

**AUGUST 13, 2009**  
**DELEGATION TO MELANCTHON COUNCIL**

My name is Kate Armstrong and I am here speaking in support and on behalf of the North Dufferin Agricultural and Community Taskforce (NDACT)

Once again our community faces a threat from the Highland Companies, this time with what is commonly referred to as Community Depopulation or Rural Blockbusting. What is this? It is the practice of demolishing home after home in our municipality, some of which have stood since my great-great-great Grandparent's time.

To date the following homes have been demolished by Highland Companies:

- The former Whitten home: Part of Lot 276 & 277, Concession 1 NE all structures removed
- The former Benotto home: Part of Lot 7, Concession 3 NE all structure removed
- The former Speers home: East Part of Lot 19, Concession 1 OS all structures removed
- The former Ferguson home: West Part of Lot 25, Concession 3
- The former Jamieson home: West Part of Lot 26, Concession 3 OS all structures are to be removed as a fire permit has been issued
- The former Wilcox barn: East Part Lot 16, Concession 4 OS the barn only to date

Additionally there is a property at Shrigley located at Pt Lot 26, Concession 10 NE for which Highlands has received a burn permit so it can reasonably be expected that the structures on this homestead will also be demolished.

The Highland Companies also owns homes on the following properties, most of which are vacant at this time or will soon be vacant:

- The former Irwin home: West Part Lot 26, Conc 1 OS
- The former Lorne Ferguson home: West Part Lot 24, Conc 2 OS
- The former Webb home: East Part Lot 17, Conc 4 OS
- The former Eichhorn home: East Part Lot 17, Conc 4 OS
- The former Ed Downey home: West Part Lot 19, Conc 3 OS
- The former Doug Downey home: East Part Lot 15, Conc 4 OS
- The former Terry Prentice home: East Part Lot 20, Conc 1 OS
- The former Glenn Lavery home: West Part Lot 22, Conc 1 OS
- The former Ed Lavery home: West Part Lot 23, Conc 1 OS
- The former Elgie home located: West Part Lot 21, Conc 1 OS
- The former Paul Irwin home: