revised 2002.

Access / Opportunities / Views / User Groups:

- Main Town thoroughfare and connection between Kirkland Lake and Swastika
- Connection to surrounding areas, communities, neighbourhoods including Chaput Hughes
- Access to destinations and attractions including Culver Park and Firemen's Park
- Ontario Northland Railroad underpass / Blanche River bridge crossing (unique engineering structure)
- Access to various commercial / industrial facilities
- Commuters, recreational users

Issues / Concerns:

- Shared roadway / width of road right-of-way
- Roadway reconstruction (co-ordinate with roadway improvements)
- High volume of traffic and vehicular speed on Highway 66
- Roadway / traffic crossings particularly at Riverside Drive, junction at Highway 112, right-turning lanes, and major driveways
- Ontario Northland Railway underpass / crossing
- Narrow bridge over Amikougami Creek

Phase 3 – “Mile of Gold” (see Appendix A: Map L-4 to L-5, Plans F to H)

Trail Route: On-road trail connection between west and east of Kirkland Lake along main Town thoroughfare

Existing Trail / Circumstance:

- 2-lane, 2-way paved roadway on Highway 66 / Government Road East with centre and right-turning lanes, and sidewalks both sides

Proposed Trail Construction:

- Existing sidewalk with trail signage installed regularly along route
- Install pavement road crosswalk markings and signing as per MTO
- Construct trailhead at Burnside Drive in conjunction with planned parking facility and provide access control bollards; construct shelter and plaza with seating bench, waste receptacle, bicycle rack and shade trees; provide interpretive trail signage
- Install concrete pedestrian road crossing with curb cuts and signage as per MTO at Burnside Drive and Toburn

Access / Opportunities / Views / User Groups:

- History, heritage, cultural attractions
- Main Town thoroughfare
- Shopping / Commercial Area
- Downtown core and Town attractions
- Old Toburn Mine Site with headframe and viewshed opportunities
- Northern College of Applied Arts and Technology
- Residential areas
- Commuters, recreational users, tourists

Issues / Concerns:

- High volume of traffic and vehicular speed on Highway 66 / Government East
- Roadway / traffic crossings (note: shared traffic crossing at Burnside Drive with snowmobilers)

Phase 4 – Kinross Pond West (see Appendix A: Map L-4, Plan F)

Trail Route: Off-road trail loop west of Kinross Pond between Highway 66 and Kirkland Lake Industrial Park

Existing Trail / Circumstance:

- Gravel path southwest of Kinross Pond
- Snowmobile route between Highway 66 and Kirkland Lake Industrial Park
- Beaten trail between Highway 66 and Kinross Pond

Proposed Trail Construction:

- Off-road 2.5m wide multi-use woodchip trail with consideration for seepage areas
- Install trail signage 500m O.C.
- Remove as few trees as possible (split and narrow trail to circumnavigate trees)
- Reduce vertical incline to maximum 8%
- Provide 300mm culverts every 500m or where required to channel rivulets and reduce freezing rain on trail

Access / Opportunities / Views / User Groups:

- Natural areas (Kinross Pond, green / open spaces, wooded areas)
- Viewsheds from west side of Pond
- Local toboggan spot
- Recreational users, tourists

Issues / Concerns:

- Rugged / rough conditions in some areas, nature of soil and steep grades
- Low wet spots and areas
- Exposed rocks, tree roots
- Safety concerns (night time / lack of surveillance)
- Restriction of motorized access; shared use with snowmobilers
- Trail reconstruction and maintenance

Phase 5 – Gull Lake South (see Appendix A: Map L-5, Plan H and Map L-6, Plan I)

Trail Route: On and off-road trail sections between Dunfield Road and Joe Mavrinac Community Complex, and south of Gull Lake between Community Complex and Nowry Lake

Existing Trail / Circumstance:

- No trail between Dunfield Road and Allan
- 2-lane, 2-way paved roadway on Allan
- Sidewalk / walkway adjacent to Allan along north side of Community Complex
- Paved parking lot east of Community Complex
- Beaten path between southwest end of parking lot and Balsam
- Beaten path between southeast end of parking lot and cross country ski and hiking trails
- Cross country ski and hiking trail loop sections through Crown Land and private property south of Gull Lake

Proposed Trail Construction:

- Off-road 2.5m wide multi-use gravel / woodchip trail between Dunfield Road and Allan with consideration for seepage areas
- Install pavement road crosswalk markings and signing as per MTO (Ontario Ministry of Transportation) across Dunfield Road and Allan
- Install trail signage 500m O.C.
- Provide 300mm culverts every 500m or where required to channel rivulets and reduce water freezing on trail
- Install trail signage regularly along route between Rick's Trail at Allan and Callbeck Avenue / Balsam along Community Complex property and parking lot, and beaten path
- Install access control bollards (2) at Balsam
- Off road 2.5m wide multi-use woodchip trail between parking lot and start of cross country ski and hiking trail loop sections
- Provide 300mm culverts every 500m or where required to channel rivulets and reduce freezing rain on trail
- Install trail signage 500m O.C.
- Construct trailhead with access control bollards (2), shelter and plaza with seating bench, waste receptacle, bicycle rack and shade trees; provide interpretive trail signage

- Off-road 2.5m wide multi-use woodchip trail on selected blue, brown and purple loop sections of existing cross-country ski and hiking trail with consideration for seepage areas
- Off-road 2.5m wide multi-use gravel trail on yellow loop section of existing cross-country ski and hiking trail with consideration for seepage areas
- Install trail signage 500m O.C.
- Reduce vertical incline to maximum 8% and re-grade access ramps to make accessible
- Construct retaining walls to accommodate re-graded trail; add railings where appropriate
- Provide 300mm culverts every 500m or where required to channel rivulets and reduce freezing rain on trail

Access / Opportunities / Views / User Groups:

- Joe Mavrinac Community Complex
- Kirkland Lake District Composite School
- Soccer fields
- Residential area
- Natural areas (Gull Lake, Nowry Lake, green / open spaces, wooded areas)
- Viewsheds to Gull and Nowry Lake
- Commuters, recreational users, tourists

Issues / Concerns:

- Steep grades
- Mucky / marshy low wet spots and areas in summer season
- Rocky terrain and rugged trail condition
- Safety concerns (night time / lack of surveillance)
- Restriction of motorized access
- Trail reconstruction and maintenance
- Landownership (Municipal, School Board, proximity to private property i.e. Lot 2954)

Phase 6 – Southern Trail Links (see Appendix A: Map L-7, Plan I)

Trail Route: On-road trail connection between west and east ends of Kirkland Lake in southern area of Town along existing beaten paths and roadways

Existing Trail / Circumstance:

- Beaten path known as Rick's Trail between Allan and Carter Avenue; beaten path linking Rick's Trail to Callbeck Avenue
- 2-lane, 2-way paved roadway on Carter Avenue with variable gravel shoulder / sidewalk both sides
- Beaten path between Carter Avenue and Prospect
- Beaten path between Prospect and Premier West on north side of Murdock Creek
- 2-lane, 2-way paved roadway on Queen Street

Proposed Trail Construction:

- Install trail signage regularly or 500m O.C. on Rick's Trail and link to Callbeck Avenue, on west side of Carter Avenue, on existing beaten path between Carter Avenue and Premier West, and on south side of Queen Street
- Install pavement road crosswalk markings and signing as per MTO (Ontario Ministry of Transportation)
- Install control access bollards at Allan (2), Carter Avenue / Murdock Creek (2), Carter Avenue / Balsam (2) and Prospect (2)

Access / Opportunities / Views / User Groups:

- Residential areas
- Schools
- Natural areas (Murdock Creek, green / open spaces, wooded areas)
- Commuters, recreational users, tourists

Issues / Concerns:

- Existing trail conditions (steep grades, mucky / marshy low wet spots and areas in summer season)
- Safety concerns (night time / lack of surveillance)
- Restriction of motorized access; shared use with snowmobilers
- Shared roadway / width of road right-of-way
- Roadway / traffic crossings
- Landownership (nearby residential properties)

6.0 TRAIL CONSTRUCTION DESIGN GUIDELINES

Trail construction is identified in Chapter 5 of this report for each of the sections of the trail system. The following reviews the construction detailing generally required for construction of components of the trail which are intended for non-motorized uses. All sections of the trail will be accessible to a variety of users including pedestrians, cyclists, and in-line skaters, as well as other user types such as non-motorized scooter users or skateboarders. Trails are also intended to accommodate the needs of people requiring mobility aids that are dependent on smooth, wide trail surfaces and gentle grades. Further information regarding preliminary construction phasing and costs can be found in Chapter 11 and Appendix E.

6.1 Multi-Use Trails

Multi-use trails are off-road paths typically located in parks and open spaces. These can include trails along valley lands, and linear routes that serve the needs of both recreational and utilitarian trail users. In terms of linear routes, multi-use trails also occur alongside roadways, either within a boulevard right-of-way or adjacent to the roadway. The former is referred to a multi-use boulevard trail where boulevard space serves to separate the trail from the roadway facility. The latter is usually separated from the roadway facility by curbing, fencing or elevated surface. Multi-use trails accommodate variety of users including cyclists who may use these trails in lieu of roads.

Multi-use trails will have asphalt, granular or woodchip surfaces. In some cases, they will be a combination and can include existing concrete sidewalks. **Figure 6-1 and 6-2** illustrate cross-sections for a typical off-road multi-use trail and multi-use boulevard trail, respectively. Appendix C: Details T-1 to T-8 provide additional construction information for multi-use trail facilities with respect to crown or cross-slope; trail expansion; asphalt, granular or woodchip materials; woodlot clearance; and, seepage areas.

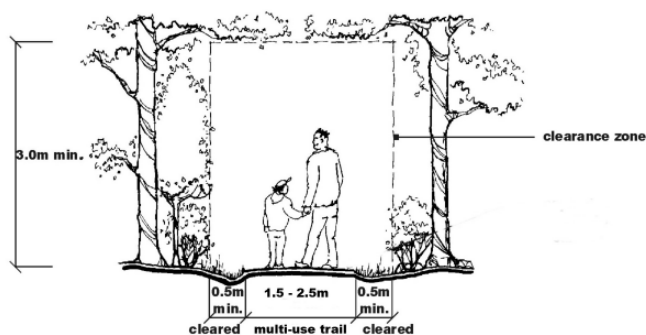


Figure 6-1: Schematic for an Off-Road Multi-Use Trail

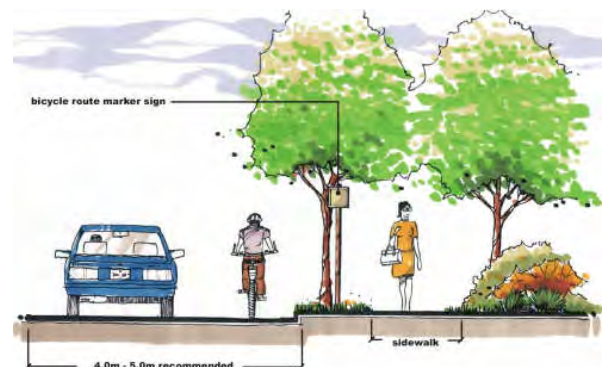


Figure 6-2: Schematic for a Multi-Use Trail Boulevard or Sidewalk in Boulevard Right-of-Way

The decision to use asphalt, granular or woodchip trail material is dependent on a number of factors. These include condition of the landscape / nature of the soil where the trail is proposed, the purpose of the trail facility, surrounding environment, suggested trail users, and consideration for installation and maintenance costs. Asphalt trails are more costly and labour

/ construction intensive to install than granular or woodchip but have a life span of 8 to 15 years, and provide for the widest range of possible users in terms of universal design. Granular trails are less costly and labour / construction intensive than asphalt and provide for accessibility.

By comparison, woodchip trails are the least expensive and labour intensive and, if composed of shredded bark material (versus. wood nuggets), also provide for accessibility. Woodchip trails also offer a more environmental approach not only because they require less construction activity but also because of the opportunity to shred and re-use trees that have been removed for trail construction for trail material. On the other hand, woodchip trails have a shorter life span - typically 5 years, must be monitored for decomposition, and are prone to being scattered / dispersed through trail use.

Multi-use gravel trails composed of limestone screening material will be used in and around Kinross Pond, and on the Yellow Loop cross-country ski and hiking trail section south of Gull Lake. A multi-use woodchip trail composed of shredded bark material will be used on the proposed trail loop section west of Kinross Pond, and on selected cross-country ski and hiking trail sections including the Blue, Brown and Purple loops.

In the area between Hospital Road and Gull Lake, it is recommended that a multi-use asphalt trail be installed to provide for the widest range of possible users including trail users requiring mobility devices. In the areas west of Gull Lake, it is recommended that the use of multi-use gravel or woodchip trail material be determined in the field in order to assess the conditions / nature of the soil, define which sections occur in low areas / wet spots, and discern design treatments would be most appropriate.

6.2 Footpaths / Hiking Trails

Footpaths and hiking trails are typically narrow single-track routes with a soft surface (earth, granular or woodchip) and are intended for pedestrian use only unless otherwise mentioned. An example of a footpath / hiking trail is illustrated in **Photograph #1**. Footpaths will be used as the trail in areas such as Gull Lake and Kinross Pond until monies to construct a formal asphalt, granular or woodchip trail or carry out trail improvements are budgeted.

These trails may often be located in more environmentally sensitive areas, parks and greenways and certain types of uses may be restricted. Existing and future footpaths and hiking trails should be connected with the Kirkland Lake trail system wherever possible.



Photograph #1: Footpath / Hiking Trail – Gull Lake Area

6.3 Boardwalks

The trail system may require a boardwalk that is designed for multi-use but not motor vehicle traffic, with the exception of service vehicles. This type of facility provides for crossing over of travel barriers such as waterways or marshy areas that are lower in elevation than the trail.

The boardwalk travel surface should be a non-slip material. Untreated wood or flat metal surfaces become slippery when wet or icy. Boardwalk slats made of self-weathering steel with raised dimples for traction have been used successfully. Open metal grating, on the other hand, is noisy and provides a less desirable riding surface for cyclists.

Key design considerations for boardwalk surface type include:

- Applying stain grit to paint and using this to cover the wooden surface adds a “rough” texture. This however wears down over time and must be re-applied.
- Apply asphalt shingles or Tar and Stone to the wooden surface of the bridge to increase the traction and “grip” on the bridge.
- Place an open webbed rubber track on top of the wooden surface to provide more traction;
- Metal grate surfaces are effective also, but tend to be more expensive and are not as desirable for cyclists.

In addition, warning signage and centre line bollards can be used to slow cyclists down and alert them to a constricted boardwalk crossing ahead. In some cases, it may be necessary to sign the boardwalk as a pedestrian only facility and request that cyclists walk their bicycles.

A 10m x 1.3m wood boardwalk is recommended along the west perimeter of Gull Lake in a low, wet, marshy area that is currently being served by two long wooden slats. In the area between Hospital Road and Gull Lake, it is recommended that the use of a boardwalk in lieu of an asphalt trail may be assessed and determined in the field with consideration for cost variation - the boardwalk being the more expensive to install. Appendix C: Detail F-3A and F-3B provide additional construction information regarding boardwalk facilities.



6.4 On-Road Facilities

Paved Shoulders

Paved Shoulders are located on roads in rural sections with no curb. When off-road routes are not feasible or desirable, paved shoulders should be considered to establish key connections and to facilitate use.

Both MTO's *Geometric Design Standards for Ontario Highways* (GDSOH, 1994) and TAC's *Geometric Design Guide for Canadian Roads* (GDGCR, 1999) provide standards for shoulder widths for undivided rural highways that apply to Ontario and are based on design speed and AADT

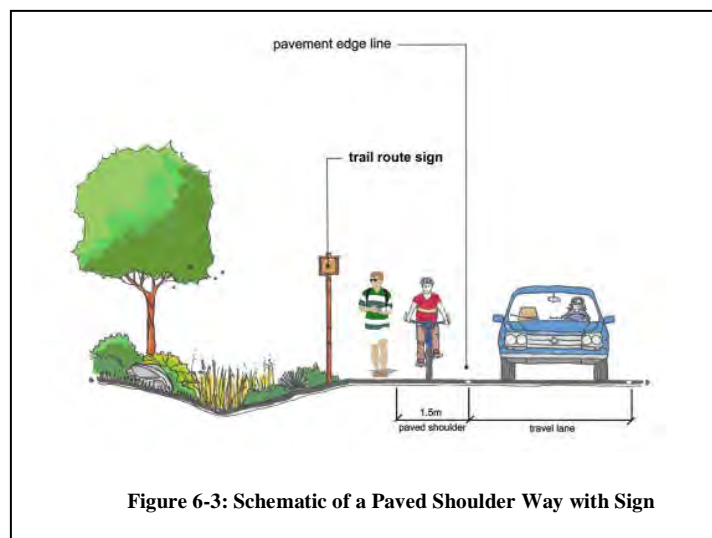


Figure 6-3: Schematic of a Paved Shoulder Way with Sign

volumes. Although these standards are not specifically intended to incorporate on-road cycling facilities, the widths recommended by both are in some cases sufficient to accommodate a 1.2m to 1.5m paved shoulder bikeway and 0.5 m to 1.0 m for additional granular shoulder width. On rural roads with speed limits in excess of 60 km/h, a 2.0 m paved shoulder with an adjacent 0.5m granular shoulder width is recommended.

Paved shoulder cycling routes should have a preferred design width of 2.5m, including 1.5m – 2.0m of paved section and 0.5m - 1.0m of gravel shoulder. A marked edge line should designate a paved shoulder. In locations where 1.5m paved section for a paved shoulder cannot be achieved, especially in constrained rights-of-way, a minimum paved shoulder width of 1.2m with an adjacent granular shoulder of at least 0.5m is a reasonable compromise. If this cannot be achieved, any additional paved shoulder width is better than none at all.

Paved shoulders will be used on Dunfield Road, and the private road / driveway between the Water Treatment Plant and Dunfield Road, as well as the trail connection between Kirkland Lake and the Town of Swastika. Construction of paved shoulders should be co-ordinated with roadway improvements to enable savings in cost. A schematic illustration of a Paved Shoulder is illustrated in **Figure 6-3**. Appendix C: Details T-10 to T-12 provide additional construction information with regard to paved shoulders.

Signed-Only Routes and Signed-Only Bicycle Routes

Signed-only routes will serve to identify existing on and / or off-road travelways that are recommended to be integrated as part of the Kirkland Lake trail system. Signed-only routes are typically implemented where traffic volumes are low and adequate travelways already exist such as local or collector roads, roadway shoulders, sidewalks, trails or beaten paths. They do not necessarily require any construction or design treatment(s) other than regularly placed sign postings to indicate the route. Appendix C: Detail F-1 provides additional construction information with regard to sign posting and mounting.

Signed-only routes will be used on the “Mile of Gold” (Government Road East), between Allan Road and Balsam around the Joe Mavrinac Community Centre, along Rick’s Trail and Murdock Creek, and on Carter Avenue and Queen Street to provide links between the west and east ends of Town. It is recommended that sign postings be installed regularly at every 500m and at trail junctions; and, where road crossings occur, it is recommended that pavement crosswalk markings and signing be installed as per the Ontario Ministry of Transportation (MTO).

On-street Signed-Only Bicycle Routes are typically implemented on local and collector roads and should be installed where wide curb lanes exist or can be provided, or where traffic volumes are low. A schematic illustration of a Signed Bike Route is illustrated in **Figure 6-2**. Bicycle friendly roadway features typically include, among other things, wide curb lanes plus drainage grates that are bicycle friendly and ideally located out of the desired path of cyclists. Where reconstruction or roadway improvements allow, consideration should be given to providing a separate cycling lane adjacent to the road to accommodate cyclists, and direct drivers by means of the painted line separating the bicycle lane. Most other cities in the province provide these lanes. Signed-Only Cycling Routes may be used on Highway 66 and the “Mile of Gold”.



Figure 6-4: Elements of Pathway / Multi-Use Trail Approaches to Roadways

6.5 Roadway and Mid-Block Crossings

When a roadway or mid-block crossing is necessary, it should be designed in a way that provides advance warning to both motorists and trail users of the impending crossing. Trails should be designed and signed to encourage users to reduce speed and stop. Grade changes on the trails in advance of the crossing combined with adequate sight distances, signing, textural surface contrast, and / or bollards should be constructed. **Figure 6-4** illustrates one example of a typical approach of a multi-use trail to a road. Appendix C: Details C-1 and T-10 provide information on road crosswalk markings; Details F-2 and T-9 provide information on bollards and curb cuts, respectively.

Consideration should also be given to changing the texture / colour / elevation of the roadway itself (in addition to the detail that is paid to the treatment of the approach) to provide drivers with a visual cue to exercise caution. An example of a design treatment includes application of coloured pavement or installation of distinct surface material such as concrete or unit paving.

Mid-block crossings of arterial or collector roads may warrant consideration of a separate traffic signal such as on Highway 66 at Burnside Drive, and Highway 66 at Toburn. Consideration should also be given along Highway 66 between Kirkland Lake and the Town of Swasitka.

With regards to cyclists, if a multi-use trail crossing is within a given distance of a signalized or stop-controlled intersection, or a formal pedestrian crossing, cyclists should be directed to

cross at this location. The following are considered acceptable threshold distances for mid-block crossings:

2 Lane Roadway:	More than 60m from the nearest protected crossing
4 Lane Roadway:	More than 120m from the nearest protected crossing

Mid-block crossings are not recommended for 6-lane arterial roadways. In addition, adequate site distance along the roadway is required for a cyclist who has dismounted at the “stop” sign at a mid-block crossing, to be able to completely cross the entire roadway without impeding the progress of a vehicle approaching from the cyclists’ right side. **Table 6.1** provides values for a range of widths and design speeds.

Table 6.1: Minimum Sight Distance for Mid-Block Crossing - Bike Path Crossing

Width of Roadway	Roadway Design Speed (km/h)			
	50	60	70	80
7.0	130	150	180	200
10.5	170	200	230	270
14.0	210	250	290	330
17.5	250	300	350	400
21.0	290	350	410	460

Minimum Sight Distance (D) to Approaching Vehicle (m)

Source: TAC, GDGCR, 1999 (TAC – Table 3.4.7.1)

6.6 Railway Crossings

One rail crossing is anticipated for the trail connection between Kirkland Lake and Swastika on Highway 66. Railway crossings can be hazardous for cyclists and trail users and therefore, extra caution should be applied to assure their safe passage. It is strongly recommended that appropriate traffic control devices be installed at the intersections of railway tracks and trails.

These include:

- Pavement markings;
- Signing;
- Rubber anti-slip pad inserts; and
- Lift gates.

The aforementioned traffic control devices should be designed and installed in accordance with the *Bikeway Traffic Control Guidelines* (TAC 1998) and the *Manual of Uniform Traffic Control Devices for Canada* (TAC 1997). See **Figure 6-5** for one example.

Careful consideration should be given to the design of at-grade trail crossings of railways. Furthermore, it is recommended that trails be designed to cross railways at as close to right angles as possible. In many situations this may require widening of the trail in advance of the crossing, thereby allowing cyclists to reduce their speed and position themselves for crossing at right angles. Rubber track guards are also recommended to assure better friction between



Figure 6-5 displays a gated approach to safe trail crossings at a railway route.

bike tires and the pavement, and also to narrow the rail gaps. **Figures 6-6a to 6-6d** illustrate recommended options for skewed railroad crossings. Appendix C: Details C-2 and C-3 also provide further construction information for rail crossings on narrow road right-of ways.

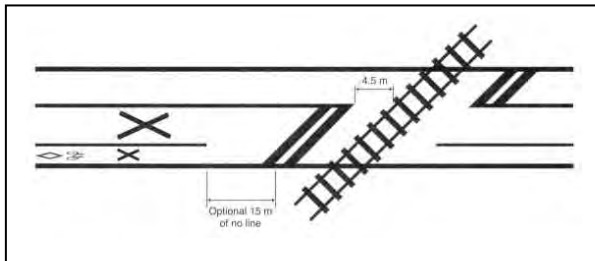


Figure 6-6a – Skewed Railroad Crossing Restricted Right-of-Way Width

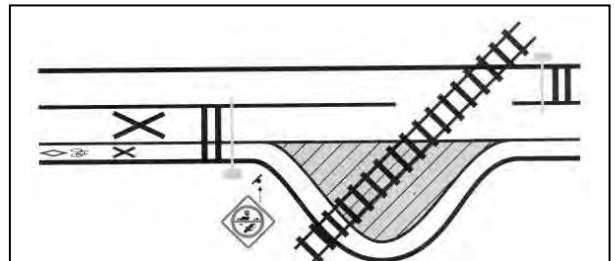


Figure 6-6d –Skewed Railroad Crossing Unrestricted Right-of-Way Width with Gate Control

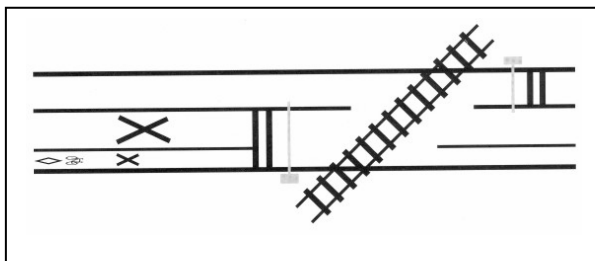


Figure 6-6c –Skewed Railroad Crossing Restricted Right-of-Way Width with Gate Control

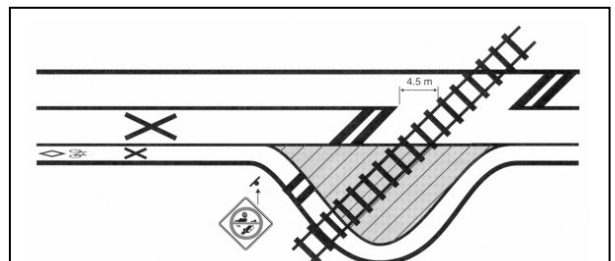


Figure 6-6b –Skewed Railroad Crossing Unrestricted Right-of-Way Width

Source: Bikeway Traffic Control Guidelines, TAC, 1998 - Tables 8.1 – 23 to 26)

6.7 Bridges on Roads

The key consideration in designing trail facilities across bridges and through interchanges is the safety of trail users. The width of bridge structures tends to be significantly less than the right-of-way width of the abutting roadway, typically only providing sufficient width for the travelled lanes plus a raised sidewalk. The separation of trail users from motor vehicle traffic, either through pavement markings or fully separated facilities, is often recommended to reduce the potential for conflict between the various types of users, especially on arterial and collector roads. This section serves to review design considerations with regard to trail users and bridge structures.

Canadian Highway Bridge Design Code

The design of new bridge structures or the modification of existing bridges must comply with the standards of the *Canadian Highway Bridge Design Code* (2002). The recommendations for bridge structures are based on the standards of the *Canadian Highway Bridge Design Code* and *Sections D.7.2.3 and D.7.2.5 of the Geometric Design Standards for Ontario Highways* (MTO, 1994) which were added in 2002. Together they provide guidance with regard to design treatments for sidewalks, curbs and cycling facilities on bridges along with corresponding roadway considerations.

The following outlines design treatments as per Section D.7.2.3 of the Geometric Design Standards for Ontario Highways (2002):

- The edge of a sidewalk adjacent to the roadway on a bridge should match that of the approach sidewalk.
- Where the approach roadway is not provided with a curb, the sidewalk width should be at least 1.5 m.
- Paved bike lane with widths in accordance with the Ministry's Ontario Bikeways Planning and Design Guidelines. Cycling facilities should be at least 1.5 m wide for one-way traffic.
- The height of curbs should not be less than 150 mm above the adjacent roadway except to match the height of curbs on the approach roadway.
- Curbs should not be used in conjunction with barrier walls except where the curb and the barrier wall are separated by a sidewalk.¹

Section D.7.2.5 of the same source also states that:

- Where practicable, underpassing roadway cross-sections should match that of the approach roadway.
- Horizontal clearances from the edge of the through travelled way to the face of an abutment or pier should also meet or exceed the minimum clear zone widths specified in the Ministry's Roadside Safety Manual.²

Additional guidance is provided by the *Ontario Bikeways Planning and Design Guidelines* (MTO, 1996). The following is an excerpt from this provincial guideline reference related to accommodating cyclists on existing bridges:

- To allow cyclists to cross an existing bridge safely, the structure may require alterations to provide adequate width for all bridge users. A cycling facility can be routed across the bridge in one of three ways:
 - Creating a bike lane or paved shoulder on the travelled way;
 - Reserving a sidewalk for cyclists only, or for shared use with pedestrians if there is adequate width; or
 - Widening the roadway to permit shared use of the right lane by motor vehicles and bicycles.
- The creation of a bike lane on a bridge is an option if the bridge has shoulders, or if the traffic lanes are wide enough to permit the creation of a wide curb lane to accommodate bicycles on the travelled way.
- Routing a cycling facility onto a sidewalk may be the only option available for getting bicycle traffic across a bridge. This is possible under the following conditions:
 - A sidewalk intended for use by cyclists must be furnished with a protective fence/barrier wall at least 1.4 m high.
 - On a bridge with two sidewalks, both sidewalks may be transformed into cycling facilities if they are wide enough to accommodate pedestrians as well, or if there is no pedestrian traffic or an alternative pedestrian walkway can be provided.
 - On a bridge with two sidewalks, one sidewalk may be reserved for cyclists if the bridge is used very little by pedestrians. Before assigning a sidewalk to each user group, it is important to study the manner in which cyclists and pedestrians will gain

¹ MTO (Ontario Ministry of Transportation), 2002.

² Ibid.

- access to their respective sidewalks, and to ensure a route meets all bikeway guidelines.
- On a sidewalk shared by cyclists and pedestrians, the outer corridor should be reserved for pedestrians, especially when the cyclists are to return to the roadway.
- The addition of a cantilevered cycling facility or pedestrian trail to replace a sidewalk converted to a facility on a bridge structure is the best solution when creation of a bike lane is impossible or when routing a cycling facility onto a sidewalk would compromise safety. However, the structure of the bridge is the determining factor in whether or not a cantilevered system can be installed. Since the construction of a cantilevered facility entails major and relatively expensive work, it should be preceded by an evaluation of the traffic volumes expected over the long term and the different uses that could be made of the facility.

For further information and details regarding the design of trail facilities on bridge structures, consult with the *Canadian Highway Bridge Design Code (2002)*, the *Geometric Design Standards for Ontario Highways (MTO, revised as of 2002)*, and the *Ontario Bikeways Planning and Design Guidelines (MTO, 1996)*.

6.8 Trailhead Areas and Viewing Platforms

Trailhead areas should be provided along the trail at Kinross Pond, the Old Toburn Mine Site and at the west entrance of the cross country ski and hiking trails near the Joe Mavrinac Community Complex. Areas where users tend to stop, such as interpretative stations, lookouts, community facilities, museums and other attractions / services, are logical locations for rest areas.

Trailhead design treatments should connect with parking lots, provide for a small plaza / gathering area, offer seating benches, bicycle parking, and provide and maintain waste receptacles. A wood shelter / pavilion for shade and weather protection should be provided housing a weather and vandal-resistant signboard to display a trail map and interpretive information. Access control bollards may also be installed to restrict motor vehicle access and can also provide complimentary furnishings for the trail. Appendix C: Detail F-2 provides an example of a stone bollard while Detail S-1 provides construction information for a Trailhead example.

Trail lookouts and viewing platforms should also be provided where viewshed opportunities exist such as west of Kinross Pond and Gull Lake. They may include seating benches and a signboard or podium to provide interpretive information and direct trail users to scenic views. Appendix C: Detail S-2 provides example images for Trail Lookouts / Viewing Platforms.



Trailhead Concept

³ MTO, 1996.

6.9 Gateways

Gateways are a key element for the trail as they add character and “set the tone” for the trail system. They can also help introduce the Town of Kirkland Lake as a community-oriented place and create a sense of welcome, arrival and safety.

Gateways are recognized by their appealing plaza design. They also provide an opportunity to establish trail use conventions, introduce sites of historic and cultural significance and introduce themes that reflect the character of different areas in the Town. Gateways can be used to introduce locally significant themes related to Kinross Pond, the west end heritage, tourism and cultural attractions, the downtown core, the Old Toburn Mine Site, and Gull Lake.

A competition to design a gateway symbol will provide a method to involve the community. Co-ordinating and planning for such an endeavor includes developing the competition guidelines, accepting submissions, reviewing and jurying the submissions and, following award, having a qualified local graphic arts company adapt the winning submission to the signage and marketing needs of the trail.



Millennium Trail Information Sign,
City of Niagara Falls

7.0 SIGNAGE GUIDELINES

This chapter provides direction in terms of signing for the Kirkland Lake Trail. It is recommended that the creation and implementation of a sign program reflect the Kirkland Lake Trail system. Trail signage should incorporate a unifying symbol and / or theme for the overall trail system, as well as the different trail loops and connections. Signage should compliment the Kirkland Lake logo of “The Right Environment” and convey accessibility and inclusiveness. It should also be offered in both English and French. Ultimately, some key considerations in developing and implementing trail signage are to attract and guide trail users to the various trail loops and connections, identify key destination and tourism areas, and direct trail users to other related trail facilities, alongside providing regulatory control and warnings.

Once the sign program has been developed, the installation of the signs should be the first action to promote the trail and give direction to the users. The following describes the function and format of the various types of signs that should be implemented as part of the trail system.

7.1 Signage

Signs along the trail should communicate various kinds of information to the trail user. Recommended signing for the Kirkland Lake trail has been organized according to the following six functions:

- Trail Designation Signs
- Way-Finding Signs
- Regulatory Signs
- Warning Signs
- Information Signs
- Interpretative Signs

Trail Designation signs should be used to “brand” or identify the routes that constitute the trail. This type of sign may be designed in various sizes depending on its intended application. Designation signs may be mounted alone or with other signs, at logical, highly visible locations on both on and off-road trail route segments and at key junctions along trail. Appendix C: Detail F-1 illustrates an example of trail signage.

Way-Finding signs may include the trail logo or “brand” and communicate other information to trail users such as directional arrows and distances in kilometres to major attractions and settlement areas. Way-finding signs should be mounted on standard sign poles and located on all legs of an intersection or trail junction, as well as at gateways. The distance and direction to key attractions near the trail should be illustrated on Way-finding signs along the trail at key junctions. Additionally, distance markers should be placed along the trail in the clockwise and counter-clockwise direction along the trail indicating the distance from the beginning of the trail, the distance to major junctions, and eventually the end-point of the trail providing a full circuit along the entire route.

Way-finding signs can also be integrated with the Kirkland Lake Trail map for clarity and to provide a consistent look. One innovation adopted by other cities including Chicago, Denver and Toronto is a route number signing strategy. This involves installing numbered trail route

signs in the field and then publishing a trail map with the route numbers clearly indicated. This provides an excellent navigation tool and should be considered for the Town of Kirkland Lake.

Regulatory signs are intended to control particular aspects of travel and use along the trail. Signing restricting or requiring specific behaviour is not legally enforceable unless it is associated with a provincial law or municipal by-law. Where applicable, it is recommended that authorities discreetly include the municipal by-law number on signs to reinforce their regulatory function.



Warning signs are used to highlight trail conditions that may pose a potential safety or convenience concern to trail users. Examples are steep slopes, share the road, railway crossings and pavement changes. These signs are diamond in shape, with a black legend on a yellow background.

Information signs provide general information about the use and identity of the trail, as well as adjacent features and special attractions. Signs can communicate a single point of information on a standard sign, or a number of points on a large format signboard. Signs at trailheads, access points and gateways may communicate a range of information which may include maps. They can also provide additional information to encourage trail users to explore local attractions and opportunities, and engage with the community. The preferred (as opposed to the regulated) use of the trail is communicated through “use symbols” where the separation of trail users has been accommodated.



Interpretative signs provide specific information about points of ecological, historical and general interest, as well as current land uses along the trail. They represent a broad range of possible sign formats and applications, depending on the interpretative program and complexity of information to be communicated. Typically, interpretive signs are mounted well away from the trail travel surface to allow users to move off the trail to review the sign and avoid interference with passer-bys.

7.2 Signing Formats

Signs associated with trail should be economical, adaptable, durable and identifiable with the network. To accomplish these objectives while unifying the design and graphic image of the Kirkland Lake trail, recommended signage has been organized according to the following three formats:

- Standard signs
- Large signboards
- Special applications

Standard signs are aluminum plate blanks with a reflective sheeting surface. The dimensional size of standard signs varies. Recommended signage is generally the same size as typical roadway signs for on-road sections of the network. For off-road sections, where the travel speed of the typical trail user is slower, standard signs are slightly smaller. Simple shapes, bold graphics and concise texts typify the sign message. Standard signs are mounted on or immediately adjacent to the trail on existing posts wherever possible, or on new posts as required.

Large signboards are composite structures generally constructed with a wood or metal frame and a replaceable, updateable message area. Large signboards are associated with trailheads, access points and gateways. Large signboards should be visible from the trail route and mounted near the trail, but never immediately adjacent to the travel surface to allow users to move off the route to review the significant amount of detail and information on the sign.

Special applications include pavement markings (lines and symbols on the trail surface), as well as unique signing formats associated with information and interpretative signs. Typically interpretative signs and features are mounted well away from the travel surface of the trail.



Large Signboard near the TransCanada Trail

8.0 MAINTENANCE GUIDELINES

Trails require human, material and financial resources for maintenance. A low-maintenance trail begins with carefully planned design and construction. The maintenance of trail facilities was identified as a concern in meetings with municipal staff, community representatives and partners recognizing that poor quality trails and facilities can discourage trail use. Of particular issue are the areas around Kinross Pond, Gull Lake, and the cross country ski and hiking trails. Though effective trail route design can decrease maintenance costs and deter liability risks, trail routes and their amenities should be inspected on a regular basis as a minimum through an annual audit including structures such as culverts. These inspections identify hazardous conditions as well as issues related to maintenance, repairs and events of vandalism.

Diligence is required when managing any asset. When possible, especially in the Spring, Summer and Fall months, consideration should be given to debris removal on all trail sections and connections including arterial roads with trail route facilities. Trails should be inspected each Spring prior to the anticipated peak season when high use is expected. During the Winter, attention should be paid to trail sections subject to wet / muddy / flood conditions where ice can build up creating slippery areas. Snow and ice should be regularly removed from paved shoulders and on-road cycle routes.

The following sections describe more detailed maintenance procedures for on and off-road trail that the Town of Kirkland Lake should consider for maintaining existing and future trail facilities.

8.1 Maintenance Issues and Guidelines for On and Off-Road Trail Routes

Litter Removal and Grass Cutting:

- Perhaps one of the most difficult tasks in maintenance is collecting the increasing amount of litter in open spaces and along road sides. While the task of litter collection is usually a municipal responsibility, in recent years it has become common practice to encourage community / citizens' groups and corporate sponsors to assist in litter control and vegetation management.
- Waste receptacles should be emptied on a weekly basis in conjunction with grass cutting.
- Grass should typically be cut down to approximately two inches on either side of a trail.
- Mowing the trailside at sufficient intervals can also deter the spread of vegetation onto the trail.

Vegetation

- Vegetation provides scenery and shade for trails, but it also provides a source of leaf and branch debris. During trail construction, remove organic matter including grass, leaf bed and topsoil to a sufficient depth. This will remove seeds and roots and make it difficult for the re-establishment of unwanted plants.
- Vegetation should be routinely cut back since overgrown shrubs and low-hanging branches can obscure signs and pose a hazard. Adequate clearance and sight distances should be maintained at driveways and intersections so that trail users are visible to motorists. Installing root barriers or geo-fabric during trail and sidewalk construction may deter plant growth on or near the trail surface, and prevent premature break-up of the surfaces. Maintenance of vegetation originating on private property should be required through local by-laws.

- In an organic setting, chipping or mulching debris on-site can add to the control of trail side vegetation.

Leaf Removal:

- Accumulation of wet leaves can presents an obstacle to trails users, particularly cyclists and in-line skaters when encountered on trails or in roadway gutters. It is difficult for cyclists and in-line skaters to stop on leaves, and skidding / falls can occur. Leaves can also hide potholes, debris and drainage inlets. It is recommended that excessive fallen leaves be removed as soon as possible to prevent accidents.

Surface Maintenance:

- When constructing granular trail sections, use a quality aggregate free of organic material (soil and seeds) to a sufficient depth.
- Asphalt trails surfaces have a life span of approximately 8 to 15 years and require a base of properly compacted granular 'A'. Asphalt trails must be cross-sloped at a minimum of two percent to allow for drainage. Asphalt should be used on all slopes greater than 10% to prevent erosion. Drainage swales are also required next to asphalt trails. Inspection of asphalt trails should be undertaken once per year, especially for potholes and cracks in the Spring. Potholes should be fixed immediately or clearly marked.
- Woodchip trail surfaces typically have a life span of 5 years depending on trail conditions and scattering of material from trail use. Woodchip trails should be monitored particularly in areas that experience wet and dry conditions which can cause decay and accelerate decomposition.
- Note areas where water ponds and also areas of erosion. Parts of the trail may need to be re-graded to prevent the pooling of water. Anti-erosion measures may be taken where the constant movement of water has eroded areas adjacent to the trail. Water should flow under the trail from side to side, or preferably downhill away from the trail. This can be done using culverts. The controlled movement of water alongside the trail can be facilitated with aboveground, vegetated swales. These drainage techniques must be maintained to keep them from clogging and a cleaning schedule must be performed on a regular basis.



Sign Maintenance:

- Signing should be properly maintained throughout the year and as frequently as other regulatory signs in Kirkland Lake. Signs that have gone missing or have been damaged should be replaced without delay in order to ensure the continuity of the trail system.

Trail Amenities:

- Limit the placement of benches, signs, and other built items in areas to be mowed.
- Concentrate services like trash receptacles and restrooms at trailheads.
- Information kiosks should be as generic and timeless as possible, unless you plan to keep them up-to-date.

Liability:

The risk of liability can be significantly reduced if the Town provides adequate resources and co-ordinated programs for good trail route design, construction, monitoring, maintenance and repairs. The following should be considered with respect to liability.

- A well-constructed trail that is free of potholes, ruts and obstructions allows the trail user to travel safely. Regular inspection and repair will keep the surface in a smooth and level condition. Routine maintenance schedules include the removal of vegetation that obstructs visibility or clearance on the trail. Signing, as a warning mechanism, could also reduce liability concerns.
- Signing throughout the Kirkland Lake trail system should be designed to warn the trail users of road crossings, steep grades and railway crossings. The ultimate goal for limiting liability is to provide a safe trail system through effective design, construction, monitoring and maintenance techniques.
- Keep a regular presence on the trail so that small issues are resolved before they become larger ones. Monitor routes of the trail during the shoulder seasons and winter. If volumes of use warrant, consider winter snow clearing. An annual review and inspection of on and off-road trails and facilities should occur after a major weather event. Off-road trails should be swept once a year, following winter and prior to special events. Trails that are not maintained in the winter should be signed accordingly and spring sweeping should be a major priority for these facilities.
- Staff representing the jurisdiction or property owner through which a trail route passes should be cognizant of potential hazards such as broken tree limbs and vandalized signs. Trail erosion, as a result of high water, frost heaving and heavy usage, should also be tended to as it can lead to deterioration of surfaces and trail alignments, and undermine off-road trail structures. With respect to sight lines, extra care should be taken to ensure they are not compromised. Acts of vandalism should be addressed as soon as possible.

Ultimately, ensuring the trail system is safe and well maintained will help promote its use to Kirkland Lake residents and visitors.

8.2 Snow Clearing on On-Road Trail Routes

Cyclists ride year round in Kirkland Lake, though their numbers are typically reduced during winter months. Nevertheless, measures should be taken to ensure that cycling in the winter can remain a realistic transportation alternative, especially as the Kirkland Lake trail system is expanded.

In winter months, the Town of Kirkland Lake should continue its practice of clearing roads of snow as soon as possible after a snowfall. The main outcome for snow and ice control of roads is to make roads safe and passable by reducing the hazards caused by snow and ice accumulation on the road surface. This recommendation applies to all Town roads including adjacent shoulders and on-road cycle routes. As the trail system is expanded, roads with designated on-road trail facilities or signed-only cycling routes that are part of the Kirkland Lake Trail should receive priority for snow clearing and removal. Liability is limited when ice is eliminated due to good drainage design and efficient snow removal schedules.



8.3 Trail Maintenance Costs and Implications

Trail maintenance is largely performed on an ‘as-needed’ basis, and the funds raised to cover maintenance costs often run in tandem with the as-needed maintenance tasks. In one report¹, the annual maintenance and operation costs reported ranged from \$500 to \$800,000 (US\$) for trails of varied length. The average annual cost to operate a trail was just under \$50,000 (US\$). The average trail surveyed was 23 miles (37km) and had annual maintenance and operational costs of just under \$1,500 per mile (\$2,280 CDN per km). The report also showed that the use of volunteers significantly decreased the cost of maintaining the trail by two-thirds. With respect to the design and layout of the Kirkland Lake Trail System, it is suggested that the overall maintenance costs would be approximately \$650 per km per year though trail programs, as discussed in previous sections, could help defer the costs of maintenance tasks.

¹ *Rail-Trail Maintenance & Operation*, edited by Tim Poole. Rails-to-Trails Conservancy, Northeast Regional Office, July 2005.

9.0 FUNDRAISING AND FINANCING OPPORTUNITIES

9.1 Government Participation:

Municipal:

- The Town of Kirkland Lake is on board and anticipates dedicating future capital to the project in order to leverage other funds that will finance implementation. Various municipal departments can also be approached including Parks and Recreation, Tourism and Economic Development, and Physical Services. The main push, however, is expected to come from the public.

Provincial:

- The Ministry of Health promotion has contributed \$32,000 through the Active 2010, Communities In Action Fund (CIAF). Their website <http://www.active2010.ca/index.cfm?fa=english.homepage> provides background information on the program.
- The Ministry of Tourism Accessibility Plan may open some doors for development dollars as the trail area is located nearby the hospital, Teck Pioneer Residence, and Extendicare in the east end. Visit their website for more information about the plan at http://www.tourism.gov.on.ca/english/about/accesibility_planning_2007-2008.htm
- The Ontario Heritage Trust website is <http://www.heritagefdn.on.ca> and offers information on their programs which include Trails Open Ontario as a resource.
- The Ontario Provincial Police (OPP) whereby Community Service staff can implement improvements in trail infrastructure, education and enforcement programs leading to regular monitoring of the trail.

Federal:

- FedNor has advised that under no circumstances are they funding the implementation phase as they do not build trails. There is a possibility that they may come on board for the planning stage of trail area in the west end, but will not be available for phase 2. Confirmation is pending for the \$11,000 for planning. In terms of signage, there is potential to approach FedNor requesting extra funding to present interpretive signage in French as well as English. For instance, if \$5,000-10,000 were to be spent on interpretive signage, \$15,000 – 17,000 would be the probable cost to be able to offer them in French as well.
- The Kirkland & District Community Development Corporation (KDCDC) is the local development office and FedNor office. Their contact information is on the following website: <http://www.kdcdc.com/>. Doug Orth, the Community Development Officer, expressed interest in coming on board during the implementation stage with some money from the Local Initiative Fund (LIF) which offers up to \$5,000 towards community projects. It was stressed that the money should be positioned to leverage other funds into the community to ensure maximum benefit.

Other Government Participation / Programs:

- Ministry of Transportation
- Ministry of Natural Resources (for signage; can also contact Brian Topliss to co-ordinate with on-going construction projects)
- Ministry of Public Infrastructure Renewal (www.pir.gov.on.ca)
- Eco-Action is a federal agency that helps fund environmental projects (www.ec.gc.ca/ecoaction)
- Jobs Ontario
- Works Ontario program

9.2 Other Granting Agencies:

- The Frogsbreath Foundation is a locally based organization that offers two streams of funds, small and large grants with \$25,000 being the maximum. Their information can be found at <http://www.frogsbreath.ca>. Note should be made that in 2007 they did not offer the large grants due to economic pressures in the forestry industry. This year, if they are running the funding program again, a grant application should be submitted.
- The Ontario Trillium Foundation might be a fit for trail project implementation. They can be accessed through community groups or service clubs, or visit their website at <http://www.trilliumfoundation.org>.
- The Northern Ontario Heritage Fund Corporation (NOHFC) has information on their site at http://www.mndm.gov.on.ca/nohfc/program_iacdp_e.asp under their Community Development program. Note that the wording is important as they do not necessarily fund trails very often. However, one of their priorities is Waterfront Development which relates very well to the proposed trail around Gull Lake behind the Kirkland Hospital. With caps like 50% or \$50,000 for Community Development projects, it is worth looking into. Consideration should also be given to them under the Northern Energy, Renewable Energy Capital Assistance Fund for solar powered lighting in certain portions of the trail if possible. Again, offering 50% would mean 40% could be picked up by other probable partners and ultimately make 10% a more reasonable amount to fundraise for.
- The Walmart / Unilever Evergreen Fund provides small grants for environmental initiatives. Visit <http://www.evergreen.ca/en/cg/cg-funding.html> for more information.
- The TD Friends of the Environment Foundation offers similar programs to the above. It is also of benefit that a TD Canada Trust is located in Kirkland Lake, whereas Walmart or Home Depot do not have a location in Town.
- The Molson Local Heroes is a neighbourhood-based program which offers funding to individuals of legal drinking age to help repair, revamp or revitalize existing adult recreational facilities in communities. This would engage physical aspects of trail building and maintenance.

Amounts: up to \$5000, up to 1/3 of total project cost.

Deadline: March 31st.

For more information call 1-800-665-7661, or visit

<http://www.molson.com/community/localheroes/index.php>

- Northern Trails Program, operated under the Northern Ontario Heritage Fund Corporation provides capital assistance for trail projects, supporting the Northern Ontario tourism sector.

Amounts: up to 50% of eligible costs; up to \$100,000 for trail projects in smaller communities; up to \$250,000 in larger communities; and, up to \$500,000 for trail systems, such as the Trans Canada Trail.

Deadline April 30th.

For more information, call 1-800-461-8329 or visit

www.mndm.gov.on.ca/MNDM/pub/newrel/NRView.asp?NRNUM=108&NRYear=2002&NRLAN=EN&NRID=2471

- The Shell Environmental Fund is another opportunity for a grant of up to \$5,000. There are several of these out there and they can be used to leverage larger amounts from different government levels. Their website is at http://www.shell.ca/home/content/ca-en/society_environment/environment/protect/support/environment_fund/sef_about.html

9.3 Local Participation:

Possible Partnership Opportunities:

- Temiskaming Heart Health Program
- Timiskaming Health Unit
- Kirkland Lake Hospital Board
- Kirkland and District Hospital
- Extendicare
- Northern Prospectors Association (NPA)
- Veteran Affairs Canada
- Kirkland Lake District Chamber of Commerce
- Kirkland Lake Economic Development Office
- Discover Kirkland Lake Tourism Committee
- Hockey Heritage North
- The Museum of Northern History
- Community Engagement Team
- Festivals Committee
- Futures Program
- Evergreen (www.evergreen.ca)
- Katimavik program (www.katimavik.org)
- Kirkland Lake Cross Country Ski Runners
- Timiskaming-Abitibi Trail Association (TATA)
- Other fitness and recreation clubs and associations
- School and Colleges (Northern College of Applied Arts and Technology; District School Board Ontario North East; Northeastern Catholic District School Board)

Possible Sponsorship Opportunities:

▪ Business Community and Corporations

The business community and corporations could be a significant beneficiary of the trail. A successful trail will bring desired notoriety to Kirkland Lake and consequently to private enterprise within the Town. Businesses located adjacent to the trail will benefit from greater exposure to their products motivating them to contribute capital and personnel to the implementation. The following is a list of local business community and corporations that have been identified for possible sponsorship opportunities:

Kirkland Lake Gold	Community Action Fund
Kinross Gold Corporation	North Gate
Northgate Minerals	Cabo
Rosko Forestry	Roscoe Forestry
Hydro One	Trans Cycle Industries
Northern Tel	Nordex
Ontera	Heath & Sherwood 64
NeoNet	Canadian Tire
Canor Marketing	Tim Horton's
Kirkland Lake Power Corporation	McDonalds
Northland Power	Financial Institutions

Other Community Organizations:

- Rotary Club
- Royal Canadian Legion Branch 87
- Kinsmen Club
- Richeleu Club
- Golden Corridor Snowdrifters
- Kirkland and District Association for the Developmentally Handicapped
- Game and Fish Protective Association
- Ducks Unlimited
- Canadian National Institute for the Blind (CNIB)
- Literacy Council of North Timiskaming (Clear Language and Design Service)
- Community and Association Development
- Canadian Tire (Community Involvement - Jumpstart Program)
- Service Clubs

Other Support:

- Volunteer labour
- In-kind donations of equipment rental, materials and trail amenities
- Creative design support of trail promotion / marketing material as well as trail facilities, furnishings and artistic elements through community, school and training programs. An example and suggestion is to co-ordinate with the Northern College of Applied Arts and Technology welding program providing opportunity for students to contribute innovative design of trail signage or bike racks (contact: Rose-Lynn D'Aoust Messier)
- Membership incentive to various Town facilities and establishments through sponsorship of trail

10.0 EVENTS AND PROMOTION

A comprehensive effort is needed to instill support and enthusiasm towards the Kirkland Lake trail being a feasible, safe and desirable alternative to automobile travel, and a healthy and unique way of exploring the Town. A strategic framework to develop, manage and deliver programming and outreach support services for the Kirkland Lake trail system requires collaboration amongst all areas of the community. In this section are recommendations regarding: Education and Marketing, Media and Outreach, Mapping / Promotional Literature, Community Event Programming, and, Economic Development and Tourism that should be considered.

10.1 Education and Marketing

Develop Educational and Promotional Campaigns to Increase Awareness

- Brand the trails for marketing through a community-wide “Name the Trail” contest event whereby participants brainstorm and develop a unifying symbol, theme and name for the overall trail system, and also for each of the different trail loops and connections. Such a campaign could be targeted at schools, community organizations, associations and businesses to name a few, and help not only to raise the profile of the trail but also provide marketing opportunity from the get-go, encourage community buy-in and support, and stir up excitement and interest for the trail. Follow-up with a kick-off event to unveil the trail name(s) and launch the Trails Master Plan - Trail Development Strategy.
- Organize public outreach events to celebrate and showcase the trail, and related opportunities.
- Organize regular fundraiser activities such as an annual trail race, relay or series of events to increase support and participation.
- Develop contests such as commuter challenges to encourage and increase trail use
- Create a public awareness campaign regarding the benefits and impacts of trails, and trail usage.
- Increase public awareness of the growing use, demand and support of trails through monitoring and tracking mechanisms (i.e. trail user counts, surveys, participation at events, profit margins).
- Outreach and consult regularly with trail users.

Encourage Workplaces, Facilities and Establishments to Engage in Programs and Initiatives in Support of Trail Use

- Create an incentive program and encourage employees to walk, cycle or commute to work by non-motorized means.
- Encourage workplaces to participate in commuter challenges and walk / bike-to-work programs.
- Install bike parking facilities outside of all municipal buildings (indoor parking facilities wherever possible), and encourage them at commercial buildings, other establishments and facilities.
- Install shower and change facilities for employees.
- Encourage establishment of trail user groups to promote active, non-motorized forms of transportation, and campaign for workplace environments and facilities to support such activity.

Promoting the use of the trail system for everyday transportation is an effort that will require more resources and influence than those of the Town alone. Every employer and manager has

a role to play in encouraging and supporting trail use among its own work force. The Town of Kirkland Lake must also play an important leadership role in encouraging and supporting the Town's many other employers and managers to participate in this initiative. To be a credible leader, the Town must play a role model, demonstrating and leading by example.

10.2 Media and Outreach

The media as a partner can assist with promotion of trail events, campaigns and programs and dissemination of publications and promotional material. Maintaining regular contact with radio, television and newspapers will keep trail activities and opportunities at the top of the mind in the community. Outreach information should also be expanded to take advantage of a variety of other media. With the growing use of the internet as an information medium, the various publications and promotional material should also be available through the Town website. This low-cost delivery mechanism would expand the potential audience.

The communication strategy should address both the content of the message itself and how that message is delivered. The Town needs to develop a multi-media public education campaign that would expand its reach. By developing television and radio public service announcements, the Town would more effectively communicate messages to the whole community. The intent is to have trail information accessible to a wide variety of audiences. Communication Strategies include:

- Having the Town issue press releases quarterly regarding trail events, programs and opportunities. Apply to a service club to help fund the information dissemination.
- Developing publications and promotional materials to increase awareness and trail use.
- Developing a comprehensive trail map of Kirkland Lake identifying all on and off-road facilities, and highlighting attractions, recreation areas, key destinations, natural sites, businesses and commercial areas
- Co-ordinating and hosting media events to promote / publicize the trail
- Participating and / or applying to host trails events and conferences to enhance tourism, build awareness and engage the community.

10.3 Mapping / Promotional Literature

Producing a comprehensive trail map for the Town of Kirkland Lake is the first step in encouraging and promoting regular use of the proposed trail. The map should identify all existing on and off-road trail facilities in the Town, and trail connections to surrounding areas and communities; and, illustrate the distance between key points on the trail. The map should also incorporate and promote the unifying symbol, theme and names chosen for the overall trail system and various trail loops / connections. Such a map would greatly assist local and visiting trail users to determine their own routes and could be provided at strategic destinations and access points along the trail.

A way-finding sign plan should also be developed for the trail system that identifies key destinations, attractions, trailheads, rest areas and related service facilities, alongside providing information on proper trail etiquette and contacts for additional information. Signs should also incorporate unifying trail symbol(s), theme(s) and name(s). Signage should be provided at key junctions along the trail that indicate the direction and distance to other key

destinations throughout the Town of Kirkland Lake, such as Kinross Pond, Gull Lake, the Old Toburn Mine Site and Northern College, Kinross Pond, West End Tourism / Cultural Attractions, and the Downtown Core, alongside the “Mile of Gold” and connection to Swastika.

10.4 Community Event Programming

Various programs and events can be offered across the Town engaging residents and visitors to Kirkland Lake in enjoyable recreational, educational and community-building opportunities. Whether they occur on a regular or one-time basis, the focus of these activities is to provide opportunity for trail users to come together to experience the trail in an engaging and supportive environment. Trail programs and events can be organized around the following:

- *Community-Oriented and Town Celebration Events* which feature the trail as a special venue. Examples include simple activities such as picnic events and family outings, to community-wide events such as Canada Day, seasonal festivals such as Winter Carnival, and Family Day celebrations.
- *Educational Programming* which provides opportunity for trail users to explore, learn about and gain appreciation for the trail and surrounding environment. Programming can include interpretive / discovery walks, and outdoor education, nature exploration and trail maintenance activities.
- *Historical, Heritage, Tourism and Cultural Programs* draw trail users to key destinations, attractions and businesses / commercial areas. Programming can include tours and interpretive / discovery walks engaging trail users with the community and, increasing their awareness, appreciation and support towards the Town.
- *Sport and Recreation Activities* provide fitness and health benefits, as well as social and community-building opportunities. Activities can include competitive venues such as races and relays, or more leisure and recreation oriented activities throughout all seasons. Recreational programs can be organized by a range of agencies including those:
 - Operated by the Town.
 - Operated by District School Boards.
 - Operated by service clubs, community and / or recreational bodies (i.e. an organization, association, club, member or group of members).
 - Operated through places of employment.
 - Operated by the private sector as part of the programming envelope of fitness and health centers.
 - Operated by Non-Government Organizations and / or other charities for fundraising purpose.
 - Operated by Non Government Organizations as part of ongoing delivery of physical fitness and / or education programs.
- *School Programming* provides opportunity for school staff to incorporate various scholastic trail activities into their curriculum and school projects. Examples include encouraging students to participate in incentive programs such as commuter challenges or, creative contests to develop trail promotion / education materials. Staff can also

engage students in outdoor education through environmental excursions, inviting special guest speakers and providing relevant literature and resources. Schools can also adopt trails and help to maintain them. In addition, school staff and students can collaborate in mapping / survey work to track and record trail routes / number of students who use the trail over a defined period of time.

- *Service Club Activities* provide opportunities to assist in trails construction through community involvement and youth programs, health related projects, and environmental projects. Usually service clubs will take on a fixed project such as an element or length of trail. A service club can also adopt a part of the trail to provide annual maintenance. In addition, service clubs can provide capital and program assistance.

10.5 Economic Development and Tourism

10.5.1 Marketing the Trail

The goal of a Kirkland Lake focused marketing strategy should generate support towards the local businesses by increasing trail-use tourism. The effort should also effectively “create” trail-tourists and guide them to routes and attractions that will ensure a positive experience, promote good word-of-mouth referrals, increase longer stays, and encourage return visits.

The Town of Kirkland Lake encompasses attractive natural areas, parks, cultural establishments, and local historic sites providing opportunities that both casual and experienced users seek. Promoting the complete Kirkland Lake trail system should form the cornerstone of any tourism marketing effort undertaken in the study area, and include linkages to surrounding destination areas and communities.

It should be recognized that any efforts by the Town to increase its share of the trail tourism market will be limited if it does not work in partnership with the private sector. In regions where trail-based tourism has flourished, government efforts have been greatly enhanced by the involvement of the private sector. Two excellent examples include:

- *Mont Tremblant, Quebec* where the Province and a number of private resort operators, local snowmobile clubs, commercial sports equipment sale and rental businesses, plus the local municipality have joined forces to fund the development, maintenance and promotion of an extensive trail system. This system joins the Mont Tremblant ski resort to the Village of Mont Tremblant as well as other area trails, and is used for year round recreational activities including cycling.
- *The Eastern Ontario Trails Alliance (EOTA)* is an organization that was incorporated in 1999 under the mandate provided to it by the Province Ontario and various Municipal Corporations of Eastern Ontario. Their goals and objectives with regards to trail corridors as stated below could easily be adapted as a starting point for the Town of Kirkland Lake.
 - “The preservation of the continuity of the Corridors for Tourism and other economic uses”.
 - “The management of the corridors as a multi-use facility, representing the interest of recreational users, adjoining landowners and other interested groups.”
 - “The development of the Corridors as a recreational attraction contributing to the tourism and economy of the Eastern Ontario Region.”
 - “The preservation and enhancement of natural and human heritage along the Corridors.”

Through support from funding sources and partners, the EOTA has completed an inventory of abandoned rail lines and existing trails, an overall strategic Master Plan, and a management plan for future operation; has an active involvement with landowners, and has developed an ongoing maintenance and marketing program for the trails network; has identified economic opportunities relating to trails and tourism; and has produced a tourism trails map and internet web site. There are currently more than 35 private sector partners involved in the Eastern Ontario Trails Alliance.

10.5.2 Marketing Objectives

The first objectives of a marketing framework for the Kirkland Lake trail should be to:

- Generate interest for use of the Kirkland Lake Trail and the many opportunities available in the Town of Kirkland Lake;
- Provide information about resources that will help travelers plan to include using the trail as part of their visit in Kirkland Lake;
- Promote trail-use, in association with other partners such as area walking, hiking and cycling clubs and organizations, tourist boards, bicycle tourism operators in Ontario, with a message that indicates Kirkland Lake is an area where trail users are welcome, where support facilities exist, and where road and traffic conditions provide for a safe and positive trail experience;
- Stimulate private sector individual and joint commitment to investing in making Kirkland Lake a trail-use tourist destination; and,
- Host a major event that would attract trail-users and tourists.

10.5.3 Approaches to Market Kirkland Lake as a Trail Tourism Destination

The first actions taken in promoting the Kirkland Lake trail should be to:

- Develop a pamphlet advertising the Town as a trail-use tourist destination which includes a map showing the trail, and the location of commercial accommodation establishments, food and beverage outlets, attractions, bicycle repair and rental shops.
- Develop distinctive trail signage that attracts tourists to areas where they can access accommodation, food and beverages, attractions and other services.
- Partner on other advertising opportunities such as, Ontario Tourism Publications, and local Destination Marketing Organization publications.
- Develop a series of special events throughout Kirkland Lake that will attract trail users and tourists.
- Promote the trail on local and regional tourism-oriented web sites. Many tourists want to explore the areas they visit, many on foot and/or by bike, and therefore they use regional and local municipal web sites as sources of information when planning their trips.
- Establish a trail web site that can be linked to the local and regional tourism-oriented web sites.

10.0 EVENTS AND PROMOTION

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- Organize public outreach events to celebrate and showcase the trail, and related opportunities.
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- Create a public awareness campaign regarding the benefits and impacts of trails, and trail usage.
- Increase public awareness of the growing use, demand and support of trails through monitoring and tracking mechanisms (i.e. trail user counts, surveys, participation at events, profit margins).
- Outreach and consult regularly with trail users.

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- Encourage workplaces to participate in commuter challenges and walk / bike-to-work programs.
- Install bike parking facilities outside of all municipal buildings (indoor parking facilities wherever possible), and encourage them at commercial buildings, other establishments and facilities.
- Install shower and change facilities for employees.
- Encourage establishment of trail user groups to promote active, non-motorized forms of transportation, and campaign for workplace environments and facilities to support such activity.

Promoting the use of the trail system for everyday transportation is an effort that will require more resources and influence than those of the Town alone. Every employer and manager has

a role to play in encouraging and supporting trail use among its own work force. The Town of Kirkland Lake must also play an important leadership role in encouraging and supporting the Town's many other employers and managers to participate in this initiative. To be a credible leader, the Town must play a role model, demonstrating and leading by example.

10.2 Media and Outreach

The media as a partner can assist with promotion of trail events, campaigns and programs and dissemination of publications and promotional material. Maintaining regular contact with radio, television and newspapers will keep trail activities and opportunities at the top of the mind in the community. Outreach information should also be expanded to take advantage of a variety of other media. With the growing use of the internet as an information medium, the various publications and promotional material should also be available through the Town website. This low-cost delivery mechanism would expand the potential audience.

The communication strategy should address both the content of the message itself and how that message is delivered. The Town needs to develop a multi-media public education campaign that would expand its reach. By developing television and radio public service announcements, the Town would more effectively communicate messages to the whole community. The intent is to have trail information accessible to a wide variety of audiences. Communication Strategies include:

- Having the Town issue press releases quarterly regarding trail events, programs and opportunities. Apply to a service club to help fund the information dissemination.
- Developing publications and promotional materials to increase awareness and trail use.
- Developing a comprehensive trail map of Kirkland Lake identifying all on and off-road facilities, and highlighting attractions, recreation areas, key destinations, natural sites, businesses and commercial areas
- Co-ordinating and hosting media events to promote / publicize the trail
- Participating and / or applying to host trails events and conferences to enhance tourism, build awareness and engage the community.

10.3 Mapping / Promotional Literature

Producing a comprehensive trail map for the Town of Kirkland Lake is the first step in encouraging and promoting regular use of the proposed trail. The map should identify all existing on and off-road trail facilities in the Town, and trail connections to surrounding areas and communities; and, illustrate the distance between key points on the trail. The map should also incorporate and promote the unifying symbol, theme and names chosen for the overall trail system and various trail loops / connections. Such a map would greatly assist local and visiting trail users to determine their own routes and could be provided at strategic destinations and access points along the trail.

A way-finding sign plan should also be developed for the trail system that identifies key destinations, attractions, trailheads, rest areas and related service facilities, alongside providing information on proper trail etiquette and contacts for additional information. Signs should also incorporate unifying trail symbol(s), theme(s) and name(s). Signage should be provided at key junctions along the trail that indicate the direction and distance to other key

destinations throughout the Town of Kirkland Lake, such as Kinross Pond, Gull Lake, the Old Toburn Mine Site and Northern College, Kinross Pond, West End Tourism / Cultural Attractions, and the Downtown Core, alongside the “Mile of Gold” and connection to Swastika.

10.4 Community Event Programming

Various programs and events can be offered across the Town engaging residents and visitors to Kirkland Lake in enjoyable recreational, educational and community-building opportunities. Whether they occur on a regular or one-time basis, the focus of these activities is to provide opportunity for trail users to come together to experience the trail in an engaging and supportive environment. Trail programs and events can be organized around the following:

- *Community-Oriented and Town Celebration Events* which feature the trail as a special venue. Examples include simple activities such as picnic events and family outings, to community-wide events such as Canada Day, seasonal festivals such as Winter Carnival, and Family Day celebrations.
- *Educational Programming* which provides opportunity for trail users to explore, learn about and gain appreciation for the trail and surrounding environment. Programming can include interpretive / discovery walks, and outdoor education, nature exploration and trail maintenance activities.
- *Historical, Heritage, Tourism and Cultural Programs* draw trail users to key destinations, attractions and businesses / commercial areas. Programming can include tours and interpretive / discovery walks engaging trail users with the community and, increasing their awareness, appreciation and support towards the Town.
- *Sport and Recreation Activities* provide fitness and health benefits, as well as social and community-building opportunities. Activities can include competitive venues such as races and relays, or more leisure and recreation oriented activities throughout all seasons. Recreational programs can be organized by a range of agencies including those:
 - Operated by the Town.
 - Operated by District School Boards.
 - Operated by service clubs, community and / or recreational bodies (i.e. an organization, association, club, member or group of members).
 - Operated through places of employment.
 - Operated by the private sector as part of the programming envelope of fitness and health centers.
 - Operated by Non-Government Organizations and / or other charities for fundraising purpose.
 - Operated by Non Government Organizations as part of ongoing delivery of physical fitness and / or education programs.
- *School Programming* provides opportunity for school staff to incorporate various scholastic trail activities into their curriculum and school projects. Examples include encouraging students to participate in incentive programs such as commuter challenges or, creative contests to develop trail promotion / education materials. Staff can also

engage students in outdoor education through environmental excursions, inviting special guest speakers and providing relevant literature and resources. Schools can also adopt trails and help to maintain them. In addition, school staff and students can collaborate in mapping / survey work to track and record trail routes / number of students who use the trail over a defined period of time.

- *Service Club Activities* provide opportunities to assist in trails construction through community involvement and youth programs, health related projects, and environmental projects. Usually service clubs will take on a fixed project such as an element or length of trail. A service club can also adopt a part of the trail to provide annual maintenance. In addition, service clubs can provide capital and program assistance.

10.5 Economic Development and Tourism

10.5.1 Marketing the Trail

The goal of a Kirkland Lake focused marketing strategy should generate support towards the local businesses by increasing trail-use tourism. The effort should also effectively “create” trail-tourists and guide them to routes and attractions that will ensure a positive experience, promote good word-of-mouth referrals, increase longer stays, and encourage return visits.

The Town of Kirkland Lake encompasses attractive natural areas, parks, cultural establishments, and local historic sites providing opportunities that both casual and experienced users seek. Promoting the complete Kirkland Lake trail system should form the cornerstone of any tourism marketing effort undertaken in the study area, and include linkages to surrounding destination areas and communities.

It should be recognized that any efforts by the Town to increase its share of the trail tourism market will be limited if it does not work in partnership with the private sector. In regions where trail-based tourism has flourished, government efforts have been greatly enhanced by the involvement of the private sector. Two excellent examples include:

- *Mont Tremblant, Quebec* where the Province and a number of private resort operators, local snowmobile clubs, commercial sports equipment sale and rental businesses, plus the local municipality have joined forces to fund the development, maintenance and promotion of an extensive trail system. This system joins the Mont Tremblant ski resort to the Village of Mont Tremblant as well as other area trails, and is used for year round recreational activities including cycling.
- *The Eastern Ontario Trails Alliance (EOTA)* is an organization that was incorporated in 1999 under the mandate provided to it by the Province Ontario and various Municipal Corporations of Eastern Ontario. Their goals and objectives with regards to trail corridors as stated below could easily be adapted as a starting point for the Town of Kirkland Lake.
 - “The preservation of the continuity of the Corridors for Tourism and other economic uses”.
 - “The management of the corridors as a multi-use facility, representing the interest of recreational users, adjoining landowners and other interested groups.”
 - “The development of the Corridors as a recreational attraction contributing to the tourism and economy of the Eastern Ontario Region.”
 - “The preservation and enhancement of natural and human heritage along the Corridors.”

Through support from funding sources and partners, the EOTA has completed an inventory of abandoned rail lines and existing trails, an overall strategic Master Plan, and a management plan for future operation; has an active involvement with landowners, and has developed an ongoing maintenance and marketing program for the trails network; has identified economic opportunities relating to trails and tourism; and has produced a tourism trails map and internet web site. There are currently more than 35 private sector partners involved in the Eastern Ontario Trails Alliance.

10.5.2 Marketing Objectives

The first objectives of a marketing framework for the Kirkland Lake trail should be to:

- Generate interest for use of the Kirkland Lake Trail and the many opportunities available in the Town of Kirkland Lake;
- Provide information about resources that will help travelers plan to include using the trail as part of their visit in Kirkland Lake;
- Promote trail-use, in association with other partners such as area walking, hiking and cycling clubs and organizations, tourist boards, bicycle tourism operators in Ontario, with a message that indicates Kirkland Lake is an area where trail users are welcome, where support facilities exist, and where road and traffic conditions provide for a safe and positive trail experience;
- Stimulate private sector individual and joint commitment to investing in making Kirkland Lake a trail-use tourist destination; and,
- Host a major event that would attract trail-users and tourists.

10.5.3 Approaches to Market Kirkland Lake as a Trail Tourism Destination

The first actions taken in promoting the Kirkland Lake trail should be to:

- Develop a pamphlet advertising the Town as a trail-use tourist destination which includes a map showing the trail, and the location of commercial accommodation establishments, food and beverage outlets, attractions, bicycle repair and rental shops.
- Develop distinctive trail signage that attracts tourists to areas where they can access accommodation, food and beverages, attractions and other services.
- Partner on other advertising opportunities such as, Ontario Tourism Publications, and local Destination Marketing Organization publications.
- Develop a series of special events throughout Kirkland Lake that will attract trail users and tourists.
- Promote the trail on local and regional tourism-oriented web sites. Many tourists want to explore the areas they visit, many on foot and/or by bike, and therefore they use regional and local municipal web sites as sources of information when planning their trips.
- Establish a trail web site that can be linked to the local and regional tourism-oriented web sites.

11.0 MANAGEMENT / IMPLEMENTATION PLAN

11.1 Overview

MMM Group was commissioned to prepare a Trail Master Plan for the Town of Kirkland Lake, providing guidelines, recommendations and strategies to develop and implement a trails system in phases over a period of five years. Providing a framework for a Trail Development Strategy, the report identifies a non-motorized multi-use trail route system that integrates neighbourhoods, recreation areas and key destinations, providing a contiguous network and series of trail loops / connections for the community. It also provides a management / implementation plan that proposes various practices and mechanisms to build support towards trail development, and engage the community in collaborative partnerships.

The plan reflects upon discussions held with the Trails “2000” Committee, municipal staff, community representatives and partners, and clearly identified Vision and Goals statements, together with fieldwork, research and a review of background information.

11.2 Phases / Timeline

A phased implementation and development program has been prepared which prioritizes the construction of the Kirkland Lake trail system over the next five years. Cost estimates for construction and maintenance of the trail are included in Appendix B of the report. The proposed development plan is:

2008 Phase 1 – Kinross Pond (See Appendix A: Map L-4, Plan F)

- Design and re-construct trail around Kinross Pond with connections to Highway 66 and Queen Street (assess and determine design treatment between northwest Kinross Pond and Highway 66 through commercial property by way of an off-road multi-use gravel trail or signed-route on Oakes Drive; acquire permission / support from neighbouring private and public landowners)
- Design and construct trailhead facility with plaza, parking area, access control bollards, amenities, interpretive signage and tree planting
- Design and construct viewing platform lookout at old Water Tower site with amenities and interpretive signage (preservation or removal of building remnants / mining debris in area to be left to discretion of Town)
- Install retaining walls, railings and culverts where required
- Install overall trail signage

2009+ Phase 2 – Gull Lake (See Appendix A: Map L-5, Plan H)

- Design and construct trail loops in Gull Lake area; co-ordinate with neighbouring health-care facilities, Hydro One, and MNR – Ontario Ministry of Natural Resources
- Design and construct three viewing platform lookouts with amenities and interpretive signage
- Install culverts where required

- Construct trails along Hospital Road, the Kirkland Hospital driveway, the private road / driveway for the Water Treatment Plant and Dunfield Road with pavement marking edge lines; co-ordinate in conjunction with roadway improvements
 - Install signs and pavement / road crosswalk markings on Hospital Road
 - Install overall trail signage

- 2010+ Phase 3 – Swastika Trail Connection (See Appendix A: Maps L-1 to L-3, Plans A to E)**
 - Construct paved shoulder trail on Highway 66 between Kirkland Lake and Swastika with pavement marking edge lines; co-ordinate with Town of Kirkland Lake and Swastika in conjunction with roadway improvements
 - Install signs and pavement / road crosswalk markings
 - Install concrete pedestrian road crossing with curb cut and signage as per MTO (Ontario Ministry of Transportation)
 - Install railway crossing traffic control measures and devices
 - Install sidewalk or alternative trail facility on south side of Amikougami bridge structure on Highway 66
 - Install overall trail signage

- 2010+ Phase 3 – “Mile of Gold” (See Appendix A: Maps L-4 to L-5, Plans F to H)**
 - Install trail signage along existing sidewalk
 - Install signs and pavement / road crosswalk markings
 - Design and construct trailhead facility with plaza, access control bollards, amenities, interpretive signage and tree planting; co-ordinate with Town of Kirkland Lake and planned construction of parking facility at the Old Toburn Mine Site
 - Install two concrete pedestrian road crossings with curb cuts and signage as per MTO

- 2011 Phase 4 – Kinross Pond West (See Appendix A: Map L-4, Plan F)**
 - Design and re-construct trail loop west of Kinross Pond
 - Install culverts where required
 - Install overall trail signage

- 2012 Phase 5 – Gull Lake South (See Appendix A: Map L-5 to L-6, Plans H to I)**
 - Design and construct trail links between Dunfield Road and Allan, and the Joe Mavrinac Community Complex parking lot and cross country ski and hiking trails
 - Install signs and pavement / road crosswalk markings
 - Design and re-construct trail loops on existing cross country ski and hiking trail sections; acquire support from neighbouring Kirkland Lake District Composite School, Joe Mavrinac Community Centre, and local cross country ski runners club
 - Design and construct trailhead facility with plaza, access control bollards, amenities, interpretive signage and tree planting

- Install retaining walls, railings and culverts where required
- Install overall trail signage

2012 Phase 6 – Southern Trail Links (See Appendix A: Map L-7, Plan J)

- Install trail signage along existing beaten paths and roadways
- Install signs and pavement / road crosswalk markings

11.3 Guidelines, Recommendations and Strategies

Recommendation #1: Trail Development and Construction

- Follow guidelines and recommendations for trail construction design treatments, signage and maintenance based on relevant traffic engineering principles, applications and best practices, taking into consideration that guidelines and recommendations are not intended to take precedence over “good engineering judgement.”
- As the Trail Development Strategy is implemented, the guidelines and recommendations in this report should be confirmed, where appropriate, to ensure that they remain current, and continue to inform and guide the implementation of the proposed trail system.

Recommendation #2: Fundraising and Financing

- Pursue support and financing opportunities at the municipal, provincial and federal level.
- Pursue support and financing opportunities through various granting agencies including the Frogsbreath Foundation, the Ontario Trillium Foundation, and the Northern Ontario Heritage Fund Corporation (NOHFC).
- Pursue support and financing opportunities through various organizations including Walmart / Unilever Evergreen Fund, TD Friends of the Environment Foundation, the Molson Local Heroes, the Northern Trails Program and Shell Environmental Fund.
- Engage local participation and support through identifying and outreaching to potential partners in Kirkland Lake, and surrounding areas and communities.
- Pursue sponsorship opportunities within the business community and corporations in Kirkland Lake, and surrounding areas and communities.
- Pursue support and assistance through various local community organizations, volunteers, in-kind donations and incentives.
- Work in collaboration with partners and the community to continue identifying and investigating other finance and sponsorship opportunities, and engage further support from the community.

Recommendation #3: Education and Marketing

- Work in collaboration with partners and the community to deliver a “Name the Trail” contest event, campaigning / engaging participation and support from schools, local community organizations, associations and businesses to name a few.
- Work in collaboration with partners and the community to develop, manage and deliver education and marketing programs to promote the trail.
- Work in collaboration with partners and the community to co-ordinate educational and marketing campaigns which include activities such as a community-wide “Name the Trail” contest, kick-off / launch event to unveil the trail name(s) and the Trail Master Plan – Trail Development Strategy, public outreach and consultation,

fundraisers, trail challenges; and, regular monitoring, tracking and publicizing of trail user participation.

- Encourage workplaces, facilities and establishments to engage in activities and initiatives that support trail use such as incentive programs, commuter challenges, installing bike parking, shower and change facilities, and establishment of trail user groups.
- Act as a role model, adopting programs and initiatives, and demonstrating and leading by example.

Recommendation #4: Media and Outreach

- Work in collaboration with partners, the community and media to develop, manage and deliver public outreach programs to promote the trail.
- Work in collaboration with partners and the community maintaining regular contact with radio, television and newspapers to promote trail activities and opportunities, and deliver public service announcements.
- Work in collaboration with partners and the community to post trail activities, opportunities and public service announcements on the Town and related websites.
- Work in collaboration with partners, the community and media to develop and deliver public outreach materials such as press releases, publications, promotional literature, and trail maps.
- Work in collaboration with partners, the community and media to co-ordinate and host high-profile media events i.e. special trail events and trail conferences.

Recommendation #5: Mapping / Promotional Material

- Work in collaboration with partners, the community and media to produce a comprehensive trail map identifying all existing trail facilities in Kirkland Lake, key points and destinations including surrounding areas and communities, alongside distances to key areas.
- Work in collaboration with partners and the community to develop a way-finding sign plan that identifies key destinations, attractions, trailheads, rest areas and related service facilities alongside providing contact information and trail etiquette tips.
- Work in collaboration with partners and the community to develop a unique and unifying symbol, theme and name for the overall trail, and various trail loops and connections.

Recommendation #6: Community Event Programming

- Work in collaboration with partners, the community and other agencies to co-ordinate:
 - Community-Oriented and Town Celebration Events featuring the trail as a special venue.
 - Educational Programming enabling trail users to explore and gain appreciation for the trail, nature and the outdoor environment.
 - Historical, Heritage, Tourism and Cultural Programs drawing trail users to key destinations, attractions, businesses and commercial areas.
 - Sport and Recreation Activities providing health, fitness and community-building opportunities.
 - School Programming engaging staff and students in scholastic trail activities, and providing for exciting and inspiring curriculum and school projects.
 - Service Club Activities providing opportunities to engage in trail construction and maintenance activities, and various community-oriented opportunities.

Recommendation #7: Economic Development and Tourism – Marketing Initiatives

- Work in collaboration with partners, the community and other agencies to:
 - Generate interest for use of the Kirkland Lake Trail and the many opportunities available through visitor and travel resources and information.
 - Promote trail-use in association with other walking, hiking, cycling clubs and organizations, tourist boards, bicycle tourism operators, marketing Kirkland Lake as friendly and welcoming destination that provides excellent trail facilities, a safe and positive trail environment, and a variety of exciting trail experiences.
 - Stimulate private sector individual and joint commitment to investing in making Kirkland Lake a trail-use tourist destination.
 - Co-ordinate and host a major event that would attract trail users and tourists.

Recommendation #8: Economic Development and Tourism – Marketing Approaches

- Work in collaboration with partners, the community and other agencies to:
 - Create pamphlets, brochures and maps that shows the trail system alongside tourism and recreation facilities and services including commercial accommodation, food and beverage outlets, attractions, sport repair and rental shops.
 - Develop distinctive trail signage that draws visitors to tourism and recreation facilities and services.
 - Partner link with other advertising opportunities such as Ontario Tourism Publications, local Destination Marketing Organization publications, and local and regional tourism-oriented web sites.
 - Develop a series of special events throughout Kirkland Lake that will attract trail users and tourists.

Recommendation #9: Policy / Administration

- Involve Town departments in the pursuit of trail development, expansion and improvements:
 - The route should remain flexible as it is developed, inviting opportunities to realign the route in the future as private land holdings allow easements or as new road and traffic patterns emerge in the Town. The Planning Department should look for opportunities for developing the trail when development applications are received. Site plans, and commercial and residential development plans should be reviewed for access to or inclusive of the trail system.
 - A part-time position should be opened to coordinate the planning, construction and programming of the Kirkland Lake trail.
 - The off-road system of the trail should be coordinated with the Community Services Department; the on-road system of the trail should be coordinated with the Public Works & Transportation Department.
 - An interdepartmental communication strategy should be implemented to ensure that all departments are aware of the progress of the Kirkland Lake trail.
 - All new site, commercial and residential developments should follow the recommendations of this report at the preliminary design stages through to implementation. Construction of the Kirkland Lake trail should be as much a part of the development as the vehicular roads system.
 - When confirming trail routes the following policies apply:
 - Use City owned or public lands
 - Review practicality of the trail and its usefulness in terms of function and target trail users

- Review setting or surroundings for the trails with respect to natural versus the built surrounding
- Review residential access
- Town Council should empower the Engineering and Planning Department staff representative to work with other agencies and partners.
- Long range planning documents, such as the Official Plan, should adopt the results of this study.

Recommendation #10: Long-Range Planning and Administration

- Review the report prior to construction of all road projects, prior to establishing the annual budget for parks and recreation, and annually to ensure that the report is current to the changing needs of the community.

12.0 REFERENCES

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MEMORANDUM TO COUNCIL

Meeting Date: 04/05/2021

Memorandum Number: 2021-CAO-009M

Presented by: Don Studholme

Department: CAO

MEMORANDUM TITLE

Reporting on Tax and Water Bills Delinquency

RECOMMENDATION(S)

BE IT RESOLVED THAT Memorandum Number 2021-CAO-009M entitled “**Reporting on Tax and Water Bills Delinquency**” be received.

BACKGROUND

1. The number of properties that are in tax and water arrears
 - a. Total properties in tax arrears as of Dec. 31, 2020 is 801
 - b. The total number of residential customers in arrears is 351
 - c. The total number of commercial/monthly metered is 131
2. The number of properties without a single payment in 2020
 - a. Total properties as of Dec. 31, 2020 is 507 (171 of these owe less than \$20)
 - b. Total residential properties had 40 customers
 - c. Total monthly properties had 10 customers
3. Total monetary value of non-collected on said properties
 - a. Total arrears as of Dec. 31, 2020 is \$3,072,593 (which \$470,000 is from 3 properties) and the current year is \$505,519 (\$140,000 is one property)
 - b. Residential properties is 40 customers
 - c. Monthly/Commercial properties is 10 customers
4. How is this dealt with in the budgeting process and government reporting standards
 - a. Taxes has a budget line for doubtful accounts and a report is filed with the federal government through the Financial Information Return
 - b. We need to review the present collection system for water
5. Any current policy developed for collection of delinquent accounts
 - a. No current policy developed for either under the present system

RATIONALE

We need to ensure that we have developed a system that allows the Town to collect outstanding amounts on a regular basis and staff do what they can do to ensure that we are moving forward.



REPORT TO COUNCIL

Meeting Date: 20/04/2021

Report Number: 2021-DEV-011

Presented by: Richard Charbonneau

Department: Development Services

REPORT TITLE

OMNRF Hangar Rental Agreement

RECOMMENDATION(S)

BE IT RESOLVED THAT Report Number 2021-DEV-011 entitled “**OMNRF Hangar Rental Agreement**” be received, and

THAT staff be directed to sign the attached OMNRF Hangar Rental Agreement with the Ontario Ministry of Natural Resources and Forestry.

BACKGROUND

The Ontario Ministry of Natural Resources and Forestry (Aviation and Forest Fire Emergency Services) utilizes municipal airports to support its suppression and control efforts during the annual wildfire season. Kirkland Lake Municipal Airport has been regularly utilized by the OMNRF over the years, most notably during the 2012 fire season, during which Kirkland Lake² threatened the community.

An agreement does not mean that the OMNRF maintains a continuous presence in Kirkland Lake. Use would be on an as needs basis.

RATIONALE

In order to prepare for the fire season, the OMNRF requires formal agreements with its municipal partners that cover the use of the airport and its components such as the hangars, etc. On April 8, Ministry representatives contacted the Town to activate the agreement for the 2021. The attached draft agreement sets out the terms and conditions governing the use of the airport by the OMNRF.

Under the terms of the agreement, the OMNRF would have access to the Airport for a total of five (5) months, with the option for an additional two (2) months, depending on the season and fire activity in the area.

Their intent is to utilize part of the hangar for storage of emergency equipment, and during time of high fire activity, the office and washroom as a start-up center. The OMNRF would install the necessary utilities such as phone, fax and internet service.

OTHER ALTERNATIVES CONSIDERED

Council may choose to reject the lease terms as stated. This would delay the agreement, which may pose problems should the fire risk escalate.

Council may choose to reject the agreement in principle. Should that happen, the OMNRF will find alternative ways to provide coverage in the Kirkland Lake district when needed.

FINANCIAL CONSIDERATIONS

There are revenues associated with the lease agreement, totalling \$2,957.70, with the potential for an additional \$1,183.08, depending on the fire season. There is also an opportunity for revenue with the sale of fuel. All costs are based on the current User Fee schedule.

RELATIONSHIP TO STRATEGIC PRIORITIES

Not applicable although the Plan does recognize the importance of remaining engaged on the regional stage.

ACCESSIBILITY CONSIDERATIONS

Not applicable.

CONSULTATIONS

CAO

ATTACHMENTS

Attachment 1 – OMNRF Hangar Lease 2021



HANGAR RENTAL AGREEMENT

THIS AGREEMENT, made this day ____ of **May, 2021**, between:

The Town of Kirkland Lake, Owner of the Kirkland Lake Airport (hereinafter referred to as **"OWNER"**)

AND

The Ontario Ministry of Natural Resources and Forestry (hereinafter referred to as **"RENTER"**)

WHEREAS, the Owner deems it advantageous to the operation of its Airport to rent the hangar space herein described to the Renter, with the rights and privileges as herein set forth:

1. TERMS

- a) Renter desires to rent the office, and a twelve (12) foot corridor leading to the office space within the Hangar, owned by the Owner.
- b) The rent for each calendar year, landing fees and cost for fuel purchases are based on the Municipal User Fee By-Law. The fees are subject to annual review and amendments as approved by the Council of the Town of Kirkland Lake. Invoices provided to the Renter shall reflect the specific to the year in which the costs are incurred. The current Municipal User Fee By-law is available for reference at www.kirklandlake.ca, or upon request to the Owner. In any circumstance, the copy of the Municipal User Fee Bylaw provided by the Municipal Clerk of the Town of Kirkland Lake shall be the definitive authority.
- c) Rent will be billed annually at the end of each term. Landing fees and other costs will be billed on a monthly basis as incurred.
- d) The Renter will occupy the rental space from May 1st until September 30th each year of the term of the Agreement, with an option for the months of April and October, depending on the fire season.
- e) The term of this Agreement is for three (3) years from the date of signing by the Owner as noted on Page Four (4) of this Agreement, and terminating on May 1, 2024.
- f) Either party may terminate this lease upon thirty (30) days written notice to the other party.

2. NO ASSIGNMENT

It is understood and agreed by the Renter that the rented space is for the sole and exclusive use of the Renter for the purpose of Office use and storage. Subleasing is prohibited. Rental of additional space and use of rented space for alternative measures not stipulated in this lease must be approved by the Chief Administrative Officer or designate.

3. INSURANCE

1. The Renter shall protect itself and the Owner from and against all claims which might arise from the work required to be performed under this Agreement by its officers, employees and agents where personal injury, including death or property damages caused and for this purpose shall without limiting the generality of the foregoing provide and maintain and pay for:
 - a) Aircraft hull and liability insurance including premises liability insurance, with the Owner named as an additional insured.
 - b) All Risks Property Insurance: All risks (including sewer damage, flood and earthquake) property insurance in an amount equal to the full replacement cost of the property of every description and kind owned by the Renter or for which the Renter is legally responsible, and which is located on or about the Airport for the duration of this Agreement.
 - c) Commercial General Liability Insurance: The Renter shall, at their expense obtain and keep in force during the term of the Lease, Commercial General Liability Insurance satisfactory to the Owner and underwritten by an insurer licensed to conduct business in the Province of Ontario. The policy shall provide coverage for Bodily Injury, Property Damage and Personal Injury and shall include but not be limited to:
 - i. A limit of liability of not less than \$5 million/occurrence with an aggregate of not less than \$15 million.
 - ii. Add the Owner as an additional insured with respect to the operations of the Named Insured
 - iii. The policy shall contain a provision for cross liability and severability of interest in respect of the Named Insured

- iv. Non-owned automobile coverage with a limit not less than \$2,000,000 and shall include contractual non-owned coverage (SEF 96)
 - v. Products and completed operations coverage
 - vi. Broad Form Property Damage
 - vii. Contractual Liability
 - viii. Hostile fire
 - ix. The policy shall provide 30 days prior notice of cancellation
- 2. The Renter's insurance shall be primary coverage and not additional to and shall not seek contribution from any other insurance policies available to the municipality.
 - 3. Copies of the liability insurance in the form of a Certificate of insurance shall be submitted to the Owner on an annual basis and upon request. The Renter shall provide a Certificate of Insurance evidencing coverage in force at least 10 days prior to contract commencement.

4. NO COMMERCIAL ACTIVITY

Renter further agrees not to operate any business, enterprise or revenue-producing activities from the rented space, or in any way conduct commercial activities in such space, unless otherwise approved by the Chief Administrative Officer or designate.

5. PREVENTIVE MAINTENANCE

- a) Maintenance of any equipment shall be performed in the limits of the rented space. The area is to be kept clean and tidy and free of debris. Any spills are to be cleaned immediately with proper absorbent material.
- b) The Renter shall ensure that the property is kept in same or better condition then it was left at the beginning of this lease.

6. PROPERTY DAMAGE/PERSONAL INJURY

- a) Equipment and other personal property are stored at Renter's sole risk. Any insurance protecting Renters' personal property against fire, theft or damage must be provided by the Owner. The Renter agrees to save the Airport harmless

from any and all liability by reason of the storage or maintenance of said equipment at the Kirkland Lake Airport, or from injury or damage caused to any persons or property by reason of the operations of said aircraft. The Owner shall have the right to cause repair of all damages to the Hangar, caused by the Renter and will invoice the cost of such repairs to the Renter. Such charges shall be paid within thirty (30) days upon receipt of an invoice from the Owner.

- b) Renter agrees to save and hold the Owner at all times free and harmless from any damage occasioned by the use of the above premises by Renter, and its agents and invitees; or from the use of the Airport by such Renter, agents, and invitees; or from damage arising out of, or connected with any violation or breach by the Renter, its agents and invitees, of any of the rules or any regulation established by the Owner governing the use of the Airport, any loss occasioned by fire, theft, rain, windstorm, hail, or from any other cause, whether that cause be the direct, indirect or merely a contributing factor in producing the loss to any airplane, automobile, personal property, parts or surplus that may be located or stored in the hangar, offices, apron, field, or any other location at the Airport. Renter further agrees that the aircrafts, and their contents are to be stored, whether on the field or in the hangars, at the Renters' risk. Further, the Renter agrees to indemnify the Owner, its agents, officers, representatives, and employees, against all liability of any nature arising directly or indirectly out of the activities of the Renter, its agents, servants, guests or business visitors under this agreement or by reasons of any act or omission of those people.

7. CONDITIONS

- a) Renter agrees to observe and obey reasonable rules and regulations with respect to use of the premises; provided, however, that such rules and regulations shall be consistent with regulations of Transport Canada with respect to aircraft operations at the Airport; and provided further, that such rules and regulations shall not be inconsistent with the provisions of this Agreement or the procedures prescribed or approved from time to time by Transport Canada with respect to the operation of Renter's aircraft at the airport.
- b) Renter agrees that temporary inconveniences do not constitute a breach in use.
- c) In the event the Airport is required to issue a NOTAM due to a public event, construction/maintenance, inclement weather, emergency orders, or due to Department of National Defense use, the Renter agrees and understands there will be no refunds or reductions in rent unless the NOTAM results in closure for one (1) month or more.
- d) In the event the hangar, not including the hangar office, is required due to Department of National Defense use, the Renter agrees to forfeit and make available the hangar space for the duration of military exercises and understands

there will be no refunds or reductions in rent unless the military requires the use of the hangar for one (1) month or more.

8. AIRPORT AUTHORITY

- a) The Chief Administrative Officer (CAO) or designate is hereby designated as the official representative for the enforcement of all provisions in this Hangar Agreement with full power to represent the Owner in dealings with the Renter in connection with the rights and obligations herein provided, actions relating to policy determination, modification of this Agreement, subsequent permissive authorization under this Agreement, termination of this Agreement, and any similar matters affecting the terms of this Hangar Agreement.
- b) Airport staff may enter the Hangar at any time for any purpose necessary, incidental to, or connected with the exercise of its governmental functions including, but not limited to the following: fire protection, security purposes, repairs, additions, or alterations, inspections, etc.

9. TERMINATION

- a) Failure of the Renter to pay the rental due hereunder within 20 days of due date shall result in a breach of the Agreement and shall cause an immediate termination of this Agreement.
- b) Any breach of the conditions or any part of the agreement shall result in a breach of this Agreement and Owner may elect to require the Renter to vacate the premises.

10. STRUCTURAL MODIFICATION

- a) No structural or electrical modifications, painting or alterations will be made to the Hangar space without the prior written approval of the Chief Administrative Officer (CAO) or designate.
- b) Renter shall not attach any hoisting, winching or holding mechanism to any part of the storage space, or pass any such mechanism over the beams or braces thereof.

11. ACCEPTANCE

- a) Renter agrees to accept said Hangar on an "as is" basis, and understands that the Owner shall not be required to furnish heat, electricity, water, telephone, or any other utilities or services to the Renter in conjunction with the rent of said Hangar.

b) Renter and Owner agree to the conditions presented in Appendix "A", which forms part of this Agreement.

SIGNED, SEALED AND DELIVERED in the presence of:

EXECUTION BY OWNER

THE CORPORATION OF THE
TOWN OF KIRKLAND LAKE

Officer

Date _____

Seal

EXECUTION BY RENTER

Company/Renter Name

Signature _____

Witness _____

Date _____

Seal

APPENDIX “A”

Defined Terms and Established Airport Rates

“**AFFES**” means Aviation and Forest Fire Emergency Services.

“**Bird Dog**” is defined as the aircraft that carries the person who directs firebombing on a fire.

“**Detection Aircraft**” Is the aircraft utilized for the act of discovering, locating and reporting wildfires.

“**Extended Fuelling Service Rate**” An Extended Fuelling Service Rate is defined as an hourly rate to be charged for any hour that exceeds the “Callout”, “8 Hour Minimum Rate” or “Normal Operating Period” and is all inclusive of any callouts, or additional service charges and may result in the fuelling of one or more aircraft.

“**Callout**” For this agreement a “Callout” is defined as a 4-hour period when the supplier is required to be called back on site and available to dispense fuel to any or all Ministry of Natural Resources AFFES owned and contract aircraft who are working for the Ministry of Natural Resources AFFES program in the support of fire suppression. The expectation is for personnel to dispense fuel within a ½ hour of notification. The 4-hour period begins when the supplier has arrived back at the airport facility and can dispense fuel. This fee is an all-inclusive rate for any single callout fee, or additional service charges and may result in the fuelling of one or more aircraft.

“**Hire number**” a Hire Number is defined as a unique 3-digit number that is provided by the MNR to any aircraft that is “On Hire” to provide aircraft services to the MNR.

“**Fire ID Number**” a Fire ID Number is defined as a unique identifier that consist of letter(s) and numbers that is provided by the MNR to any aircraft that is “On- Hire” to provide aircraft services to the MNR

“**Landing Fees**’ for this agreement Landing Fees are defined as a set fee to land and take off from the designated Airport. The Crown agrees to pay a single Landing Fee per landing for each MNR Aircraft (or hired by the MNR aircraft) that utilizes the facility. This is extended past the term of this agreement to include all twelve (12) months of the year.

“**Long-Term Aircraft**” is defined as aircraft hired by the Ministry for a defined period, usually the fire season. Many of the bird dogs, detection aircraft and assigned helicopters are considered long term hires.

“**MNR**” means the Ministry of Natural Resources.

“**Normal Operating Period**” For this agreement the Normal Operating Period is set by the Municipal Airport and is identified as the hours that the airport fuelling facility is normally open to the public. The Extended Fuelling Services Rate may be charged for periods that the airport

fuelling facility is not open to the public and is required to be available by the Ministry of Natural Resources.

“Normal Operating Day”

The normal operating day makes up part of the normal operating period and is established by the municipality as the hours that the airport fuelling facility is normally open to the general public

“On Hire” means any aircraft under contract with the MNR fire program.

“Posted Price” means the price that all citizens are entitled to for Aviation or Jet A fuel, identified on the municipality aviation fuel pump for that specific time-period. It is understood that the price may fluctuate based on market price.

“Short Term Aircraft” is defined as aircraft hired by the Ministry for some short durations of time, during periods of escalated fire activity.

“Statutory Holiday” for this agreement a Statutory Holiday is defined as any one of the five days during the hire season as indicated: Victoria Day, Canada Day, Civic Holiday, Labour Day and Thanksgiving Day.

Temporary Space Arrangements

The MNR hereby agrees that the use of Airport facilities (i.e. Hangar and Office and adjacent parking area) is on a non-exclusive basis to allow municipal staff continued use of the facility.

The MNR agrees to leave all facilities in the same clean condition and state of repair as they were received and to pay for any damage incurred by the Township, except for normal “wear and tear”.

Detail Requirements on Fuel Slips

Fuel/meter slips provided to pilots from the Fuel Handler(s) must include the following detailed information:

- MNR Hire Number
- MNR Fire ID Number
- Aircraft Registration Number
- Date and time

Invoice Requirements

Invoices for aviation fuel are to be accompanied by the meter slips and must include the following information:

- If Non MNR owned aircraft a unique 3-digit Hire Number
- Meter ticket #
- Date of Meter ticket
- Aircraft registration #

- Total cost
- Invoice with a Unique #
- Invoice date
- Company name and address

All invoices for utilization of facilities will be submitted to the following address:

Ministry of Natural Resources and Forestry

Attention: Fire Management Clerk

Timmins Forest Fire Management Headquarters

5520 P.O. Bag 3090 Hwy 101 East, South porcupine ONT, P0N 1H0

Invoicing for Aviation Fuel for MNR Owned Aircraft

All Fuel invoices for **MNR Owned Aircraft** will be sent to the following address:

Ministry of Natural Resources and Forestry
2-475 Airport Road
Sault Ste. Marie, ON
P6A 5K6

ATT: Fuel and Facilities Officer

Invoicing for all other Aviation Fees

All invoices for, callout, landing fees, after normal hour's fees and fuel for aircraft On Hire: **MUST** be sent to the following address:

Ministry of Natural Resources and Forestry
Attention: Fuel and Facilities Officer
2-475 Airport Road
Sault Ste. Marie, ON
P6A 5K6

Listing of Ministry of Natural Resources Owned Aircraft

Any of these listings are still subject to changes and MNR will attempt to notify the Airport of any changes as soon as possible (MNR aircraft usually are easily recognizable).

MNR Yellowbirds				
Registration	ID	Type	Base	Serial Number
C-FATR	H-15	EC130	Sudbury	3759
C-FMNR	H-03	EC130	Thunder Bay	4391
C-FONA	H-09	EC130		4945
C-FONM	H-01	EC130	Dryden	4566
C-GONB	H-11	EC130	Sudbury	4885
C-GONC	H-19	EC130	Muskoka	4702
C-GONT	H-07	EC130	Timmins	4423
C-GOGB	T847	Twin Otter	Sudbury	
C-FOPG		Twin Otter	Timmins	
C-FOPI	T844	Twin Otter		
C-FOPJ	T845	Twin Otter		
C-GOGA	T846	Twin Otter	Sudbury	
C-COGC	T-848	Twin Otter	Timmins	
C-FOER		Turbo Beaver		
C-FOEU		Turbo Beaver	Sudbury	
C-FOPA		Turbo Beaver		
C-FOEH		Turbo Beaver	Muskoka	
C-FOEW		Turbo Beaver		
C-GOGD	T270	CL415		
C-GOGE	T271	CL415		
C-GOGF	T272	CL415		
C-GOGG	T273	CL415		
C-GOGH	T274	CL415		
C-GOGW	T275	CL415		
C-GOGX	T276	CL415		
C-GOGY	T277	CL415		
C-GOGZ	T278	CL415		
C-GOIC		King Air 350		
C-GOGS		King Air 350		



REPORT TO COUNCIL

Meeting Date: 4/30/2021

Report Number: 2021-DEV-020

Presented by: Wilfred Hass

Department: Development Services

REPORT TITLE

Request to Purchase Land – 400 Government Road West (Heritage North)

RECOMMENDATION(S)

BE IT RESOLVED THAT Report Number 2021-DEV-020 entitled “**Request to Purchase Land – 400 Government Road West**” be received,

THAT staff be directed to present an executing by-law for the purchase and sale of 400 Government Road West to 2827269 Ontario Inc. for a sale price of \$799,000.00 plus legal costs.

BACKGROUND

At the May 5 2020 Town Council meeting, staff presented a Service Delivery Review of Heritage North. Based on that review, Council directed staff to prepare the facility for divestiture. At the August 11 2020 Town Council meeting, Heritage North was deemed as surplus land and the property advertised for sale in accordance with the Town’s established procedures governing the sale of real property owned by the Municipality.

A number of expressions of interest were received including one dated January 15 from 1226507 Ontario Inc. At the March 23 2021 Town Council meeting, Council accepted Report Number 2021-DEV-009 entitled “**Notice of Intent to Sell: Heritage North (400 Government Road West)**”, and directed staff to

1. Provide notice of intent to sell the property known as 400 Government Road West (Heritage North) to 1226507 Ontario Inc.
2. Engage legal counsel to review the purchase proposal and make recommendations;

3. Prepare and present a By-law to Council at an upcoming meeting authorizing the Corporation of the Town of Kirkland Lake to enter into an agreement of purchase and sale to sell the property known as 400 Government Road West to 1226507 Ontario Inc.

Subsequent to March 23rd, staff received an Agreement of Purchase and Sale from 2827269 Ontario Inc. (a numbered company established specifically for this transaction). The proposed sale price is \$799,000 for the property, fixture and chattels required to function as a conference and event centre.

RATIONALE

The municipal lawyer has not identified any issues with the proposed Agreement of Purchase and Sale. The property is recorded in the municipal surplus lands listing and has been actively marketed. The prospective buyers indicate that they will continue to operate the facility as a conference and event centre, thereby ensuring that the community continues to benefit from the facility.

OTHER ALTERNATIVES CONSIDERED

Council may decide not to sell the land to 2827269 Ontario Inc. or counter offer.

FINANCIAL CONSIDERATIONS

2827269 Ontario Inc. has offered \$799,000 for the property. This includes a non-refundable deposit of \$10,000 and a commitment to pay the municipality's legal costs. Should Council approve the sale, the Town will realize annual taxes on the property, and any revenue arising from fees and permits associated with renovations or future developments.

RELATIONSHIP TO STRATEGIC PRIORITIES

The direction to divest Heritage North reflects Council's commitment to fiscal responsibility and ensuring sustainable finances and service delivery.

ACCESSIBILITY CONSIDERATIONS

Not applicable.

CONSULTATIONS

CAO
Development Services

ATTACHMENTS

Attachment 1 – Agreement of Purchase and Sale

Agreement of Purchase and Sale Commercial

Form 500

for use in the Province of Ontario

This Agreement of Purchase and Sale dated this 15 day of January, 2021

BUYER: 2827269 Ontario Inc., agrees to purchase from
(Full legal names of all Buyers)

SELLER: Corporation of the Town of Kirkland Lake, the following
(Full legal names of all Sellers)

REAL PROPERTY:

Address 400 Government Rd. W

fronting on the _____ side of _____

in the Kirkland Lake

and having a frontage of _____ more or less by a depth of _____ more or less

and legally described as _____

_____ (the "property")
(Legal description of land including easements not described elsewhere)

PURCHASE PRICE: Dollars (CDN\$) 799,000.00

Seven Hundred Ninety-Nine Thousand Dollars

DEPOSIT: Buyer submits herewith
(Herewith/Upon Acceptance/as otherwise described in this Agreement)

Ten Thousand Dollars (CDN\$) 10,000.00

by negotiable cheque payable to Richard & Chamaillard Law In Trust "Deposit Holder"
to be held in trust pending completion or other termination of this Agreement and to be credited toward the Purchase Price on completion. For the purposes of this Agreement, "Upon Acceptance" shall mean that the Buyer is required to deliver the deposit to the Deposit Holder within 24 hours of the acceptance of this Agreement. The parties to this Agreement hereby acknowledge that, unless otherwise provided for in this Agreement, the Deposit Holder shall place the deposit in trust in the Deposit Holder's non-interest bearing Real Estate Trust Account and no interest shall be earned, received or paid on the deposit.

~~Buyer agrees to pay the balance as more particularly set out in Schedule A attached.~~

SCHEDULE(S) A B attached hereto form(s) part of this Agreement.

1. IRREVOCABILITY: This offer shall be irrevocable by Buyer until 4 on
(Seller/Buyer) (a.m./p.m.)
the 15 day of April, 2021, after which time, if not accepted, this offer shall be null and void and the deposit shall be returned to the Buyer in full without interest.

2. COMPLETION DATE: This Agreement shall be completed by no later than 6:00 p.m. on the 15 day of July, 2021. Upon completion, vacant possession of the property shall be given to the Buyer unless otherwise provided for in this Agreement.

INITIALS OF BUYER(S):

INITIALS OF SELLER(S):



3. **NOTICES:** The Seller hereby appoints the Listing Brokerage as agent for the Seller for the purpose of giving and receiving notices pursuant to this Agreement. Where a Brokerage (Buyer's Brokerage) has entered into a representation agreement with the Buyer, the Buyer hereby appoints the Buyer's Brokerage as agent for the purpose of giving and receiving notices pursuant to this Agreement. **Where a Brokerage represents both the Seller and the Buyer (multiple representation), the Brokerage shall not be appointed or authorized to be agent for either the Buyer or the Seller for the purpose of giving and receiving notices.** Any notice relating hereto or provided for herein shall be in writing. In addition to any provision contained herein and in any Schedule hereto, this offer, any counter-offer, notice of acceptance thereof or any notice to be given or received pursuant to this Agreement or any Schedule hereto (any of them, "Document") shall be deemed given and received when delivered personally or hand delivered to the Address for Service provided in the Acknowledgement below, or where a facsimile number or email address is provided herein, when transmitted electronically to that facsimile number or email address, respectively, in which case, the signature(s) of the party (parties) shall be deemed to be original.

FAX No.:
(For delivery of Documents to Seller)

FAX No.:
(For delivery of Documents to Buyer)

Email Address:
(For delivery of Documents to Seller)

Email Address:
(For delivery of Documents to Buyer)

4. **CHATELS INCLUDED:**

All existing appliances, chattels, fixtures, furniture, window covering, light fixtures, CAC, CVAC, Furnaces, Hot water tanks, Chandeliers, Electronics, speakers, wall mounts, projectors.

As per final chattels list provided by the Corporation of the Town of Kirkland lake

Unless otherwise stated in this Agreement or any Schedule hereto, Seller agrees to convey all fixtures and chattels included in the Purchase Price free from all liens, encumbrances or claims affecting the said fixtures and chattels.

5. **FIXTURES EXCLUDED:**

nothing

6. **RENTAL ITEMS (Including Lease, Lease to Own):** The following equipment is rented and **not** included in the Purchase Price. The Buyer agrees to assume the rental contract(s), if assumable:
hot water tanks if any

The Buyer agrees to co-operate and execute such documentation as may be required to facilitate such assumption.

7. **HST: If the sale of the property (Real Property as described above) is subject to Harmonized Sales Tax (HST), then such tax shall be in addition to the Purchase Price.** The Seller will not collect HST if the Buyer provides to the Seller a warranty that the Buyer is registered under the Excise Tax Act ("ETA"), together with a copy of the Buyer's ETA registration, a warranty that the Buyer shall self-assess and remit the HST payable and file the prescribed form and shall indemnify the Seller in respect of any HST payable. The foregoing warranties shall not merge but shall survive the completion of the transaction. If the sale of the property is not subject to HST, Seller agrees to certify on or before closing, that the transaction is not subject to HST. Any HST on chattels, if applicable, is not included in the Purchase Price.

INITIALS OF BUYER(S):

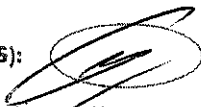
INITIALS OF SELLERS(S):



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8. **TITLE SEARCH:** Buyer shall be allowed until 6:00 p.m. on the 2 day of July, 2021, [Requisition Date] to examine the title to the property at his own expense and until the earlier of: (i) thirty days from the later of the Requisition Date or the date on which the conditions in this Agreement are fulfilled or otherwise waived or; (ii) five days prior to completion, to satisfy himself that there are no outstanding work orders or deficiency notices affecting the property, that its present use (.....) may be lawfully continued and that the principal building may be insured against risk of fire. Seller hereby consents to the municipality or other governmental agencies releasing to Buyer details of all outstanding work orders and deficiency notices affecting the property, and Seller agrees to execute and deliver such further authorizations in this regard as Buyer may reasonably require.
9. **FUTURE USE:** Seller and Buyer agree that there is no representation or warranty of any kind that the future intended use of the property by Buyer is or will be lawful except as may be specifically provided for in this Agreement.
10. **TITLE:** Provided that the title to the property is good and free from all registered restrictions, charges, liens, and encumbrances except as otherwise specifically provided in this Agreement and save and except for (a) any registered restrictions or covenants that run with the land providing that such are complied with; (b) any registered municipal agreements and registered agreements with publicly regulated utilities providing such have been complied with, or security has been posted to ensure compliance and completion, as evidenced by a letter from the relevant municipality or regulated utility; (c) any minor easements for the supply of domestic utility or telecommunication services to the property or adjacent properties; and (d) any easements for drainage, storm or sanitary sewers, public utility lines, telecommunication lines, cable television lines or other services which do not materially affect the use of the property. If within the specified times referred to in paragraph 8 any valid objection to title or to any outstanding work order or deficiency notice, or to the fact the said present use may not lawfully be continued, or that the principal building may not be insured against risk of fire is made in writing to Seller and which Seller is unable or unwilling to remove, remedy or satisfy or obtain insurance save and except against risk of fire (Title Insurance) in favour of the Buyer and any mortgagee, (with all related costs at the expense of the Seller), and which Buyer will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objections, shall be at an end and all monies paid shall be returned without interest or deduction and Seller, Listing Brokerage and Co-operating Brokerage shall not be liable for any costs or damages. Save as to any valid objection so made by such day and except for any objection going to the root of the title, Buyer shall be conclusively deemed to have accepted Seller's title to the property.
11. **CLOSING ARRANGEMENTS:** Where each of the Seller and Buyer retain a lawyer to complete the Agreement of Purchase and Sale of the property, and where the transaction will be completed by electronic registration pursuant to Part III of the Land Registration Reform Act, R.S.O. 1990, Chapter L4 and the Electronic Registration Act, S.O. 1991, Chapter 44, and any amendments thereto, the Seller and Buyer acknowledge and agree that the exchange of closing funds, non-registrable documents and other items (the "Requisite Deliveries") and the release thereof to the Seller and Buyer will (a) not occur at the same time as the registration of the transfer/deed (and any other documents intended to be registered in connection with the completion of this transaction) and (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms of a document registration agreement between the said lawyers. The Seller and Buyer irrevocably instruct the said lawyers to be bound by the document registration agreement which is recommended from time to time by the Law Society of Ontario. Unless otherwise agreed to by the lawyers, such exchange of Requisite Deliveries shall occur by the delivery of the Requisite Deliveries of each party to the office of the lawyer for the other party or such other location agreeable to both lawyers.
12. **DOCUMENTS AND DISCHARGE:** Buyer shall not call for the production of any title deed, abstract, survey or other evidence of title to the property except such as are in the possession or control of Seller. If requested by Buyer, Seller will deliver any sketch or survey of the property within Seller's control to Buyer as soon as possible and prior to the Requisition Date. If a discharge of any Charge/Mortgage held by a corporation incorporated pursuant to the Trust And Loan Companies Act (Canada), Chartered Bank, Trust Company, Credit Union, Caisse Populaire or Insurance Company and which is not to be assumed by Buyer on completion, is not available in registrable form on completion, Buyer agrees to accept Seller's lawyer's personal undertaking to obtain, out of the closing funds, a discharge in registrable form and to register same, or cause same to be registered, on title within a reasonable period of time after completion, provided that on or before completion Seller shall provide to Buyer a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, and, where a real-time electronic cleared funds transfer system is not being used, a direction executed by Seller directing payment to the mortgagee of the amount required to obtain the discharge out of the balance due on completion.
13. **INSPECTION:** Buyer acknowledges having had the opportunity to inspect the property and understands that upon acceptance of this offer there shall be a binding agreement of purchase and sale between Buyer and Seller.
14. **INSURANCE:** All buildings on the property and all other things being purchased shall be and remain until completion at the risk of Seller. Pending completion, Seller shall hold all insurance policies, if any, and the proceeds thereof in trust for the parties as their interests may appear and in the event of substantial damage, Buyer may either terminate this Agreement and have all monies paid returned without interest or deduction or else take the proceeds of any insurance and complete the purchase. No insurance shall be transferred on completion. If Seller is taking back a Charge/Mortgage, or Buyer is assuming a Charge/Mortgage, Buyer shall supply Seller with reasonable evidence of adequate insurance to protect Seller's or other mortgagee's interest on completion.

INITIALS OF BUYER(S):



INITIALS OF SELLER(S):



- 15. PLANNING ACT:** This Agreement shall be effective to create an interest in the property only if Seller complies with the subdivision control provisions of the Planning Act by completion and Seller covenants to proceed diligently at his expense to obtain any necessary consent by completion.
- 16. DOCUMENT PREPARATION:** The Transfer/Deed shall, save for the Land Transfer Tax Affidavit, be prepared in registrable form at the expense of Seller, and any Charge/Mortgage to be given back by the Buyer to Seller at the expense of the Buyer. If requested by Buyer, Seller covenants that the Transfer/Deed to be delivered on completion shall contain the statements contemplated by Section 50(22) of the Planning Act, R.S.O.1990.
- 17. RESIDENCY:** (a) Subject to (b) below, the Seller represents and warrants that the Seller is not and on completion will not be a non-resident under the non-residency provisions of the Income Tax Act which representation and warranty shall survive and not merge upon the completion of this transaction and the Seller shall deliver to the Buyer a statutory declaration that Seller is not then a non-resident of Canada;
(b) provided that if the Seller is a non-resident under the non-residency provisions of the Income Tax Act, the Buyer shall be credited towards the Purchase Price with the amount, if any, necessary for Buyer to pay to the Minister of National Revenue to satisfy Buyer's liability in respect of tax payable by Seller under the non-residency provisions of the Income Tax Act by reason of this sale. Buyer shall not claim such credit if Seller delivers on completion the prescribed certificate.
- 18. ADJUSTMENTS:** Any rents, mortgage interest, realty taxes including local improvement rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to Buyer.
- 19. TIME LIMITS:** Time shall in all respects be of the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by Seller and Buyer or by their respective lawyers who may be specifically authorized in that regard.
- 20. PROPERTY ASSESSMENT:** The Buyer and Seller hereby acknowledge that the Province of Ontario has implemented current value assessment and properties may be re-assessed on an annual basis. The Buyer and Seller agree that no claim will be made against the Buyer or Seller, or any Brokerage, Broker or Salesperson, for any changes in property tax as a result of a re-assessment of the property, save and except any property taxes that accrued prior to the completion of this transaction.
- 21. TENDER:** Any tender of documents or money hereunder may be made upon Seller or Buyer or their respective lawyers on the day set for completion. Money shall be tendered with funds drawn on a lawyer's trust account in the form of a bank draft, certified cheque or wire transfer using the Large Value Transfer System.
- 22. FAMILY LAW ACT:** Seller warrants that spousal consent is not necessary to this transaction under the provisions of the Family Law Act, R.S.O.1990 unless the spouse of the Seller has executed the consent hereinafter provided.
- 23. UFFI:** Seller represents and warrants to Buyer that during the time Seller has owned the property, Seller has not caused any building on the property to be insulated with insulation containing ureaformaldehyde, and that to the best of Seller's knowledge no building on the property contains or has ever contained insulation that contains ureaformaldehyde. This warranty shall survive and not merge on the completion of this transaction, and if the building is part of a multiple unit building, this warranty shall only apply to that part of the building which is the subject of this transaction.
- 24. LEGAL, ACCOUNTING AND ENVIRONMENTAL ADVICE:** The parties acknowledge that any information provided by the brokerage is not legal, tax or environmental advice, and that it has been recommended that the parties obtain independent professional advice prior to signing this document.
- 25. CONSUMER REPORTS:** The Buyer is hereby notified that a consumer report containing credit and/or personal information may be referred to in connection with this transaction.
- 26. AGREEMENT IN WRITING:** If there is conflict or discrepancy between any provision added to this Agreement (including any Schedule attached hereto) and any provision in the standard pre-set portion hereof, the added provision shall supersede the standard pre-set provision to the extent of such conflict or discrepancy. This Agreement including any Schedule attached hereto, shall constitute the entire Agreement between Buyer and Seller. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. For the purposes of this Agreement, Seller means vendor and Buyer means purchaser. This Agreement shall be read with all changes of gender or number required by the context.
- 27. TIME AND DATE:** Any reference to a time and date in this Agreement shall mean the time and date where the property is located.

INITIALS OF BUYER(S):

INITIALS OF SELLER(S):



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28. SUCCESSORS AND ASSIGNS: The heirs, executors, administrators, successors and assigns of the undersigned are bound by the terms herein.
SIGNED, SEALED AND DELIVERED in the presence of: IN WITNESS whereof I have hereunto set my hand and seal:

(Witness) Syed Hassan
(Witness) _____

Syed Mansoor Ali Naqvi
(Buyer/Authorized Signing Officer) 2827269 Ontario Inc.
(Buyer/Authorized Signing Officer) _____

(Seal) (Date) MAR 30, 2021
(Seal) (Date) _____

I, the Undersigned Seller, agree to the above offer. I hereby irrevocably instruct my lawyer to pay directly to the brokerage(s) with whom I have agreed to pay commission, the unpaid balance of the commission together with applicable Harmonized Sales Tax (and any other taxes as may hereafter be applicable), from the proceeds of the sale prior to any payment to the undersigned on completion, as advised by the brokerage(s) to my lawyer.

SIGNED, SEALED AND DELIVERED in the presence of: IN WITNESS whereof I have hereunto set my hand and seal:

(Witness) _____
(Witness) _____

Corporation of the Town of Kirkland Lake
(Seller/Authorized Signing Officer) Town of Kirkland Lake
(Seller/Authorized Signing Officer) _____

(Seal) (Date) _____
(Seal) (Date) _____

SPOUSAL CONSENT: The undersigned spouse of the Seller hereby consents to the disposition evidenced herein pursuant to the provisions of the Family Law Act, R.S.O. 1990, and hereby agrees to execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

(Witness) _____ (Spouse) _____ (Seal) (Date) _____

CONFIRMATION OF ACCEPTANCE: Notwithstanding anything contained herein to the contrary, I confirm this Agreement with all changes both typed and written was finally accepted by all parties at _____ this _____ day of _____, 20_____
(a.m./p.m.)

(Signature of Seller or Buyer)

INFORMATION ON BROKERAGE(S)

Listing Brokerage _____ (Tel. No.) _____
(Salesperson/Broker/Braker of Record Name) _____
Co-op/Buyer Brokerage _____ (Tel. No.) _____
(Salesperson/Broker/Braker of Record Name) _____

ACKNOWLEDGEMENT

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale and I authorize the Brokerage to forward a copy to my lawyer.

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale and I authorize the Brokerage to forward a copy to my lawyer.

(Seller) Town of Kirkland Lake (Date) _____

(Buyer) 2827269 Ontario Inc. (Date) _____

(Seller) _____ (Date) _____

(Buyer) _____ (Date) _____

Address for Service _____

Address for Service _____

(Tel. No.) _____

(Tel. No.) _____

Seller's Lawyer Julie Richard (Richard & Chamailard Law)

Buyer's Lawyer Nasira Razvi (Razvi Law)

Address 6 Government Road West Kirkland Lake, ON, P2N 2E1

Address 103-100 DYNAMIC DRIVE TORONTO, ON, M1V 5C4

Email jrichard@rclawfirm.ca

Email razvilaw@hotmail.com

705.567.9500 705.567.5014

647.393.1933 647-476-4830

(Tel. No.) (Fax. No.)

(Tel. No.) (Fax. No.)

FOR OFFICE USE ONLY

COMMISSION TRUST AGREEMENT

To: Co-operating Brokerage shown on the foregoing Agreement of Purchase and Sale:

In consideration for the Co-operating Brokerage procuring the foregoing Agreement of Purchase and Sale, I hereby declare that all moneys received or receivable by me in connection with the Transaction as contemplated in the MLS® Rules and Regulations of my Real Estate Board shall be receivable and held in trust. This agreement shall constitute a Commission Trust Agreement as defined in the MLS® Rules and shall be subject to and governed by the MLS® Rules pertaining to Commission Trust.

DATED as of the date and time of the acceptance of the foregoing Agreement of Purchase and Sale. Acknowledged by:

(Authorized to bind the Listing Brokerage)

(Authorized to bind the Co-operating Brokerage)

Form 500

for use in the Province of Ontario

This Schedule is attached to and forms part of the Agreement of Purchase and Sale between:

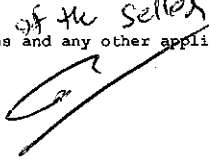
BUYER: 2827269 Ontario Inc., and**SELLER:** Corporation of the Town of Kirkland Lake

for the purchase and sale of 400 Government Rd. W Kirkland Lake

ON P2N3M6 dated the 15 day of January 2021

Buyer agrees to pay the balance as follows:

1. Other than single and two-unit residential buildings, all properties may be subject to site plan control.
2. The proposed use must comply with zoning By-laws 12-019
3. The property is being sold "as is" with no warranties.
4. The sale is for surface rights only.
5. The Municipality does not guarantee that there are any services, nor the condition of any services that may exist. All un-serviced lots are subject to the appropriate "service connection Fees"
6. The municipality shall not be held responsible for any liability arising out of any fill or material that has been placed on the property.
7. All street numbers shall be allocated by the Town and the designated street number shall be on front of the building visible from the street.
8. Prior to selling, it is purchaser's responsibility to perform all exploratory review of the property/site to establish ground and soil conditions, soil capabilities and any other issues which may impact building. Approvals must be obtained from the Town prior to any exploratory work.
9. The purchaser is responsible to pay all the legal fees and any other applicable costs. These costs may include but not limited to the following disbursements:
 - a) Register Transfer
 - b) Register consolidation application
 - c) Execution certificate
 - d) Electronic certification
 - e) Lawyer's Fees
 - f) Tax on Land Sales
 - g) Register application to register condition
 - h) Land transfer tax
 - i) Title search
 - j) Law society transaction levy
 - k) Copy of parcel

of the Seller

10. The municipality will maintain first-right-to-refusal if the purchaser defaults on property conditions.
 - a) A purchaser and all subsequent owners undertake and agree that they shall grade the lands in accordance with Town standards and agree to maintain the same, and before commencing any grading or construction on a lot, prepare a detailed report, drawings and site plan acceptable to the municipality which shall show:
 - First floor elevation, finished lot grades and direction of surface drainage;
 - The location of all buildings and structures to be erected on the site and all final grades;
 - The means whereby storm drainage will be accommodated and the means whereby erosion and silting will be contained and minimized both during and after the construction period
 - b) Where a purchaser intends to renovate the property, the proposal is conditional on acceptance of a proposal for renovating the property. The proposal must:
 - Include specifics of the plan for renovations, including timeframes for building permits, commencement of renovations and significant milestones and completion.
 - Stipulate the amount of refundable deposit to be paid to the vendor on closing to secure performance of the proposal (minimum of \$2,000).
 - c) Where a purchaser intends to construct a building as part of the conditions, the purchaser shall agree that the building will be completed and ready for occupancy within twenty four months of registration of the transfer. In the event the purchaser intends to sell or offer to sell the said lands for sale prior to the completion and readiness for occupancy as above, or in any event there is not a building completed and ready for occupancy within the specified timeframe, the Corporation of the Town of Kirkland Lake will have the irrevocable first option to purchase the lands from the transferee or his assigns on the same terms and conditions as this agreement of purchase and sale (regardless of improvements. Additionally, the purchaser shall pay the Corporation of the Town of Kirkland Lake's Legal costs for the registration of the said transfer.
11. If the proposed purchase is to add land to an abutting property, the Town will require that the two parcels be consolidated so that one cannot be sold without the other.
12. At no time shall a municipal property be sold to a tax payer who owes monies to Town of Kirkland Lake. Please see " property Sale and Other Land uses to Residents in Tax Arrears" Policy, passed by Council on February 1, 2011.
13. Regarding the HST payment the buyer will use the Form: GST/HST Election Concerning the Acquisition of a business or a part of a business
14. Schedule B (Request to Purchase Municipal Land) is attached, which is the part of the agreement.
15. As per Schedule B, The Purchaser (1226507 Ontario Inc.) is replaced by a new & fresh Inc. 2827269 Ontario Inc. Both Incorporations are solely owned by Syed Mansoor Ali Naqvi. Articles of Inc. and HST number is attached for new Inc.

This form must be initialed by all parties to the Agreement of Purchase and Sale.

INITIALS OF BUYER(S): INITIALS OF SELLER(S): 

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QUICK FACTS REGARDING REQUEST TO PURCHASE MUNICIPAL LAND

SURPLUS LANDS

The Town of Kirkland Lake has a running list of lands that have been declared surplus and are available for purchase. Any individual can submit a request to purchase for any of the properties listed on the Surplus Lands List. The "Surplus Lands List" is available on the Town of Kirkland Lake's municipal website, or by visiting the Department of Physical Services.

PROCESS

The length of time for approval depends on the complexity of the proposal. On average, most proposals take a minimum of sixty (60) days for the Town to process, if no survey is required.

Once the proposal is submitted, it is reviewed by all internal departments for comment. Once all of the internal departments are satisfied, the proposal will be scheduled to appear at an in-camera Council meeting for discussion purposes. If further information is required by Council, it will be requested and reconsidered at a future in-camera Council meeting. If Council is satisfied with the proposed sale, staff will be directed to provide "Notice of Intent to Sell" at the following Council meeting. A By-law delegating authority to the mayor and clerk to sign all documents pertaining to the sale will be signed at a scheduled open Council meeting shortly thereafter.

PROPOSAL SHALL INCLUDE:

- Application fee, regulated by the Town's User Fees By-law;
- Name and contact information;
- Corporate documents of company name;
- Proposed offer;
- List of proposed uses;
- Type and approximate size of proposed structures;
- Proposed date of closing;
- Number of employees (if applicable);
- Any conditions of purchase; and
- Signature.

Submit application to:

Manager of Planning and Land Development
Department of Physical Services
Town of Kirkland Lake
1 Dunfield Road
Kirkland Lake, Ontario P2N 3P4
FAX: (705) 567-9400
ashley.bilodeau@tkl.ca

TOWN'S CONDITIONS OF SALE

1. Other than single and two-unit residential buildings, all properties may be subject to site plan control.
2. The proposed use must comply with Zoning By-law 12-019.
3. The property is being sold "as is" with no warranties.
4. The sale is for surface rights only.
5. All proposals will be reviewed and evaluated based on "best value", comparison to "market value" and compliance to applicable acts, regulations and by-laws.
6. The proposal with the highest value will not necessarily be accepted.
7. The municipality does not guarantee that there are any services, nor the condition of any services that may exist. All unserviced lots are subject to the appropriate "Service Connection Fees".
8. The municipality shall not be held responsible for any liability arising out of any fill or material that has been placed on the property.
9. All street numbers shall be allocated by the Town and the designated street number shall be on front of the building visible from the street.

10. Prior to selling, it is a purchaser's responsibility to perform all exploratory review of the property/site to establish ground and soil conditions, soil capabilities and any other issues which may impact building. Approvals must be obtained from the Town prior to any exploratory work.
11. All proposals must include a signed authorization letter permitting the *Planning Division* with the authority to review tax files for properties owned by the proposed purchaser and all properties that are associated with the proposed purchaser. At no time shall the municipality sell property to an individual who is in tax arrears and/or registration, as per the "*Property Sales and Other Land Uses to Residents in Arrears*" policy.
12. All proposals must include the non-refundable administration fee, as set out in the Town of Kirkland Lake's User Fees By-law (as amended annually). Failure to include the fee will result in the proposal to be considered incomplete. This fee does not form part of the purchase price, nor is it a deposit towards the purchase price.
13. The purchaser is responsible to pay for all the legal fees and any other applicable costs. These costs may include but are not limited to the following disbursements:
 - i. Register transfer
 - ii. Register consolidation application
 - iii. Execution certificate
 - iv. Electronic registration line charges
 - v. Lawyer's fees
 - vi. Tax on land sales
 - vii. Register application to register condition
 - viii. Land transfer tax
 - ix. Title search
 - x. Law society transaction levy
 - xi. Copy of parcel
14. The municipality will maintain first-right-of-refusal if the purchaser defaults on property conditions.
 - i. A purchaser and all subsequent owners undertake and agree that they shall grade the lands in accordance with Town standards and agree to maintain the same, and before commencing any grading or construction on a lot, prepare a detailed report, drawings and site plan acceptable to the municipality which shall show:
 - First floor elevation, finished lot grades and direction of surface drainage;
 - The location of all buildings and structures to be erected on the site and all final grades;
 - The means whereby storm drainage will be accommodated and the means whereby erosion and silting will be contained and minimized both during and after the construction period.
 - ii. Where a purchaser intends to renovate the property, the proposal is conditional on acceptance of a proposal for renovating the property. The proposal must:
 - Include specifics of the plan for renovations, including timeframes for building permits, commencement of renovations and significant milestones and completion;
 - Stipulate the amount of a refundable deposit to be paid to the vendor on closing to secure performance of the proposal (minimum of \$2,000).
 - iii. Where the purchaser intends to construct a building as part of the conditions, the purchaser shall agree that the building will be completed and ready for occupancy within twenty-four months of registration of the transfer. In the event that the purchaser intends to sell or offer to sell the said lands for sale prior to the completion and readiness for occupancy as above, or in any event there is not a building completed and ready for occupancy within the specified timeframe, the Corporation of the Town of Kirkland Lake will have the irrevocable first option to purchase the lands from the transferee or his assigns on the same terms and conditions as this Agreement of Purchase and Sale (regardless of improvements). Additionally, the purchaser shall pay the Corporation of the Town of Kirkland Lake's legal costs for the registration of the said transfer.
15. If the proposed purchase is to add land to an abutting property, the Town will require that the two parcels be consolidated so that one cannot be sold without the other.
16. At no time shall a municipal property be sold to a tax payer who owes monies to the Town of Kirkland Lake. Please see "Property Sale and Other Land Uses to Residents in Tax Arrears" Policy, passed by Council on February 1, 2011.

PROPOSAL TO PURCHASE

Contact Information:

Name:	1226507 ONTARIO INC.
Mailing Address:	104 - 100 DYNAMIC DRIVE TORONTO ON M1V 5C4
Phone Number:	(416) 918-1356
E-Mail Address:	mansoor.naqvi@mbeforyou.com

Information on Property of Interest:

Civic Address:	400 Government Rd W, Kirkland Lake, ON P2N 3M6
Existing Use:	Conference and Event Centre
Proposed Use:	Same

Specify any conditions of sale:

Including all Chatels
Cash for \$799,000.00 will be paid at the time of closing.

Offer to Purchase

Proposed Purchase Price:	799,000.00
Proposed Closing Date:	July 15, 2021
Legal Representation:	Name: Nasira Rizvi Phone Number: (647) 393-1933 Fax: (647) 476-4830

I Syed Mansoor Naqvi have reviewed the contents of the "Surplus Land Proposal" and understand all associated conditions and fees which apply to a municipal land purchase. I have also included the non-refundable application fee attached to this application. I understand failure to include this fee will result in the proposal to be considered incomplete. I further understand that the fee does not form part of the purchase price, nor does it reflect a deposit towards the purchase price.

I Syed Mansoor Naqvi agree to the conditions stipulated in the "Request to Purchase" document attached.

Date: January 15, 2021

Signature: 



MEMORANDUM TO COUNCIL

Meeting Date: 04/05/2021

Memorandum Number: 2021-CLK-011M

Presented by: Meagan Elliott

Department: Corporate Services

MEMORANDUM TITLE

Off-Road Vehicle By-Law Update

RECOMMENDATION(S)

BE IT RESOLVED THAT Memorandum Number 2021-CLK-011M entitled “**Off-Road Vehicle By-Law Update**” be received, and

THAT staff be directed to present the Off-Road Vehicle By-Law to Council at the next Regular Meeting for passing.

BACKGROUND

At the March 9, 2021 Regular Meeting of Council, a memo was presented that included a draft by-law updating the current all-terrain vehicle by-law to have language for additional off-road vehicles. The matter was referred to a future meeting once staff connected with MTO for an answer on if language for use of a portion of Government Road was permitted in our by-law or not.

RATIONALE

Correspondence received from MTO in attachment 2 outlines that the MTO would not be in support of TKL including language in an off-road by-law for use of Government Road with these vehicles. The updated by-law in attachment 1 allows further classes of vehicles as previously discussed so that side by sides can be permitted. As this by-law review was triggered by a resident concern, attachment 3 includes a petition of residents who are in support of updating the by-law to include additional types of off-road vehicles.

ATTACHMENTS

Attachment 1 – Draft By-Law

Attachment 2 – MTO Correspondence

Attachment 3 – Resident Petition



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 21-0

BEING A BY-LAW TO PERMIT THE OPERATION OF CERTAIN OFF-ROAD VEHICLES WITHIN THE JURISDICTION OF THE TOWN OF KIRKLAND LAKE

WHEREAS the Municipal Act, S.O. 2001, c. 25, Section 8, provides that the powers of the Municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to (a) govern its affairs as it considers appropriate, and (b) to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS the Highway Traffic Act, R.S.O. 1990, Chapter H.8, Section 191.8, subsection (3) provides that a Council of a municipality may pass a by-law permitting the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;

AND WHEREAS the Council of the Corporation of the Town of Kirkland Lake deems it desirable to enact such a By-law for certain off-road vehicles;

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

1. **THAT** the following classes of off-road vehicles as defined in Ontario Regulation 316/03 are permitted on highways (streets) within the Town of Kirkland Lake:
 - All-terrain vehicles
 - Multi-purpose off-highway utility vehicles
 - Recreational off-highway vehicles
2. **THAT** no person shall operate an off-road vehicle over and upon:
 - Any municipal owned or municipal maintained land used as parks, playgrounds or utility purposes unless otherwise signed accordingly;
 - Any private property without the consent of the owner; and
 - Any sidewalk
3. **THAT** no person shall drive an off-road vehicle along Government Road, however, they may directly cross this restricted highway.
4. **THAT** no person shall operate an off-road vehicle on any highways within the Town of Kirkland Lake in excess of speed at 20 km/hr.
5. **THAT** no person shall operate an off-road vehicle on any highways within the Town of Kirkland Lake between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m.
6. **THAT** this by-law may be enforced by any By-Law Enforcement Officer or Ontario Provincial Police Officer.

- 7. **THAT** 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 as provided for in the Provincial Offences Act, R.S.O. 1990, c. P33.
- 8. **THAT** by-law 15-072 and any predecessors are hereby repealed.
- 9. **THAT** this by-law shall come into force and effect upon passage.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XX DAY OF XXXXX, 2021.

Pat Kiely, Mayor

Meagan Elliott, Clerk

Hi Ryan and Meagan... my apologies for the delay in responding. I've been checking with our Head Office and Legal Services to determine what, if any flexibility exists pertaining to the Off Road Vehicles Act as well as what might be acceptable in term of a by-law within the connecting link section of Highway 66 through Kirkland Lake.

To be honest, in reading the details/description of the area prohibiting ORV's in the proposed by-law, it appears that the remaining section of connecting link at both the east and west approaches (Chateau Dr. to Main / Burnside Dr. to RRX respectively) on which ORV's would be permitted only amounts to approx. 600 metres on either end.

Unfortunately the Off Road Vehicles Act does not specifically identify the easterly section of Highway 66 (from the junction at Highway 11) as permitting ORV's. Although not specifically identified as prohibited, the legislation is such that by default, if not permitted, they are prohibited. By extension, if MTO were to consider the proposed by-law, this would mean that ORV's could only travel on the section of Highway 66 from Chateau Dr. east to Main St. and from Burnside Dr. East to the RRX. If it is accurate, I would respectfully suggest that MTO would not be supportive of such a by-law.

If it would help, I'd be happy to discuss this by telecon/Zoom in case I'm misunderstanding some of the details in this request.

Regards,

Doug.

Petition to revise Kirkland Lake Off Road Vehicle Bylaw

The Corporation of the Township of Kirkland Lake has had a long standing bylaw for the use of off road recreational vehicles on certain roads of Kirkland Lake. This bylaw was understood by most in the community to include the use of ATV (all terrain vehicles) and UTV (multi purpose utility vehicles a/k/a side by side). It has come to our attention recently that the language of the bylaw, however, relates only to the use of ATVs and that the use of UTVs on Kirkland Lake roads is now in question. The current bylaw only refers to a specific section of the Ontario Regulation O.Reg.316/03 Operation of Off-Road Vehicles on Highways Part I(definitions) which states that an ATV which is defined as a vehicle with 4 wheels, has steering handlebars, a seat that is designed to be straddled by the driver is allowed. The Multi purpose utility vehicle (UTV) in Part I is defined as a 4 wheel vehicle that has a steering wheel, has seat belts, and has seats that are not designed to be straddled by the driver. These are not included in the bylaw language.

Another issue which has arisen is the use of these vehicles on sections of Government Road which has been previously allowed (from Main Street to the west and from Burnside Drive to the east. Many residents use the section of Government Road from Main Street to the west to purchase gas, go to the grocery store, the mall, etc. This section from Main Street to the intersection at Al Wende Avenue and further to the Canadian Tire Gas Bar lot is essential as there is no other access route available in the winter.

As per the Regulation noted above, certain provincial highways are designated as off limits (Part IV Schedule A) and some as permitted (Part IV Schedule B) in the use of off-road vehicles. Highway 66 from Highway 11 to Highway 566 in Matachewan allows the use. Highway 112 from Highway 11 to the junction with Highway 66 allows the use. Highway 66 from Highway 11 to and through Kirkland Lake is not mentioned on either the allowed or prohibited schedules.

It is understood that the use of UTVs is a concern to some as it is an enclosed vehicle and some UTV do not have turn signals installed. The use of manual arm signals as an ATV driver could utilize for a turn is therefore impaired. However, UTVs that have "street legal" packages that contain turn signals and a horn should be allowed on all of the roads. The other issue raised that ATV and UTV should not be allowed on Government Road at all as they could cause safety issues to other drivers is not a valid issue as there have been no known accidents related to ATV and UTV on these sections of Government Road in all of the years that the bylaw has been in place. None of these vehicles is allowed on the downtown section of this road other than to cross at a light and that is not in dispute.

We, the residents of Kirkland Lake who sign this petition, request that the current Off Road Vehicle Bylaw be revised to include the definition of a UTV as an accepted off road vehicle and also to continue to allow the use of the ATV and UTV on designated roads including the aforementioned sections of Government Road.

	Name:	Address:	Phone:	Signature:
1	Tania Cordrie-Lauzon	103 Poplar Av. K.L.	705-567-6959	Tania Cordrie-Lauzon
2	Joe Wojtus	103 Poplar Av. K.L.	705-567-6959	Joe Wojtus
3	Don Kelly	108 Poplar Ave K.L.	705-567-5882	Don Kelly
4	Donald J Bolduc	107 Fourth St	705-567-6282	Donald J Bolduc
5	Gene Montigny	85 4th St	705-568-8004	Gene Montigny
6	Chen	68 Taylor Ave	205 570-1849	CHARIS Renaud
7	monique Petit	68 Taylor Ave	705 570 2581	monique Petit
8	Billy Preston	9 comfort	705.570 0017	Billy Preston
9	TERRY ARMSTRONG	100 POPLAR AVE	705 567 4381	Terry Armstrong
10	SHEILA ARMSTRONG	100 POPLAR AVE	705 567 4381	Sheila Armstrong
11	Casey Sempke	99A Poplar Ave	705 731-4224	Casey Sempke
12	DORSEY WARREN	99 Poplar Ave	705-567-10150	Dorsey Warren
13	TERRY WEBBER	122 Poplar	705-642-7230	Terry Webber
14	LIFE LANGLOIS	122 Poplar	705-642-6725	Lise Langlois
15	Blair Preston	9 comfort	705-668-0909	Blair Preston
16	Carter O'Neil	12 comfort	705-668-0140	Carter O'Neil
17	Diane Charbonneau	10 Green Ave Klak.	705-465-2358	Diane Charbonneau
18	Albert Charbonneau	10 Green Ave Klak.	705-465-2358	Albert Charbonneau
19	JUSTIN CRESSMAN	GOVERNMENT RD.	289-259-6321	Justin Cressman
20	Brenda HANSEN			Brenda Hansen
21	Patty Wilson	107 Poplar Ave	705-670-6074	Patty Wilson
22	Nathleen Clancy	107 Poplar Ave		Nathleen Clancy
23	John Smith	107 Poplar Ave	705-462-2210	John Smith
24	KENT MACLEOD	23 WISHMAN ST.	705-642-890	Kent MacLeod
25	Adam Clark	53 Second St.	705 570 3586	Adam Clark
26	Alaine Whittington	78 McCAMUS	705 249-535-3115	Alaine Whittington
27	Chris Goulden	165 Pollock unit 1	705 570 1745	Chris Goulden
28	Sam Burns			Sam Burns
29	Mike Greening			Mike Greening
30	AL Neville			AL Neville
31	Pat Brock	81 Alameda	705 568 0693	Pat Brock
32	John	CHAPT HAY		John

33	Paul Boucher	70 Beverly	705-642-5219	P.B.
34	Shane Brown	42 Woods	642-6966	S.B.
35	Tyler Shail	728 Government Rd west	705-570-3672	T.S.
36	Allen Frappieu	102 3RD Street	705-622-1388	AK
37	MIKE VERGE	48 Algonguin Ave	705-642-6903	WV
38	James Burns	King Kirkland	705-568-7248	JS
39	Daryl B Rohm	39 Victoria Ave.	705-642-5386	D.B.
40	Terry Higgins	106 POPLAR STREET	705-567-1909	T.H.
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THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 21-032

BEING A BY-LAW TO ADOPT THE TOWN OF KIRKLAND LAKE ZONING BY-LAW

WHEREAS Section 34 of the *Planning Act* provides authority to Municipal Councils to enact by-laws regarding the use of lands and the erection and use of building or structures within the municipality;

AND WHEREAS Section 26 of the *Planning Act* requires that municipal Zoning By-laws be amended to conform to the Official Plan;

AND WHEREAS The Official Plan for the Town of Kirkland Lake was approved and came into force on March 17, 2015;

AND WHEREAS it is now deemed necessary and expedient to enact a new Zoning By-law for the Town of Kirkland Lake which will be in conformity with the Official Plan;

AND WHEREAS an Open house in accordance with the *Planning Act* was held on November 9, 2020 for the purpose of giving the public an opportunity to review and ask questions about the proposed Zoning By-law;

AND WHEREAS a Public Meeting in accordance with the *Planning Act* was held on April 20, 2021;

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

- 1 **THAT** this by-law come into effect upon its passing, and
- 2 **THAT** By-law 12-019 and any predecessors be repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 4th DAY OF MAY, 2021.

Pat Kiely, Mayor

Meagan Elliott, Clerk

Corporation of the Town of Kirkland Lake

Zoning By-law 21-032

Department of Development Services

Final Version to Town of Kirkland Lake 2021-04-30

Clean Version

Contents

Section 1: Title	3
Section 2: Authority.....	4
Section 3: Administration and Enforcement	5
Section 4: Legal Non-Conforming and Legal Non-Complying Uses	7
Section 5: Definitions	8
Section 6: Interpretation	25
Section 7: General Provisions.....	27
Section 8: Parking	34
Section 9: Residential Zones.....	39
Section 10: Residential Low Density (R1) Zone	41
Section 11: Residential Medium Density (R2) Zone	43
Section 12: Residential High Density (R3) Zone	44
Section 13: Residential Mobile Home (RMH) Zone	47
Section 14: Commercial Zones	49
Section 15: Town Centre Commercial (C1) Zone.....	51
Section 16: Shopping Centre and Highway Commercial (C2) Zone.....	53
Section 17: Neighbourhood Commercial (C3) Zone	56
Section 18: Industrial Zones	58
Section 19: Light Industrial (M1) Zone	60
Section 20: Heavy Industrial (M2) Zone	63
Section 21: Mining Industrial (MM) Zone	64
Section 22: Mineral Extraction and Disposal (MED) Zone.....	66
Section 23: Parks and Open Space (O1) Zone	67
Section 24: Restricted Open Space (O2) Zone.....	68
Section 25: Institutional (I) Zone	69
Section 26: Rural Zones	71
Section 27: Rural (RA) Zone	73
Section 28: Rural Estates Development (RE) Zone	75
Section 29: Rural Residential (RR) Zone	76
Section 30: Rural Recreation Development (RS) Zone	77
Section 31: Future Development Area (DA) Zone	78

SECTION 1: TITLE

- 1.1 This By-law shall be cited as the Restricted Area (Zoning) By-law of the *Corporation* of the Town of Kirkland Lake.
- 1.2 This By-law shall be referred to as the “Zoning By-law”.

SECTION 2: AUTHORITY

- 2.1 Whereas authority is granted under Section 34 of the Planning Act, R.S.O., 1990, Chapter P13, as amended, and whereas it is deemed necessary and expedient to pass a By-law to implement the Official Plan.
- 2.2 Now therefore the *Corporation* of the Town of Kirkland Lake enacts a By-law regulating the use of land and the erection or use of *buildings* and *structures* within the Town of Kirkland Lake.

SECTION 3: ADMINISTRATION AND ENFORCEMENT

3.1 SCOPE OF THE BY-LAW

1. The provisions of this By-law shall apply throughout all areas contained within the municipal limits of the Town of Kirkland Lake.
2. No building shall be *erected, altered*, constructed, reconstructed, used, maintained, occupied, moved, or removed except in accordance with the provisions of this By-law.
3. No land shall be used, maintained, built on, excavated upon or occupied except in accordance with the provisions of this By-law.
4. No development, *construction* or redevelopment shall be undertaken unless a *construction* permit granted by the Chief Building Official and the *Corporation* has been obtained.
5. Any application or request for a *construction* permit shall be accompanied by all information as is required, to determine whether or not every such use of land, *building* or *structure* conforms to the requirements of this By-law.
6. Conformance with the provisions of this By-law shall not exempt any person or party from conforming to the By-laws, regulations or statutes of the Corporation or any other authority.

3.2 VIOLATION

1. Pursuant to Section 429 of the Municipal Act, R.S.O., 2001, Chapter 25 and to Section 67 of the Planning Act, R.S.O., 1990, Chapter P13, as amended respectively, every person who contravenes any of the provisions of the Zoning By-law shall upon conviction thereof, forfeit and pay a penalty not exceeding \$25,000 exclusive of costs for each offence, and on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted. All of the provisions of which shall apply, except any term of imprisonment for default of the payment of the fine and costs imposed under this By-law shall not exceed six (6) months. The imposition of the penalty for contravention of this By-law shall not excuse the condition or matter resulting in such contravention or permit it to continue.
2. In addition to any penalty provided by this By-law, any contravention may be restrained by action at the instance of any ratepayer or of the *Corporation* of the Town of Kirkland Lake to the provisions of Section 45 of the Planning Act, R.S.O., 1990, Chapter P13, as amended, in that behalf.

3.3 ENFORCEMENT

1. This Zoning By-law shall be administered by the Chief Administrative Officer of the *Corporation* or such other person as from time to time is designated by *Council* to administer this By-law.

3.4 VALIDITY

1. If any provision of this By-law including anything shown on the zoning map (hereunto attached as Schedule "A-1" to "A-5" and "B-1" to "B-2") is for any reason held to be invalid, it is hereby declared to be the intention that all remaining provisions of the said By-law shall remain in full force and effect.

3.5 HIGHER STANDARD PREVAILS

1. Wherein any standard or requirement in this By-law conflicts with any standard or requirement of another By-law, statute or regulation, the higher or more stringent standard shall prevail.

3.6 REPEAL

1. By-law Number 12-019, and all amendments thereto, are hereby repealed as far as their application to the Town of Kirkland Lake upon the coming into effect of this By-law.
2. Minor variances which have been issued over the last two (2) years will have an additional two years after the coming into effect of this By-law to construct a building as per the variance decision.

3. Reference made to amending by-laws in text is for reference only, and upon consolidation with this By-law are repealed.

SECTION 4: LEGAL NON-CONFORMING AND LEGAL NON-COMPLYING USES

4.1 NON-CONFORMING USES

1. Nothing in this By-law shall prevent the use of any land, *building* or *structure* for any purpose prohibited by this By-law if such land, *building* or *structure* was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose.
2. Nothing in this By-law shall prevent the reconstruction, renovation, repair or strengthening to a safe condition of any building or structure or part of any such building or structure which does not comply with the provisions of this By-law.
3. The provisions of this By-law shall not apply to prevent the reconstruction or continued use of any *building* or *structure* that is damaged or destroyed, either by voluntary or involuntary means, provided that:
4. Such restoration does not increase the height, size or volume or change the use of such building or structure.
5. This By-law is not intended to apply to prevent the *erection* or use for a purpose prohibited by the By-law of any *building* or *structure* the plans for which have, prior to the day of passing of the By-law, been approved by the Chief Building Official, so long as the *building* or *structure*, when *erected*, is used and continues to be used for the purpose for which it was *erected*.
6. Nothing in this By-law shall prevent *Council* from acquiring or disposing of any land, *building* or *structure* used or *erected* for a purpose prohibited by the By-law or for the acquisition or disposition of any vacant land having a *frontage* or *depth* less than the minimum prescribed for the *erection* of a *building* or *structure* in the defined *area* in which the land is situated. Nothing in this By-law shall prevent *Council* from disposing of any such land, *building* or *structure* or prevent *Council* from exchanging any such land for any other land within the Municipality.
7. A non-conforming use of a lot, building or structure shall not be changed except to a use which is permissible within such zone, or such other uses as may be approved under Section 45 of the Planning Act, R.S.O. 1990, Chapter P. 13.
8. A non-conforming use shall be considered to be terminated once the use ceases and the property is used for a permitted use.
9. Portable shelters, recreational vehicles, mobile home sites and shipping containers are not subject to the provisions of legal non-conforming uses.

4.2 NON-COMPLYING BUILDINGS OR STRUCTURES

1. Where a *legal non-complying building* or *structure* is damaged, destroyed or demolished, the *building* or *structure* may be reconstructed within its original location provided that:
 - (a) The situation of non-compliance is not further increased; and
 - (b) All other provisions of the By-law are complied with.Efforts should be made to have the rebuilding of buildings or structures comply with all applicable setbacks and yard provisions of the applicable zones.
2. A *legal non-complying building* or *structure* may be enlarged or extended provided the situation of non-compliance is not further increased and it complies with all other provisions of the By-law.

SECTION 5: DEFINITIONS

5.1 Accessory Building or Structure

A detached or *attached building or structure* that is not used for human habitation and the use of which is customarily incidental and subordinate to a *principal use, building or structure* and located on the same *lot*.

5.2 Accessory Use

A use subordinate and naturally customarily, and normally incidental to, and exclusively devoted to a main use of land, and located on the same *lot* as the *principal use, building or structure*.

5.3 Access Driveway

The area between the travelled portion of a roadway and an *off-street parking or loading* facility used by motor *vehicles* for access to and from such facilities but does not include an *aisle*.

5.4 Accommodation Units

Any room or group of rooms designed to provide accommodations to the traveling or recreational public including a room in a *hotel, motel, resort or tourist establishment, bed and breakfast, rental cottage* or cabin or a *tent* or trailer site.

5.5 Agricultural Use

The use of land, buildings or structures for:

- a) The growing of crops, including cannabis, including all related activities such as soil preparation, manure or fertilizer spreading, planting, spraying, irrigating, harvesting, and also including the storage and sale of crops;
- b) The raising, boarding, keeping and sale of all forms of livestock, except dogs, including all related activities such as breeding, training, feeding, and grazing, and including the raising of fish;
- c) The production of animal and plant products such as milk, eggs, wool, fur, honey, maple sugar bush, or wood/*lots* including related activities such as the collection, storage, and sale of the products;
- d) A commercial greenhouse or nursery garden, including storage and sale of the products; and
- e) The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.

5.6 Agricultural Related Use

A farm-related commercial or farm-related industrial use that is directly related to farm operations in the area, supports agriculture, benefits from being in close proximity to farm operations, and provides direct products and/or services to farm operations as a primary activity.

5.7 Aisle

The area used by motor *vehicles* for access to and from all *off-street parking or loading* facilities, but does not include an *access driveway*.

5.8 Alter

1. When used in reference to a *building, structure* or part thereof:
 - a) To change any one or more of the external dimensions of such *building or structure*;
 - b) To change the type of *construction* of the exterior walls or roof of such *building or structure*;
 - c) To change the use of such *building or structure*; or
 - d) To change the number of uses or *dwelling units* contained therein.
2. When used in reference to a *lot*:
 - (a) To change the boundary of such *lot* with respect to a *street* or land;
 - (b) To change any dimension or *area* relating to such *lot*, which is covered herein by a zone provision;
 - (c) To change the use of such *lot*; or
 - (d) To change the number of uses located thereon.

5.9 Animal Boarding Kennel

A premise where domestic animals are boarded during the day and/or overnight.

5.10 Animal Grooming and Spa Facility

An establishment for the hygienic care of cleaning of domestic animals and for enhancing their appearance.

5.11 Animal Hospital

A premise where animals, birds, or other livestock are treated or kept for monetary gain.

5.12 Attic

The portion of the *building* between the roof and the ceiling of the top *storey* or between a dwarf wall and a sloping roof, and which is not a one-half *storey* as defined herein.

5.13 Balcony

A partially enclosed platform projecting from the main wall of a *building* which is not supported by vertical uprights other than the wall itself and which is only accessible from within the *building*.

5.14 Basement

Means one of more *storeys* of a *building* located below the *first storey*.

5.15 Boarder

A person other than the lessee, tenant, owner or person related thereto, to whom meals may or may not be provided and where lodging is provided for compensation.

5.16 Boarding Home

A *dwelling*, or part thereof, in which accommodation is rented or intended to be rented to four (4) or more *boarders* for their domestic use and in which bathroom and kitchen facilities are shared by any or all of the occupants.

5.17 Boathouse

A detached *accessory building*, used for the berthing or sheltering of watercraft and watercraft related equipment, built or anchored near the shoreline of a navigable waterway or on land.

5.18 Boat Port

A detached *accessory structure* used for the berthing, sheltering or storing of watercraft, or watercraft related equipment, that is roofed, but not enclosed by more than one wall and is built or anchored near the shoreline of a navigable waterway or on land.

5.19 Brewery

A building or structure thereof that is used for the self-contained manufacturing, production, storage, bottling, canning and shipping of beer, authorized by a licence issued by the Alcohol and Gaming Commission of Ontario, and can be associated with a restaurant. Self-contained means that the emission of odour fumes, noise, cinder, vibration, heat, glare or electrical interference is not possible.

5.20 Building

A *building* is a *structure* consisting of a wall, roof or floor or any one or more of these which is used or intended to be used for the shelter, accommodation, or enclosure of persons, animals, goods or materials but shall not include a lawful boundary wall or *fence*.

5.21 Building, Attached

A *building* otherwise complete in itself, which depends for structural support, or a complete enclosure, upon a vision wall or walls shared in common with an adjacent *building* or *buildings*.

5.22 Building, Principal

The *building* in which the *principal use* is conducted. For the purpose of this By-law, any porch or any other like or similar *structure* attached to the *principal building*, shall be considered as part of such *building* and shall be subject to the regulations applicable to the *principal building*.

5.23 Building Line

A line other than a *lot* line regulating the position of a *building* on a *lot*.

5.24 Building Supplies Outlet

A *building*, or part thereof, and land adjacent thereto, in which *building* or *construction* and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvement.

- 5.25 Bus Depot**
An area at which passengers may board or disembark from a bus and may include bus bays and bus shelters.
- 5.26 Cafeteria**
A *restaurant* or dining room in a school or business in which customers serve themselves or are served from a counter and pay before eating.
- 5.27 Campground**
Lands used for the parking and temporary use for campsites occupied by tents, trailers, motor homes, and recreational vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities, and an accessory convenience store.
- 5.28 Carport**
A sheltered or covered *parking* area of which at least 40.0 percent is open sided.
- 5.29 Carwash**
A *building*, or part thereof, which is used, or designed to be used, for the washing of motor *vehicles* by mechanical means or by hand labour methods.
- 5.30 Cellar**
The portion of a *building* that has a *basement* that is located more than 75.0 percent below *established grade*.
- 5.31 Cemetery**
Land that is reserved or used for interring the dead or placing or burying the remains, or ashes of human bodies, but does not include a *funeral home*. A *cemetery* may include a *structure* for the cremation of human remains and may include the facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments.
- 5.32 Child Care Centre**
A place designed and operated for the purpose of temporary care and custody of children and which falls under the jurisdiction of the *Child Care and Early Years Act, 2014*, and its successors.
- 5.33 Commercial Entertainment**
The use of a *building*, or part thereof, for a fee for the provision of entertainment or amusement without the necessity of active transportation by the user and includes without limiting the generality of the foregoing, such uses as movie theatres, drive-in theatres, playhouses, bingo and other assembly halls, and also includes public dance halls and music halls.
- 5.34 Commercial Parking Facility**
An area of land, other than a *street* or a *lane*, used for the *parking* of motor *vehicles* and available for public or private use in which there may be compensation for such use, and for the purpose of this By-law, a *commercial parking facility* shall constitute the only use of a *lot*.
- 5.35 Commercial Vehicle**
Means a motor vehicle having attached thereto, a truck or delivery body, and includes, but is not limited to, any vehicle on which is displayed commercial lettering or commercial license plates, ambulances, fire apparatus, hearses, casket wagons, mobile food outlets, buses, cube vans, tilt and load trucks, dump trucks, tow trucks, buses, tractors used for hauling purposes on the highways and construction equipment which is self-propelled or designed to be towed.
- 5.36 Concrete Plant**
A *structure* that combines various ingredients to form concrete. A *concrete plant* shall include a ready-mix plant and central mix plant.
- 5.37 Construction**
To do anything in the *erection*, installation or extension or material *alteration* or repair of a *building* or *sign* and includes the installation of a *building unit* or *sign* fabricated or moved from elsewhere.
- 5.38 Corner Visibility Triangle**
A triangle formed within a *corner lot* by the intersecting *street* lines or the projections thereof and a straight line connecting them within a distance from their point of intersection.

5.39 Corporation

The *Corporation* of the Town of Kirkland Lake.

5.40 Confectionary and Variety Shops

A *retail store* supplying groceries and other daily household necessities to the immediate surrounding area.

5.41 Contractor's Establishment

The *yard* of a contractor or a *construction* company used for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the wholesale or retail sale of *building* supplies or home improvement supplies.

5.42 Cottage

A *building* designed and built as an independent and separate housekeeping establishment with separate culinary and sanitary facilities, provided for temporary occupancy during vacation periods and not for permanent occupancy.

5.43 Council

The *Council* of the *Corporation* of the Town of Kirkland Lake.

5.44 Deck

A *structure* with no roof or walls, except guards, which is constructed on piers, a foundation or cantilevered above grade for use as an outdoor living space, attached or accessory to a dwelling unit.

5.45 Designated Accessible Parking

A *parking space* identified with appropriate *signage* and markings for the exclusive use of persons in possession of a valid accessible parking permit.

5.46 Dock

An *accessory structure* built at or anchored over water at which watercrafts are berthed or secured to.

5.47 Dormer

A gabled extension *building* out from a sloping roof to accommodate a vertical window.

5.48 Dry Cleaning Establishment

A *building*, or part thereof, in which the business of dry cleaning, dry dyeing, cleaning, spotting, stain removal or pressing of articles and/or goods of fabric is carried on, through the use of chemicals which emit no odours or fumes.

5.49 Dwelling

A *building* occupied or capable of being occupied in whole or part, as the home or residence of one or more persons, which contains one or more *dwelling units*, but which does not include a *mobile home* with or without a foundation, a commercial establishment such as *recreational vehicles*, bus, coach or truck body.

5.50 Dwelling, Apartment

A residential *building* that is divided into five (5) or more *dwelling units* for separate occupation.

5.51 Dwelling, Caretaker's Unit

A *dwelling unit* for the owner(s) or an (1) employee of a company to look after the *building* or property during off-hours.

5.52 Dwelling, Condominium

A *building* corporately owned and operated, and which falls under the jurisdiction of the *Condominium Act*, S.O. 1998, Chapter 19, as amended.

5.53 Dwelling, Duplex

A residential *building* having two floors with separate entrances and in separate occupation of which each occupation or *dwelling unit* is separated horizontally from the other.

5.54 Garden Suite

A temporary, one-unit, self-contained, and portable detached residential structure that is ancillary to and on the same lot as a residential dwelling, and excludes a trailer as defined herein.

5.55 Dwelling, Grouped

Two or more *triplexes*, *quadraplexes*, *townhouses* or *apartment buildings* which are under one ownership and are located on one *lot*.

5.56 Mobile Home

A dwelling that is designed to be made mobile and constructed in accordance with Canadian Standards Association Standard Z240 that is intended to be hauled to a permanent site for use with or without a permanent foundation, but does not include a travel trailer, tent trailer or motor home otherwise designed.

5.57 Dwelling, Quadraplex

A *building* that is divided into four *dwelling units*, each *unit* having independent entrances either directly or through a common vestibule.

5.58 Dwelling, Semi Detached

A *building* that is divided vertically into two *dwelling units*, each of which has an independent entrance.

5.59 Dwelling, Single Detached

A completely detached *building* consisting of one (1) *dwelling unit*.

5.60 Tiny Home

A small, private and self-contained dwelling unit between 17.5 sqm and 37 sqm. A tiny home shall be considered a single detached dwelling, unless it is on wheels, in which case it shall be considered a mobile home.

5.61 Dwelling, Townhouse

A *building* that is horizontally divided into three or more *dwelling units*, each *unit* having independent entrances.

5.62 Dwelling, Triplex

A *building* that is vertically divided into three or more *dwelling units*, each *unit* having independent entrances either directly or through a common vestibule.

5.63 Dwelling Unit

One or more *habitable rooms* designed, occupied, or intended for use for residential purposes by one or more individual as an independent separate housekeeping establishment in which kitchen, sleeping and sanitary facilities are provided for the exclusive use of such individual or individuals.

5.64 Additional Residential Unit

A separate dwelling unit which is either located in a *single detached dwelling*, *semi-detached dwelling*, *triplex* or an accessory building or structure.

5.65 Educational Institution

The use of land, *building* or *structures*, an elementary or secondary school, private school, university or community college authorized by the Province of Ontario.

5.66 Equestrian Facility

A commercial establishment where horses are housed or boarded and are available for riding, riding instruction, agility training or jumping.

5.67 Erect

Setting up, *building*, constructing, reconstructing and relocating and without limited the generality of the word, also includes:

- a) *Altering* any existing *building* or *structure* by an addition, enlargement, extension, relocation or other structural change;
- b) Any work for the doing of which a *building* permit is required under the Building Code Act and Regulations passed there under as may be amended, replaced or re-enacted from time to time; and
- c) *Erect*, *erected* and *erection* shall have a corresponding meaning.

5.68 Established Building Line

The average *setback* from the *street* line of existing *buildings* on one side of the *street*.

5.69 Established Grade

With reference to a *building*, the average elevation of the finished surface of the ground where it meets the *exterior* of all sides of such *building*, and when used with reference to a *structure*, means the average elevation of the *finished grade* of the ground immediately surrounding such *structure*, and when used with reference to a *street*, road or highway, will refer to the elevation established by the Municipality or other designated authority.

5.70 Explosive Manufacturing

This industry comprises establishments primarily engaged in manufacturing explosive preparations, detonators for explosives, and explosive devices, except ammunition (i.e. the manufacturing of Azides explosive materials, blasting accessories, blasting powders, caps, detonators, dynamite, fuses, gunpowder, nitro-glycerine and trinitrotoluene)

5.71 Fairground

Land devoted to entertainment on a seasonal or temporary basis and may include grandstands and other *accessory buildings* normally associated with such a use.

5.72 Fence

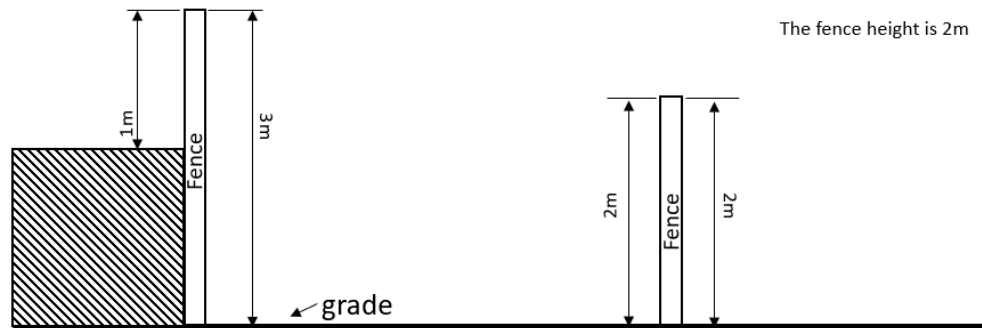
A *structure* which forms a barrier for enclosing, bounding, delineating or protecting land. If the elevation of the land impacts the height of the fence from one side to the other, than the average fence height taken from the base to the top of the fence on either side of the fence will be used as the fence height.

The average fence height is taken from the base to the top of the fence on either side

$$1\text{m} + 3\text{m} = 4\text{m}$$

$$4\text{m} / 2 = 2\text{m}$$

The fence height is 2m



Fence height is measured from grade to the top of the fence.

The fence height is 2m

Figure 1: Visual Representation of fence height

5.73 Financial Establishment

A *building*, or part thereof, which is used to provide for financial services in which money is deposited, kept, lent, or exchanged, including *accessory* clerical functions and shall include a bank, trust company, credit union or other similar banking service.

5.74 Finished Grade

The elevations of the finished surface of the ground adjacent the ground level of the wall of a *building* or *structure*.

5.75 Floor Area

The total *habitable floor area* within a *building* which is measured between the exterior faces of the exterior walls or from the central line of a common or part wall, but excluding any private detached *garage*, breezeway, porch, veranda, *balcony*, *attic*, *cellar*, and any other *floor area* with a ceiling *height* less than 2.0 metres.

5.76 Floor Area, Gross

The aggregate of the *floor area* of a *building* above or below grade, measured between the exterior faces of the exterior walls of the *building* at each level but excluding car *parking* areas within the *building*; and for the purpose of this clause, the walls of the inner court means the exterior walls.

5.77 Floor Area, Net

The *Net Floor Area* of a non-residential *building*, excluding:

- Any part of such *building* used as a *dwelling unit*;
- Any part of such *building* used for the *parking* or storage of motor *vehicles*;
- Any part of such *building* used for equipment to heat, cool and/or operate such *building*, or a portion thereof;
- Any part of such *building* used as a common area between stores in a mall; and

e) The thickness of any exterior walls of such *building*.

5.78 Forestry

The general raising and harvesting of wood, and without limiting the generality of the foregoing, shall include logging, the raising and cutting of fuel wood, pulp wood, Christmas trees, and other forest products; but does not include the processing of raw material into wood products or by-products.

5.79 Fuel Storage Tank

A tank for the bulk storage of petroleum, gasoline, fuel oil, gas or flammable liquid or fluid but does not include a container for flammable liquid or fluid legally and properly kept in a *retail store* or a tank for storage, thereby incidental to some other uses of the premises where such tank is located.

5.80 Funeral Home

A *building*, or part thereof, designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.

5.81 Garage, Private

A detached *accessory building* or portion of a *dwelling unit* which is designed or used for the sheltering of a private motor *vehicle(s)* and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed. For the purpose of this By-law, a *private garage* excludes a *carport* or other open shelter.

5.82 Garage, Attached

A *private garage accessory* to a *dwelling* on the same *lot* and attached thereto a common wall.

5.83 Garden Centre

A retail store comprised of an outdoor or indoor area used primarily for the display and retail sale of plants, gardening and landscaping supplies and equipment but does not include the propagation of plants.

5.84 Garden Nursery

An establishment engaged in the propagation and retail sale of plants, garden and landscaping supplies, and accessories.

5.85 Golf Course

A public or private area operated for the purpose of playing golf and includes, without limiting the generality of the foregoing, a *golf course*, par three *golf course*, miniature *golf course*, driving range, and *accessory* clubhouse and recreational activities.

5.86 Group Home, Closed Custody

A *group home* operated primarily for persons who have been placed on probation, released on parole, or admitted for correctional purposes.

5.87 Group Home, Open Custody

A *group home* operated primarily for persons who have been referred by a *hospital*, court, government agency, recognized social services agency or health professional.

5.88 Habitable Room

Any room used or intended to be used for living, sleeping, cooking or eating purposes with the exception of bathrooms, hallways or stairwells, *attics*, unfinished *basements* or *cellars*.

5.89 Hazard Lands

Any land having inherent environmental hazards, such as poor drainage, organic soils, floor susceptibility, erosion, steep slopes or any other natural or manmade physical conditions which effectively create unsuitable or adverse conditions for *construction* or development, or conditions unsafe to the public.

5.90 Health Services

An establishment which provides health or medical services such as chiropractor, medical clinic, associations or organizations formed to provide medical or *health services*.

5.91 Height

With reference to a *building*, *height* means the vertical distance between the *established grade* and

- a) The highest point of the roof surface or the parapet, whichever is greater of the flat roof;
- b) The *deck* roof line or decline of a mansard roof; or

c) The main level between eaves and ridges of a gabled, hip, gambrel, or other type of pitched roof. Without limiting the generality of the foregoing, antennae, chimneys, spires, cupolas, flagpoles, water tanks, windmills, air conditioner ducts, barns, silos, a drive-in theatre screen or incidental equipment associated with internal *building* equipment, or other similar *structures*, shall be disregarded in calculating *building height*.

5.92 Hobby Farm

A parcel of land which includes the principal residence and barns, sheds, pens, and similar *accessory buildings* which are used for the sole purpose of the persons residing at the residence and are not for commercial agricultural purposes.

5.93 Hospital

Any institution, *building* or other premises established for the treatment of persons afflicted with or suffering from sickness, disease or injury, for the treatment of convalescent or chronically ill persons that is approved under the Public *Hospitals Act* as a public *hospital*.

5.94 Hotel/Motel

An establishment that provides sleeping accommodation of not fewer than five (5) bedrooms catering to the needs of the traveling public on a short-term basis and may supply food and refreshments from a general kitchen, dining room and other public rooms.

5.95 Household Industry

A small-scale light industrial use, such as a carpentry shop, metal working shop, a welding shop, an electrical shop, small engine repair or similar use, that provides services or wares to the community and which is an *accessory use* to a *single detached dwelling*. For the purpose of this By-law, the repairing of *mobile homes* and trailers and the storage of heavy machinery and equipment are not considered household industries. The activity must be conducted in whole by an individual residing on the premises on a full-time basis, wholly contained within a *building*.

5.96 Household Occupation

A gainful occupation conducted within or outside of a *dwelling* which is secondary to the use of the *dwelling* as a private residence and the nature and scope of which is compatible with the residential character of the *dwelling*. The activity must be conducted in whole by an individual residing on the premises on a full-time basis.

5.97 Hunt Camp

A *building* used for the purpose of accommodating persons engaged in such activities as hunting, fishing, snowmobiling, hiking or other similar forms of recreation. The Hunt Camp shall not be larger than 140 sqm and shall not have any servicing.

5.98 Industrial Use

A building, use, or activity related to manufacturing, assembling, making, producing, refining, sorting, finishing, treating, tanning, cleaning, repairing, restoring, processing, refinishing, packing, sawing, warehousing, stockpiling, storing, distributing, shipping, breaking up, crushing, demolishing, reprocessing, repairing, servicing or recycling of goods, substances, or articles and similar uses, including ores, minerals, aggregates and agricultural produce, cannabis processing, or any part or parts thereof; or The production or storage of building or construction equipment or materials.

5.99 Laboratory

A room or *building* equipped for scientific experiments, research or teaching, or for the manufacture of drugs or chemicals.

5.100 Lane

A public thoroughfare which affords only a secondary means of access to abutting *lots* and which is not intended for general traffic circulation.

5.101 Laundromat

An establishment with coin-operated washing machines and dryers for *public use*.

5.102 Library

A *building* or room containing collections of books, periodicals, and sometimes films and recorded music for people to read, borrow or refer to.

5.103 Liquor or Beer Outlet

A *retail store* regulated by the Provincial Government where liquor and/or beer are sold.

5.104 Loading Space

An unencumbered area of land provided and maintained upon the same *lot* or *lots* upon which the *principal use* is located and which area is designed specifically and is suitable for the temporary *parking* of one commercial motor *vehicle* while merchandise or materials are being loaded or unloaded from such *vehicle*, and does not mean an area designed for the purpose of sale or display, customer *parking* or storage. The *loading space* must have an unobstructed access to a *street* or a *lane*.

5.105 Long Term Care Home

A “long term care home” as defined in the Long-Term Care Homes Act, 2007, and its successors.

5.106 Lot

A block, reserve and any other delineation of land on a plan recorded under the Land Titles Act.

5.107 Lot Area

The total horizontal area within the *lot* lines of a *lot*.

5.108 Lot, Corner

A *lot* situated at the intersection of, and abutting on, two or more *streets*.

5.109 Lot Coverage

The percentage of *lot area* covered by all *buildings*, main and *accessory*, which includes shipping containers, and a *deck* if it is attached to the house and is 0.6 metres or higher above the ground.

5.110 Lot Depth

The horizontal distance between the front and rear *lot* lines; or where these *lot* lines are not parallel, the length of a line joining the midpoints of the front and rear *lot* lines.

5.111 Lot, Exterior

A side *lot* which abuts the *street* on a *corner lot*.

5.112 Lot Frontage

The distance between the side *lot* lines measured at the *building* line and parallel to the *street* line, except that:

- a) Where the front *lot* line is not perpendicular to the side *lot* lines, which are parallel, *lot frontage* means the horizontal perpendicular distance between two side *lot* lines;
- b) Where the front *lot* line is not a straight line and the side *lot* lines are not parallel, the *lot frontage* is to be measured by a line 6.0 metres back from and parallel to the chord of the *lot frontage*, and for the purpose of this paragraph, the chord of the *lot frontage* is a straight line joining the two points where the side *lot* lines intersect the front *lot* line; and
- c) Where there are no side *lot* lines, the greatest distance between any two points.

5.113 Lot, Interior

A *lot* situated between two *lots* or a *lot* other than a *corner lot*.

5.114 Lot, Through

A *lot* bounded on two opposite sides by *streets* or highway provided, however, that if any *lot* qualifies as being both a *corner lot* and a through *lot* as herein before defined, such *lot* means a *corner lot* for the purpose of this By-law.

5.115 Lot of Record

A *lot* which is part of the subdivision or block recorded in the registry of Land Titles Office, or a *lot* or parcel described by meets and bounds, the description of which has been so recorded.

5.116 Lot Line

A boundary, property boundary, or *exterior* line of a *lot*.

5.117 Lot Line, Front

- a) In the case of an *interior lot*, the *lot* line abutting a *street* to which access is available.
- b) In the case of a *lot* abutting a navigable waterway, the line formed by the Optimal Summer Water Level or the inner limit of the shore road allowance.

- c) In the case of a *corner lot*, the shortest of the *lot* lines which abuts the *street*. Where such *lot lines* are of equal length, the *front lot line* shall be either of the *lot lines*.
- d) In the case of a through *lot*, if it abuts two *streets*, the *lot* line abutting the *street* from which access is primarily gained to the *lot*; or, if it abuts a *street* and a navigable waterway, the *lot* line along the navigable waterway.

5.118 Lot Line, Side, Exterior

A *side lot line* that abuts a *street* on a *corner lot*.

5.119 Lot Line, Side, Interior

A *side lot line* that immediately adjoins another property.

5.120 Lot Line, Rear

The *lot line* furthest from or opposite the *front lot line* or in the case of a triangular *lot*, shall be the point formed by the intersection of the *side lot lines*.

5.121 Machining

An operation which shapes metal parts by carving away excess material as chips produced in a sequential process of turning, milling and grinding operations.

5.122 Market Place

An area of land consisting of *buildings*, stalls or an open area used primarily for the display and retailing of, without limiting the generality of the foregoing, *farm* produce, meat, poultry, foodstuffs or commodities.

5.123 Metal Products Factory

A factory for forging, rolling, stamping or drawing (either cold or hot), casting, fabricating, grinding, turning, *machining*, heat-treating, galvanizing, plating, coating, annealing or other fabrication or processing of structural steel, boilers, tanks, drums or cans, machines, motors or large parts, including railway, automotive, agriculture or electrical equipment, hardware or tools, other ferrous or ferro-alloy metal products, aluminum products, brass or copper products, white metal alloy products, bronze powder or other non-ferrous or non-ferrous alloy metal products and includes an industrial welding shop, a casting factory and a die casting factory premises used for making sand castings and a railway rolling stock *repair shop* but does not include a small metal wares factory.

5.124 Mineral Extraction

The extraction of any mineral, ore, sand, gravel, or other materials and may include above ground mining *structures*.

5.125 Mineral Processing

The processing of raw minerals extracted from the ground and may include smelting, or any other form of processing.

5.126 Mineral Disposal

The disposal or storage of waste products resulting from the processing of minerals and may include tailing sites and slag dumping sites.

5.127 Mineral Extraction and Disposal

The extraction of any mineral, ore, sand, gravel or other material and may include above ground mining *structures*, and the subsequent disposal or storage of waste products resulting from the processing of minerals and may include tailing sites and slag dumping sites.

5.128 Mobile Food Outlet

A mobile commercial operation including a refreshment or restaurant operation which is established at a location on a temporary basis and which may change location from time to time through the use of motorized transportation and which is not located in a permanent building or structure. Mobile businesses do not include the delivery of goods and services that have been prearranged.

5.129 Mobile Home Park

A parcel of land used for the *parking* or storage of *mobile homes* and includes all *accessory buildings* necessary for the operation of said park.

5.130 Mobile Home Site

An area of land within a *mobile home park* which is used as the site of not more than one (1) *mobile home*.

5.131 Model Home

A single detached dwelling or semi-detached dwelling used only for the purpose of display and sale and may include a detached temporary washroom facility designed for staff and the public.

5.132 Motor Vehicle Body Shop

A building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be towing service and motor vehicle rentals for customers while motor vehicle is under repair.

5.133 Motor Vehicle Dealership

A building or structure where a dealer displays motor vehicles for sale or rent and in conjunction with which there may be a motor vehicle body shop, service station and washing establishment (car wash).

5.134 Motor Vehicle Gas Bar

One or more pump islands, each consisting of one or more gasoline pumps and a shelter.

5.135 Motor Vehicle Rentals

A building or structure where a company rents automobiles for a short period of time for a fee and may be in conjunction with a motor vehicle service station.

5.136 Motor Vehicle Repair Shop

A building or part of a building used for the servicing and repair a vehicle or part of a vehicle or for the retail sales of parts, accessories or lubricants.

5.137 Motor Vehicle Service Station

A building or clearly defined space on a lot where motor vehicle fuel is sold by retail, including a gas bar, and where motor vehicle accessories, parts and repairs may be available for purchase, but does not include premises where the sole use is one or more of a motor vehicle repair shop, transmission shop, muffler shop or other like or similar businesses.

5.138 Non-Complying, Legal

Shall mean a permitted use, building or structure legally existing at the date of the passing of this By-law, which does not fulfill the minimum requirements of the zone within which the building is located.

5.139 Non-Conforming, Legal

An existing use or activity of any land building or structure which does not conform to the permitted uses or activities of this By-law for the zone in which such existing land, building or structure is located, so long as it continues to be used for that purpose.

5.140 Obnoxious Use

Any use which shall be a nuisance to the occupants or owners of any neighbouring lands or buildings by reason of the emission from the said land or any part thereof, or the creation thereon, of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste or depositing or leaving unsightly objects or chattels thereon or otherwise.

5.141 Outdoor Display

Merchandise or goods exhibited or advertised for immediate sale and which is located on the lot exterior to a building.

5.142 Outdoor Storage

Merchandise, goods, inventory or equipment reserved or stored but not intended for immediate sale, and which is located on the lot exterior to a building.

5.143 Park

An area devoted to recreational and open space uses and used for:

- a) *passive forms of recreational uses which may include a picnic area, walking trail, swimming area, greenhouse, zoological gardens, botanical gardens or like or similar uses;*
- b) *active forms of recreational uses which may include a baseball diamond, soccer pitch, docks, tennis courts, outdoor ice rink, swimming pool, fair grounds, athletic fields, field houses, bleachers, bandstands, or other like or similar uses; or*

- c) special events, which may include without limiting the generality of the foregoing, social and cultural events, and the temporary display of goods, wares, merchandise, substances, foodstuffs, commodities or articles of similar kind to the general public; designed to serve the residents of a neighbourhood, community, region or province.

5.144 Parking Area, Parking Lot

An open area, other than a *street*, used for temporary *parking* of four or more motor *vehicles* and which are available for *public use* whether free, for compensation or as accommodation for clients, customers or residents and which has adjacent access to permit ingress or egress of motor *vehicles* to a *street* or highway by means of driveways, *aisles* or manoeuvring areas the latter upon which no *parking* or storage of motor *vehicles* is permitted.

5.145 Parking Space

An area enclosed in a *principal building*, in an *accessory building* or unenclosed, set aside for the purpose of *parking* one motor *vehicle* having access to a *street* or a *lane*.

5.146 Personal Service

A *building* or part thereof, used for the provision of services involved in the health, beauty, or grooming of a person, or the maintenance or cleaning of their apparel.

5.147 Pet Daycare Service

An establishment conducted during regular office hours, which is engaged in grooming and supervision of pet animals. A pet daycare service is not an *animal boarding facility* or a *veterinary establishment* and does not operate on a twenty-four hour basis.

5.148 Pet Obedience Training Establishment

An establishment that provides a standardized program of training for pets calculated to give owners mastery of their pets at all times.

5.149 Pet Supply Store

A retail store that specialized in pet supplies such as, but not limited to, leashes, collars, food and toys, but does not include the sale of animals.

5.150 Photography Studio

A *building* or part of a *building* used primarily for the developing and print processing of film and includes portrait and commercial photography and repair of photographic equipment.

5.151 Pit

A place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for *construction*, industrial or manufacturing purposes, but does not include a *wayside pit*.

5.152 Place of Assembly

A *building* or part thereof in which facilities are provided for such purposes as meeting for civic, theatrical, musical, political, religious or social purposes and shall include, without limiting the generality of the foregoing, an auditorium, banquet hall, concert hall, gymnasium, opera house, playhouse or other similar uses.

5.153 Places of Worship

A *building* dedicated to religious worship and may include such *accessory uses* as a nursery school, an assembly hall, a school of religious education, covenant, monastery or parish hall.

5.154 Plant, Asphalt or Concrete

An industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in *building* or *construction*, and includes the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment.

5.155 Portable Asphalt Plant

A facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process. Such facility is not of permanent *construction* and is designated to be dismantled and moved to another location as required.

5.156 Portable Shelter

Means a prefabricated structure usually constructed with metal, wood, or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover, used primarily for the storage of a vehicle and other items.

5.157 Post Secondary Institution

A university or college, as defined by provincial legislation.

5.158 Prepared Food Store

A *building* or part thereof in which food or beverages are prepared for human consumption and shall include bake shops, meat markets, wine making and supplies shop.

5.159 Principal Use

The predominate purpose for which any land, *building*, *structure* or premises, or part thereof, is used, designed, arranged, occupied, or maintained.

5.160 Printing Establishment

An establishment used for blueprinting, engraving, stereotyping, electro-typing, printing or typesetting and shall include a duplicating shop and a letter shop.

5.161 Prison

A penitentiary, common jail, public or reformatory jail, lock up, guard room, or other place in which persons who are charged with or convicted of offences are usually kept in custody, as defined by the Criminal Code Chapter R.S. 1985 c. C-46 as amended, but does not include a *group home*.

5.162 Private Home Daycare

A temporary care for reward or compensation of five (5) children or less who are under twelve (12) years of age where such care is provided in a private residence as a household occupation, other than the home of a parent or guardian of any such child for a continuous period not exceeding twenty-four (24) hours.

5.163 Private Swimming Pool

An artificial body of water, the container of which is constructed of cement, plastic, fiberglass or similar material, having a *depth* greater than 0.45 metres and intended primarily for bathing, swimming and diving, but shall not include a natural, dug or dammed pond primarily intended for aesthetic or agricultural purposes.

5.164 Professional or Administrative Office

A *building*, or part thereof, in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients who seek advice, consultation or professional services, but does not include *health services*.

5.165 Public Authority

Any local board defined by the Municipal Affairs Act, R.S.O. 1990, Chapter M.46, as amended.

5.166 Public Use

The use of a *lot* or a *building* by a *public authority*, for the purpose of providing its services to the public, or carrying out its public mandate, but does not include a business office.

5.167 Quarry

A place where consolidated rock has been or is being removed by means of an open excavation to supply material for *construction*, industrial or manufacturing purposes, but does not include a *wayside quarry* or open *pit* metal mine.

5.168 Recreational Facility

The use of lands, *buildings* or *structures* designed and equipped for the conduct of athletic and recreational pursuits that have a similar requirement of, or characteristic of the principal institutional use that is offered publicly.

5.169 Recreational Vehicle

A *vehicle* used primarily for recreational or vacation purposes, includes but is not limited to travel trailers, truck trailers, campers, motorized homes, boats, snowmobiles, and all terrain vehicles.

5.170 Recreational Vehicle Sales and Service Establishment

A premise where new or used *recreational vehicles* and related equipment and accessories are displayed for sale or rent in conjunction with which there may be facilities for the servicing of such *vehicles*.

5.171 Redevelopment

The removal of *buildings* from the land and the *construction* and *erection* of other *buildings* thereon.

5.172 Renovation

The repair and restoration of a *building* to good condition, but shall not include its replacement.

5.173 Repair Shop

An establishment specializing in the repair and maintenance of a variety of items, excluding motorized *vehicles*.

5.174 Restaurant

An establishment which is primarily engaged in the preparation and sale of food and beverages which may be consumed on its premises by the public at tables inside or outside the *building* or may be engaged in providing the public with the take-out service of food and beverages for off-site consumption, and may or may not be licensed for the sale of alcoholic beverages. For this purpose of this definition, a *mobile food outlet* is not considered a *restaurant*.

5.175 Retail Store

A *building* or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value. This includes a cannabis retail store.

5.176 Salvage Yard

Any land, *building* or part thereof used for the storage or disassembly of motor *vehicles* or machinery and, if in conjunction therewith the crushing or scrapping of metal or the retail sale of used motor *vehicle* parts or accessories.

5.177 Self Storage Facility

A *building* or group of *buildings* used for the indoor storage of household goods, wares, substances, or articles but shall not include a cartage depot, transportation depot or warehouse. A *shipping container*, truck body, bus coach, *streetcar* body, railway car or other similar body or containers, whether on wheels or not, shall not be used as part of a *Self Storage Facility*.

5.178 Setback

The distance between a *lot* line and the nearest wall of any *building* or *structure* and extending the full width or length of the *lot*.

5.179 Shipping Container

A rectangular metal container customarily used for the transport of freight or for storage, with or without wheels.

5.180 Shopping Centre

A group of commercial establishments built on a site that is planned, developed, owned and managed as an operating unit related in location, size and type of shops to the trade area that the unit serves and which provides onsite *parking* in definite relationship to the type and total size of the stores in the *shopping centre*.

5.181 Short Term Rental Accommodation

All or part of a dwelling unit used to provide sleeping accommodations for any rental period that is less than 28 consecutive days in exchange for payment. This includes B&Bs but excludes hotels and motels.

5.182 Bed and Breakfast

A *dwelling* or part thereof, in which not more than four (4) bedrooms are used or maintained for the accommodation of the travelling or vacationing public, in which the owner supplies lodging, with or without meals, for the persons so accommodated, but does not include a *boarding home*.

5.183 Showroom

A *building* or *structure* used to display goods for sale, such as appliances and furniture.

5.184 Solar Farm

Any device or combination of devices employed in the collection of direct solar radiation for the purpose of heating or cooling a *building*, heating water, generating electricity or otherwise converting solar rays into usable forms of energy.

5.185 Special Occasion Tent or Structure

An outdoor venue that can accommodate a variety of special events including but not limited to concerts, festivals, fundraising activities, ceremonies and wedding receptions and provides temporary covered open space.

5.186 Storage Trailer

The trailer portion of a tractor-trailer unit, a transport truck, haulage trailer, or the box or storage area of a van or utility *vehicle* that is used in a manner similar to an *accessory structure*. *Accessory use* storage trailers may only be used for storage purposes and may not be used to accommodate work areas, shops, office use or retail sales or any other form of occupancy.

5.187 Storey

That portion of a *building* other than an *attic*, *basement* or *cellar*, which lies between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

5.188 Storey, First

The first *storey* is the lowest *storey* close to the *finished grade* and which is 75% above the level of the *finished grade*.

5.189 Storey, One Half

Shall mean that portion of a *building* situated wholly or in part within the roof and having its floor level not lower than 1.0 metre below the line where roof and out wall meet and in which there is sufficient space to provide a *height* between finished floor and finished ceiling of at least 2.0 metres over a *floor area* equal to fifty percent or more of the *area* of the floor next below.

5.190 Street

A public highway or public road which affords the principal means of access to abutting *lots* but does not include a public *lane* or private right-of-way.

5.191 Structure

Anything constructed or *erected* with a fixed location, on the ground or attached to something having a fixed location on the ground.

5.192 Tavern

A *building* or part thereof where, in consideration of payment therefore, liquor, beer, or wine or any combination thereof, are served for consumption on the premises, with or without food.

5.193 Taxi Stand

A *building* or *structure* that operates as the command centre for commercial automobiles that carries passengers to and from a location for a fee.

5.194 Temporary Use

The use of land or the *erection* or use of *building* or *structure* for a *construction* camp, work camp, tool shed, scaffold, or other *building* or *structure* incidental to and necessary for such *construction* work which has not been finished or abandoned.

5.195 Tent

A temporary shelter made of canvas, nylon or other such material, including associated poles, pegs, and ropes that may be disassembled and easily moved, and that is not permanently affixed to the site but shall not include a *recreational vehicle* or any other *structure* otherwise defined or classified in this By-law.

5.196 Tourist Establishment

A commercial establishment designed for the travelling or vacationing public, and that has facilities for accommodation and may serve meals or provide kitchen facilities and may furnish equipment, supplies or services to persons for recreational purposes.

5.197 Vehicle

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.

5.198 Veterinary Establishment

A *building* established for the purpose of medically or surgically treating animals, especially domestic animals.

5.199 Warehousing

A *building* or part of a *building* used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or *yard*.

5.200 Waterbody

Means any bay, or lake other than a drainage ditch or irrigation channel.

5.201 Wayside Pit or Quarry

A temporary *pit* or *quarry* opened and used by a public road authority solely for the purpose of a particular project or contract of road *construction* and not located on the road right-of-way.

5.202 Wholesaling

The sale and distribution of goods or materials for resale purposes only.

5.203 Yard

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.

5.204 Yard, Front

A *yard* extending across the full width of the *lot* between the *front lot line* and the *building line*.

5.205 Yard, Exterior Side

The *side 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*.

5.206 Yard, Interior Side

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

5.207 Yard, Rear

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 a main *building* closest to the *rear lot line*.

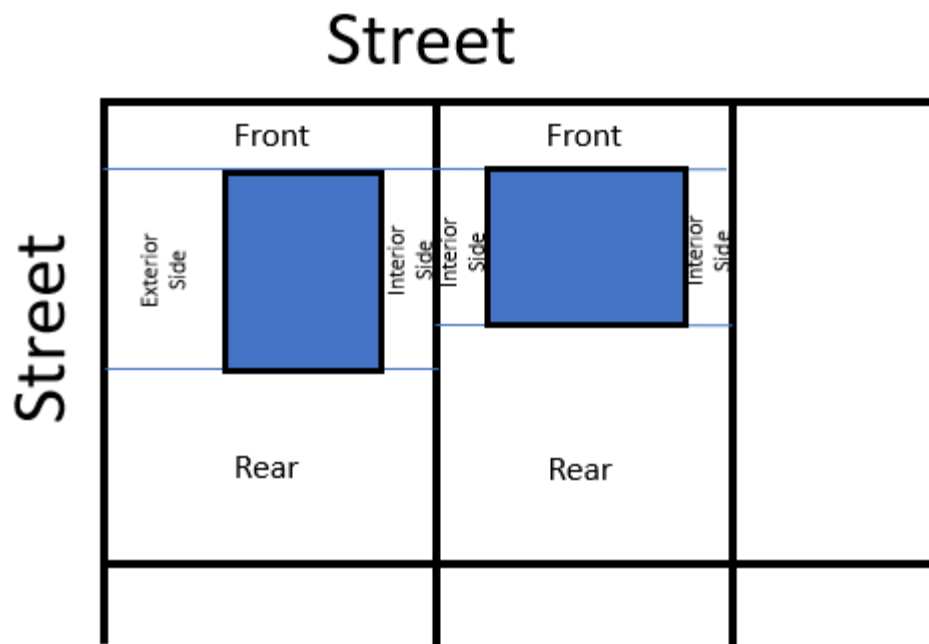


Figure 2: Visual Representation of Front, Side and Rear Yards

5.208 Zone

An area of district of land shown on the schedules of this By-law and which are subject to special restrictions.

SECTION 6: INTERPRETATION

6.1 CLASSIFICATION

- For the purpose of this By-law, the affected area of the Town of Kirkland Lake is divided into the following Zones and their extent, location and boundaries are shown on the Zoning Maps hereto attached as Schedules "A-1" to "A-5" and "B-1" to "B-2" to this By-law.

Zone	Symbol	Section
Residential Low Density	R1	10
Residential Medium Density	R2	11
Residential High Density	R3	12
Residential Mobile home	RMH	13
Town Centre Commercial	C1	15
Shopping Centre and Highway Commercial	C2	16
Neighbourhood Commercial	C3	17
Light Industrial	M1	19
Heavy Industrial	M2	20
Mining Industrial	MM	21
Mineral Extraction and Disposal	MED	22
Parks and Open Space	O1	23
Restricted Open Space	O2	24
Institutional	I	25
Rural	RA	27
Rural Estates Development	RE	28
Rural Residential	RR	29
Rural Recreation Development	RS	30
Future Development Area	DA	31

6.2 SYMBOLS

- The symbols used on Schedules "A-1" to "A-5" and "B-1" to "B-2", refer to the appropriate zones established by this By-law.

6.3 INTERPRETATION OF ZONE BOUNDARIES

- The extent and boundaries of all zones are shown on Schedules "A-1" to "A-5" and "B-1" to "B-2", and for such zones, the provisions of this By-law shall respectively apply.
- Boundaries between zones shall be determined as follows:
 - Where a zone boundary is indicated as following a *street* or *lane* or highway, the boundary shall be the centre line of such *street* or *lane* or highway, and in the event of the closing of such *street* or *lane* or highway, the zone boundary shall be the former centre line of the said *street* or *lane* or highway;
 - Where a *street* or land or highway, railroad or railway right-of-way, electrical transmission line right-of-way or water course is included in the zoning maps, it shall be, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;
 - Where a railroad or railway right-of-way, electrical transmission line right-of-way or water course is included on the zoning map and serves as a boundary between two or more different zones, the line midway on such right-of-way or water course and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise; and
 - Where a zone boundary is indicated as following the municipal limits of the Town of Kirkland Lake, the limit shall be the zone boundary.

6.4 CERTAIN WORDS

1. In this By-law, words used in the present tense include future, words in the singular number include the plural, words in the plural include the singular number, and the word “used” includes “arranged”, “designed”, or “intended to be used”, the word “shall” is mandatory and not permissive.

6.5 SPECIAL EXCEPTION ZONES

1. Where a zone symbol is followed by a dash and a number (for example “M1-1”), the lands so designated shall be subject to all of the provisions of the zone represented by such symbol, except as otherwise provided by the special exception provisions. These special provisions are listed separately under the appropriate special exception section of the parent zone (e.g. M1) in the text of this By-law.

6.6 HOLDING ZONES

1. Any parcel or area of land may be further classified as a holding zone with the addition of the suffix “-h”. The intent is to signify Council's approval in principle to future development of the land for the purposes indicated by the symbol. The holding classification added to a given zone shall restrict development of the land until the requirements of the Official Plan related to holding zones have been met.
2. Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those uses existing for such land, building, or structure on the date of passing of this By-law. Any change from the holding status shall require an amendment to this By-law, and the Town may require that the applicant enter into an agreement for the development of his/her lands prior to the amendment being approved.

6.7 TEMPORARY USE BY-LAWS

1. Temporary use By-laws may have been passed by the Town to allow temporary uses pursuant to Section 39 of the *Planning Act*. Temporary uses are shown on the schedules as special exceptions and details concerning the temporary use are included in the special exception text within the specific zone category.

SECTION 7: GENERAL PROVISIONS

7.1 APPLICATION TO ALL ZONES

1. The provisions of this section apply in all zones except as may be otherwise indicated.

7.2 ACCESSORY USES

1. The following provisions shall apply to permitted accessory buildings in each respective zone:
 - (a) Accessory buildings shall not be used for human habitation except where a dwelling is a permitted accessory use.
 - (b) The *accessory building* shall not be built closer to the *front lot line* than the minimum distance required by this By-law for the *principal building* on the *lot*.
 - (c) An *accessory building* shall not be considered an *accessory building* if attached to the *principal building* by a common wall, or if enclosed within the *structure* of the *principal building*.
 - (d) Where *dwellings* are permitted as *accessory buildings*, the provisions of the "Residential Low Density (R1)" zone shall apply.
 - (e) An *accessory building* shall not be *erected* on a *lot* prior to the *principal building* to which it is to be *accessory* thereto.
 - (f) Unless otherwise noted in the following table, the *accessory structure* shall have the same *setbacks* as the *principal building*.

	R1, R2, RMH	R3, R4, I	RA, RE, RR, RS, (Not waterfront)	RA, RE, RR, RS, (Waterfront)	All Other Zones
Minimum Front Yard	Same as <i>Principal Building</i>			0.0 metres	Same as <i>Principal Building</i>
Minimum Rear Yard	0.6 metres	3.0 metres	3.0 metres	3.0 metres	Same as <i>Principal Building</i>
Minimum Interior Side Yard	0.6 metres	3.0 metres	3.0 metres	3.0 metres	Same as <i>Principal Building</i>
Minimum Exterior Side Yard	Same as <i>Principal Building</i>				
Minimum Distance from Principal Building	1.2 metres				
Maximum Height	5.0 metres				
Maximum Lot Coverage	10.0 percent	20.0 percent	2.5 percent	2.5 percent	1.0 percent

2. Additional Dwelling Units

- (a) Where these uses are permitted, they are subject to the following provisions:
 - i. One additional residential dwelling unit is permitted in a single detached dwelling unit, semi-detached dwelling unit, or triplex dwelling unit, and one accessory dwelling unit is permitted in a building or structure accessory to the aforementioned units.
 - ii. The additional residential unit is designed and located in such a manner to not have an impact on the streetscape or character of the surrounding neighborhood;
 - iii. Additional Residential units shall be subject to the corresponding zone provisions if located in the primary structure
 - iv. Additional Residential Units in an accessory structure shall be subject to the general provisions for accessory uses
 - v. 1 parking space per accessory dwelling unit or garden suite is required;
 - vi. An additional residential unit is permitted on private services, provided it can be demonstrated that the private sewage disposal system and water system can accommodate the change in use; and
 - vii. Additional Residential Units may not be severed from the lot containing the primary residential use.

3. Detached Private Garages

- (a) No opening of a detached private garage located in the side or rear yard of any corner lot shall be located closer than 3.0 metres to any street line.
- (b) Exception for Garage Separate from the Main Residential Use
 - i. An accessory garage may be built on a separate lot without a main use, provided that:
 - a) A parking space is provided on the lot with the primary residential use; and
 - b) No residential dwelling unit (accessory, converted, or otherwise) are permitted on the lot with the accessory garage
 - c) The lot with the accessory garage shall not be used for commercial purposes unless it is zoned for commercial purposes
 - d) A maximum of one (1) commercial vehicle is permitted on the lot with the garage for parking purposes
 - e) The landowner shall enter into an agreement with the Corporation of the Town of Kirkland Lake that the lot with the garage separate from the main use shall be sold with the lot with the primary dwelling, or to an abutting property within 100 metres that the lot is servicing.

4. Deck

- (a) If the deck is attached to the house and is 0.6 metres or higher above the ground it is included in the Lot Coverage.

5. Dwelling Units Below Grade

- (a) No dwelling unit shall, in its entirety, be located in a cellar. If any portion of a dwelling unit is located within a cellar, such portion of the dwelling unit shall be used as a furnace room, laundry room, storage room, recreation room or similar use only.

6. Garden Suites

- (a) Where these uses are permitted, they are subject to the following provisions:
 - i. No more than an amount equal to 40% of the gross floor area of the principal dwelling use, may be developed for a garden suite;
 - ii. 1 parking space per accessory dwelling unit or garden suite is required;
 - iii. Garden suites must maintain a minimum of 1.2 metre setback from the primary dwelling

7. Portable Shelters

- (a) Portable shelters are permitted year-round, subject to the following provisions:
 - i. A maximum of two (2) portable shelters are permitted on a property
- (b) Portable shelters must be located a minimum of 0.6 metres from the rear, interior and/or exterior side property lines;
- (c) If located in the front yard the portable shelter shall not pose any hazards for vehicular movement or human health and safety;
- (d) Portable shelters shall be included in the lot coverage calculations; and
- (e) Portable shelters are subject to the provisions established in the Property Standards By-law and the Community Standards By-law.

8. Private Swimming Pools

- (a) Where a private swimming pool (excluding temporary inflatable swimming pools) is constructed as an accessory use to any principal residential or commercial use, no part of it shall be located closer than 1.2 metres to any rear or interior side lot line (3.0 metres to exterior side lot line). All pool pumps and filtering equipment shall be in an enclosed structure.

- (b) All private swimming pools shall be in conformity with the Town's Pool By-law.

9. Properties Fronting Water

- (a) Boathouses, boat ports and docks may be built along the front lot line when the said lot line abuts a body of water.

10. Recreational Vehicles

- (a) No recreational vehicle shall be used for habitable space, other than 1 recreational vehicle used for camping purposes which shall only be permitted in the "Rural (RA) Zone".
- (b) Recreational vehicles are only permitted in the Residential zones for storage/parking purposes as an accessory use on a lot that has an established primary use.
- (c) Recreational vehicles must be stored appropriately and conform to the following provisions:
 - i. If any vehicles are to be located in the front yard, they shall not pose any hazards for vehicular movement or human health and safety;
 - ii. All recreational vehicles shall be stored in accordance with the Community Standards By-law.

11. Truck, Bus and Coach Bodies, Recreational Trailer

- (a) No trucks, bus, coach or *streetcar* body, or *structure* of any similar kind shall be used for human habitation as a bona fide *dwelling unit*. No recreational trailer or *vehicle* shall be used or occupied or be intended for use as a permanent *building*.

12. Shipping Containers

- (a) Shipping containers are permitted in Residential, and Industrial zones and the "Shopping Centre and Highway Commercial (C2)" and "Rural (RA)" zones, only as an accessory use on a lot that has an established primary use.
- (b) Shipping containers shall conform to the following provisions:
 - i. Such containers shall be maintained in an orderly appearance, i.e. not rusted.
 - ii. Such containers shall only be permitted in the rear and interior side yard, and must maintain a minimum setback of 2 metres from the lot line.
 - iii. In a Residential Zone, or on a lot that abuts a residential zone, a minimum landscaped buffer of 1.0 metres in width must be maintained adjacent to the shipping container.
 - iv. Such container shall not be located in any required parking space.
 - v. Shipping Containers shall be in compliance with the Ontario Building Code;
 - vi. Shipping Containers shall be included in lot coverage calculations

7.3 AIRPORT CONSTRAINT AREA

- 1. Development and land use within the Airport Constraint Area (see Official Plan Schedule D-3) that would interfere with the functioning safe operation, or expansion of the Kirkland Lake Airport is prohibited. All development within the Airport Constraint Area must be developed under controlled conditions to ensure the Airport operation will not be adversely affected and conform to the provisions established in the Official Plan.

7.4 CORNER VISIBILITY TRIANGLE

- 1. No obstruction to visibility, whether from a building, motor vehicle, landscaping, or other impediments shall be permitted within a corner visibility triangle. The purpose being to allow a complete view of oncoming motor vehicle and pedestrian traffic by other such traffic entering the intersection. The corner visibility triangle is measured:
 - (a) Along the edge of the pavement for a distance of 6.0 metres from the point of intersection on a local or collector road;
 - (b) Along the edge of the pavement for a distance of 9.0 metres from the point of intersection on a highway; or

- (c) Along the edge of the pavement and a railway right-of-way for a distance of 30.0 metres from the point of intersection.

7.5 EXISTING UNDERSIZED LOTS

1. A vacant *lot* held in separate ownership from adjoining parcels on the effective date of this By-law, having less than the minimum *lot frontage* or *lot area* required by this By-law, may be used for the purpose permitted in the zone in which the *lot* is located and *buildings* may be *erected* on the *lot* provided that all other applicable provisions of this By-law are satisfied.

7.6 FRONTAGE/ACCESS ON A PUBLIC STREET

1. No person shall construct or erect upon a lot, a building or structure for any purpose on any zone unless the front lot line of such lot abuts a public street other than a lane or private right-of-way, except:
 - (a) Resource related development may be accessed via a private road.
 - (b) An existing separate lot of record which does not front on an opened public road or highway may be used, if the lot legal access registered on title to an opened public road or highway, or in the case of lands that have access over Crown lands that confirmation of such access in perpetuity is provided.

7.7 HEIGHT REGULATIONS

1. The *height* regulations of this By-law shall not apply to electrical power facilities, church spires, ornamental domes, cupola, water tanks, elevation enclosures, mining *head frames*, flagpoles, television or radio antennae, ventilators, skylights, chimneys, or clock towers, mechanical and service equipment, penthouses, drive-in theatre screens, silo, barn or windmill or other *farm buildings*, unless within the "Airport Constraint Area".

7.8 HOUSEHOLD OCCUPATIONS

1. In addition to the requirements of each residential, rural and rural residential zones, the following provisions shall apply:
 - (a) Permitted offices shall be for a recognized profession and without limiting the generality of the foregoing, may include: accountants, architects, auditors, dentists, engineers, insurance agents, land surveyors, lawyers, medical practitioners, notaries, veterinarians and realtors.
 - (b) Permitted household occupations shall include the manufacturing or offering for sale of goods or services normally found in a dwelling and without limiting the generality of the foregoing, may include: dressmaking, tailoring, hairdressing, barbering, instruction in music, dancing, arts and crafts to not more than six pupils or students at any one lesson, weaving, painting, sculpting, molding, or otherwise making or repairing of garden or household ornaments, articles of clothing, personal effects or tops.
 - (c) Only one person residing in the said dwelling, plus one assistant, who may or may not reside in the dwelling, may conduct the said household occupation or professional office.
 - (d) The floor area devoted to the said household occupation or professional office shall not be more than 25.0 percent of the total floor area of the dwelling, or a maximum of 46.0 square metres, whichever is the lesser.
 - (e) There shall be no advertising other than a plate or sign with a maximum area of 0.2 square metres, which does not flash and is attached and parallel to the main wall of the building.
 - (f) One off-street parking space shall be provided for each 18.0 square metres of floor area devoted to the household occupation or professional use, in addition to that required for the residential use. Not more than 15.0 percent of the total lot area may be devoted to parking facilities.
 - (g) The residential character of the dwelling unit shall not be changed.
 - (h) The household occupation or professional office shall not create or become a nuisance because of noise, fumes, dust, odour and traffic or otherwise interfere with the enjoyment of the residential amenities of the neighbourhood.

- (i) There shall be no open storage or outdoor display of materials or finished products, and no machinery or instrument shall be used in conducting the household occupation that is not normally used in a residence or is not compatible with a residential area.
- (j) In the case of a veterinarian, there shall be no animal boarding facility.
- (k) Where an office is used by a veterinarian, physician or dentist, such office use shall be for consultation and emergency and treatment and not as a health services building or hospital.

7.9 MINIMUM DISTANCE SEPARATION

1. All new agricultural development and development in proximity to existing agricultural uses shall comply with the Minimum Distance Separation (MDS) Formulae I or II of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), as may be amended from time to time.

7.10 MULTIPLE USES

1. Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is conflict such as in the case of lot size or lot frontage, the higher or more stringent standards shall prevail.

7.11 ONE MAIN BUILDING ON A LOT

1. Only one principal building on a lot shall be permitted except in residential zones that permit grouped dwellings, the "Shopping Centre and Highway Commercial (C2)" zones, or unless otherwise stated in this By-law.

7.12 PARKING OF COMMERCIAL VEHICLES

1. No person shall park or store in any Residential Zone, any commercial vehicle unless under the following circumstances:
 - (a) The vehicle is located in a private garage; or
 - (b) The vehicle is located behind the front building line, in the interior side or rear yard, and is screened by an opaque fence having a height of no less than 1.8 metres; and
 - (c) The vehicle is owned and operated by the owner or occupant of the dwelling unit.
 - i. At no time, shall there be more than two (2) commercial vehicles located on a residentially zoned property.
 - ii. The owner of the dwelling unit must retain the required number of parking spaces for the dwelling, not including the space used for the commercial vehicle(s).

7.13 PERMITTED ENCROACHMENTS IN YARDS

1. Except for *accessory buildings, structures* or uses, every part of any *yard* required by this By-law shall be open and unobstructed by any *structure* from the ground to the sky provided however that those *structures* listed in the following table shall be permitted to project for the specified distances into required *yards* as follows:

Structure or Feature	Applicable Yard(s)	Required setback or Permitted Encroachment
Sills, Belt Courses, eaves, gutters, chimneys, awnings, pilasters, canopies and generators	Any yard	May encroach 0.6 m into the required yard
Window Bays	Front, and Rear yard	May encroach 1.0 metres into the required front, rear yard

Fire Escapes, Exterior Staircases	Rear and Side yards	May encroach 1.5 metres into the required rear and side yards for a maximum width of 3.0 metres
Balconies	Front, Rear and Side Yards	May encroach 2.0 metres into the required yard
Porches not exceeding one storey in height	Front, Rear and Exterior Side Yard	May encroach 2.5 metres into the required yards
Air Conditioners	Rear, Interior Side and Exterior Side Yard	May encroach 0.6 metres into the required yards
Deck located at 2 feet or above	Rear Yard	May encroach 5.0 metres into the required yard and maintain a minimum setback of 1.5 metres to the rear lot line.
	Front and Exterior Side Yard	May encroach 1.6 metres into the required yards
	Interior Side Yard	No encroachment permitted.

2. The restrictions on encroachments into any required *yard* may be relaxed wherein a Site Plan Control Agreement is executed.

7.14 PUBLIC USES IN ANY ZONE

1. Notwithstanding any other provisions of this By-law, the Town of Kirkland Lake, the District, any public authority or any Department or Ministry of the Government of Ontario or Canada, and for the purpose of this Section shall include any school board, Ontario Hydro, any telephone, cable television or telegraph company, and any natural gas distribution company, may for the purpose of the public service, use any land or erect or use any building in any zone subject to the building being in compliance with the regulations prescribed for such zone or use and subject to there being no outdoor storage of goods, materials, or equipment in any required yard abutting a residential zone. Any buildings erected or used in a residential zone under the provisions of this Section shall be designed so as to not intrude into the residential character of the area. This exception is for use in any zone; however, it shall not apply to any land or building used by said companies for professional or administrative offices, or retail store purposes.
2. Where an educational institution is considered a permitted use within a residential zone, the setback and lot requirements of the "Institutional (I)" zone shall apply.

7.15 RADIO AND TELEVISION TRANSMITTING AND RECEIVING TOWERS

1. The minimum lot size for any lot or parcel upon which a radio or television transmitting or receiving tower is to be located shall be determined as the minimum area required to containing the tower entirely within the property boundaries should the tower fall, irrespective of the direction of the fall.

7.16 REDUCTION OF MINIMUM LOT AREAS PROHIBITED

1. No lot area shall be so diminished that the required yards or other open spaces shall be smaller than prescribed in this By-law. When any part of a lot is required by this By-law to be reserved as a yard or other open space, it shall continue to be reserved.

7.17 SERVICING

1. Wherein municipal services are not required in this By-law, the provisions of any sewage disposal or water supply system shall be required to be approved by the authority having jurisdiction or the Ministry of the Environment, Conservation and Parks (MECP) prior to the issuance of any construction permit.
2. No development shall be permitted unless connected to municipal water and sewer services, except where the lands are within the Rural zones.

7.18 SHORT TERM RENTALS

1. Short term rentals are permitted in all or part of a residential building, provided that:
 - (a) Parking shall be provided in accordance with Section 8.
 - (b) The short-term rental use does not change the character of the residential dwelling, nor become a nuisance to the area in terms of parking, noise, or other factors.
 - (c) Such short-term rental is licenced with the Town, if applicable.

7.19 SOURCE WATER PROTECTION – TOWNSHIP OF TECK ACT

1. All development shall conform to the requirements of the Township of Teck Act which permits the Town to control and regulate the sanitation, development, and required studies for development of the identified Gull Lake watershed.

7.20 TEMPORARY CONSTRUCTION USES

1. Nothing in this By-law shall prevent uses incidental to construction such as a construction camp or other such temporary use, a tool shed, scaffold or similar building incidental to construction provided that a construction permit has been obtained for the erection of such building or structure.
2. Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for a scaffold or other temporary building or structure including a sales or rental office, incidental to construction in progress until such construction has been finished or discontinued for a period of sixty (60) days or unless no construction permit is in force.

7.21 WATERFRONT SETBACKS

1. That any lot abutting a waterbody establish a 30 metre setback for dwellings and septic system from the shoreline.

SECTION 8: PARKING

8.1 OFF-STREET PARKING REQUIREMENTS

1. In connection with the *construction, erection, enlargement or increase* in the volume of any *building* type, provisions shall be made for *off-street parking* on the same *lot* as the *building* in accordance with the following regulations and minimum *parking* requirements.

8.2 PARKING LOT REQUIREMENTS

1. *Parking* shall be provided and maintained in conformity with the following schedule:

Land Use	Use of Land	Required Number of Parking Spaces
Residential	<i>Bed and Breakfast</i>	One (1) per <i>dwelling unit</i> ; one (1) per guest room
	<i>Single detached, Semi-detached, Duplex</i>	Two (2) spaces per <i>dwelling unit</i>
	<i>Additional Residential Unit, Garden Suite</i>	One (1) space per <i>dwelling unit</i>
	<i>Triplex, Quadraplex, Townhouse</i>	One (1) space per <i>dwelling unit</i>
	<i>Mobile home</i>	One (1) space per <i>dwelling unit</i>
	Boarding, Rooming or Lodging House	One (1) space for each two dwellers; One (1) spaces for a residing owner
	Multiple Residential and <i>Grouped Dwellings</i>	One and one-quarter (1 ¼) spaces per <i>dwelling unit</i>
	Residential Care Facility, <i>Long Term Care Home</i>	One half (½) space for each <i>dwelling unit</i> plus one (1) space per 93.0 square metres of <i>gross floor area</i> for employees
	Short-Term Rentals	One (1) space per rental bed/unit
Commercial	Health Services	One (1) space for each 46.0 square metres of net floor area
	Retail, Merchandising	One (1) space for each 33 square metres of <i>net floor area</i>
	Sale or rental of Motor Vehicles, Major Recreational Equipment and accessories thereto	One (1) space for each 20.0 square metres of <i>net floor area of accessory office</i>
	<i>Motels and Motels</i>	One (1) space for each <i>unit</i> plus one (1) space for each four (4) employees
	<i>Restaurant</i>	One (1) space for each 12.5 square metres of <i>net floor area</i>
	Gas Station	One (1) space for each fuel pump island
	Service Station	One (1) space for each 28.0 square metres based on the <i>lot gross floor area</i> or five (5) spaces for each service bay, whichever is greater
	<i>Shopping centre</i>	One (1) space for each 25.0 square metres of <i>net floor area</i>
	<i>Financial establishment, Business Office, Veterinary Services</i>	One (1) space for each 37.0 square metres of <i>net floor area</i>
Industrial	Local Commercial	One (1) space for each 30 square metres of <i>net floor area</i>
	Wholesale, Manufacturing Establishment	One (1) space for each 100 square metres of <i>gross floor area</i>
	Animal Boarding Kennel	One (1) space for each 30.0 square metres of net floor area
Institutional	<i>Funeral Home</i>	One (1) space for each 23.0 square metres of <i>net floor area</i> , plus one (1) space for each funeral <i>vehicle</i> and/or ambulance
	<i>Child care centre not including a Home Day Care</i>	One (1) space for each 23.0 square metres of <i>gross floor area</i>
	Elementary, Special Education, Pre-School, Junior High Schools	Two (2) spaces for each classroom
	Secondary School	Five (5) spaces for each classroom
	Post-Secondary School	One (1) space for each 46.0 square metres of <i>gross floor area</i>

	<i>Hospitals</i>	One (1) space for each two (2) bed or each 37.0 square metres of <i>net floor area</i> , whichever is greater
	Places of assembly, Religious institutions	One (1) space for each 20.0 square metres of <i>gross floor area</i> , or one space for each four (4) fixed seats, whichever is greater
	Community Centre, Recreational Institutions	One (1) space for each 6 persons capacity
	Libraries, Museums	One (1) space per 25.0 square metres of <i>net floor area</i>
	College Residences	One quarter (¼) space per unit

- If the calculation of the required *parking spaces* results in a fraction, the required *parking spaces* shall be the next higher whole number.
- Where any land or *building* accommodates more than one use, the total *parking space* requirement for such land or *building* shall be the aggregate sum of the requirements for each individual use.
- Any *parking spaces* required to be provided by this By-law shall be exclusive of the *parking spaces* used or intended to be used for the storage or *parking* of motor *vehicles* or major *recreational vehicles* for sale or rental.
- Where *off-street parking spaces* are required to be provided for the use of visitors, such *parking spaces* shall be clearly defined or identified as being reserved for the exclusive use of such visitors.
- No portion of any access driveway shall be located closer than 9.0 metres to the intersections of two street lines or their projections

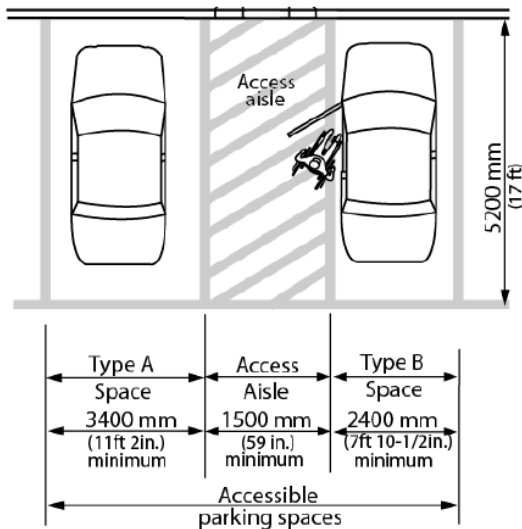
8.3 ACCESSIBLE PARKING

- Provisions of accessible parking spaces shall be compliant with the Ontario Integrated Accessibility Standards Regulation 191/11 or its successors.
- In the case of Multiple Residential (i.e., apartment dwellings), Commercial, Industrial and Institutional uses, accessible parking spaces shall be provided in accordance with the following table:

Total Parking Spaces Required	Accessible Spaces Required (minimum)		
	Total	Type A	Type B
Up to 37	1	1	
38-62	2	1	1
63-86	3	1	2
87-133	4	2	2
134-166	5	2	3
167-200	6	3	3
Each additional 50 spaces thereof	1 additional space		

- Where an even number of accessible parking spaces are provided, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.
- Where an odd number of accessible parking spaces are provided, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the off-numbered space, may be a Type B parking space.
- Accessible parking spaces shall meet the Ontario Integrated Accessibility Standards Regulation 191/11 or its successors and at the time of the writing of this By-law be of the following two types;
 - Type A: minimum width of 3.4 m
 - Type B minimum width of 2.4 m

- (d) Access for accessible spaces may be shared by two parking spaces for the use of persons with disabilities and must have a minimum width of 1.5 m.



8.4 SIZE OF PARKING SPACES

- Each automobile *parking space* shall have a minimum length of 5.5 metres and a minimum width of 2.75 metres.
- In the case of angled or parallel *parking*, each *parking space* shall have a minimum width of 3.0 metres and a minimum length of 5.5 metres and the access driveway and the aisle giving access to such *parking spaces* shall have a minimum width of 6.0 metres.

8.5 LOCATION

- Required parking in any Residential Zone shall be provided on the same lot as the dwelling unit;
 - In all other zones, the parking area and its access shall be located in the same zone and within 100 m of the lot it is intended to serve;
 - Where the required parking is provided away from the lot on which the use of building served is located, the parking spaces shall be in the same ownership or on a renewable long-term lease, with agreement registered with the municipality, and the parking facilities shall be maintained for the duration of the use.

8.6 DRIVE THROUGH

- The entrance for a drive through function must provide for the progressive movement of cars and shall be sufficient to accommodate stacking for not less than ten (10) cars on said *lot*, starting at the last window, and that the drive through function does not inhibit the use of the necessary required *parking spaces*. Stacking spaces for drive through or drive-in uses may not be counted as required off-street *parking spaces*.

8.7 DRIVEWAYS, RAMPS, LANES, POINTS OF ACCESS

- All off-street *parking* facilities required by this By-law shall be provided with adequate means of access to and from a public thoroughfare so arranged as not to interfere with normal *public use* of the thoroughfare.
- The nearest side of any point of driveway shall be located a minimum of 15.0 metres from the nearest intersection of any *street* lines except in any "Residential Low Density (R1)", "Residential Medium Density (R2)" or "Mobile home (RMH)" zone, wherein the minimum distance may be reduced to 9.0 metres.
- Parking is permitted in the *front yard* In Residential Zones, provided the required *Front Yard* setback distance is unreduced.
- Front yard* parking In Residential Zones, may not exceed more than 50% of the *lot frontage*.

5. Allowance for driveways for residential *dwelling* shall not be less than 3.0 metres clear of all projections, except eaves.
6. Parking spaces may be permitted in tandem in the “Residential Low Density (R1)” Zone.

8.8 OFF-STREET LOADING

1. No commercial or industrial *building* to which, or from which, regular deliveries are made, shall be used or *erected* unless off-street spaces for the standing, loading or unloading of motor *vehicles* are provided in conformity with the following regulations:

- (a) Off-street loading spaces shall be so arranged, and of such a size as to avoid interference with the use of public streets and lanes;
- (b) Each off-street loading space shall have a minimum dimension of 3.5 metres by 12.0 metres, with a height clearance of 4.0 metres;
- (c) Access to loading spaces shall be by means of a driveway at least 3.5 m wide for one way traffic and 6.0 m wide for two way traffic and located within the lot on which the loading spaces are located
- (d) Every loading space shall be located contiguous to the *building*, but shall not occupy any portion of any required front yard, or be located as to occupy any required parking space, or circulation or manoeuvring area;
- (e) The number of off-street loading spaces shall be provided in conformance with the following schedule:

Gross Floor Area of Building	Required Number of Loading spaces
140.0 square metres or less	None
140.0 square metres to 1,855 square metres	One (1)
1,856 square metres to 4,645 square metres	Two (2)
4,646 square metres to 9,290 square metres	Three (3)
For each additional 7,000 square metres	One (1) additional loading space

- (f) The requirements for loading spaces shall be exempted for those areas of the “Town Centre Commercial (C1)” zone located within Registered Plan Numbers M-15, M-32 and M-98 respectively and for those areas of the “Neighbourhood Commercial (C3)” zone.
- (g) Where there are two or more uses located on the same lot, the loading space requirements shall be the sum of the requirements for each use.
- (h) The loading space requirements shall not apply to any building or structure in existence at the date of passing this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then additional loading space shall be provided as required in Section 8.8.1 (e)
- (i) Each loading space and driveway connecting a loading space with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. Before being used, such loading spaces and driveways shall be constructed of crushed stone, gravel, asphalt paving, concrete, paver stones, or similar materials and be provided with adequate drainage.

8.9 STANDARDS FOR PARKING AREAS FOR MORE THAN FOUR (4) VEHICLES

1. Where parking facilities for more than four (4) vehicles are required or permitted:
 - (a) The parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles.
 - (b) A structure, not more than 5.0 metres in height and not more than 4.5 square metres in area may be erected in the parking area for the use of attendants.
 - (c) Where the parking area is of a permanent hard surfacing such as asphalt or concrete, each parking space shall be clearly demarcated and maintained as such.
 - (d) No gasoline pumps or other equipment incidental to any permitted use shall be located or maintained on the parking lot.

- (e) The approaches or *access driveways* or points of access to any *parking* area shall not be located closer than 15.0 metres from the limits of the right-of-way at a *street* intersection.
- (f) Entrance and exit ramps or points of access to any *parking* area shall not exceed two (2) in number and each such ramp shall have a minimum width of 5.0 metres at the *street* line.
- (g) Points of *access driveways* to any *parking* areas shall be clearly defined and a physical barrier curb, or landscaping shall be provided between points of *access driveways* so as to prevent vehicular access between defined access points.
- (h) The width of an *access driveway* leading to a *parking* or *loading* area shall have a minimum width of 3.0 metres if for one-way traffic and have a minimum width of 5.0 metres if for two-way traffic, and the maximum width of a driveway shall be 7.5 metres.
- (i) No *parking* area within a “Residential High Density (R3)”, zones shall be permitted within 3.0 metres of a *habitable room* located in a *basement*.

8.10 EXEMPTIONS

1. Where the provisions of this Section are inconsistent with the provisions of any other Section, the more stringent or specialized regulations shall apply.
2. Off-street *parking* regulations shall be exempted for those areas of the “Town Centre Commercial (C1)” zone located within Registered Plans No. M-15, M-32 and M-98 respectively, except that one (1) *parking space* shall be provided for each *dwelling unit* within the “Town Centre Commercial (C1)” zone.

SECTION 9: RESIDENTIAL ZONES

9.1 SUMMARY TABLE OF PERMITTED USES

	R1	R2	R3	RMH
Single Detached	X			
Semi-Detached	X			
Duplex	X			
Triplex		X		
Quadraplex		X		
Townhouse		X		
Boarding House			X	
Group Home	X	X	X	
Apartment			X	
Grouped Dwelling		X	X	
Mobile Home				X
Educational Institution	X	X	X	
Child Care Centre	X	X	X	
Short-Term Rentals	X			
Parks	X	X	X	X
Accessory Uses	X	X	X	X

9.2 CONFORMITY WITH EXISTING SETBACKS

1. *Building or structures* within any zone may be built between existing *buildings* within 60.0 metres on the same block with a *setback* equal to the average *setback* of the adjacent *buildings*, but in the case of *buildings* in the residential zones, the *depth* of the *setback* shall not be less than 3.0 metres from the *front lot line*. Where reduced *front yard setbacks* are permitted in accordance with this provision, an *access driveway* shall be required or *off-street parking* shall be provided to the rear of the *building* line.

9.3 MODEL HOMES IN RESIDENTIAL AREAS

1. *Model homes* are considered permitted uses in all residential zones. A maximum of two (2) *model homes* are permitted for each new residential subdivision being created by a developer. *Model homes* shall not operate for a period longer than two (2) years. The residential character of the *building* shall be maintained.

9.4 MOBILE HOME

1. No *mobile home* shall be permitted in any zone other than the “*Mobile Home (RMH)*” zone. No *mobile homes* shall be located and used as a *dwelling unit* on a parcel of land in any zone other than a zone which specifically lists such use as a permitted use in that zone.

9.5 FENCING

1. Where a *fence* is provided for, or is required to be provided for by this By-law, such *fence* shall not exceed 2.0 metres in height in a residential zone. In no case shall a *fence* in the *front yard* of a residential zone be higher than 1.2 metres unless a permit is obtained.

9.6 OPEN SPACE REQUIREMENTS

1. For any property with ten (10) or more *units*, 9.0 square metres per *dwelling unit*, based on the total number of *dwelling units*, shall be devoted to, and consist of developed open space for recreational and play area purposes.
2. The said play area shall be provided and maintained in accordance with the following provisions:
 - (a) The play area shall be enclosed with a *fence* not less than 1.2 metres in *height*;
 - (b) The play area shall be located no closer than 3.6 metres to the nearest wall of any *building*;
 - (c) The play area shall not be separated from any *building* by any *parking lot* or *access driveway*;

- (d) The play area shall be located in one place; and
- (e) The play area shall be located in the *rear* or *side yard*.

9.7 ATTACHED GARAGES/CARPORT

1. Required *Interior side yard* may be reduced to 0.6 m for *Attached Garages* or *Carport*.

9.8 SIGNS FOR MULTI-RESIDENTIAL DEVELOPMENT

1. The maximum *sign area* for a ground *sign erected* in conjunction with any *townhouse, apartment* or *grouped dwelling* shall be 0.7 square metres.
2. The maximum *sign area* for a *facia wall sign* shall be 1.5 square metres.

9.9 GROUP HOMES

1. The following properties have been previously zoned for the use as a group home:
 - 18 Wright Hargreaves (By-law No. 83-81) – TECK MC L1829 PT, RP TER-339, PTS 35 & 36, PCL 9792CST
 - (This group home is for children under the age of 18 only)
 - 90 Wilson Avenue (By-law No. 88-92) – TECK MC L2260 PT, RP 54R-3033, PTS 11 & 12, PCLS 12775 & 12683CST
 - 91 Third Street (By-law No. 88-91) – PLAN M-65T, LT 61, PCL 1323CST
 - 195 Pollock Street (By-law No. 90-082) – TELC PT MC L2679 BG RP 54R-3559, PT 5, PCL 13023CST
 - 32 Furlong Street (By-law No. 88-93) – PLAN M-120T, PT LOT 153 BG, AND PT LANE BG RP 54R-3014, PTS 33 & 34, RP 54R-3387, PT 2, PCLS 12773, 12774 & 12771CST

SECTION 10: RESIDENTIAL LOW DENSITY (R1) ZONE

10.1 In the “Residential Low Density (R1)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

10.2 Permitted Uses

Single Detached Dwelling

Semi-Detached Dwelling

Duplex

Group Home

Child care centre

Short-Term Rentals

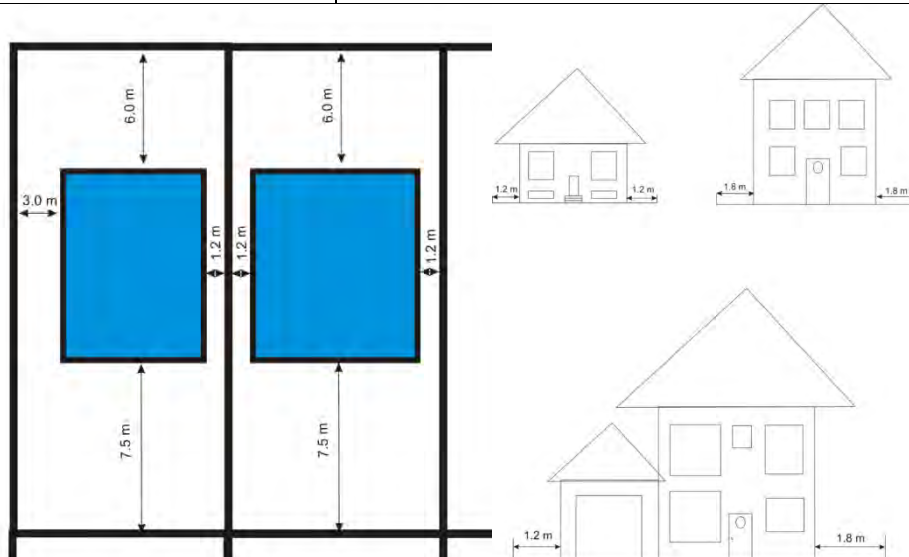
Educational Institution, in accordance with the I Zone provisions

Parks

Accessory Uses

10.3 Any construction, development or *redevelopment* shall be in conformance with the following requirements:

Use	<i>Single Detached Dwelling, Short Term Rental, Group Home, Child Care Centre</i>	<i>Semi-Detached Dwelling and Duplex Dwelling</i>
Minimum Lot Area	370.0 square metres	480.0 square metres
Minimum Lot Frontage	12.0 metres	
Maximum Height	10.5 metres	
Maximum Lot Coverage	35.0 percent	
Minimum Front Yard	6.0 metres	
Minimum Interior Side Yard ¹	1.2 metres (additional 0.6 metres for each storey)	
Minimum Exterior Side Yard	3.0 metres	
Minimum Rear Yard	7.5 metres	



¹ Where a *building* is two storeys on one side and one storey on the other, the minimum side yard *setback* shall be 1.8 metres on the side which is two storeys and 1.2 metres on the side which is one storey.

10.4 SPECIAL EXCEPTION ZONES

1. R1-01 (41 Hudson Bay Ave; S PT LT 8, M-96T, PCL 11713 CST; By-law 12-026)

Notwithstanding the provisions of Sections 10.3 and 8.2 of this By-law to the contrary, the lands zoned R1-1 may be used in accordance with the following provisions:

Minimum <i>Lot Area</i>	223.0 sq.m.
Minimum Parking Spaces Required	none

2. R1-02 (11 Kirkland Ave, Swastika; Lot 75, Plan M-35T, Parcel 2384 CST; By-Law No. 14-085)

Notwithstanding the provisions of Section 10.3 of this By-law to the contrary, the lands zoned R1-2 may be used in accordance with the following provision:

Maximum <i>Lot Coverage</i>	39.0 percent
Minimum <i>Front Yard</i>	0.0 metres
Minimum <i>Rear Yard</i>	2.0 metres

3. R1-03 (74 Second Street; Plan M-64T, Parcel 2251 CST; By-law No. 17-127)

Notwithstanding the provisions of Section 10.3 of this By-law to the contrary, the lands zoned R1-3 may be used in accordance with the following provisions:

Minimum <i>Front Yard</i>	0.0 metres
Minimum <i>Interior Side Yard</i> (<i>northeastern property line</i>)	0.0 metres

4. R1-04 (Southwest Corner of George and Queen Streets; PT MC 16633, PT MC L2757, Plan 54R6009 Pts 1 & 2; By-law No. 18-019)

Notwithstanding the provisions of Section 10.3 of this By-law to the contrary, the lands zoned R1-4 may be used in accordance with the following provisions:

Minimum <i>Lot Frontage</i>	9.3 metres
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SECTION 11: RESIDENTIAL MEDIUM DENSITY (R2) ZONE

11.1 In the “Residential Medium Density (R2)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

11.2 Permitted Uses

Townhouse Dwelling

Triplex Dwelling

Quadraplex Dwelling

Grouped Dwellings

Child care centre, in accordance with the “Residential Low Density (R1)” zone provisions

Educational Establishment, in accordance with the “Institutional (I)” zone provisions

Park

Group Home, in accordance with the “Residential Low Density (R1)” zone provisions

Accessory Uses

11.3 Any *construction*, *development* or *redevelopment* shall be in conformance with the following requirements:

Use	<i>Triplex Dwelling</i>	<i>Quadraplex Dwelling</i>	<i>Townhouse Dwelling</i>	<i>Grouped Dwellings</i>
Minimum Lot Area	555.0 square metres	600.0 square metres	190.0 square metres per <i>dwelling unit</i>	1,115.0 square metres; plus 93.0 square metres for each <i>dwelling unit</i> over six
Minimum Lot Frontage	18.0 metres	24.0 metres	5.0 metres per <i>dwelling unit</i>	30.0 metres
Maximum Height	10.5 metres			
Maximum Lot Coverage	45.0 percent		50.0 percent	
Minimum Front Yard	6.0 metres			7.5 metres
Minimum Interior Side Yard	3.0 metres			
Minimum Exterior Side Yard	3.0 metres			
Minimum Rear Yard	7.5 metres			
Minimum Clear Distance Between Main Buildings	-	-	-	6.0 metres

11.4 SPECIAL EXCEPTION ZONES

1. R2-01 (57 Prospect Avenue; PLAN M96T, North Part of Lot 20, PCL 5250 CST; By-law No. 13-011)

Notwithstanding the Provisions from Sections 11 and 8.2 of this By-law to the contrary, the lands zoned R2-01 may be used in accordance with the following provisions:

Minimum Parking Spaces Required	none
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The building as it currently sits shall be recognized as legal non-complying.

SECTION 12: RESIDENTIAL HIGH DENSITY (R3) ZONE

12.1 In the “Residential High Density (R3)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

12.2 Permitted Uses

Apartment Dwelling

Quadraplex

Townhouse

Boarding House

Grouped Dwellings, in accordance with the “Residential Medium Density (R2)” zone provisions

Group Home, in accordance with the “Residential Low Density (R1)” zone provisions

Child care centre, in accordance with the “Residential Low Density (R1)” zone provisions

Educational Institution, in accordance with “Institutional (I)” zone provisions

Park

Accessory Uses

12.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	<i>Apartment Dwellings</i>	<i>Boarding, Lodging or Rooming House</i>	<i>Quadraplex Dwelling</i>	<i>Townhouse Dwelling</i>
Minimum <i>Lot Area</i>	750.0 square metres; plus 150.0 square metres for each additional dwelling over five	555.0 squared metres	600.0 square metres	190.0 square metres per dwelling unit
Minimum <i>Lot Frontage</i>	24.0 metres	11.0 metres	24.0 metres	5.0 metres per dwelling unit
Maximum <i>Height</i>	30.0 metres	10.5 metres	10.5 metres	10.5 metres
Maximum <i>Lot Coverage</i>	50.0 percent	45.0 percent	45.0 percent	50.0 percent
Minimum <i>Front Yard</i>	6.0 metres or half the <i>height</i> of the main <i>building</i> , whichever is greater	6.0 metres	6.0 metres	7.5 metres
Minimum <i>Interior and Exterior Side Yard</i>	3.0 metres or half the <i>height</i> of the main <i>building</i> , whichever is greater	1.2 metres (additional 0.6 metres for each storey)	3.0 metres	3.0 metres
Minimum <i>Rear Yard</i>	9.0 metres	3.0 metres	7.5 metres	7.5 metres
Minimum Clear Distance between Main Buildings	6.0 metres	7.5 metres		

12.4 Vegetative Buffer/Planting Strips

1. A vegetative buffer/planting strip or a fence shall be provided on or near any property line where the “Residential High Density (R3)” zone property abuts upon a “Low Density Residential (R1)” property. The vegetative buffer/planting strip or fence shall be provided in accordance with the following regulations:

- (a) Such planting strips shall be contained within the zone for which it is a requirement, and shall run the entire length of the property line or lines separating it from the abutting the “Low Density residential (R1)” zone except that no planting strip shall be located between the *street* line and the *building* line in such a manner or of such a *height* as to obscure the vision of the operator or a motor *vehicle* traveling on a public *street* and in no case shall this By-law require the placing of a planting trip across that part of a *lot* which abuts upon a public *street*.
- (b) Such planting strips shall consist of a continuous unpierced planting or suitable trees or shrubs which shall be healthy plants of a type suitable to soil and atmospheric conditions of the area and shall be maintained at an ultimate *height* of not less than 1.5 metres.
- (c) Such planting strips shall have a width throughout of not less than 1.0 metres.
- (d) Such planting strips shall be planted within one calendar year from the date of occupation of the high-density residential use or as otherwise provided by site plan control.

12.5 SPECIAL EXCEPTION ZONE

1. R3-01 (11 Station Road; MCL 1635 PT PCL 12151 CST; By-law No. 12-025)

Notwithstanding the provisions of Section 8.2 of this By-law to the contrary, the lands zoned R3-01 may be used in accordance with the following provision:

Minimum parking spaces required	5
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2. R3-02 (26 Hudson Bay Avenue; Lot 45, Plan M-96T, Parcel 2731 CST; By-law No. 16-044)

Notwithstanding the provisions of Section 12.3 of this By-law to the contrary, the lands zoned R3-02 may be used in accordance with the following provisions:

Minimum <i>Lot Area</i>	445.9 square metres
Minimum <i>Lot Frontage</i>	12.1 metres
Minimum Front Yard for Main	3.0 metres
Minimum Front Yard for Balcony	0.5 metres
Minimum Front Yard for Deck	0.5
Minimum Side Yard (west Side)	0.7 metres
Minimum Side Yard (east side)	2.5 metres

Additional Requirements: Parking requirements be satisfied on land located at 38 Hudson Bay Ave is identified in the Site Plan Control Agreement.

3. R3-03 (51 Fourth St, PCL 9169 SEC CST PT MINING LOCATION L2728 TECK SRO PT 1 TER934; EXCEPT SRO PT 3 54R3085 AS IN LT256324)

Notwithstanding the provisions of Section 12.2 of this By-law to the contrary, the lands zoned R3-03 may be used in accordance with the following provisions:

- Apartment Dwelling
- Day Nursery
- Educational Institution
- Grouped Apartment Dwellings
- Grouped Dwellings
- Park
- Quadraplex
- Townhouse Dwelling

Any construction, development or redevelopment shall be in conformance with the following requirements:

Use	Apartment Dwellings	Triplex Dwelling	Quadraplex Dwelling	Townhouse Dwelling	Grouped Dwelling
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Minimum Lot Area	750.0 square metres; plus 150.0 square metres for each dwelling over five	555.0 square metres	600.0 square metres	190.0 square metres per dwelling unit	1,115.0 square metres; plus 93.0 square metres for each dwelling unit over six
Minimum Lot Frontage	24.0 metres	18.0 metres	24.0 metres	5.0 metres per dwelling unit	30.0 metres
Maximum Height	30.0 metres	10.5 metres			
Maximum Lot Coverage	50.0 percent	45.0 percent	50.0 percent		
Minimum Front Yard	6.0 metres or half the height of the main building, whichever is greater	6.0 metres		7.5 metres	6.0 metres or half the height of the main building, whichever is greater
Minimum Interior and Exterior Side Yard	3.0 metres or half the height of the main building, whichever is greater	3.0 metres			3.0 metres or half the height of the main building, whichever is greater
Minimum Rear Yard	9.0 metres	7.5 metres			
Minimum Clear Distance Between Main Buildings	-				6.0 metres

SECTION 13: RESIDENTIAL MOBILE HOME (RMH) ZONE

13.1 In the “Residential Mobile Home (RMH)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

13.2 Permitted Uses

Mobile Home Dwellings

Accessory uses to *mobile home parks* shall be deemed to include a *mobile home park office*, maintenance equipment storage for such items used in the operation and maintenance of the mobile home park, *retail* convenience, *laundry* and personal goods storage, but shall not be deemed to include any sales *office* or *service repair* facility for *mobile homes*.

13.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	Mobile Home Site	Mobile Home Park
Minimum Lot Area	370.0 square metres	4.0 hectares
Minimum Lot Frontage	12.0 metres	120.0 metres
Minimum Front Yard	7.0 metres	15.0 metres
Minimum Exterior and Interior Side Yard	3.0 metres	15.0 metres
Minimum Rear Yard	5.0 metres	15.0 metres
Maximum Height	7.5 metres	N/A
Maximum Lot Coverage	25.0 percent	N/A
Maximum Width of Interior Street Right-of-Ways	N/A	20 metres

13.4 General Regulations Regarding Mobile Home Parks

1. Every *mobile home park* shall have, immediately within its boundaries, a buffer area of at least 15.0 metres in *depth* in which no *lots*, *buildings* or *structures* shall be permitted.
2. In addition to any other applicable access regulations required by this By-law, the minimum distance between the nearest side of any access to any *mobile home park* and the nearest intersection of *street* lines shall be 60.0 metres.
3. Except for permitted or required openings such as points of access, any required *yard* for any *mobile home park* shall be appropriately landscaped through the retention of existing natural vegetation where such vegetation consists of trees and bushes, or by providing vegetation comprised of lawn and ornamental shrubs. Where landscaping is provided, such requirements shall not be deemed to limit the provision of flowers and trees or the provision of paths, walkways or patios. This provision shall not exempt any person from providing any other required open space in the form of *parks* or playgrounds.
4. Any *mobile home* which does not contain a flush toilet and a bath or shower shall not be permitted in any “Residential Mobile Home (RMH)” zone.

13.5 General Regulations Regarding Mobile Home Sites

1. Each *mobile home* shall, within thirty (30) days of being located on a *lot*, be provided with skirting extending from the bottom of the *unit* to the ground, having a readily accessible removable panel of not less than 1.0 metre wide and 0.6 metres high, giving access to the service connection. All skirting shall be finished with an acceptable protective coating or prefinished so that the design and *construction* will complement the main *structure*.

- (a) No advertising sign or other device shall be allowed within a mobile home park except a single sign at or near any access point to the mobile home park advertising the park provided, however, that the sign area of any sign does not exceed 2.5 square metres for a single faced sign and 5.5 square metres in total sign area.

SECTION 14: COMMERCIAL ZONES

14.1 Motor Vehicle Service Stations and Gas Bars

1. The requirements for *service stations* and *gas bars* are as follows:
 - (a) No portion of any pump island shall be located closer than 6.0 metres from any *street* line.
 - (b) The maximum width of a ramp or *access driveway* to a *service station* shall be 11.0 metres.
 - (c) Access to a *service station* shall be limited to two (2) in number, except for *service stations* located on a *corner lot*, in which case three (3) points of access shall be permitted.
 - (d) Access will only be permitted from a collector or arterial road.
 - (e) A curb or similar physical barrier shall be provided extending continuously between any permitted access points. Such a curb or physical barrier shall be non-mountable so as to prevent vehicular access between defined points of access.

14.2 Accessory Dwelling Units

1. The minimum *floor area* for permitted *accessory dwelling units* in any commercial zone shall be as follows:

Unit Type	Minimum Floor Area
Bachelor/Studio	37.0 square metres
1 Bedroom	37.0 square metres
2 Bedrooms	46.0 square metres
3 Bedrooms	65.0 square metres
4 Bedrooms	93.0 square metres

14.3 Fences

1. Where a *fence* is provided for, or is required to be provided for by this By-law, such *fence* shall not exceed 2.5 metres in height in any Commercial zone.
2. A fence shall be required in the *rear* and/or *interior side yards* when the commercial use abuts any residential zone. Such fence shall be constructed of such material as is necessary to impose a visual barrier between the commercial and any adjacent residential zones.
3. In no case shall a fence be permitted in the *Front Yard* or *Exterior Side Yard*, *except under agreement with the Town*.

14.4 Requirements for Open Storage or Outdoor Display

1. No "*Open Storage* or *Outdoor Display*" are permitted in the following Commercial Zones
 - (a) "Neighbourhood Commercial (C3)" zone
2. The following requirements shall apply to *open storage* and *outdoor displays*:
 - (a) No *open storage* shall be permitted within any front *yard* of a *lot*.
 - (b) No *open storage* or *outdoor display* shall be located closer than 3.0 metres from any *lot* line.
 - (c) No *open storage* or *outdoor display* shall be permitted in an abutting *yard* where a commercial zone abuts any residential zone, unless the *yard* is adequately screened from adjacent residential properties by an appropriate vegetative buffer or *fence*.
 - (d) The area devoted to *open storage* or *outdoor display* shall not exceed 50.0 percent of the total *lot area*.

14.5 Parking

1. Where parking is required, except for the "Town Centre Commercial (C1)" "Neighbourhood Commercial (C3)" zone:
 - (a) The parking and circulation areas shall be paved or asphalted;
 - (b) The parking spaces for motor vehicles shall be demarcated and maintained as such;
 - (c) Circulation aisles shall have a minimum width of 6.5 metres;
 - (d) No parking space shall be located within 6.0 metres of any lot line abutting any residential zone;
 - (e) A barrier curb or other physical barriers shall be provided so as to prevent vehicular access except between defined access points; and

- (f) All applicable provisions of Section 8 of this By-law shall be deemed to apply in addition to the above provisions.

14.6 Access

1. A suitable physical barrier between required points of access shall be provided to prevent any vehicular access by motor *vehicles* between points of access.
2. Ingress and egress must be clearly delineated with illuminated entrance or exit *signs* and suitable pavement markings where ingress and egress are not divided by boulevards.
3. Those areas of the "Town Centre Commercial (C1)" zone located within Registered Plans No. M-15, M-32 and M-98 shall be exempt from access requirements.

SECTION 15: TOWN CENTRE COMMERCIAL (C1) ZONE

15.1 In the “Town Centre Commercial (C1)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

15.2 Permitted Uses

<i>Bus Depot</i>	<i>Motor Vehicle Service Stations</i>
<i>Commercial Entertainment</i>	<i>Museums</i>
<i>Confectionary and Variety Shops</i>	<i>Parking Lots</i>
<i>Child care centre</i>	<i>Parks</i>
<i>Dwelling Units, above the first storey only</i>	<i>Personal Services</i>
<i>Financial Establishment</i>	<i>Photography Studios and Artist Studios</i>
<i>Funeral Home, plus caretaker's unit</i>	<i>Places of Assembly</i>
<i>Health Services</i>	<i>Places of Worship</i>
<i>Hotels and Motels, plus caretaker's unit</i>	<i>Prepared Food Stores</i>
<i>Laundromat</i>	<i>Post Office</i>
<i>Libraries</i>	<i>Printing Establishment</i>
<i>Liquor or Beer Outlets</i>	<i>Professional or Administrative Office</i>
<i>Market Place</i>	<i>Repair Shops</i>
<i>Motor Vehicle Body Shop</i>	<i>Restaurants and Taverns</i>
<i>Motor Vehicle Dealership</i>	<i>Retail Stores</i>
<i>Motor Vehicle Gas bars</i>	<i>Taxi Stand</i>
<i>Motor Vehicle Rentals</i>	<i>Veterinary Establishment</i>
<i>Motor Vehicle Repair Shop</i>	

15.3 Permitted Accessory Uses

Accessory Dwelling Unit, located at the rear or above a permitted commercial use

15.4 Any *construction*, *development* or *redevelopment* shall be in conformance with the following requirements:

	Service Station	Gas bar	All Other Uses
Minimum <i>Lot Area</i>	1,860 square metres	1,400 square metres	555.0 square metres
Minimum <i>Lot Frontage</i>	38.0 metres	30.0 metres	18.0 metres
Minimum <i>Front Yard</i>	15.0 metres		N/A except that <i>setback</i> shall be 3.5 metres where a C1 zone abuts a residential zone
Minimum <i>Side Yard</i>	6.0 metres 15.0 metres when pumps are located within <i>side yard</i>		N/A; except that <i>setback</i> shall be 3.5 metres where a C1 zone abuts a residential zone
Minimum <i>Rear Yard</i>	9.0 metres		7.5 metres
Maximum <i>Height</i>	10.5 metres		30.0 metres
Maximum <i>Lot Coverage</i>	50.0 percent		75.0 percent
Maximum <i>Dwelling Units</i>	none		N/A

15.5 Parking Exemption

- Despite the requirements of Section 9, to the contrary in the off-street parking regulations shall be exempted for those areas of the “Town Centre Commercial (C1)” zone located within Registered Plans No. M-15, M-32 and M-98 respectively, except that one (1) parking space shall be provided for each dwelling unit within the “Town Centre Commercial (C1)” zone, and parking spaces for hotels and motels shall be in accordance with Section 8.

15.6 SPECIAL EXCEPTION ZONES

1. C1-01 (50 Government Road West; Part Mining Claim L2566, Parcels 5117 and 4952; By-Law No. 17-034)
Notwithstanding the provisions of Section 15.2.1 of this By-law to the contrary, the lands zoned C1-02- may be used in accordance with the following provision:

- residential uses permitted on the main floor of the building

2. C1-02 (145 Government Road West; Part Mining Claim L1557, TER297, Part 31, Parcel 9893 CST; By-law No. 17-042)
Notwithstanding the provisions of Sections 9.2 and 9.3 of this By-law to the contrary, the lands zoned C1-03 may be used in accordance with the following provisions:

Maximum parking spaces required	67
Maximum accessible parking spaces required	6

3. C1-03 (1 Duncan Ave North; MC L1829PT BG RP TER 384, Part 24, RP TER625, Part 1, RP 54R-1476, Parts 1,2,4, Parcels 9954, 10056, 10898, 10947CST; By-law No. 19-061)

Notwithstanding the provisions of Section 8.3 of this By-law to the contrary, the lands zoned C1-04 may be used in accordance with the following provisions:

Minimum accessible parking spaces required	1
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4. C1-04 (36/38 Prospect Avenue; Lots 170, 171, Plan M-15T, Parcels 2828, 962 CST; By-law No. 19-081)
Notwithstanding the provisions of Section 15.2.1 of this By-law to the contrary, the lands zoned C1-4 may be used in accordance with the following provisions:
 - Residential units on main floor are permitted, so long as a commercial use(s) are maintained on the property.

SECTION 16: SHOPPING CENTRE AND HIGHWAY COMMERCIAL (C2) ZONE

16.1 In the “Shopping Centre Commercial (C2)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

16.2 Permitted Uses

<i>Accessory Dwelling Unit</i>	<i>Motor Vehicle Gas Bars</i>
<i>Confectionary and Variety Stores</i>	<i>Motor Vehicle Repair Shop</i>
<i>Conference Centre</i>	<i>Motor Vehicle Service Station</i>
<i>Commercial Entertainment</i>	<i>Museums</i>
<i>Contractor’s Establishment</i>	<i>Parking Lots</i>
<i>Exhibition Building</i>	<i>Personal Services</i>
<i>Fairground</i>	<i>Photography Studios and Artist Studios</i>
<i>Financial Establishments</i>	<i>Places of Worship</i>
<i>Funeral Homes, Caretaker’s Unit</i>	<i>Post Office</i>
<i>Garden Centre and Nursery</i>	<i>Prepared Food Store</i>
<i>Health Services</i>	<i>Printing Establishment</i>
<i>Heavy Equipment Sales and Services</i>	<i>Professional or Administrative Offices</i>
<i>Hotels and Motels, plus caretaker’s unit</i>	<i>Recreational Vehicles, Repairing and Sales</i>
<i>Laundromat</i>	<i>Repair Shop</i>
<i>Libraries</i>	<i>Restaurants and Taverns</i>
<i>Liquor or Beer Outlets</i>	<i>Retail Stores and Warehousing</i>
<i>Market Place</i>	<i>Service Stations and Gas Bars</i>
<i>Motor Vehicle Body Shops</i>	<i>Taxi Stand</i>
<i>Motor Vehicle Dealership</i>	

16.3 Permitted Accessory uses

Accessory Dwelling Unit, located at the rear or above a permitted commercial use

16.4 Any *construction*, *development* or *redevelopment* shall be in conformance with the following requirements:

Use	Service Station	Gas bar	All Other Uses
Minimum <i>Lot Area</i>	1,860 square metres	1,400 square metres	1,400 square metres
Minimum <i>Lot Frontage</i>	38.0 metres	30.0 metres	46.0 metres
Minimum <i>Front Yard</i>	15.0 metres		15.0 metres
Minimum Interior <i>Side Yard</i>	6.0 metres 15.0 metres when pumps are located within <i>side yard</i>		5 metres
Minimum Exterior <i>Side Yard</i>			12.0 metres
Minimum <i>Rear Yard</i>			7.5 metres
Maximum <i>Height</i>	10.5 metres		10.5 metres
Maximum <i>Lot Coverage</i>	50.0 percent		50.0 percent
Maximum Dwelling Units	none		n/a

16.5 General Regulations regarding Access

1. Up to two access points shall be provided, but not more than two access points shall be permitted to any one public road. The minimum distance between each point of access shall be 18.0 metres and 46.0 metres for each *lot* with a *lot area* greater than 4.0 hectares.
2. Where only one access point is provided, the width of the access point shall be no less than 7.5 metres and no more than 9.0 metres.
3. Where two access points are provided, the width of the access points shall be no less than 5.0 metres and no more than 5.5 metres
4. No access points shall be located closer than 9.0 metres from the nearest interior side lot line.
5. No access point shall be located closer than 18.0 metres from the nearest intersection.
6. The nearest distance between two access points shall not be less than 18.0 metres.
7. The minimum width of a two-way point of access shall be 11.0 metres and if ingress ways are divided, each ingress and egress shall have a minimum width of 5.5 metres.

16.6 SPECIAL EXCEPTION ZONES

1. C2-01

In addition to the uses permitted in 16.2, the following uses are permitted in the C2-1 Zone: Bus depot; and *Places of Assembly*. Any *construction*, development or *redevelopment* in the C2-1 Zone shall be in conformance with the following requirements:

- Service stations and gas bars shall comply with the provisions of the C2 Zone.
- All other uses shall be in conformance with the following requirements:

Minimum <i>Front Yard</i>	15.0 metres
Minimum <i>Side Yard</i>	5.0 metres or 15.0 metres where abutting a Residential Zone
Minimum <i>Rear Yard</i>	7.5 metres or 15.0 metres where abutting a Residential Zone

2. C2-02 (Mining Claim L16635, Plan TER-685, Parts 36 to 38, Parcel 9669 CST, Township of Teck; By-law No. 13-063)

Notwithstanding the provisions of Section 16.2 of this By-law to the contrary, the lands zoned C2-2 permits the following uses: Triplexes, Quadraplexes, Townhouses, Apartment Buildings, Grouped Dwellings, and Residential units above the first storey of commercial establishment in addition to the C2 Zone permitted uses, in accordance with the following provisions:

- Service stations, gas bars, and all other commercial uses shall comply with the provisions of the C2 Zone.
- Residential uses shall be in conformance with the following provisions:

Use	Apartment Dwellings	Triplex	Quadraplex	Townhouse Dwelling	Grouped Dwellings
Minimum <i>Lot Area</i>	750.0 square metres + 150.0 square metres for each dwelling unit over 5	555.0 square metres	0.0 square metres	190.0 square metres	1115.0 square metres + 93.0 square metres for each dwelling unit over 6
Minimum <i>Lot Frontage</i>	24.0 metres	18.0 metres	24.0 metres	5.0 metres / dwelling unit	30.0 metres
Minimum <i>Front Yard</i>	30.0 metres	10.5 metres			

Minimum <i>Side Yard</i>	3.0 metres; half height of building	3.0 metres		3.0 metres; half height of building
Minimum <i>Rear Yard</i>	9.0 metres	7.5 metres		
Maximum <i>Height</i>	30.0 metres	10.5 metres		
Maximum <i>Lot Coverage</i>	50.0 percent	45.0 percent	50.0 percent	
Minimum Clearance Between Buildings	6.0 metres			

- No residential development, unless above the first storey or a commercial establishment, shall occur within 60.0 metres of Government Road West. This area is identified for commercial development only. The maximum lot coverage used to calculate the residential portion of development shall not include the area identified for commercial development.
- A visual buffer (fence of vegetation) shall be required when a commercial use abuts any residential uses

3. C2-03 (175 Government Road West, Part of 54R-3429)

Notwithstanding the provisions of Section 16.3 of this By-law to the contrary the lands zoned C2-03 may be used in accordance with the following provision:

Minimum <i>Lot Frontage</i>	43.0 metres
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SECTION 17: NEIGHBOURHOOD COMMERCIAL (C3) ZONE

17.1 In the “Neighbourhood Commercial (C3)” zone, no person shall use any land, *building* or *structure*, or erect any *building* or *structure*, except in conformity with the following provisions.

17.2 Permitted Uses

Confectionary and Variety Store
Dwelling Unit, Accessory Only
Financial establishment
Health Services
Liquor or Beer Outlets
Laundromat
Motor Vehicle Gas Bars
Motor Vehicle Service Station
Pet Daycare Services
Personal Services
Post Office
Prepared Food Store
Professional or Administrative Offices
Repair Shop
Restaurants and Taverns
Retail Stores

17.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	Service Station and Gas Bar	All Other Uses
Minimum <i>Lot Area</i>	1,860 square metres	460.0 square metres
Minimum <i>Lot Frontage</i>	38.0 metres	12.0 metres
Minimum <i>Front Yard</i>	15.0 metres	6.0 metres
Minimum <i>Side Yard</i>	6.0 metres	2.0 metres
Minimum <i>Rear Yard</i>		7.5 metres
Maximum <i>Height</i>	10.5 metres	10.5 metres
Maximum <i>Lot Coverage</i>	50.0 percent	35.0 percent

1. The gross leasable floor area used for serving the public or for selling or displaying to the public in a confectionary store in the “Neighbourhood Commercial (C3)” zone shall not be less than 37.0 square metres or more than 225.0 square metres.

17.4 Parking

1. Parking may be permitted in a required front yard in a “Neighbourhood Commercial (C3)” zone.
2. Any parking area required in the “Neighbourhood Commercial (C3)” zone shall be constructed on a permanent hard surface such as asphalt or concrete.

17.5 Signs

1. *Signs* shall be permitted on any storefront façade which faces onto a *street* provided that the total *sign area* shall not exceed 10.0 percent of each respective *street frontage* for any first *storey*.
2. *Signs* shall not be permitted on the façade of any second or higher *storey*.

3. Projecting wall *signs* shall be permitted in combination with fascia walls *signs* subject to the regulations in Section 8 of this By-law.

17.6 Pet Daycare Service

1. In addition to the requirements of the “Neighbourhood Commercial (C3)” zone, the following provisions shall apply:
 - (a) A *pet daycare service* shall be located inside of a *structure*. No outdoor *animal boarding facilities* shall be permitted.
 - (b) Outdoor *yards* shall be allowed for the purpose of exercising animals. Those *yards* are to be enclosed by 2.5 metre walls of sound-attenuating fencing. The *yard* may be required to be *setback*, landscaped or designed to further buffer neighbouring properties.
 - (c) The maximum number of animals shall be 1 per 4.6 square metres to a maximum of five (5).

17.7 SPECIAL EXCEPTION ZONES

1. C3-01 (57 Duncan Avenue/1 Hudson Bay Avenue)

In the “Neighbourhood Commercial Special (C3-01)” zone, no person shall use any land, *building* or *structure* or *erect* any *building* or *structure*, except in conformity with the following provisions.

- The only permitted uses shall be:

<i>Apartments, Three (3)</i>	<i>Personal Services</i>
<i>Confectionary and Variety Stores</i>	<i>Prepared Food Store</i>
<i>Dwelling Unit, Accessory Only</i>	<i>Repair Shops</i>
<i>Health Services</i>	<i>Restaurants and Taverns</i>
<i>Laundromat</i>	<i>Retail Store</i>
- Any construction, development or redevelopment in the C3-01 Zone shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	410.0 square metres
Minimum <i>Lot Frontage</i>	12.0 metres
Minimum <i>Front Yard</i>	0.4 metres
Minimum <i>Rear Yard</i>	2.5 metres
Minimum <i>Side Yard</i>	0.0 metres
Maximum <i>Height</i>	10.5 metres
Maximum <i>Lot Coverage</i>	39.0 percent

- The maximum floor area for retail clothing to be 30.0 square metres.
- The nearest side of any point of access to the parking space to be 13.0 metres from the nearest intersection of any street lines.
- In the event that the existing building is destroyed by fire or demolished, the zone requirements of the C3 Zone shall apply.

2. C3-02 (128 Woods St)

Notwithstanding the provisions of Section 17.2 of this By-law to the contrary, the lands zoned C3-02 may be used in accordance with the following provision:

- Educational Institution

SECTION 18: INDUSTRIAL ZONES

18.1 Access

1. A maximum of two (2) access points to any industrial establishment from any public road shall be permitted. A barrier curb or physical barrier between access roads shall be provided so as to prevent vehicular access between defined access points.
2. Access points shall have a maximum width of 9.0 metres.
3. Access points shall be located a minimum of 15.0 metres from the nearest intersection of *street* lines.

18.2 Outdoor Display and Outdoor Storage

1. Where a portion of the *lot* is to be used for *open storage* or *outdoor display* within any "Light Industrial" zone or the Heavy Industrial zone the following requirements shall apply:
 - (a) The area devoted to *open storage* or *outdoor display* shall not exceed 50.0 percent of the total *lot area*.
 - (b) No *open storage* shall be permitted within any *front yard* of a *lot*.
 - (c) No *outdoor display* on any required *front yard* shall be located closer than 5.0 metres from the *front lot* line. The area devoted to an *outdoor display* shall not exceed 50.0 percent of the total *area* of the *front yard*.
 - (d) No *open storage* or *outdoor display* shall be permitted in an abutting *yard* where an industrial zone abuts any residential zone unless the abutting *yard* in is adequately screened from adjacent residential properties by a vegetative buffer/planting strip, or a *fence*.

18.3 Landscaping

1. Any required *front yard* of any industrial use shall be completely sodded as a minimum requirement for landscaping, except for provision of *access driveways*, as required by this By-law.

18.4 Ancillary Uses

1. All *accessory uses*, including *building* and *structures* and all ancillary uses including *outdoor storage*, *outdoor display* and truck movements associated with loading and turning shall be accommodated on the *lot*.

18.5 Vegetative Buffer/Planting Strips

1. A vegetative buffer/planting strip or a *fence* shall be provided on or near any property line where the industrial property abuts upon a residential property in any residential zone. The vegetative buffer/planting strip or *fence* shall be provided in accordance with the following regulations:
 - (a) Such planting strips shall be contained within the zone for which it is a requirement, and shall run the entire length of the property line or lines separating it from the abutting residential zone except that no planting strip shall be located between the *street* line and the *building* line in such a manner or of such a *height* as to obscure the vision of the operator or a motor *vehicle* traveling on a public *street* and in no case shall this By-law require the placing of a planting trip across that part of a *lot* which abuts upon a public *street*.
 - (b) Such planting strips shall consist of a continuous unpierced planting or suitable trees or shrubs which shall be healthy plants of a type suitable to soil and atmospheric conditions of the area and shall be maintained at an ultimate *height* of not less than 2.5 metres.
 - (c) Such planting strips shall have a width throughout of not less than 1.5 metres.
 - (d) Such planting strips shall be planted and maintained by the owner or owners of the land on which the planting strips are located.
 - (e) Such planting strips shall be planted within one calendar year from the date of occupation of the industrial establishment or as otherwise provided by site plan control.

18.6 Fence

1. Such *fence* shall have a minimum *height* of 2.5 metres.
2. Such *fence* shall be constructed of such material as is necessary to impose a visual barrier between the industrial and any adjacent residential, commercial or institutional zone.
3. Such *fence* shall be contained within a zone for which it is a requirement and shall run the entire length of the property line or lines separating it from the abutting residential, commercial or institutional zone except that no *fence* shall be located between the *street* line and the *building* line in such a manner or of such a *height* to obscure the vision of the operator of a motor *vehicle* traveling on a public *street* and in no case shall this By-law require the placing of a *fence* across that part of a *lot* which abuts upon a public *street*.
4. Such *fence* shall be *erected* within nine (9) months from the date of occupation of the industrial establishment or as otherwise provided by a site development agreement.
5. The outside facing of the *fence* shall face the residential, commercial or institutional property on the abutting property.

18.7 Environmental Protection

1. In the Light Industrial (M1-03) Zone and The Heavy Industrial (M2) Zone no construction permit shall be issued for a proposed construction, expansion, enlargement or *alteration* where the use has not established, or intends to establish, a program for pollution abatement or environmental protection arising out of any operation that is part of or incidental to the use.

SECTION 19: LIGHT INDUSTRIAL (M1) ZONE

19.1 In the “Light Industrial (M1)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure* except in conformity with the following provisions.

19.2 Permitted Uses

Any manufacturing, compounding, assembly, processing, packaging or *warehousing* operation conducted and wholly contained within an enclosed *building* and which is not considered obnoxious by reason of sound, odour, dust, fumes or smoke, or other *obnoxious* emissions or refuse matter or water carried waste or by reason of unsightly *open storage* or detonation of *explosions*. Any activity connected with the automotive trade except an automobile scrap or *salvage yard*, and an automobile or motorcycle race track or course.

Building Supplies Outlet

Commercial Equipment Rentals

Contractor’s Establishment

Dairies

Heavy Equipment, Sales and Services

Laboratories

Manufacturing, Food, Furniture or Monuments

Metal Products Factory

Motor Vehicle Repair Shop

Recreational Vehicles, Repairing and Sales

Petroleum, Bulk, Sale and Storage Plant

Railway Yards

Repair Shops

Self Storage Facility

Storage of Equipment for House Mover’s and Paving Contractors

Warehouses

Wholesale

One (1) *apartment unit* shall be permitted for an essential worker, owner/operator or caretaker within the main *building*.

19.2.1 Permitted Accessory uses

Cafeterias and *Showrooms*

Professional or Administrative Offices

Retail Stores

Restaurants and *Taverns*

19.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	1,400.0 square metres
Minimum <i>Lot Frontage</i>	30.0 metres
Minimum <i>Front Yard</i>	9.0 metres
Minimum <i>Side Yard</i> ²	5.0 metres
Minimum <i>Rear Yard</i> ³	7.5 metres
Maximum <i>Height</i>	16.5 metres
Maximum <i>Lot Coverage</i>	60.0 percent

² Where a side yard of a “Light Industrial (M1)” zone abuts yards with any residential, institutional or commercial zone, the side yard shall be increased to 9.0 metres.

³ Where a rear yard of a “Light Industrial (M1)” zone abuts yards with any residential, institutional or commercial zone, the rear yard shall be increased to 12.0 metres.

19.4 SPECIAL EXCEPTION ZONES

1. M1-01

In addition to the uses permitted under Section 19.2, the following uses are permitted in the “Light Industrial Special (M1-01)” zone:

- *Head Frame*
- *Hoist room*
- Maintenance Building

2. M1-02

The provisions of Section 19, as amended, shall apply to the “Light Industrial Special (M1-02)” zone subject to the following modifications. Notwithstanding Section 19, Subsection 2, the only permitted uses shall be:

- Compressor Building
- Dry House
- *Hoist room*
- *Head frame*
- Maintenance Building
- Shaft House
- Storage Buildings

Notwithstanding the requirements of Section 8 and 18:

- (a) The existing *buildings* shall be allowed and shall not be enlarged or structurally *altered* unless a Site Plan Agreement is entered into with the Town of Kirkland Lake;
- (b) A minimum of thirty (30) *parking spaces* shall be provided;
- (c) A group of *buildings* will be allowed; and
- (d) A security chain link *fence* with a minimum *height* of 2.0 metres is required.

3. M1-03

In the “Light Industrial (M1)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure* except in conformity with the following provisions:

- The crushing, manufacturing or processing of granular materials is not permitted.

4. M1-04

In the “Light Industrial (M1-04)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure* except in conformity with the following provisions. In addition to the uses permitted in Section 19.2, the following uses are permitted:

- Animal Boarding Kennel

Permitted Accessory Uses for Animal Boarding Kennel

- Pet Daycare Service
- Veterinary Establishment
- Obedience Training
- Animal Grooming and Spa Facility
- Pet Supply Store

Additional Requirements for Animal Boarding Kennels:

- The owner shall be responsible for following the regulations and guidelines found under the Animal Boarding Kennel Business Licensing By-law.
- Sound attenuating building material must be used in order to reduce noise complaints from nearby residents
- Fencing must be constructed in a manner that will discourage the potential for animal escape.

Minimum <i>Front Yard</i>	5.0 metres
Minimum <i>Side Yard</i>	6.0 metres
Minimum <i>Rear Yard</i>	5.0 metres

5. M1-05 (Mining Claim 2903 (Archer Drive))

Notwithstanding the provisions of this by-law to the contrary, on the lands zoned M1-05 a fence with a maximum height of 3.7 metres for a distance of 18.0 metres from the most easterly point of Part 3, TER 320 and measured westerly along the southerly side of the property shall be required. The residential dwelling use is allowed to remain.

SECTION 20: HEAVY INDUSTRIAL (M2) ZONE

20.1 In the “Heavy Industrial (M2)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

20.2 Permitted Uses

Asphalt and Asphalt Products Processing
 Blast Furnaces
Explosive Manufacturing, Storage and Distribution
 Gas, Bottled Manufacturing and Storage
Machining
Metal Products Factory
 Paint and Varnish, Bulk, Storage, Warehouse
 Pulp and Paper Manufacturing
 Saw Mill and Lumber Mill
Salvage Yard
 Septic Tanks, Servicing, Cleaning, Equipment *Yard*
 Wood Processing Industries, Manufacturing, Preserving, Treatment

Industries in which the operation of such uses may be offensive because of heat, odour, heavy transportation requirement, or largescale operations not enclosed in buildings, and may include manufacturing, repair workshops and bulk storage of goods.

Office, retail establishments, *restaurants* and *cafeterias*, and *recreational facilities*, but only when these are *accessory* to a use permitted within the “Heavy Industrial (M2)” zone.

Accessory uses and *structures* including administrative offices, *retail* and *wholesale* outlets and *showrooms*, but only when these uses are *accessory* to the above permitted uses.

20.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	1,400 square metres
Minimum Clear Distance of Any <i>Building</i> from Any <i>Lot Line</i>	15.0 metres
Maximum <i>Lot Coverage</i>	50.0 percent
Maximum <i>Height of Building</i>	N/A

20.4 Prohibited Uses

1. No industrial *building* or park thereof shall be used for any purpose of which its nature or the materials used therein is under the Health Protection and Promotion Act, R.S.O. 1990, Chapter H.7, as amended, or regulations there under, declared to be a noxious trade, business or manufacturer.
2. In a “Heavy Industrial (M2)” zone, no *construction* permits shall be issued for any permitted uses where the municipal sewer and water are not available.

SECTION 21: MINING INDUSTRIAL (MM) ZONE

21.1 In the “Mining Industrial (MM)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure* except in conformity with the following provisions.

21.2 Permitted Uses

Blast Furnaces
 Extrusions Shapes, Galvanizing
 Forge *Plants*
 Foundries
 Heavy Casting, Primary Processing
 Metals, Bulk Metal, Processing and Casting
 Mineral Extraction
Mineral Processing
 Ore Reduction and Foundries
 Pits and Quarries
 Processing of Raw Materials extracted from the ground

21.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	N/A
Minimum <i>Lot Frontage</i>	N/A
Minimum <i>Front Yard</i>	100.0 metres
Minimum <i>Side Yard</i>	100.0 metres
Minimum <i>Rear Yard</i>	100.0 metres
Maximum <i>Lot Coverage</i>	80.0 percent
Maximum <i>Height</i>	N/A

21.4 Pits and Quarries

1. A buffer zone shall be established between any *pit* and *quarry* operation and any abutting residential or commercial zone, or any adjacent public highway.
2. Such buffer zones shall have a minimum width of 7.5 metres, and shall run continuously along a *lot line* or otherwise so as to visually obscure any *pit* or *quarry*, and bulk storage of aggregate or soil cover or any machinery used in the operation of the *pit* or *quarry* from any abutting residential or commercial zone or adjacent public highway.
3. Such buffer shall consist of natural vegetation or planted trees, bushes or sodded or grassed berm of any combination thereof subject to the following:
 - (a) Where natural vegetation constitutes the buffer, such vegetation shall consist of trees or bushes or both and which is of such a density or vegetative cover as to completely hide any evidence of a *pit* or *quarry* operation. Such buffer not meeting this requirement may be supplemented with trees or bushes to provide for the required obscuring.
 - (b) Where the vegetative cover is planted, trees or bushes or a combination of both shall be provided such that the minimum *height* of any tree or bush at planting is 2.5 metres and such that the density or vegetative cover effectively visually obscures the *pit* or *quarry* operation when observed from the opposite side of the buffer.
 - (c) Where the buffer consists of a berm, the berm may be constituted by soil, earth or rock cover with earth and which such berm shall be completely sodded or grassed so as to prevent the raising of dust and soil particles. Such berm shall have a minimum *height* of 2.5 metres from its apex to the *established grade*. Trees or bushes may be planted atop the berm to provide further obscuring.
 - (d) Any buffer herein required shall be maintained for the purpose for which it is required.

- (e) The land and water must be rehabilitated to acceptable provincial and municipal standards for the rehabilitation of mine tailings and water bodies.

21.5 Exemption

1. No buffer shall be required where a *pit* or *quarry* operation, exclusive of machinery or *buildings*, is located further than 185.0 metres from a property line.

21.6 Access

1. A maximum of two points of access to any *pit* or *quarry* operations shall be permitted and which shall be located at least 60.0 metres apart, at which such points of access shall be located at least 60.0 metres from the nearest intersection of *street* lines.

21.7 SPECIAL EXCEPTION ZONES

1. MM-01 (Along Highway 112; Part of Mining Claims L7583, HR597 and HR599 Part of Parcels 9251, 8691 and 8690; By-law No. 17-067)

Notwithstanding the provisions of Section 21.2 of this By-law to the contrary, the lands zoned MM-01 may be used in accordance with the following provisions:

Permitted Uses:

- Crush and Process Mineral Aggregate, in compliance with the Site Plan Control Agreement

2. MM-02 (Part of Mining Claim L16527 and L16528, Parcel 10191CST)

Notwithstanding the provisions of Section 21.3 of this By-law to the contrary, the lands zoned MM-02 may be used in accordance with the following provisions:

Minimum <i>setback from property lines</i>	15.0 metres
Minimum <i>setback from Creek</i>	60 metres
Minimum setback from Quarry processing and stockpiling area to existing dwelling	600 metres
Minimum setback to railline	20 metres

Additional Requirements:

- Site operations must occur in compliance with the Site Plan Control Agreement
- Where there is conflict between the setback requirements, the most restrictive setback shall apply
- For the purposes of MM-02 the definition of a Quarry shall be as follows:

A place where consolidated rock has been or is being removed by means of an open excavation and is crushed, processed and stockpiled to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

SECTION 22: MINERAL EXTRACTION AND DISPOSAL (MED) ZONE

22.1 In the “Mineral Extraction and Disposal (MED)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

22.2 Permitted Uses

Mineral Extraction
 Mine Tailings and Disposal
 Slag Dumping

22.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	N/A
Minimum <i>Lot Frontage</i>	N/A
Minimum <i>Front Yard</i>	100.0 metres
Minimum <i>Side Yard</i>	100.0 metres
Minimum <i>Rear Yard</i>	100.0 metres
Minimum <i>Lot Coverage</i>	80.0 percent
Maximum <i>Height</i>	N/A

22.4 The land and water must be rehabilitated to acceptable provincial and municipal standards for the rehabilitation of mine tailings and water bodies.

22.5 Special Exception Zones

1. MED-01 (multiple locations)

MC L1223, L1340, L1342 (Pcl 9286, 9284, 9287CST); L5362 (Pcl 726CST); L5045, L5049, L5343 (Pcl 3803, 3804, 3805CST); L2762, L2763, L2764, L2947 (Pcl 3067, 3068, 3007T); L2831 (Pcl 4276CST); L5927, L5928, L5929 (Pcl 471, 472, 473CST); L5967, L5980 (Pcl 3806, 4235T); L4755 (Pcl 1221CST); L5692 (Pcl 557CST); L6013 (Pcl 11405CST); L3019, L6804, L9107 (Pcl 9309, 9310, 9311CST); L3018, L6805, L1432 (Pcl 9288, 11404, 11406CST); L1525 (Pcl 2926CST); Part of L5779 (Pcl 10454CST); Part of L1850 (Pcl 10494CST); Part of L1617 (Pcl 8933CST); L2837, L2838, L4186 (Pcl 2495, 2496, 3056T); HR770, L2640 (Pcl 3055T); HR769, L2641 (Pcl 3124T); HR768, L2642 (Pcl 3426T); L4185 (Pcl 3425CST); L3044 (Pcl 539CST); Part of L1643, L2771 (Pcl 9330CST); and L5926 (Pcl 470CST); By-law No. 18-031)

(MC L3044, L2771 & PT MC L1643)

Notwithstanding the provisions of Section 22.3 of this By-law to the contrary, the lands zoned MED-1 may be used in accordance with the following provision:

Minimum setback from eastern property boundary	33.0 metres
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SECTION 23: PARKS AND OPEN SPACE (O1) ZONE

23.1 In the “Parks and Open Space (O1)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions:

23.2 Permitted Uses

Cemeteries
 Conservation-Related Projects
Golf Courses
 Neighbourhood and Community *Parks*
Parks, Playgrounds, Tot-Lots
 Public Washrooms
 Pedestrian Walkways, Bikeways, Linear Open Space

23.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

For any *building* in excess of 9.0 square metres in *area*, the following *yard* requirements shall be respected:

Use	All Permitted Uses
Minimum <i>Front Yard</i>	7.5 metres
Minimum <i>Setback</i> for All Other <i>Yards</i>	9.0 metres

In addition to the above, no *structure* shall be permitted to be located within 5.0 metres of any *lot line*.

23.4 Maximum Size of Structures

1. Other than a cemetery or golf course, any such structures shall not exceed 15.0 square metres. This shall not preclude the construction of change room for tennis courts or outdoor rinks.
2. The construction of buildings shall be limited in the case of a cemetery to combined maximum lot coverage of 275.0 square metres and in the case of a golf course to combined maximum lot coverage of 555.0 square metres.

23.5 Prohibited uses

1. Any building, structure or use requiring a septic permit shall be prohibited.

23.6 Special *Setback* for Monuments, Cemeteries or Graves

1. The minimum *setback* of any monument, or in a *cemetery*, grave, from any *lot line* shall be 15.0 metres.

23.7 Special Exception Zones

1. O1-01 (Block 22, 54M361, Sandy Drive and Block 23, 54M362, Pinetree Road; By-law 21-032)

Notwithstanding the provisions of Sections 7.2.10, 23.2, and 23.5 on the lands zoned O1-01 the following use is permitted:

- Placement of a Recreational Vehicle for camping purposes with an approved holding tank

SECTION 24: RESTRICTED OPEN SPACE (O2) ZONE

24.1 In the “Restricted Open Space (O2)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

24.2 Permitted Uses

Protection, Conservation or Preservation of Natural Environmental Features

24.3 Special Requirements

1. “Restricted Open Space (O3)” for the protection, conservation or preservation of natural environmental features or *hazard lands* shall be left undisturbed in their natural state or properly managed under a conservation program. Area designated for restricted open space purposes shall not be used for the disposal of garbage, waste, rubbish or sanitary landfill subject to the Environmental Protection Act, the Mining Act, and the Ontario Water Resources Act.
2. Any abandoned mine workings as defined within the Mining Act required therein to be or which is *fenced* shall for the purposes of public safety to be deemed to be non-developable land upon which no *dwellings* or *structures*, save those required to afford suitable protection to the public, shall be permitted.

SECTION 25: INSTITUTIONAL (I) ZONE

25.1 In the “Institutional Open Space (O2)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

25.2 Permitted Uses

Child Care Centre
Educational Institutions (excluding *Commercial Schools*)
Fire Halls
Funeral homes, caretaker’s unit
Government and Public Services
Health Services
Hospitals
Libraries
Museums, Monuments, Historic Sites
Long Term Care Homes
Recreational Facilities
Places of Assembly
Places of Worship

Accessory uses and which shall not be deemed to limit the *construction* of a *single detached dwelling* in an association with a church or denominational institution and which is the municipality and which is the principal residence of the clergy.

25.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	930.0 square metres
Minimum <i>Lot Frontage</i>	30.0 metres
Minimum <i>Front Yard</i>	7.5 metres
Minimum <i>Rear Yard</i>	12.0 metres
Minimum <i>Side Yard</i>	3.0 metres ⁴
Maximum <i>Height</i>	23.0 metres
Maximum <i>Lot Coverage</i>	50 percent

25.4 Public and private community, cultural and recreational services shall not be deemed to include race tracks or course for any motorized *vehicles* or animals.

25.5 SPECIAL EXCEPTION ZONES

1. I-01 (111 Burnside Drive; Part Mining Claim L2100 and L2226, TER-14, Parts 13 & 18, Parcel 9272 CST; By-Law No. 15-024)

Notwithstanding the provisions of Section 25.2 of this By-law to the contrary, the lands zoned I-01 permit the following use:

- “Alkaline Hydrolysis Unit for the purposes of human disposition”
 Additional Requirements: The Alkaline Hydrolysis Unit is only permitted on I-01 as an accessory use provided it complies with the *Funeral, Burial and Cremation Services Act*.

⁴ Add an additional 0.6 metres for each additional storey after the third storey.

2. I-02 (400 Government Road; PT M.C. 16626 TECK & PT M.C. 16635 TECK (400 Government Road West, PINs 61228-1755, 61228-1761 & 61228-2097; By-law 12-079)

Notwithstanding the provisions of Section 25.2 of this By-law to the contrary, the lands zoned I-02 permits the following uses:

- Conference Centre
- Exhibition Centre
- Fairground
- Financial Establishment
- Hotel/Motel
- Market Place
- Restaurants and Taverns

SECTION 26: RURAL ZONES

26.1 Household industry

1. A household industry as defined in this By-law shall be a permitted use in the “Rural (RA)” zone, provided that such use is maintained in accordance with the following provisions:
 - (a) The *lot* on which the *household industry* is located shall have a minimum *lot area* of 1.0 hectares;
 - (b) The *household industry* shall clearly be secondary to the main residential use of the property and shall not change the residential character of the *dwelling*;
 - (c) There shall be no emission of noise, vibration, odour or dust that is not normally attributable to the use of the land for other uses permitted in the zone;
 - (d) Such *household industry* shall not be a nuisance to, nor interfere with, television or radio reception of others in neighbouring *buildings* or *structures*;
 - (e) There shall be no display to indicate that any part of the property is being used for other than residential or rural uses except for an unlit *sign* of not more than 0.8 square metres;
 - (f) The *household industry* shall meet the same *yard* provisions as required for the principal residential use for the zone in which it is located, with the exception of the *interior side yard*, which shall be a minimum of 10.0 metres;
 - (g) The use shall not occupy more than 25.0 percent of the *gross floor area* of the *dwelling*, or where located in an *accessory building*, shall not occupy more than 100.0 square metres of *gross floor area*;
 - (h) A maximum of two (2) employees who do not reside in the *dwelling*, may be employed on site in the *household industry* and additional employees may be employed off-site;
 - (i) No *open storage* shall be permitted;
 - (j) A landscaped buffer shall be provided on the *lot* in accordance with the provisions of this By-law;
 - (k) There shall be no goods, wares or merchandise offered for sale or rent from the property which are not manufactured or processed on the *lot*;
 - (l) The *household industry* shall be subject to site plan control to regulate storage and *accessory buildings*.

26.2 Animal Boarding Kennel

1. An animal boarding kennel, as defined in this By-law, shall be a permitted use in the “Rural (RA)” zone, provided that such use is maintained in accordance with the following provisions:
 - (a) Kennels shall be subject to Site Plan Control;
 - (b) Kennels shall be allowed as either indoor or outdoor facilities;
 - (c) All animal containing *structures* and runs shall be *setback* a minimum distance of 15.0 metres from the property line. The *structure* may be required to be *setback*, landscaped or designed in such a fashion to screen them from neighbouring residential uses;
 - (d) In order to mitigate potential noise impacts, animal-containing *structures* constructed of materials such as chain link, which do not provide sound proofing, may be required to meet a 30.0 metre *setback* distance from adjoining uses. These standards include but are not limited to the *construction* of *fences* and installation of landscaping; and
 - (e) The maximum number of animals shall be 2.0 per 4.6 square metres to a maximum of ten (10).

26.3 Pet Daycare Service

1. In addition to the requirements of the “Local Commercial (C5)” zone, the following provisions shall apply:
 - (a) A *pet daycare* service shall be located inside of a *structure*. No outdoor *animal boarding facilities* shall be permitted.
 - (b) Outdoor *yards* shall be allowed for the purpose of exercising animals. Those *yards* are to be enclosed by 2.0 metre walls of sound-attenuating fencing. The *yard* may be required to be *setback*, landscaped or designed to further buffer neighbouring properties.
 - (c) The maximum of animals shall be 1.0 per 4.6 square metres to a maximum of five (5).

26.4 Fencing

1. Where a *fence* is provided for, or is required to be provided for, this By-law, such *fence* shall not exceed 2.0 metres in a rural zone. In no case shall a *fence* in the *front yard* of a rural zone be higher than 1.2 metres unless a permit is obtained.

26.5 Communal Waste Disposal Facilities

1. Any sewage treatment plant or waste disposal facility not wholly enclosed within a *building* shall not be located closer than 90.0 metres to any residential *lot*.

26.5 Conservation of Natural Environment

1. Except as may be provided by site development control or other measures, every endeavour shall be made to protect the ecology and natural environmental amenities of any site approved for "Rural Residential Special (RR-01)" development.

26.7 Park, Garden or Street

1. Nothing in this By-law shall apply to prevent the use of any land within the defined area as a public or community park, playground, garden or street.

26.8 Setbacks from non-residential uses

1. Non-residential land uses will not be permitted to develop within 300.0 metres of any residential property or residential zone.
2. Septic tanks require a minimum setback of 2 m from any lot line, and a 5 metre setback from any building or structure.

SECTION 27: RURAL (RA) ZONE

27.1 In the “Rural (RA)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

27.2 Permitted Uses

Agriculture Uses
 Agricultural-Related Uses
 Airports
Animal Kennel Facility
 Drive-In Theatres
Equestrian Facility
 Forestry and Logging
Hobby Farm
Hunt Camp
Mobile home, only within a mobile home park
 Mobile Home Park
 Outdoor Recreational Uses
Pet Daycare Service
Pits and Quarries (Existing Only)
Single Detached Dwelling

Accessory uses to drive-in theatres, *equestrian facility*, *forestry* and logging and *mobile home parks* shall be deemed to include *cafeterias*, *restaurants* and *retail stores*, but only when these are constructed as, and are intended to be secondary or incidental to the main use.

27.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	<i>Single Detached Dwelling</i>	All Other Uses
Minimum <i>Lot Area</i>	2.0 hectares	4.0 hectares
Minimum <i>Setback</i> of Any <i>Building</i> from Any <i>Lot Line</i>	15.0 metres	15.0 metres
Minimum <i>Lot Frontage</i>	46.0 metres	46.0 metres
Maximum <i>Height</i> of Any <i>Building</i>	10.5 metres	10.5 metres
Maximum <i>Lot Coverage</i>	20.0 percent	50.0 percent

27.4 For each bona fide “Rural (RA)” use:

1. One resident for an owner or caretaker or supervisor or watchman or other person whose residence or presence on the premises is essential to the protection, management or maintenance of the property of such use shall be permitted provided that there is made available a suitable supply of water and sewage disposal system acceptable to the Local Medical Officer or Health or authority having jurisdiction;
2. Such residence is located on the property actually used by the rural use for purposes *accessory* to that use; and
3. The minimum *setback* and *yard* requirements are established for the main use in this zone are observed for *accessory* uses.

27.5 SPECIAL EXCEPTION ZONES

1. RA-01 (500 Hays Street; Mining Claim HR753, Parcel 841 CST; By-law No. 19-082)

Notwithstanding the provisions of Section 27. 2 of this By-law to the contrary, the lands zoned RA-1 may be used in accordance with the following provision:

Permitted uses:

- Outdoor recreational commercial uses
- One mobile home

SECTION 28: RURAL ESTATES DEVELOPMENT (RE) ZONE

28.1 In the “Rural Estates Development (RE)” zone, no person shall use any land, *building* or *structure* or *erect* any *building* or *structure*, except in conformity with the following provisions.

28.2 Permitted Uses

Bed and Breakfast

Parks

Single Detached Dwelling

28.3 Any *construction*, development or *redevelopment* shall be in conformity with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	0.8 hectares
Minimum <i>Lot Frontage</i>	60.0 metres
Minimum <i>Front Yard</i>	20.0 metres
Minimum <i>Rear Yard</i>	20.0 metres
Minimum <i>Side Yard</i>	10.0 metres
Maximum <i>Height</i>	10.5 metres
Maximum <i>Lot Coverage</i>	20.0 percent

28.4 SPECIAL EXCEPTION ZONES

1. RE-01

Notwithstanding the provisions of Section 28.3 of this By-law, in the “Rural Estate Development Special (RE-01)” zone, no person shall use any land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

Minimum <i>Lot Area</i>	0.2 hectares
Minimum <i>Lot Frontage</i>	28.0 metres
Minimum <i>Front Yard</i>	7.5 metres
Minimum <i>Rear Yard</i>	7.5 metres
Minimum <i>Side Yard</i>	5.0 metres

2. RE-02 (54M-346 and Mining Claim L2090)

Notwithstanding the provisions of Section 28.3 of this By-law to the contrary the lands zoned RE-1 may be used in accordance with the following provisions:

Minimum <i>Lot Frontage</i>	46.0 metres
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SECTION 29: RURAL RESIDENTIAL (RR) ZONE

29.1 No land shall hereafter be used and no *building* or *structure* shall hereafter be *erected*, *altered* or used, except in accordance with the terms of this By-law

29.2 Permitted Uses

Bed and Breakfast

Parks

Single Detached Dwelling

29.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	3,200 square metres
Minimum <i>Lot Frontage</i>	32.0 metres
Minimum <i>Front Yard</i>	20.0 metres
Minimum <i>Rear Yard</i>	10.0 metres
Minimum <i>Side Yard</i>	5.0 metres
Maximum <i>Height</i>	10.5 metres
Maximum <i>Lot Coverage</i>	20.0 percent

29.4 Special Exception Zones

1. RR-01

In the "Rural Residential Special (RR-01)" zone, no person shall use any land, *building* or *structure*, or *erect* and *building* or *structure*, except in conformity with the following provisions. Only cottages and parks are permitted in accordance with the following provisions.

Minimum <i>Lot Area</i>	0.2 hectares
Minimum <i>Lot Frontage</i>	28.0 metres
Minimum <i>Front Yard</i>	7.5 metres
Minimum <i>Rear Yard</i>	7.5 metres
Minimum <i>Side Yard</i>	3.0 metres

No new development, additions to existing development, or redevelopment that requires septic approval is permitted.

2. RR-02

Lots located on M-314 (part of Goodfish Lake) shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	1,344 square metres
Minimum <i>Lot Frontage</i>	28.0 metres
Minimum <i>Front Yard</i>	15.0 metres

SECTION 30: RURAL RECREATION DEVELOPMENT (RS) ZONE

30.1 In the “Rural Recreation Development (RS)” zone, no person shall use land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions.

30.2 Permitted Uses

Cottage

Single Detached dwelling

30.3 Any *construction*, development or *redevelopment* shall be in conformance with the following requirements:

Use	All Permitted Uses
Minimum <i>Lot Area</i>	0.4 hectares
Minimum <i>Lot Frontage</i>	30.0 metres
Minimum Front Yard	20.0 metres
Minimum <i>Rear Yard</i>	7.5 metres
Minimum <i>Side Yard</i>	3.0 metres
Maximum <i>Height</i>	10.5 metres
Maximum <i>Lot Coverage</i>	20.0 percent

30.4 SPECIAL EXCEPTION ZONES

1. RS-01

In the “Rural Recreation – Special Open Space (RS-01)” zone, no person shall use land, *building* or *structure*, or *erect* any *building* or *structure*, except in conformity with the following provisions:

The only permitted uses shall be:

- Campgrounds
- Outdoor Recreational Uses
- *Parks*
- Recreational Trailer Parks
- *Accessory uses*, such as retail establishments, *restaurants* or *cafeterias*, and places of recreation, but only when these are constructed as, and are intended to be, secondary or incidental to the main use.

No person shall use, and no owner or lessee of any trailer shall permit to be used, any trailer for the living, sleeping or eating accommodation of persons within the municipality of the Town of Kirkland Lake, unless in a trailer camp duly designated and approved for that purpose, for more than sixty days in any period of ten consecutive months.

No new development, additions to existing development, or redevelopment that requires septic approval is permitted.

SECTION 31: FUTURE DEVELOPMENT AREA (DA) ZONE

30.1 In any “Future Development Area (DA)” zone, no person shall use any land, *building* or *structure* for any purpose other than that for which it was used on the enactment day of this By-law, until such land has been rezoned by a By-law and has been subdivided or designated as a *lot* or block by means of a Registered Plan of Subdivision.

30.2 The intended future use will be captured in the corresponding zone identified in the abbreviation on the lot

Abbreviation	Intended use
DA-RES	Future Residential Development Area

Zoning By-Law

TOWN OF
KIRKLAND LAKE

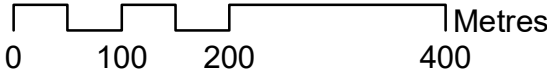
Urban Area - Schedule 'A-1'
Kirkland Lake

Legend

- Municipal Boundary
- Railway Track
- Waterbody
- Watercourse

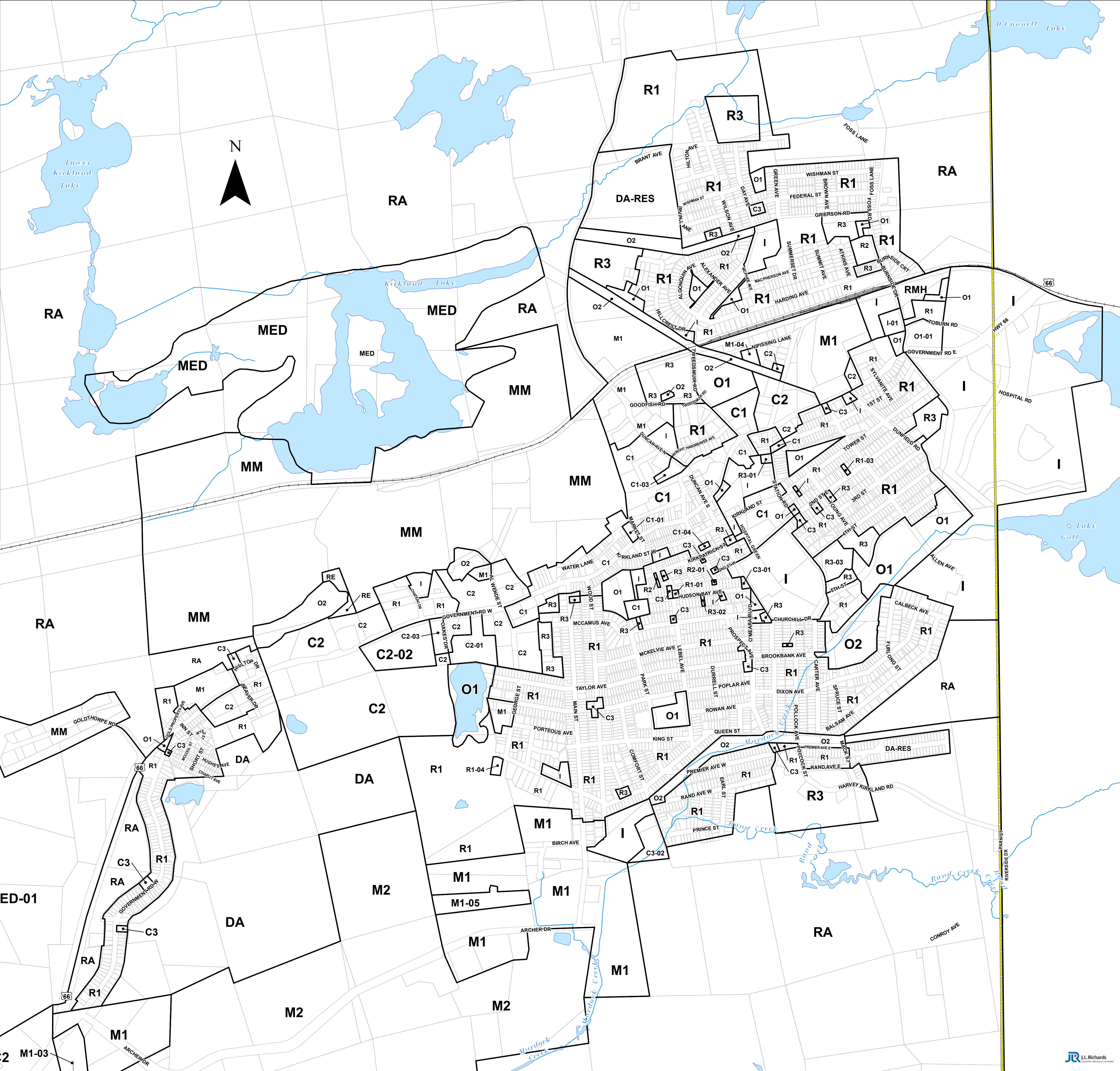
Zones

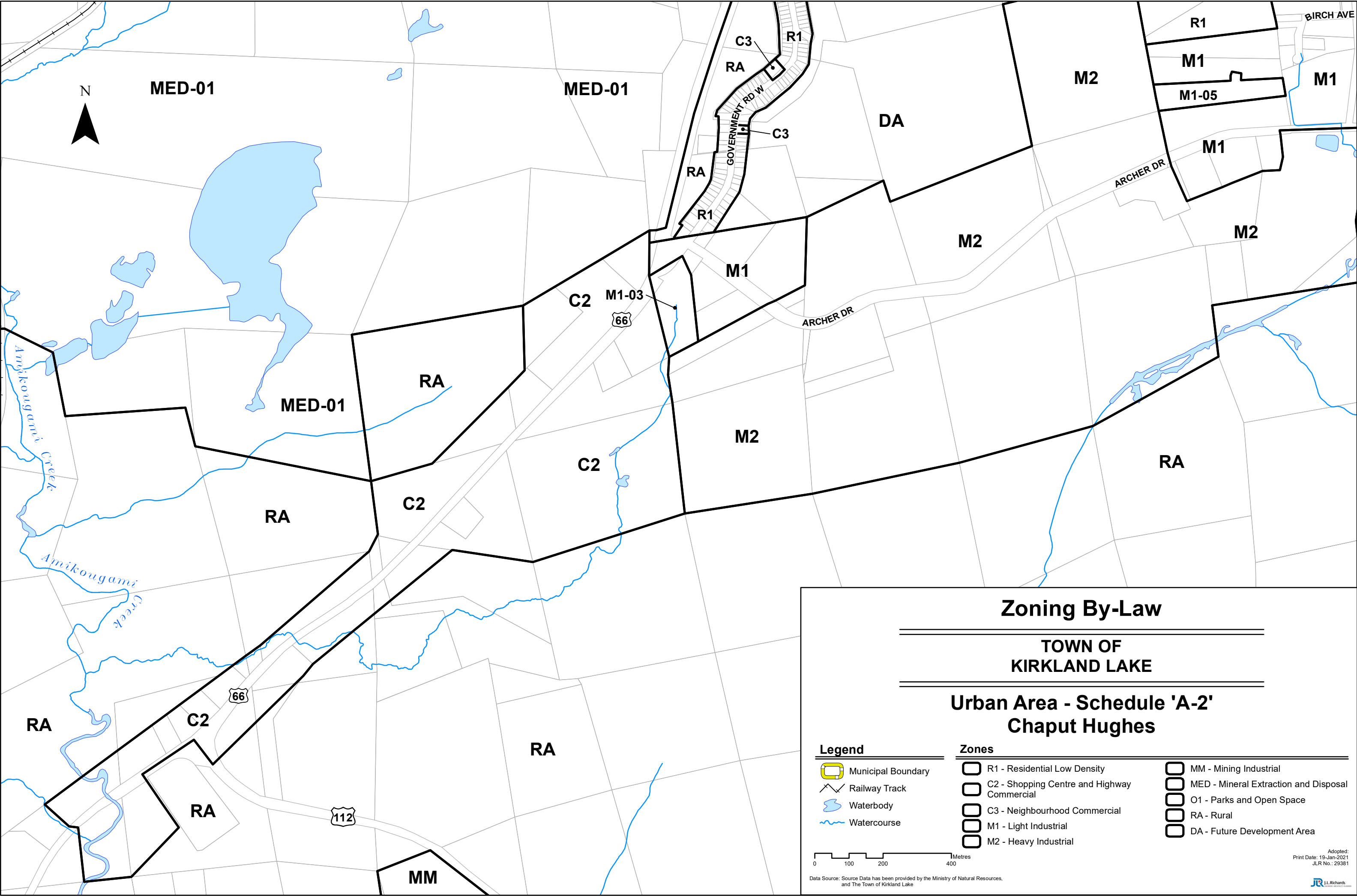
- R1 - Residential Low Density
- R2 - Residential Medium Density
- R3 - Residential High Density
- RMH - Residential Mobile Home
- C1 - Town Centre Commercial
- C2 - Shopping Centre and Highway Commercial
- C3 - Neighbourhood Commercial
- M1 - Light Industrial
- M2 - Heavy Industrial
- MM - Mining Industrial
- MED - Mineral Extraction and Disposal
- I - Institutional
- O1 - Parks and Open Space
- O2 - Restricted Open Space
- RA, Rural
- RE - Rural Estates Development
- DA - Future Development Area



Data Source: Source Data has been provided by the Ministry of Natural Resources, and The Town of Kirkland Lake

Adopted:
Print Date: 12-Apr-2021
JLR No.: 29381





Zoning By-Law

**TOWN OF
KIRKLAND LAKE**

**Urban Area - Schedule 'A-2'
Chaput Hughes**

Legend

- Municipal Boundary
- Railway Track
- Waterbody
- Watercourse

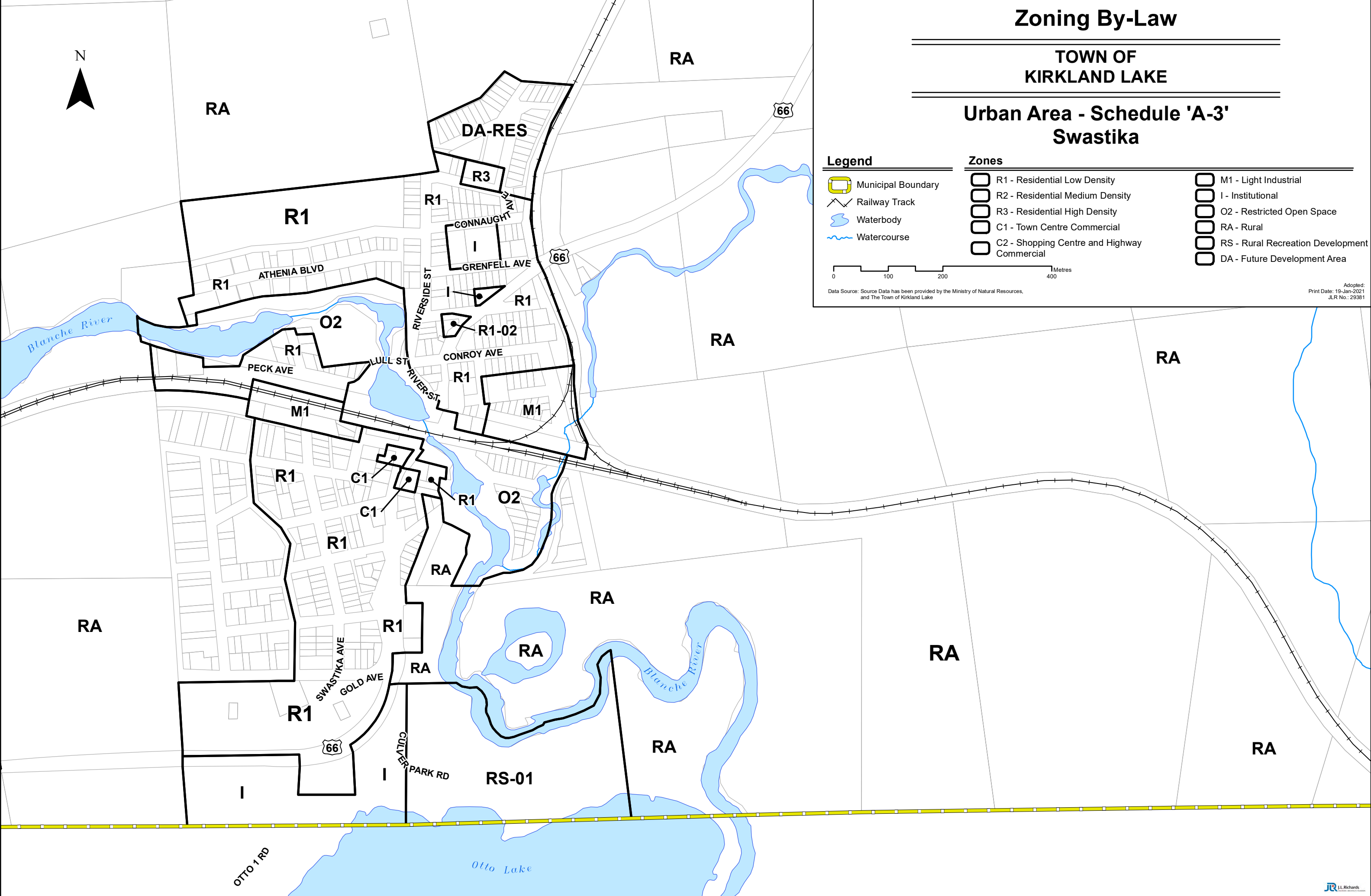
Zones

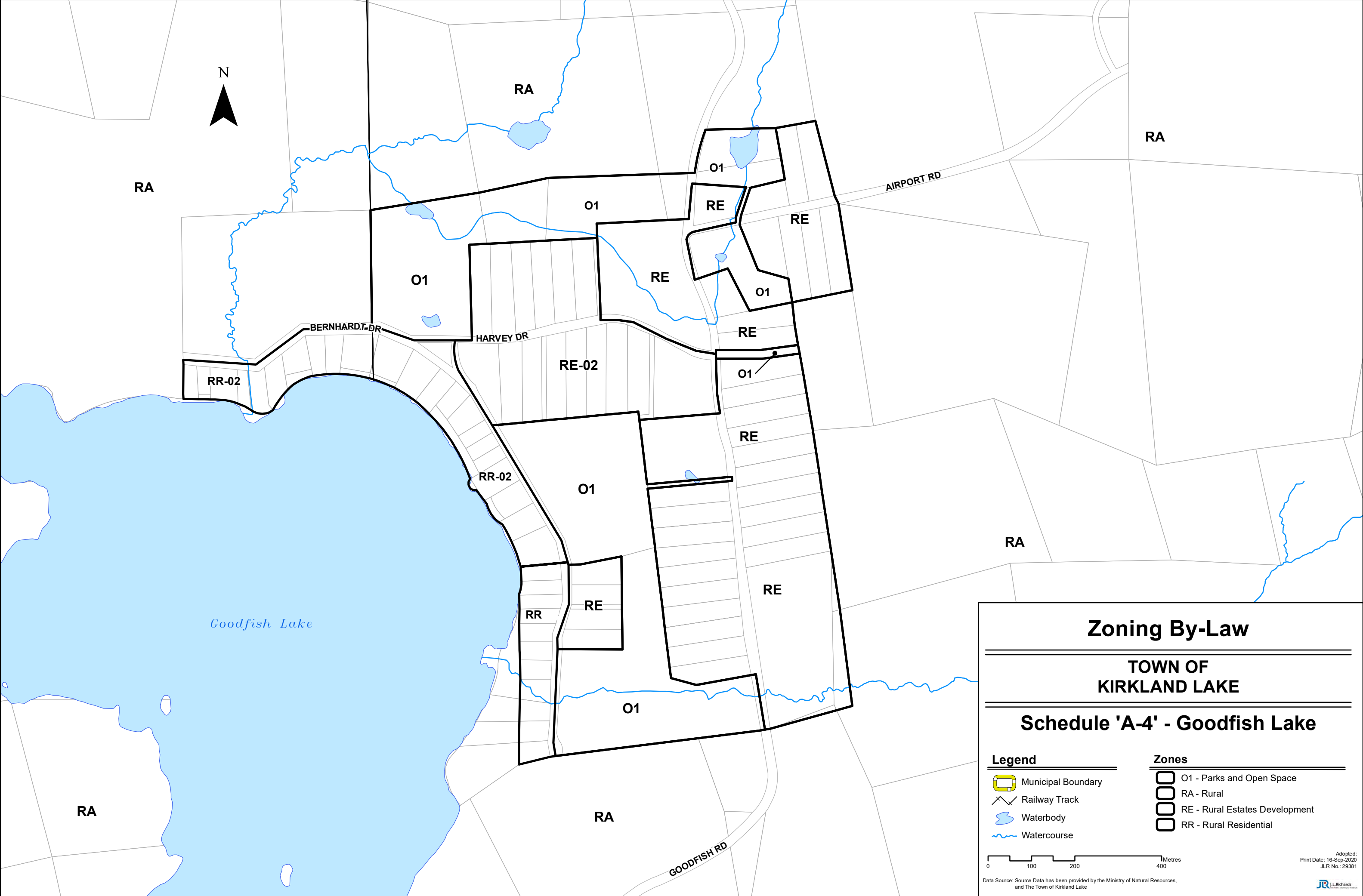
- | | |
|---|---------------------------------------|
| R1 - Residential Low Density | MM - Mining Industrial |
| C2 - Shopping Centre and Highway Commercial | MED - Mineral Extraction and Disposal |
| C3 - Neighbourhood Commercial | O1 - Parks and Open Space |
| M1 - Light Industrial | RA - Rural |
| M2 - Heavy Industrial | DA - Future Development Area |

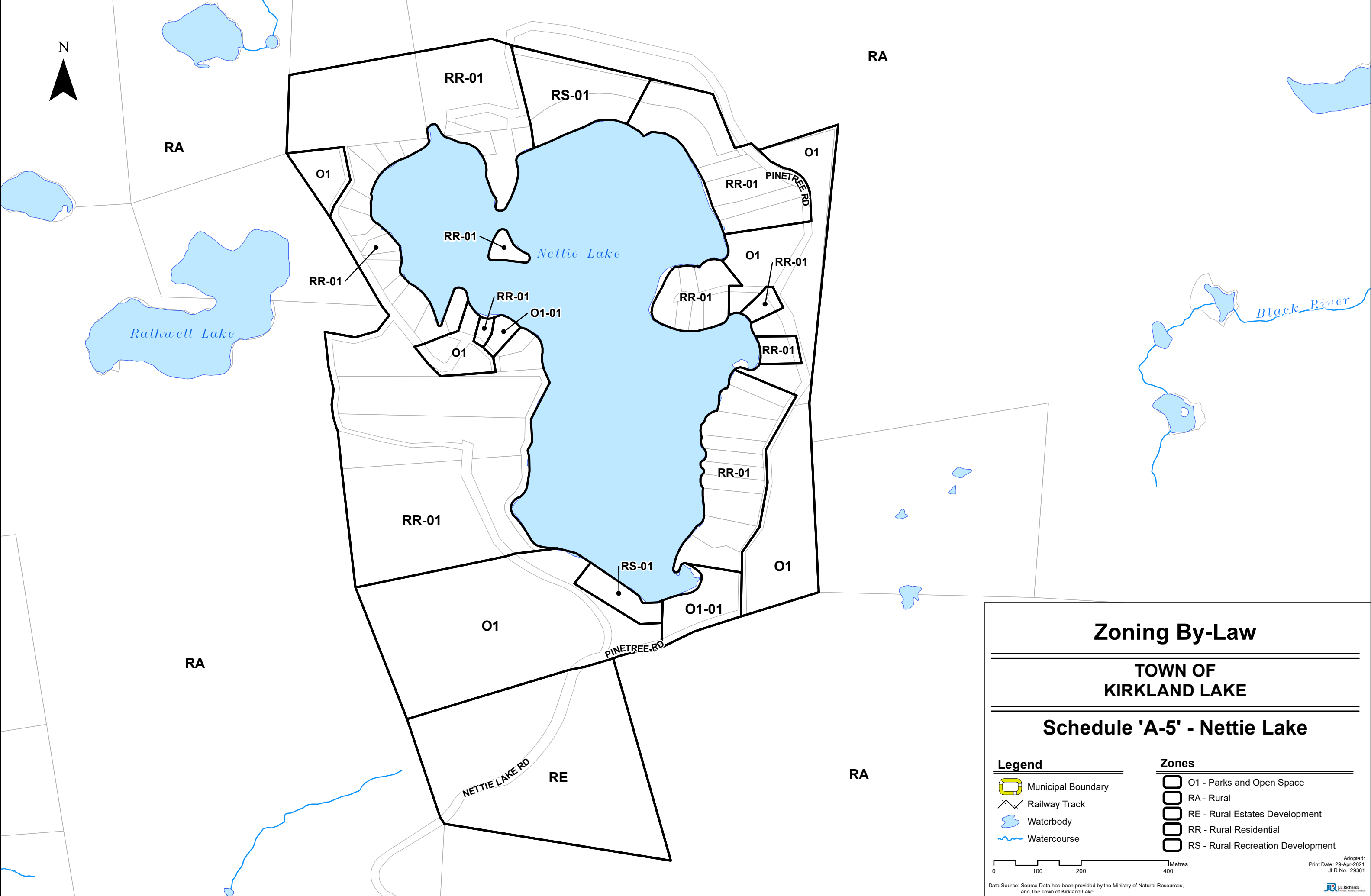
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Data Source: Source Data has been provided by the Ministry of Natural Resources, and The Town of Kirkland Lake

Adopted:
Print Date: 19-Jan-2021
JLR No.: 29381







Zoning By-Law

TOWN OF KIRKLAND LAKE

Schedule 'A-5' - Nettie Lake

Legend

- Municipal Boundary
- Railway Track
- Waterbody
- Watercourse

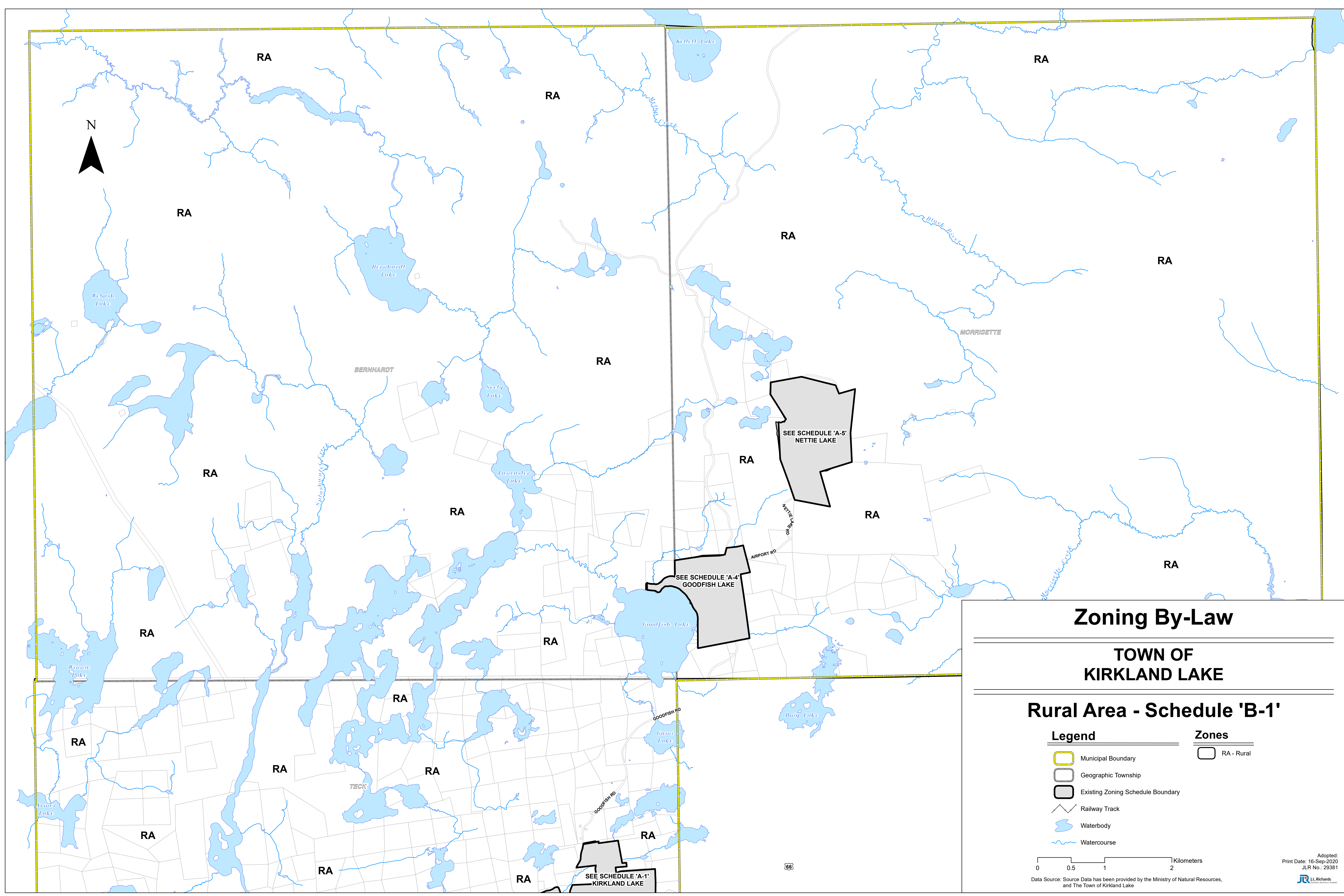
Zones

- O1 - Parks and Open Space
- RA - Rural
- RE - Rural Estates Development
- RR - Rural Residential
- RS - Rural Recreation Development

0 100 200 400 Metres

Data Source: Source Data has been provided by the Ministry of Natural Resources, and The Town of Kirkland Lake

Adopted: 29-Apr-2021
JLR No.: 29381





Zoning By-Law


TOWN OF KIRKLAND LAKE


Rural Area - Schedule 'B-1'


Legend


 Municipal Boundary

 Geographic Township


 Existing Zoning Schedule Boundary

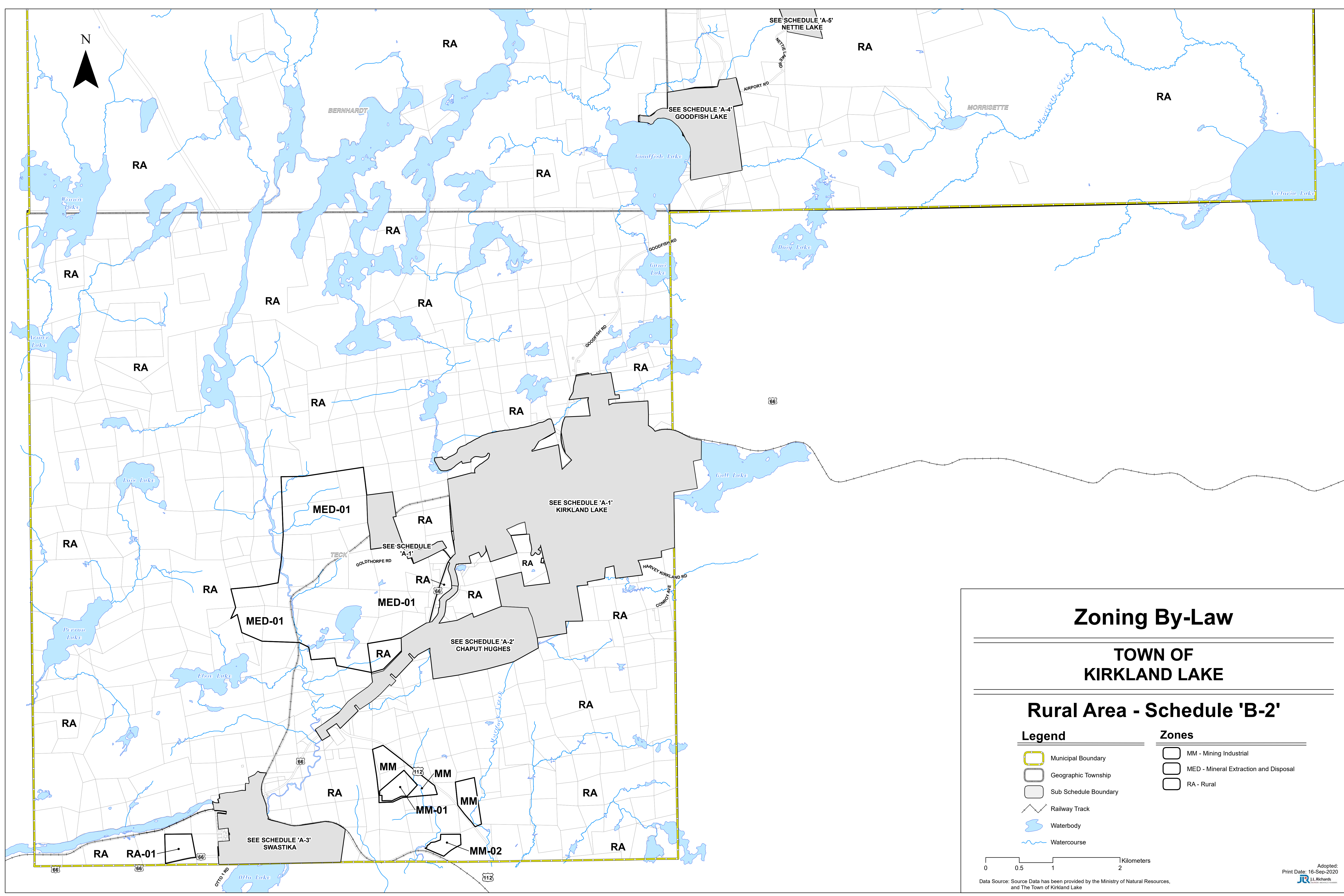
 Railway Track

 Waterbody

 Watercourse

Zones

 RA - Rural



Zoning By-Law

TOWN OF KIRKLAND LAKE

Rural Area - Schedule 'B-2'

Legend

- Municipal Boundary
- Geographic Township
- Sub Schedule Boundary
- Railway Track
- Waterbody
- Watercourse

Zones

- MM - Mining Industrial
- MED - Mineral Extraction and Disposal
- RA - Rural



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 21-033

BEING A BY-LAW TO AMEND BY-LAW 15-017 FOR THE REGULATION OF
PARKING FOR THE TOWN OF KIRKLAND LAKE

WHEREAS according to Section 27 of the *Municipal Act*, S.O. 2001, Chapter 25, as amended, the Council of a Municipality may pass by-laws in respect to highways;

AND WHEREAS Section 137 of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended, permits the Council of the Municipality to provide by-laws for the erection of stop signs at the intersections on highways under its jurisdiction;

AND WHEREAS Council deems it expedient to amend By-law 15-017 to amend no parking areas within 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:

- 1 **THAT** Schedule “F” detailing Designated Crosswalks within the Town of Kirkland Lake, be hereby deleted and replaced with the updated Schedule “F”, as attached to this By-law
- 2 **THAT** Table “F” detailing Designated Crosswalks within the Town of Kirkland Lake, be hereby deleted and replaced with the updated Table “F”, as attached to this By-law
- 3 **THAT** Schedule “G” detailing Higher or Lower Rates of Speed than that Prescribed by the Highway Traffic Act, within the Town of Kirkland Lake, be hereby deleted and replaced with the updated Schedule “G”, as attached to this By-law
- 4 **THAT** Table “G” detailing Higher or Lower Rates of Speed than that Prescribed by the Highway Traffic Act, within the Town of Kirkland Lake, be hereby deleted and replaced with the updated Table “G”, as attached to this By-law
- 5 **THAT** Schedule “K-2” detailing Parking Restrictions within the Town of Kirkland Lake, be hereby deleted and replaced with the updated Schedule “K-2”, as attached to this By-law
- 6 **THAT** Table “K” detailing Parking Restrictions within the Town of Kirkland Lake, be hereby deleted and replaced with the updated Table “K”, as attached to this By-law
- 7 **THAT** Schedule “M” detailing Accessible Parking Spaces within the Town of Kirkland Lake, be hereby deleted and replaced with the updated Schedule “M”, as attached to this By-law
- 8 **THAT** Table “M” detailing Accessible Parking Spaces within the Town of Kirkland Lake, be hereby deleted and replaced with the updated Table “M”, as attached to this By-law
- 9 **THAT** this By-law shall come into full force and effect on the date of final passage hereof at which time all By-laws and/or resolutions that are inconsistent with the

BY-LAW NUMBER 21-033 BEING A BY-LAW TO AMEND BY-LAW 15-017 FOR THE
REGULATION OF PARKING FOR THE TOWN OF KIRKLAND LAKE

provisions of this By-law and the same are hereby repealed or rescinded insofar
as it is necessary to give effect to the provisions of this By-law.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 4th DAY
OF MAY, 2021.**

Pat Kiely, Mayor





Meagan Elliott, Clerk

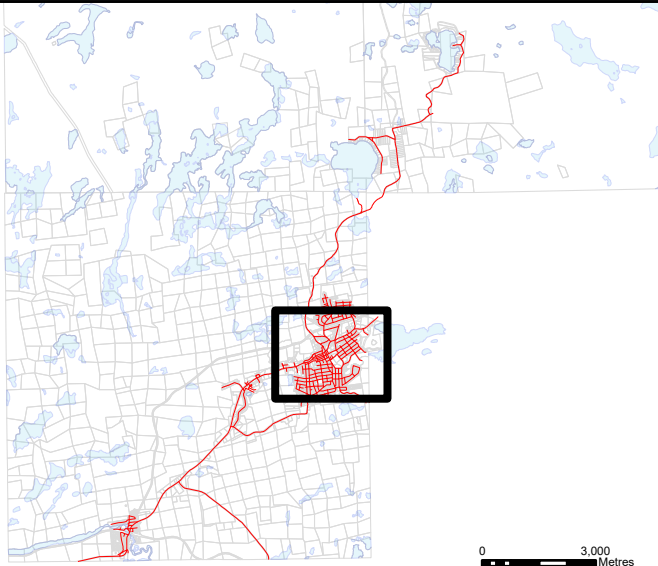
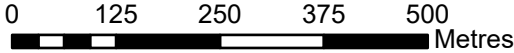
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Schedule F Designated Crosswalks

Legend

-  Crosswalks
-  Roads
-  Parcels
-  Lakes



KIRKLAND LAKE

THE RIGHT ENVIRONMENT

By-Law 15-017

Amended by By-law 21-033

Table F – Designated Crosswalks		
Identification Number	Street	Location
1	Tweedsmuir Road	Federal School
2	Kirkland Street	Central School
3	Duncan Avenue	ECJV / Weggies
4	Churchill Drive	Assomption School
5	Queen Street	St. Jerome School
6	Taylor Avenue / Prospect Avenue	Pronto Store / Bellevue
7	Second Street	Churchill Drive

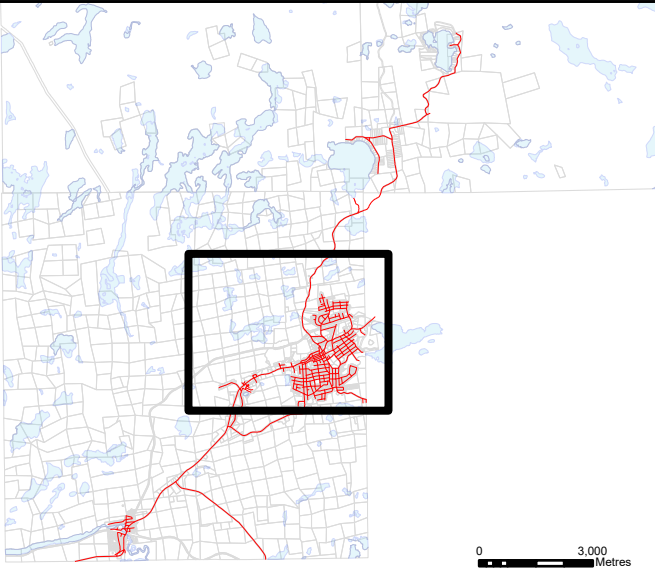
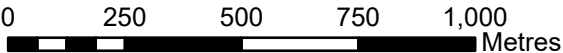
Schedule G Higher or Lower Rates of Speed than that Prescribed by the Highway Traffic Act

Legend

Roads

- As prescribed
- 15 km/h
- 40 km/h
- 60 km/h

- Parcels
- Lakes



KIRKLAND LAKE
THE RIGHT ENVIRONMENT

By-Law 15-017
Amended by By-law 21-033

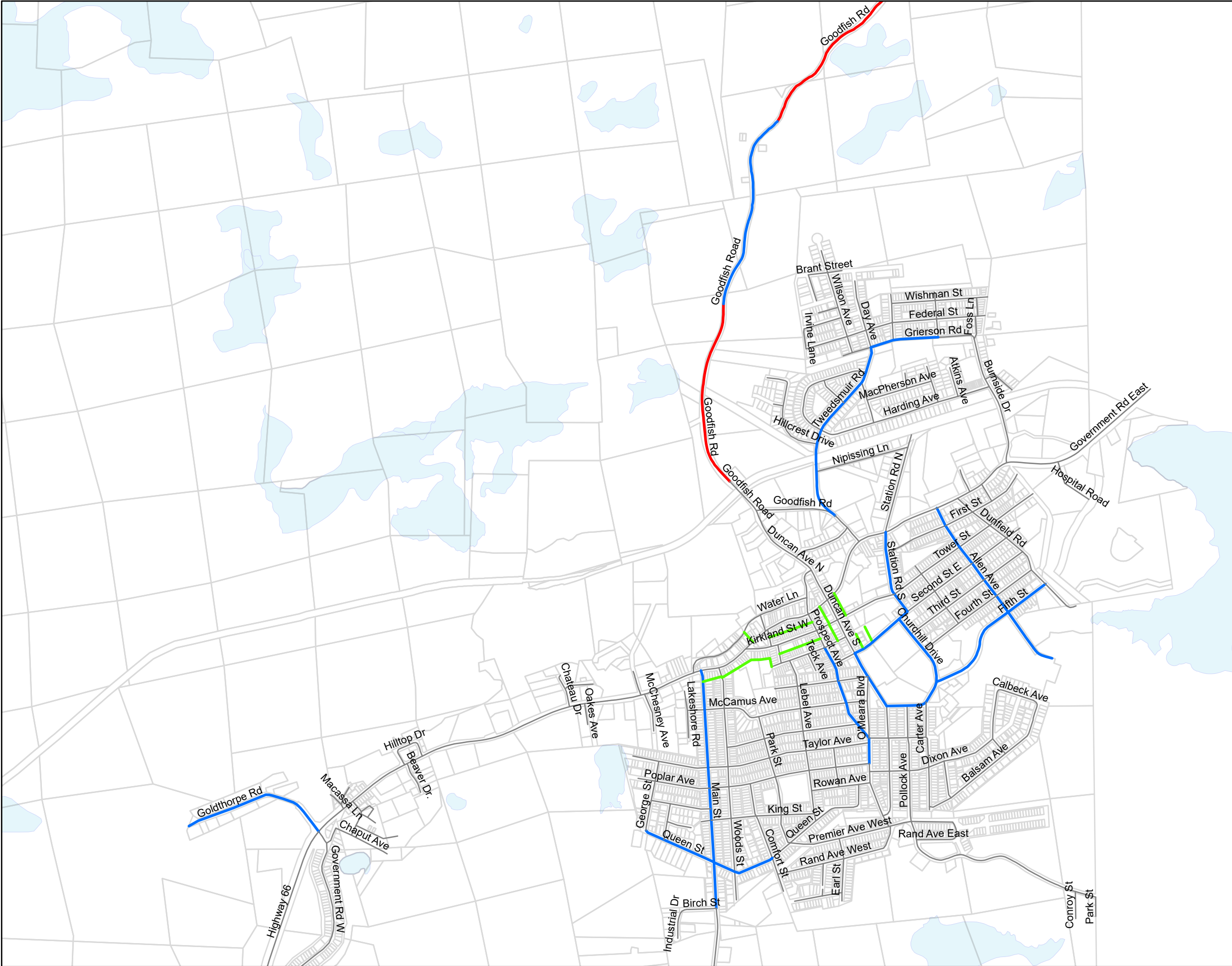






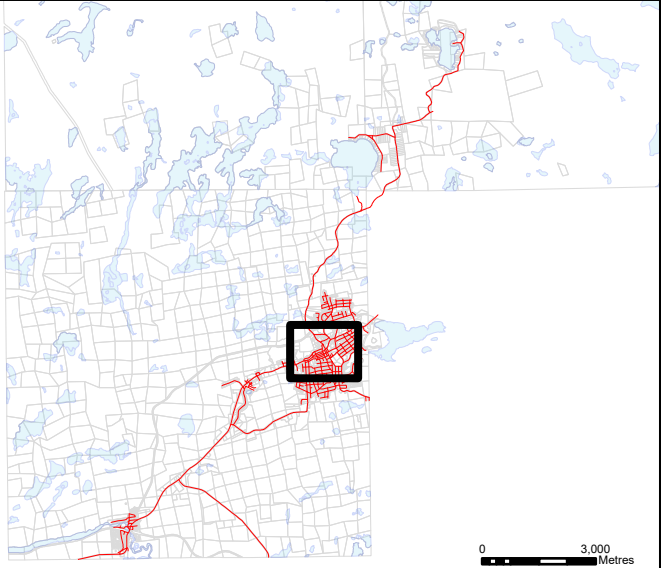
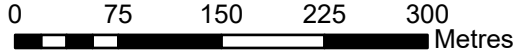
Table G - Higher or Lower Rates of Speed than Prescribed by the Highway Traffic Act

Identification Number	Street / Laneway	From	To	Max Speed
1	Allen Ave	Government Road East	Community Complex	40 km/h
2	Churchill Drive	Second Street East	Duncan Avenue	40 km/h
3	Duncan Avenue South	Churchill Drive	Second Street East	40 km/h
4	Goldthorpe Road	Government Road West	End of Goldthorpe	40 km/h
5	Goodfish Road	45 metres North of Railway Tracks	0.8 km North of Railway Tracks	60 km/h
6	Goodfish Road	0.8 km North of Railway Tracks	1.8 km North of Railway Tracks	40 km/h
7	Goodfish Road	1.8 km North of Railway Tracks	Airport Road	60 km/h
8	Main Street	Government Road West	Birch Street	40 km/h
9	Prospect Avenue	Poplar Avenue	Kirkpatrick Avenue	40 km/h
10	Queen Street	Comfort Street	George Street	40 km/h
11	Second Street East	Duncan Avenue	Churchill Drive	40 km/h
12	Station Road South	Second Street East	Government Road East	40 km/h
13	Tweedsmuir Road	Goodfish Road	Grierson Road	40 km/h
14	Fifth Street	Churchill Drive	Dunfield Road	40 km/h
15	Grierson Road	Tweedsmuir Road	Brown Avenue	40 km/h
16	Hospital Green	Second Street	North to end of laneway	15 km/h
17	St Peter's Lane	Second Street	North to end of laneway	15 km/h
18	Laneway	Kirkland Street East	Government Road East	15 km/h
19	Laneway	Government Road West	Kirkland Street West	15 km/h
20	Laneway	Kirkpatrick Street	Kirkland Street West	15 km/h
21	Laneway	Lebel Avenue	Prospect Avenue	15 km/h
22	Laneway	Lebel Avenue	Prospect Avenue	15 km/h
23	Laneway	Government Road West	Water Lane	15 km/h
24	Laneway	Kirkpatrick Street	Woods Street	15 km/h
25	Laneway	Woods Street	Main Street	15 km/h

Schedule K-2 Parking Restrictions

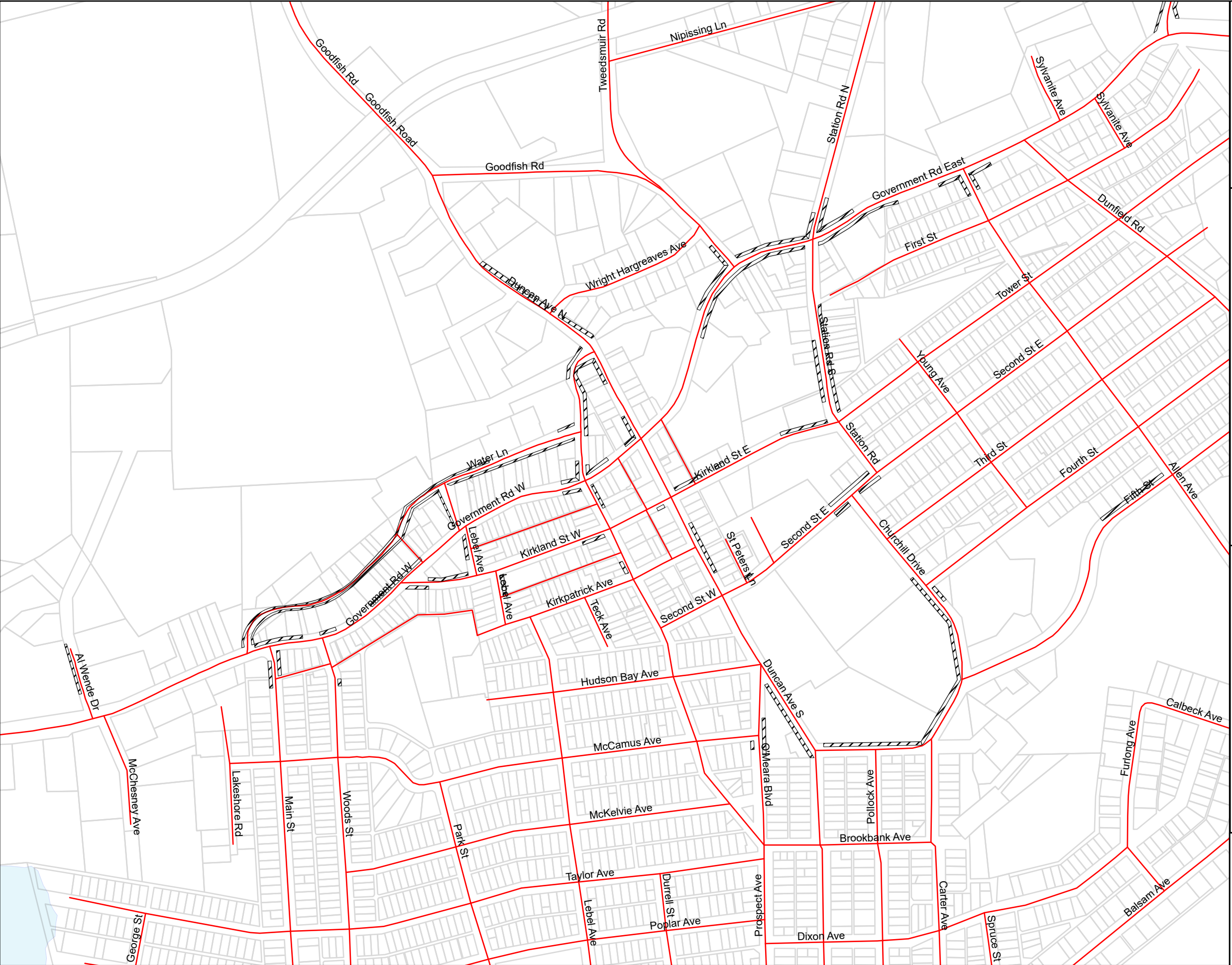
Legend

-  Parking Restrictions
-  Roads
-  Parcels
-  Lakes



KIRKLAND LAKE
THE RIGHT ENVIRONMENT

By-Law 15-017
Amended by By-law 21-033



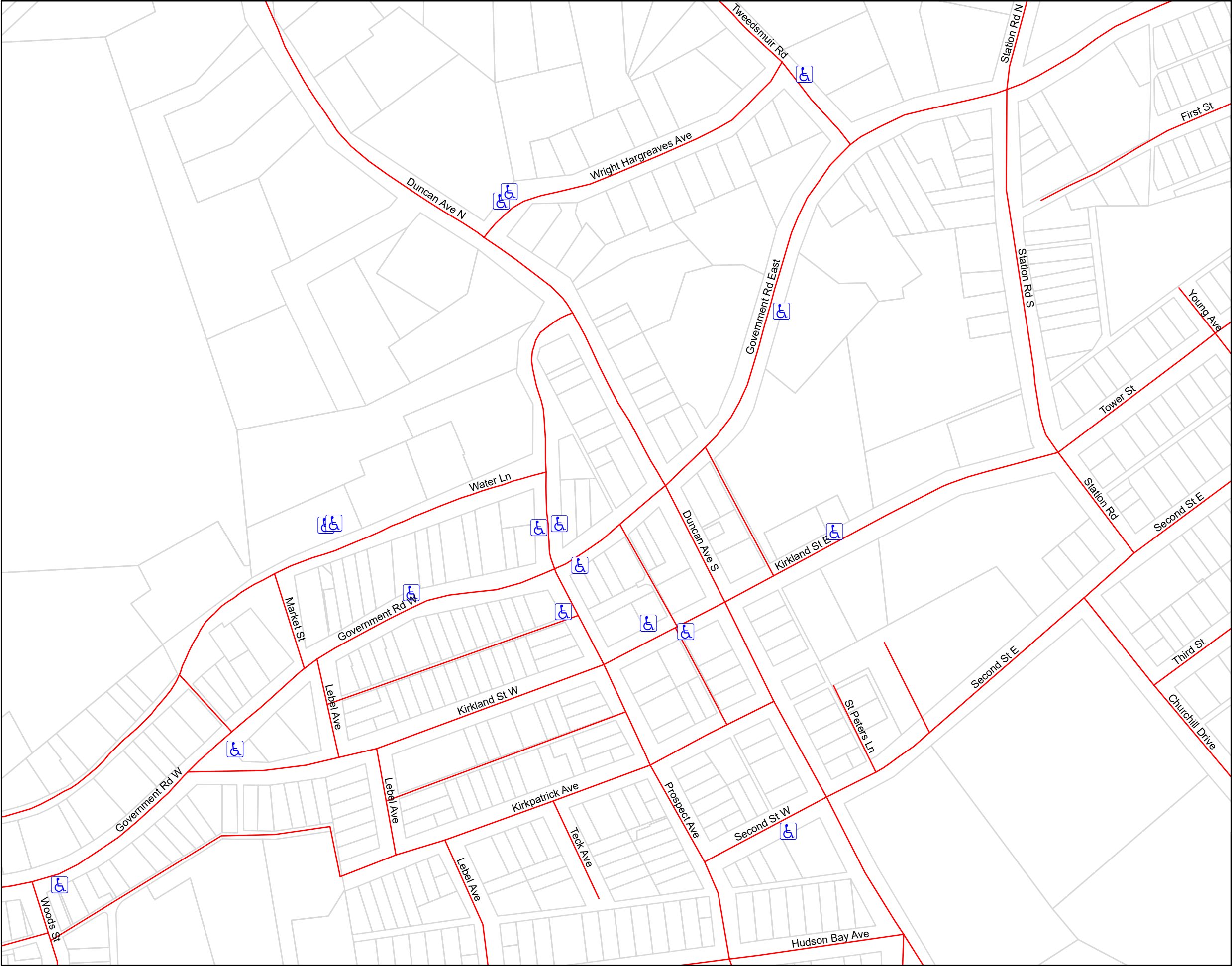
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Amended by By-law 18-109
Amended by By-law 19-021
Amended by By-law 19-029
Amended by By-law 19-119
Amended by By-law 20-012
Amended by By-law 20-024
Amended by By-law 20-036
Amended by By-law 20-040
Amended by By-law 21-033

Table K - Parking Restrictions

Identification Number	Location	From	To	Road Side	Time Period
1	Al Wende	Front Entrance to Mall	Rear entrance to Mall	West	No parking between Nov. 1 st and April 15 th
2	Allen Avenue	Government Road East	South to laneway	West	No parking at any time
3	Allen Avenue	Government Road East	20 metres South	East	No parking at any time
4	Burnside Drive	Government Road East	Railway tracks	East	No parking at any time
5	Burnside Drive	Government Road East	Railway tracks	West	No parking at any time
6	Churchill Drive	Fourth Street	26m South	East	No parking at any time
7	Churchill Drive	Entrance to Assumption School on Churchill Drive	Carter Avenue	West	No parking at any time
8	Churchill Drive	Carter Avenue	Duncan Avenue South	North	No parking Monday to Friday 8:00am to 4:30pm
9	Duncan Avenue	Government Road	33 metres North	West	No parking at any time
10	Duncan Avenue	Prospect and Duncan Intersection (4 Duncan S)	Wright-Hargreaves Avenue	East	No parking at any time
11	Duncan Avenue	Prospect and Duncan Intersection	South boudary of 9 Duncan S	West	No parking at any time
12	Duncan Avenue North	44 Duncan Ave North	36 Duncan Ave N	East	No parking at any time
13	Duncan Avenue North	Wright Hargreaves Avenue	North of Police Station	North East	No parking at anytime
14	Duncan Avenue South	O'Meara Boulevard	Churchill Drive	West	No parking between 8:00am and 9:00am AND between 3:00pm and 4:00pm
15	Fifth Street	Allan Avenue	74 Fifth St	North	No parking at any time
16	Foss Lane	Federal Street	Wishman St	Both	No parking at any time
17	Foss Lane	Grierson Road	Federal St	Both	No parking at any time
18	Government Road East	Station Road	Entrance of KL Inn	North	No parking at any time
19	Government Road East	Station Road	61 Government Road East	South	No parking at any time
20	Government Road East	Entrance to post office parking	Station Road	South	No parking at any time
21	Government Road East	Station Road	Tweedsmuir Road	North	No parking at any time





Identification Number	Location	From	To	Road Side	Time Period
22	Government Road East	Tweedsmuir Road	14 Government Road East	North	No parking at any time
23	Government Road East	Allan Avenue	middle of 71 Government Road E	South	No parking at any time
24	Government Road East	Allan Avenue	30 Metres East (middle of lot at 83 Government Road E)	South	No parking at any time
25	Government Road West	Duncan Avenue	West end of 2 Government Road	North	No parking at any time
26	Government Road West	Prospect Avenue	Stairs in front of 6 Gov't Rd W	North	No parking at any time
27	Government Road West	Lasalle Theatre (98 Government Road West)	East to 90 Government Road W	North	No parking at any time
28	Government Road West	80 Government Road West	60 Government Rd W	North	No parking at any time
29	Government Road West	Prospect Avenue	Government Road W (Suykens Denture)	North	No parking at any time
30	Government Road West	Water Lane	102 Government Road West	North	No parking at any time
31	Government Road West	Prospect Avenue	25 metres West	South	No parking at any time
32	Kirkland Street East	Station Road	14 Kirkland Street (Union Gas)	North	No parking at any time
33	Kirkland Street East	Light post in front of Library Entrance	Accessible parking space	North	No parking at any time
34	Kirkland Street East	Duncan Avenue South	Library Entrance	North	No parking at any time
35	Kirkland Street West	Government Road West	Lebel Avenue	North	No parking at any time
36	Kirkland Street West	Town Hall	Duncan Avenue	South	Town Hall Business only, between 8am and 7pm
37	Kirkland Street West	Government Road West	Laneway between 55 and 57 Kirkland St W	South	No parking at any time
38	Kirkland Street West	19 Kirkland Street West	Prospect Avenue	South	No parking at any time
39	Lebel Avenue	Government Road West	40 metres South	West	No parking at any time
40	Lebel Avenue	Kirkland Street West	Laneway beside 39 Kirkland Street (Holy Name Church)	East	No parking at any time
41	Main Street	Government Road West	Laneway behind 93 Government Road W	East	No parking at any time
42	Main Street	Government Road West	49 metres South	West	No parking at any time
43	Market Street	Water Lane	Government Road West	West	No parking between Nov. 1 st and April 15 th

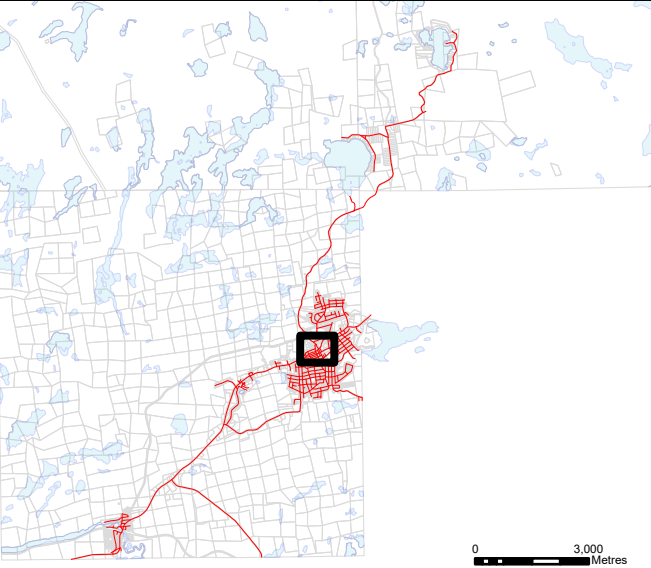
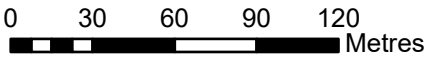
Identification Number	Location	From	To	Road Side	Time Period
44	O'Meara Boulevard	9 metres South of Fire Department	12 metres North of Fire Department	East	No parking at any time
45	O'Meara Boulevard	McCamus Avenue	12 Metres South	West	No parking at any time
46	Prospect Avenue	Government Road West	South 39 metres (NW corner of municipal parking lot)	East	No parking at any time
47	Prospect Avenue	39 Prospect Avenue	Kirkpatrick Avenue	West	No parking at any time
48	Prospect Avenue	Corner of Prospect Ave and Government Road West	13 metres North	East	No parking at any time
49	Prospect Avenue	Water Lane	Duncan Avenue	East	No parking at any time
50	Prospect Avenue	Rear parking lot of Family Health Team/Entrance to old Commodore	Duncan Avenue	West	No parking at any time
51	Prospect Avenue	Government Road West	25 metres north/accessible parking space	West	No parking at any time
52	Second Street	St. Peter's Lane	1 Hospital Green	North	No parking at any time
52	Second Street	Churchill Drive	41 Second Street	South	No parking at any time
54	Second Street	Churchill Drive	25 metres West	South	No parking at any time
55	Second Street	Station Road	West of 30 Second St entrance	North	No parking at any time
56	Station Road South	Tower Street	Laneway North of 40 Tower St.	East	No parking at any time
57	Station Road South	Kirkland Street East	47 metres north, beside central school entrance	West	No parking at any time
58	Station Road North	Government Road East	45 metres North	East	No parking at any time
59	Station Road North	Government Road East	35 metres North	West	No parking at any time
60	Tweedsmuir Road	Government Road East	35 metres North	West	No parking at any time
61	Water Lane	Market Street	Prospect Avenue	South	No parking at any time
62	Water Lane	Government Road West	22 Water Lane	North	No parking at any time
63	Water Lane	Market Street	Government Road West	South	No parking at any time
64	Water Lane	Prospect Avenue	25 Metres West	North	No parking at any time
65	Westinghouse Avenue	Childs Avenue	North side of 12 Childs Avenue	West	No parking at any time
66	Woods Street	South of 8 Woods Street (White Eagle)	North of 8 Woods Street	East	No parking at any time
67	Woods Street	Poplar Avenue	71 Woods Street	West	No parking at any time
68	Woods Street	Queen Street	South end of School parking lot	East	No parking Monday to Friday 8:00am to 4:30pm



Schedule M Accessible Parking

Legend

-  Accessible Parking
-  Roads
-  Parcels
-  Lakes



KIRKLAND LAKE

THE RIGHT ENVIRONMENT

By-Law 15-017

Amended by By-law 21-033

Table M - Accessible Parking

Identification Number	Location	Roadside	Spaces
1	Municipal Parking Lot on Kirkland Street	Parking Lot	1 (number 26)
2	Municipal Parking Lot on Water Lane	Parking Lot	2
3	77 Government Road West	South	1
4	57 Government Road West	South	1
5	30 Government Road West	North	1
6	7 Second Street (Trinity United Church)	South	1
7	Kirkland Street (Upper entrance for Library)	North	1
8	15 Government Road East (Post Office)	South	1
9	23 Prospect Avenue	West	1
10	4 Tweedsmuir Road	East	1
11	South East of Cenotaph Park	North side of Wright Hargreaves Avenue	2
12	11 Government Road West	South	1
13	12 Government Road West	West side of Prospect Avenue	1
14	10 Government Road West	East side of Prospect Avenue	1
15	3 Kirkland Street West	South	1



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 21-034

BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE DOCUMENTS RELATED TO THE SALE OF PROPERTY LOCATED AT 400 GOVERNMENT ROAD WEST TO 2827269 ONTARIO INC.

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

AND WHEREAS the procedural by-law was in force on the date of the sale or disposition of the property described as Teck PT L16626 RP 54R4434 Parts 2 TO 11 RP 54R4562 Parts 1, 2 RP 54R4081 Part 1 RP 54R4949 Parts 1 TO 3 PCL 13640, 13440CST (400 Government Road West);

AND WHEREAS the Municipality declared Teck PT L16626 RP 54R4434 Parts 2 TO 11 RP 54R4562 Parts 1, 2 RP 54R4081 Part 1 RP 54R4949 Parts 1 TO 3 PCL 13640, 13440CST (400 Government Road West) as surplus land on August 11, 2020;

AND WHEREAS the Municipality provided a public notice of the Town's intent to sell or dispose of the property on April 1, 2021;

AND WHEREAS the Municipality received an offer to purchase land described as Teck PT L16626 RP 54R4434 Parts 2 TO 11 RP 54R4562 Parts 1, 2 RP 54R4081 Part 1 RP 54R4949 Parts 1 TO 3 PCL 13640, 13440CST (400 Government Road West);

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:

- 1 **THAT** the Mayor and Clerk are hereby authorized to execute all documents related to the sale of land described as Teck PT L16626 RP 54R4434 Parts 2 TO 11 RP 54R4562 Parts 1, 2 RP 54R4081 Part 1 RP 54R4949 Parts 1 TO 3 PCL 13640, 13440CST (400 Government Road West) to 2827269 Ontario Inc. for \$799,000.00 plus legal costs. A copy of which agreement is attached and marked as schedule "A" to this By-Law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 4th DAY OF MAY, 2021.

Pat Kiely, Mayor

Meagan Elliott, Clerk

Agreement of Purchase and Sale Commercial

Form 500

for use in the Province of Ontario

This Agreement of Purchase and Sale dated this 15 day of January, 2021

BUYER: 2827269 Ontario Inc., agrees to purchase from
(Full legal names of all Buyers)

SELLER: Corporation of the Town of Kirkland Lake, the following
(Full legal names of all Sellers)

REAL PROPERTY:

Address 400 Government Rd. W

fronting on the _____ side of _____

in the Kirkland Lake

and having a frontage of _____ more or less by a depth of _____ more or less

and legally described as _____
(the "property")
(Legal description of land including easements not described elsewhere)

PURCHASE PRICE: Dollars (CDN\$) 799,000.00

Seven Hundred Ninety-Nine Thousand Dollars

DEPOSIT: Buyer submits herewith
(Herewith/Upon Acceptance/as otherwise described in this Agreement)

Ten Thousand Dollars (CDN\$) 10,000.00

by negotiable cheque payable to Richard & Chamaillard Law In Trust "Deposit Holder"
to be held in trust pending completion or other termination of this Agreement and to be credited toward the Purchase Price on completion. For the purposes of this Agreement, "Upon Acceptance" shall mean that the Buyer is required to deliver the deposit to the Deposit Holder within 24 hours of the acceptance of this Agreement. The parties to this Agreement hereby acknowledge that, unless otherwise provided for in this Agreement, the Deposit Holder shall place the deposit in trust in the Deposit Holder's non-interest bearing Real Estate Trust Account and no interest shall be earned, received or paid on the deposit.

~~Buyer agrees to pay the balance as more particularly set out in Schedule A attached.~~

SCHEDULE(S) A B attached hereto form(s) part of this Agreement.

1. IRREVOCABILITY: This offer shall be irrevocable by Buyer until 4 on
(Seller/Buyer) (a.m./p.m.)
the 15 day of April, 2021, after which time, if not accepted, this offer shall be null and void and the deposit shall be returned to the Buyer in full without interest.

2. COMPLETION DATE: This Agreement shall be completed by no later than 6:00 p.m. on the 15 day of July, 2021. Upon completion, vacant possession of the property shall be given to the Buyer unless otherwise provided for in this Agreement.

INITIALS OF BUYER(S):

INITIALS OF SELLER(S):



3. **NOTICES:** The Seller hereby appoints the Listing Brokerage as agent for the Seller for the purpose of giving and receiving notices pursuant to this Agreement. Where a Brokerage (Buyer's Brokerage) has entered into a representation agreement with the Buyer, the Buyer hereby appoints the Buyer's Brokerage as agent for the purpose of giving and receiving notices pursuant to this Agreement. **Where a Brokerage represents both the Seller and the Buyer (multiple representation), the Brokerage shall not be appointed or authorized to be agent for either the Buyer or the Seller for the purpose of giving and receiving notices.** Any notice relating hereto or provided for herein shall be in writing. In addition to any provision contained herein and in any Schedule hereto, this offer, any counter-offer, notice of acceptance thereof or any notice to be given or received pursuant to this Agreement or any Schedule hereto (any of them, "Document") shall be deemed given and received when delivered personally or hand delivered to the Address for Service provided in the Acknowledgement below, or where a facsimile number or email address is provided herein, when transmitted electronically to that facsimile number or email address, respectively, in which case, the signature(s) of the party (parties) shall be deemed to be original.

FAX No.:
(For delivery of Documents to Seller)

FAX No.:
(For delivery of Documents to Buyer)

Email Address:
(For delivery of Documents to Seller)

Email Address:
(For delivery of Documents to Buyer)

4. **CHATELS INCLUDED:**

All existing appliances, chattels, fixtures, furniture, window covering, light fixtures, CAC, CVAC, Furnaces, Hot water tanks, Chandeliers, Electronics, speakers, wall mounts, projectors.

As per final chattels list provided by the Corporation of the Town of Kirkland lake

Unless otherwise stated in this Agreement or any Schedule hereto, Seller agrees to convey all fixtures and chattels included in the Purchase Price free from all liens, encumbrances or claims affecting the said fixtures and chattels.

5. **FIXTURES EXCLUDED:**

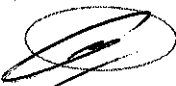
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6. **RENTAL ITEMS (Including Lease, Lease to Own):** The following equipment is rented and **not** included in the Purchase Price. The Buyer agrees to assume the rental contract(s), if assumable:
hot water tanks if any

The Buyer agrees to co-operate and execute such documentation as may be required to facilitate such assumption.

7. **HST: If the sale of the property (Real Property as described above) is subject to Harmonized Sales Tax (HST), then such tax shall be in addition to the Purchase Price.** The Seller will not collect HST if the Buyer provides to the Seller a warranty that the Buyer is registered under the Excise Tax Act ("ETA"), together with a copy of the Buyer's ETA registration, a warranty that the Buyer shall self-assess and remit the HST payable and file the prescribed form and shall indemnify the Seller in respect of any HST payable. The foregoing warranties shall not merge but shall survive the completion of the transaction. If the sale of the property is not subject to HST, Seller agrees to certify on or before closing, that the transaction is not subject to HST. Any HST on chattels, if applicable, is not included in the Purchase Price.

INITIALS OF BUYER(S):



INITIALS OF SELLERS(S):

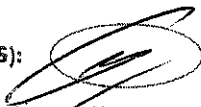


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8. **TITLE SEARCH:** Buyer shall be allowed until 6:00 p.m. on the 2 day of July, 2021, [Requisition Date] to examine the title to the property at his own expense and until the earlier of: (i) thirty days from the later of the Requisition Date or the date on which the conditions in this Agreement are fulfilled or otherwise waived or; (ii) five days prior to completion, to satisfy himself that there are no outstanding work orders or deficiency notices affecting the property, that its present use (.....) may be lawfully continued and that the principal building may be insured against risk of fire. Seller hereby consents to the municipality or other governmental agencies releasing to Buyer details of all outstanding work orders and deficiency notices affecting the property, and Seller agrees to execute and deliver such further authorizations in this regard as Buyer may reasonably require.
9. **FUTURE USE:** Seller and Buyer agree that there is no representation or warranty of any kind that the future intended use of the property by Buyer is or will be lawful except as may be specifically provided for in this Agreement.
10. **TITLE:** Provided that the title to the property is good and free from all registered restrictions, charges, liens, and encumbrances except as otherwise specifically provided in this Agreement and save and except for (a) any registered restrictions or covenants that run with the land providing that such are complied with; (b) any registered municipal agreements and registered agreements with publicly regulated utilities providing such have been complied with, or security has been posted to ensure compliance and completion, as evidenced by a letter from the relevant municipality or regulated utility; (c) any minor easements for the supply of domestic utility or telecommunication services to the property or adjacent properties; and (d) any easements for drainage, storm or sanitary sewers, public utility lines, telecommunication lines, cable television lines or other services which do not materially affect the use of the property. If within the specified times referred to in paragraph 8 any valid objection to title or to any outstanding work order or deficiency notice, or to the fact the said present use may not lawfully be continued, or that the principal building may not be insured against risk of fire is made in writing to Seller and which Seller is unable or unwilling to remove, remedy or satisfy or obtain insurance save and except against risk of fire (Title Insurance) in favour of the Buyer and any mortgagee, (with all related costs at the expense of the Seller), and which Buyer will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objections, shall be at an end and all monies paid shall be returned without interest or deduction and Seller, Listing Brokerage and Co-operating Brokerage shall not be liable for any costs or damages. Save as to any valid objection so made by such day and except for any objection going to the root of the title, Buyer shall be conclusively deemed to have accepted Seller's title to the property.
11. **CLOSING ARRANGEMENTS:** Where each of the Seller and Buyer retain a lawyer to complete the Agreement of Purchase and Sale of the property, and where the transaction will be completed by electronic registration pursuant to Part III of the Land Registration Reform Act, R.S.O. 1990, Chapter L4 and the Electronic Registration Act, S.O. 1991, Chapter 44, and any amendments thereto, the Seller and Buyer acknowledge and agree that the exchange of closing funds, non-registrable documents and other items (the "Requisite Deliveries") and the release thereof to the Seller and Buyer will (a) not occur at the same time as the registration of the transfer/deed (and any other documents intended to be registered in connection with the completion of this transaction) and (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms of a document registration agreement between the said lawyers. The Seller and Buyer irrevocably instruct the said lawyers to be bound by the document registration agreement which is recommended from time to time by the Law Society of Ontario. Unless otherwise agreed to by the lawyers, such exchange of Requisite Deliveries shall occur by the delivery of the Requisite Deliveries of each party to the office of the lawyer for the other party or such other location agreeable to both lawyers.
12. **DOCUMENTS AND DISCHARGE:** Buyer shall not call for the production of any title deed, abstract, survey or other evidence of title to the property except such as are in the possession or control of Seller. If requested by Buyer, Seller will deliver any sketch or survey of the property within Seller's control to Buyer as soon as possible and prior to the Requisition Date. If a discharge of any Charge/Mortgage held by a corporation incorporated pursuant to the Trust And Loan Companies Act (Canada), Chartered Bank, Trust Company, Credit Union, Caisse Populaire or Insurance Company and which is not to be assumed by Buyer on completion, is not available in registrable form on completion, Buyer agrees to accept Seller's lawyer's personal undertaking to obtain, out of the closing funds, a discharge in registrable form and to register same, or cause same to be registered, on title within a reasonable period of time after completion, provided that on or before completion Seller shall provide to Buyer a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, and, where a real-time electronic cleared funds transfer system is not being used, a direction executed by Seller directing payment to the mortgagee of the amount required to obtain the discharge out of the balance due on completion.
13. **INSPECTION:** Buyer acknowledges having had the opportunity to inspect the property and understands that upon acceptance of this offer there shall be a binding agreement of purchase and sale between Buyer and Seller.
14. **INSURANCE:** All buildings on the property and all other things being purchased shall be and remain until completion at the risk of Seller. Pending completion, Seller shall hold all insurance policies, if any, and the proceeds thereof in trust for the parties as their interests may appear and in the event of substantial damage, Buyer may either terminate this Agreement and have all monies paid returned without interest or deduction or else take the proceeds of any insurance and complete the purchase. No insurance shall be transferred on completion. If Seller is taking back a Charge/Mortgage, or Buyer is assuming a Charge/Mortgage, Buyer shall supply Seller with reasonable evidence of adequate insurance to protect Seller's or other mortgagee's interest on completion.

INITIALS OF BUYER(S):



INITIALS OF SELLER(S):



- 15. PLANNING ACT:** This Agreement shall be effective to create an interest in the property only if Seller complies with the subdivision control provisions of the Planning Act by completion and Seller covenants to proceed diligently at his expense to obtain any necessary consent by completion.
- 16. DOCUMENT PREPARATION:** The Transfer/Deed shall, save for the Land Transfer Tax Affidavit, be prepared in registrable form at the expense of Seller, and any Charge/Mortgage to be given back by the Buyer to Seller at the expense of the Buyer. If requested by Buyer, Seller covenants that the Transfer/Deed to be delivered on completion shall contain the statements contemplated by Section 50(22) of the Planning Act, R.S.O.1990.
- 17. RESIDENCY:** (a) Subject to (b) below, the Seller represents and warrants that the Seller is not and on completion will not be a non-resident under the non-residency provisions of the Income Tax Act which representation and warranty shall survive and not merge upon the completion of this transaction and the Seller shall deliver to the Buyer a statutory declaration that Seller is not then a non-resident of Canada;
(b) provided that if the Seller is a non-resident under the non-residency provisions of the Income Tax Act, the Buyer shall be credited towards the Purchase Price with the amount, if any, necessary for Buyer to pay to the Minister of National Revenue to satisfy Buyer's liability in respect of tax payable by Seller under the non-residency provisions of the Income Tax Act by reason of this sale. Buyer shall not claim such credit if Seller delivers on completion the prescribed certificate.
- 18. ADJUSTMENTS:** Any rents, mortgage interest, realty taxes including local improvement rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to Buyer.
- 19. TIME LIMITS:** Time shall in all respects be of the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by Seller and Buyer or by their respective lawyers who may be specifically authorized in that regard.
- 20. PROPERTY ASSESSMENT:** The Buyer and Seller hereby acknowledge that the Province of Ontario has implemented current value assessment and properties may be re-assessed on an annual basis. The Buyer and Seller agree that no claim will be made against the Buyer or Seller, or any Brokerage, Broker or Salesperson, for any changes in property tax as a result of a re-assessment of the property, save and except any property taxes that accrued prior to the completion of this transaction.
- 21. TENDER:** Any tender of documents or money hereunder may be made upon Seller or Buyer or their respective lawyers on the day set for completion. Money shall be tendered with funds drawn on a lawyer's trust account in the form of a bank draft, certified cheque or wire transfer using the Large Value Transfer System.
- 22. FAMILY LAW ACT:** Seller warrants that spousal consent is not necessary to this transaction under the provisions of the Family Law Act, R.S.O.1990 unless the spouse of the Seller has executed the consent hereinafter provided.
- 23. UFFI:** Seller represents and warrants to Buyer that during the time Seller has owned the property, Seller has not caused any building on the property to be insulated with insulation containing ureaformaldehyde, and that to the best of Seller's knowledge no building on the property contains or has ever contained insulation that contains ureaformaldehyde. This warranty shall survive and not merge on the completion of this transaction, and if the building is part of a multiple unit building, this warranty shall only apply to that part of the building which is the subject of this transaction.
- 24. LEGAL, ACCOUNTING AND ENVIRONMENTAL ADVICE:** The parties acknowledge that any information provided by the brokerage is not legal, tax or environmental advice, and that it has been recommended that the parties obtain independent professional advice prior to signing this document.
- 25. CONSUMER REPORTS:** The Buyer is hereby notified that a consumer report containing credit and/or personal information may be referred to in connection with this transaction.
- 26. AGREEMENT IN WRITING:** If there is conflict or discrepancy between any provision added to this Agreement (including any Schedule attached hereto) and any provision in the standard pre-set portion hereof, the added provision shall supersede the standard pre-set provision to the extent of such conflict or discrepancy. This Agreement including any Schedule attached hereto, shall constitute the entire Agreement between Buyer and Seller. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. For the purposes of this Agreement, Seller means vendor and Buyer means purchaser. This Agreement shall be read with all changes of gender or number required by the context.
- 27. TIME AND DATE:** Any reference to a time and date in this Agreement shall mean the time and date where the property is located.

INITIALS OF BUYER(S):

INITIALS OF SELLER(S):



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28. SUCCESSORS AND ASSIGNS: The heirs, executors, administrators, successors and assigns of the undersigned are bound by the terms herein.
SIGNED, SEALED AND DELIVERED in the presence of: IN WITNESS whereof I have hereunto set my hand and seal:

(Witness) Syed Hassan
(Witness) _____

Syed Mansoor Ali Naqvi
(Buyer/Authorized Signing Officer) 2827269 Ontario Inc.
(Buyer/Authorized Signing Officer) _____

(Seal) (Date) MAR 30, 2021
(Seal) (Date) _____

I, the Undersigned Seller, agree to the above offer. I hereby irrevocably instruct my lawyer to pay directly to the brokerage(s) with whom I have agreed to pay commission, the unpaid balance of the commission together with applicable Harmonized Sales Tax (and any other taxes as may hereafter be applicable), from the proceeds of the sale prior to any payment to the undersigned on completion, as advised by the brokerage(s) to my lawyer.

SIGNED, SEALED AND DELIVERED in the presence of: IN WITNESS whereof I have hereunto set my hand and seal:

(Witness) _____
(Witness) _____

Corporation of the Town of Kirkland Lake
(Seller/Authorized Signing Officer) Town of Kirkland Lake
(Seller/Authorized Signing Officer) _____

(Seal) (Date) _____
(Seal) (Date) _____

SPOUSAL CONSENT: The undersigned spouse of the Seller hereby consents to the disposition evidenced herein pursuant to the provisions of the Family Law Act, R.S.O. 1990, and hereby agrees to execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

(Witness) _____ (Spouse) _____ (Seal) (Date) _____

CONFIRMATION OF ACCEPTANCE: Notwithstanding anything contained herein to the contrary, I confirm this Agreement with all changes both typed and written was finally accepted by all parties at _____ this _____ day of _____, 20_____
(a.m./p.m.)

(Signature of Seller or Buyer)

INFORMATION ON BROKERAGE(S)

Listing Brokerage _____ (Tel. No.) _____
(Salesperson/Broker/Braker of Record Name) _____
Co-op/Buyer Brokerage _____ (Tel. No.) _____
(Salesperson/Broker/Braker of Record Name) _____

ACKNOWLEDGEMENT

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale and I authorize the Brokerage to forward a copy to my lawyer.

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale and I authorize the Brokerage to forward a copy to my lawyer.

(Seller) Town of Kirkland Lake (Date) _____

(Buyer) 2827269 Ontario Inc. (Date) _____

(Seller) _____ (Date) _____

(Buyer) _____ (Date) _____

Address for Service _____

Address for Service _____

(Tel. No.) _____

(Tel. No.) _____

Seller's Lawyer Julie Richard (Richard & Chamailard Law)

Buyer's Lawyer Nasira Razvi (Razvi Law)

Address 6 Government Road West Kirkland Lake, ON, P2N 2E1

Address 103-100 DYNAMIC DRIVE TORONTO, ON, M1V 5C4

Email jrichard@rclawfirm.ca

Email razvilaw@hotmail.com

705.567.9500 705.567.5014

647.393.1933 647-476-4830

(Tel. No.) (Fax. No.)

(Tel. No.) (Fax. No.)

FOR OFFICE USE ONLY

COMMISSION TRUST AGREEMENT

To: Co-operating Brokerage shown on the foregoing Agreement of Purchase and Sale:

In consideration for the Co-operating Brokerage procuring the foregoing Agreement of Purchase and Sale, I hereby declare that all moneys received or receivable by me in connection with the Transaction as contemplated in the MLS® Rules and Regulations of my Real Estate Board shall be receivable and held in trust. This agreement shall constitute a Commission Trust Agreement as defined in the MLS® Rules and shall be subject to and governed by the MLS® Rules pertaining to Commission Trust.

DATED as of the date and time of the acceptance of the foregoing Agreement of Purchase and Sale. Acknowledged by:

(Authorized to bind the Listing Brokerage)

(Authorized to bind the Co-operating Brokerage)

This Schedule is attached to and forms part of the Agreement of Purchase and Sale between:

BUYER: 2827269 Ontario Inc., and

SELLER: Corporation of the Town of Kirkland Lake

for the purchase and sale of 400 Government Rd. W Kirkland Lake

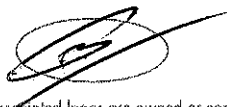
ON P2N3M6 dated the 15 day of January, 2021

Buyer agrees to pay the balance as follows:

1. Other than single and two-unit residential buildings, all properties may be subject to site plan control.
2. The proposed use must comply with zoning By-laws 12-019
3. The property is being sold "as is" with no warranties.
4. The sale is for surface rights only.
5. The Municipality does not guarantee that there are any services, nor the condition of any services that may exist. All un-serviced lots are subject to the appropriate "service connection Fees"
6. The municipality shall not be held responsible for any liability arising out of any fill or material that has been placed on the property.
7. All street numbers shall be allocated by the Town and the designated street number shall be on front of the building visible from the street.
8. Prior to selling, it is purchaser's responsibility to perform all exploratory review of the property/site to establish ground and soil conditions, soil capabilities and any other issues which may impact building. Approvals must be obtained from the Town prior to any exploratory work.
9. The purchaser is responsible to pay all the legal fees and any other applicable costs. These costs may include but not limited to the following disbursements:
 - a) Register Transfer
 - b) Register consolidation application
 - c) Execution certificate
 - d) Electronic certification
 - e) Lawyer's Fees
 - f) Tax on Land Sales
 - g) Register application to register condition
 - h) Land transfer tax
 - i) Title search
 - j) Law society transaction levy
 - k) Copy of parcel
10. The municipality will maintain first-right-to-refusal if the purchaser defaults on property conditions.
 - a) A purchaser and all subsequent owners undertake and agree that they shall grade the lands in accordance with Town standards and agree to maintain the same, and before commencing any grading or construction on a lot, prepare a detailed report, drawings and site plan acceptable to the municipality which shall show:
 - First floor elevation, finished lot grades and direction of surface drainage;
 - The location of all buildings and structures to be erected on the site and all final grades;
 - The means whereby storm drainage will be accommodated and the means whereby erosion and silting will be contained and minimized both during and after the construction period
 - b) Where a purchaser intends to renovate the property, the proposal is conditional on acceptance of a proposal for renovating the property. The proposal must:
 - Include specifics of the plan for renovations, including timeframes for building permits, commencement of renovations and significant milestones and completion;
 - Stipulate the amount of refundable deposit to be paid to the vendor on closing to secure performance of the proposal (minimum of \$2,000).
 - c) Where a purchaser intends to construct a building as part of the conditions, the purchaser shall agree that the building will be completed and ready for occupancy within twenty four months of registration of the transfer. In the event the purchaser intends to sell or offer to sell the said lands for sale prior to the completion and readiness for occupancy as above, or in any event there is not a building completed and ready for occupancy within the specified timeframe, the Corporation of the Town of Kirkland Lake will have the irrevocable first option to purchase the lands from the transferee or his assigns on the same terms and conditions as this agreement of purchase and sale (regardless of improvements. Additionally, the purchaser shall pay the Corporation of the Town of Kirkland Lake's Legal costs for the registration of the said transfer.
11. If the proposed purchase is to add land to an abutting property, the Town will require that the two parcels be consolidated so that one cannot be sold without the other.
12. At no time shall a municipal property be sold to a tax payer who owes monies to Town of Kirkland Lake. Please see " property Sale and Other Land uses to Residents in Tax Arrears" Policy, passed by Council on February 1, 2011.
13. Regarding the HST payment the buyer will use the Form: GST/HST Election Concerning the Acquisition of a business or a part of a business
14. Schedule B (Request to Purchase Municipal Land) is attached, which is the part of the agreement.
15. As per Schedule B, The Purchaser (1226507 Ontario Inc.) is replaced by a new & fresh Inc. 2827269 Ontario Inc. Both Incorporations are solely owned by Syed Mansoor Ali Naqvi. Articles of Inc. and HST number is attached for new Inc.

This form must be initialed by all parties to the Agreement of Purchase and Sale.

INITIALS OF BUYER(S):



INITIALS OF SELLER(S):



QUICK FACTS REGARDING REQUEST TO PURCHASE MUNICIPAL LAND

SURPLUS LANDS

The Town of Kirkland Lake has a running list of lands that have been declared surplus and are available for purchase. Any individual can submit a request to purchase for any of the properties listed on the Surplus Lands List. The "Surplus Lands List" is available on the Town of Kirkland Lake's municipal website, or by visiting the Department of Physical Services.

PROCESS

The length of time for approval depends on the complexity of the proposal. On average, most proposals take a minimum of sixty (60) days for the Town to process, if no survey is required.

Once the proposal is submitted, it is reviewed by all internal departments for comment. Once all of the internal departments are satisfied, the proposal will be scheduled to appear at an in-camera Council meeting for discussion purposes. If further information is required by Council, it will be requested and reconsidered at a future in-camera Council meeting. If Council is satisfied with the proposed sale, staff will be directed to provide "Notice of Intent to Sell" at the following Council meeting. A By-law delegating authority to the mayor and clerk to sign all documents pertaining to the sale will be signed at a scheduled open Council meeting shortly thereafter.

PROPOSAL SHALL INCLUDE:

- Application fee, regulated by the Town's User Fees By-law;
- Name and contact information;
- Corporate documents of company name;
- Proposed offer;
- List of proposed uses;
- Type and approximate size of proposed structures;
- Proposed date of closing;
- Number of employees (if applicable);
- Any conditions of purchase; and
- Signature.

Submit application to:

Manager of Planning and Land Development
Department of Physical Services
Town of Kirkland Lake
1 Dunfield Road
Kirkland Lake, Ontario P2N 3P4
FAX: (705) 567-9400
ashley.bilodeau@tkl.ca

TOWN'S CONDITIONS OF SALE

1. Other than single and two-unit residential buildings, all properties may be subject to site plan control.
2. The proposed use must comply with Zoning By-law 12-019.
3. The property is being sold "as is" with no warranties.
4. The sale is for surface rights only.
5. All proposals will be reviewed and evaluated based on "best value", comparison to "market value" and compliance to applicable acts, regulations and by-laws.
6. The proposal with the highest value will not necessarily be accepted.
7. The municipality does not guarantee that there are any services, nor the condition of any services that may exist. All unserviced lots are subject to the appropriate "Service Connection Fees".
8. The municipality shall not be held responsible for any liability arising out of any fill or material that has been placed on the property.
9. All street numbers shall be allocated by the Town and the designated street number shall be on front of the building visible from the street.

10. Prior to selling, it is a purchaser's responsibility to perform all exploratory review of the property/site to establish ground and soil conditions, soil capabilities and any other issues which may impact building. Approvals must be obtained from the Town prior to any exploratory work.
11. All proposals must include a signed authorization letter permitting the *Planning Division* with the authority to review tax files for properties owned by the proposed purchaser and all properties that are associated with the proposed purchaser. At no time shall the municipality sell property to an individual who is in tax arrears and/or registration, as per the "*Property Sales and Other Land Uses to Residents in Arrears*" policy.
12. All proposals must include the non-refundable administration fee, as set out in the Town of Kirkland Lake's User Fees By-law (as amended annually). Failure to include the fee will result in the proposal to be considered incomplete. This fee does not form part of the purchase price, nor is it a deposit towards the purchase price.
13. The purchaser is responsible to pay for all the legal fees and any other applicable costs. These costs may include but are not limited to the following disbursements:
 - i. Register transfer
 - ii. Register consolidation application
 - iii. Execution certificate
 - iv. Electronic registration line charges
 - v. Lawyer's fees
 - vi. Tax on land sales
 - vii. Register application to register condition
 - viii. Land transfer tax
 - ix. Title search
 - x. Law society transaction levy
 - xi. Copy of parcel
14. The municipality will maintain first-right-of-refusal if the purchaser defaults on property conditions.
 - i. A purchaser and all subsequent owners undertake and agree that they shall grade the lands in accordance with Town standards and agree to maintain the same, and before commencing any grading or construction on a lot, prepare a detailed report, drawings and site plan acceptable to the municipality which shall show:
 - First floor elevation, finished lot grades and direction of surface drainage;
 - The location of all buildings and structures to be erected on the site and all final grades;
 - The means whereby storm drainage will be accommodated and the means whereby erosion and silting will be contained and minimized both during and after the construction period.
 - ii. Where a purchaser intends to renovate the property, the proposal is conditional on acceptance of a proposal for renovating the property. The proposal must:
 - Include specifics of the plan for renovations, including timeframes for building permits, commencement of renovations and significant milestones and completion;
 - Stipulate the amount of a refundable deposit to be paid to the vendor on closing to secure performance of the proposal (minimum of \$2,000).
 - iii. Where the purchaser intends to construct a building as part of the conditions, the purchaser shall agree that the building will be completed and ready for occupancy within twenty-four months of registration of the transfer. In the event that the purchaser intends to sell or offer to sell the said lands for sale prior to the completion and readiness for occupancy as above, or in any event there is not a building completed and ready for occupancy within the specified timeframe, the Corporation of the Town of Kirkland Lake will have the irrevocable first option to purchase the lands from the transferee or his assigns on the same terms and conditions as this Agreement of Purchase and Sale (regardless of improvements). Additionally, the purchaser shall pay the Corporation of the Town of Kirkland Lake's legal costs for the registration of the said transfer.
15. If the proposed purchase is to add land to an abutting property, the Town will require that the two parcels be consolidated so that one cannot be sold without the other.
16. At no time shall a municipal property be sold to a tax payer who owes monies to the Town of Kirkland Lake. Please see "Property Sale and Other Land Uses to Residents in Tax Arrears" Policy, passed by Council on February 1, 2011.

PROPOSAL TO PURCHASE

Contact Information:

Name:	1226507 ONTARIO INC.
Mailing Address:	104 - 100 DYNAMIC DRIVE TORONTO ON M1V 5C4
Phone Number:	(416) 918-1356
E-Mail Address:	mansoor.naqvi@mbeforyou.com

Information on Property of Interest:

Civic Address:	400 Government Rd W, Kirkland Lake, ON P2N 3M6
Existing Use:	Conference and Event Centre
Proposed Use:	Same

Specify any conditions of sale:

Including all Chatels
Cash for \$799,000.00 will be paid at the time of closing.

Offer to Purchase

Proposed Purchase Price:	799,000.00
Proposed Closing Date:	July 15, 2021
Legal Representation:	Name: Nasira Rizvi Phone Number: (647) 393-1933 Fax: (647) 476-4830

I Syed Mansoor Naqvi have reviewed the contents of the "Surplus Land Proposal" and understand all associated conditions and fees which apply to a municipal land purchase. I have also included the non-refundable application fee attached to this application. I understand failure to include this fee will result in the proposal to be considered incomplete. I further understand that the fee does not form part of the purchase price, nor does it reflect a deposit towards the purchase price.

I Syed Mansoor Naqvi agree to the conditions stipulated in the "Request to Purchase" document attached.

Date: January 15, 2021

Signature: 

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre
777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000



April 27, 2021

Dear Head of Council,

As you may be aware, the Ontario government is consulting on how to strengthen accountability for municipal council members. We want to ensure that councillors and heads of council maintain a safe and respectful workplace and carry out their duties as elected officials ethically and responsibly. More information on the scope of consultations can be found at [Ontario.ca](https://ontario.ca).

As part of this work, my colleague Jill Dunlop, Associate Minister for Children and Women's Issues will be seeking input from members of council representing each of Ontario's municipalities through one of two hour-long telephone townhall sessions with municipal representatives from Northern Ontario's municipalities on June 10, 2021 at 10:00 AM EDT.

This session will provide participants with the opportunity to share their valuable feedback on:

- what changes or mechanisms are needed to better hold council members accountable for municipal code of conduct violations;
- how to effectively enforce these codes
- whether a broader range of penalties for violations of the codes of conduct are needed; and
- the circumstances in which these potential penalties could be applied.

Please identify one member of your council to participate in the session. Once chosen, the one identified member of your council should register via [Eventbrite](https://eventbrite.com) by Thursday, May 6, 2021. The registered member will receive instructions about how to participate in the session prior to the meeting.

We have also launched an online survey to seek input on ways to strengthen accountability mechanisms for municipal council members. I encourage members of council and municipal staff to provide their input on this important topic through the online survey: [Consultation: Strengthening accountability for municipal council members | Ontario.ca](https://ontario.ca). This online survey will be available until July 15, 2021. Please share this link with your municipal staff.

I hope you will accept this invitation to participate in this session, as we look forward to hearing your feedback on how to strengthen accountability for municipal council members.

Sincerely,



Steve Clark

Minister of Municipal Affairs and Housing

- c: Clerk and Chief Administrative Officers
Jill Dunlop, Associate Minister of Children and Women's Issues
Kate Manson-Smith Deputy Minister, Ministry of Municipal Affairs and Housing
Marie-Lison Fougère, Deputy Minister Responsible for Women's Issues

Amberly Spilman

From: Marin-Comeau, Chantal (AADNC/AANDC) <chantal.marin-comeau@canada.ca>
Sent: April 20, 2021 2:01 PM
To: Meagan Elliott
Subject: RE: FW: Resolution - National Action Plan on Missing & Murdered Indigenous Women
Attachments: https!__Read_Only-wXrue8Tn-47352731.PDF

CAUTION: This email originated from a sender outside of the organization. Do not reply, click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Meagan Elliott:

Thank you for your correspondence of June 23, 2020 regarding the passing of the resolution concerning the National Action Plan on Missing and Murdered Indigenous Women and Girls (MMIWG) passed at the June 16, 2020 Regular Meeting of Council. I appreciate you taking the time to write to me on this important matter and I apologize for the delay in responding.

The Final Report of the National Inquiry calls on all governments –federal, provincial, territorial, municipal, and Indigenous - to work together to address the issues highlighted in the Calls for Justice. Together, we must develop a National Action Plan that will set a clear roadmap to end the systemic causes of violence against Indigenous women, girls and 2SLGBTQQIA+ people.

The Government of Canada continues to work with provincial, territorial, and Indigenous partners to determine priorities and identify proven practices that could contribute to the development of a National Action Plan. Over the past year, Indigenous partners have also been engaging with their communities to ensure that a National Action Plan will address regional needs as well as the unique needs, experiences, and cultural contexts of their communities.

A governance structure, comprised of over 100 First Nations, Inuit, Métis women and 2SLGBTQQIA+ people is in place to oversee the development of the National Action Plan. It includes a Core Working Group and a National Family and Survivor's Circle which serve as a liaison with the broader federal, provincial and territorial governments, Indigenous organizations and communities as well as the distinctions based (First Nations, Inuit, Métis), urban and 2SLGBTQQIA+ sub-working groups.

The Government of Canada began taking action to address the safety and security of Indigenous women, girls and 2SLGBTQQIA+ people before the Final Report was released. Important federal initiatives have begun to address issues identified in the Interim and Final Reports as well as in the Calls for Justice. These initiatives include:

- Enacting legislation on respecting Indigenous languages;
- Enacting legislation that supports First Nations, Inuit and Métis children, youth and families;
- Investing in Family Information Liaison Units and community-based supports;
- Investing in community commemoration initiatives from coast-to-coast-to-coast;
- Investing in a series of independent research projects that look into promising police policies and practices to help foster more trusting relationships between police and the Indigenous people they serve;
- Supporting the building and operating of shelters to help protect and support Indigenous women and girls experiencing and fleeing violence; and,
- as part of our larger efforts to eradicate human trafficking, the government has funded 41 organizations that serve Indigenous communities

Building on these investments, the 2020 Fall Economic Statement released by Finance Minister Chrystia Freeland on November 30, 2020, indicated that the Government of Canada proposes to invest an additional \$781.5 million over five years starting in 2021–2022, and \$106.3 million ongoing to combat systemic discrimination against Indigenous peoples and expand efforts to combat violence against Indigenous women, girls and 2SLGBTQIA+ people. This includes investments to support the implementation of the Gladue Principles, develop Administration of Justice Agreements with Indigenous communities, and launch a comprehensive Violence Prevention Strategy.

For more information on further actions being taken by the Government of Canada to address violence against Indigenous women and girls, please visit our website: <https://www.rcaanc-cirnac.gc.ca/eng/1590523702000/1590523850562>.

The Government of Canada is committed to addressing this national tragedy and will continue to do what is right and necessary to honour missing and murdered Indigenous women, girls and 2SLGBTQIA+ people to foster the healing of families, survivors and First Nations, Inuit and Métis communities.

I am very encouraged by the Town of Kirkland Lake's commitment and engagement on this very important matter. Thank you for taking the time to write about this crucial issue.

Sincerely,

Chantal Marin-Comeau
Director General
Missing and Murdered Indigenous Women and Girls Secretariat
Crown-Indigenous Relations and Northern Affairs Canada

From: Bennett, Carolyn - M.P. <carolyn.bennett@parl.gc.ca>
Sent: Tuesday, June 23, 2020 3:30 PM
To: Minister (AADNC/AANDC)
Subject: FW: Resolution - National Action Plan on Missing & Murdered Indigenous Women
Attachments: National Action Plan on Missing & Murdered Indigenous Women.pdf

Received 6/23/2020

From: Meagan Elliott <Meagan.Elliott@tkl.ca>
Sent: June 23, 2020 2:38 PM
To: Bennett, Carolyn - M.P. <carolyn.bennett@parl.gc.ca>; Angus, Charlie - M.P. <charlie.angus@parl.gc.ca>; 'jvanthof-co@ndp.on.ca' <jvanthof-co@ndp.on.ca>
Subject: Resolution - National Action Plan on Missing & Murdered Indigenous Women

Hello,

Please see the attached resolution passed at the June 16, 2020 Regular Meeting of Council.

Thank you,

Meagan Elliott, BA
Municipal Clerk
Town of Kirkland Lake
Phone: 705-567-9361 ext #238
Fax: 705-567-3535
Email: Meagan.Elliott@tkl.ca
Website: <https://www.kirklandlake.ca/>

U20869



At the Regular Meeting of Council held on June 16, 2020 the attached memo was presented with the following resolution passed:

Moved by: Stacy Wight
Seconded by: Rick Owen

BE IT RESOLVED THAT Memorandum Number 2020-CNL-002 entitled
“**Resolution: National Action Plan on Missing & Murdered Indigenous Women**”
be received,

THAT, a resolution be passed to send a request to Crown-Indigenous Relations Minister, Carolyn Bennett, to release the steps her office is taking to ensure this Action Plan will be completed in a timely fashion; recognizing the Government received the recommendations from the Inquiry a year ago, and the country deserves a cohesive National Action Plan to deal with the issue of Missing and Murdered Indigenous Women across the Country, and

THAT, this resolution be shared with our Federal MP, Provincial MPP and all 443 other municipalities within Ontario through AMO so they may also add their municipalities in support of this request.

MEMORANDUM TO COUNCIL

Meeting Date: 16 June 2020

Memo Number: 2020-CNL-002

Presented by: Stacy Wight

Department: Council

MEMO TITLE

Resolution: National Action Plan on Missing & Murdered Indigenous Women

RECOMMENDATION(S)

BE IT RESOLVED THAT Memorandum Number 2020-CNL-002 entitled “**Resolution: National Action Plan on Missing & Murdered Indigenous Women**”, be received, and

THAT, a resolution be passed to send a request to Crown-Indigenous Relations Minister, Carolyn Bennett, to release the steps her office is taking to ensure this Action Plan will be completed in a timely fashion; recognizing the Government received the recommendations from the Inquiry a year ago, and the country deserves a cohesive National Action Plan to deal with the issue of Missing and Murdered Indigenous Women across the Country.

AND THAT, this resolution be shared with all 443 other municipalities within Ontario so they may also add their municipalities in support of this request.

BACKGROUND

On August 3, 2016, the Government of Canada announced the Terms of Reference and appointed Commissioners to begin the Inquiry on Missing and Murdered Indigenous Women. Three years later, on June 3, 2019 the final report was published, including 231 recommendations within 2 Volumes of text. The Government of Canada, specifically Carolyn Bennett and her office, had 8 months between that date and the end of February 2020 to create a National Action Plan. On May 26 of this year it was announced the release of this plan would be delayed due to COVID.

R A T I O N A L E

In December of 2019, Carolyn Bennett stated there would be a outline & document by the June 3 2020 Anniversary, but stated in late May 2020 “that more work & consultation” needs to be done with Indigenous Partners. In Ontario there are 444 Municipalities, and 205 Reserves, 9 First Nation Settlements made up of peoples from 126 different First Nations. The people of Ontario, as well as community members across Canada deserve a conclusive deadline as to when they can expect this National Action Plan to be released. Using the current pandemic is no excuse; all levels of Government were expected to fulfil their duties as leaders and we are looking for Carolyn Bennett and the entire Ministry of Crown-Indigenous Affairs to do the same.

A T T A C H M E N T S

Attachment 1 – https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf

Attachment 2 - https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1b.pdf



THE CORPORATION OF THE TOWN OF KIRKLAND LAKE

BY-LAW NUMBER 21-035

**BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS
REGULAR MEETING HELD MAY 4, 2021**

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 4th DAY
OF MAY, 2021.**

Pat Kiely, Mayor

Meagan Elliott, Clerk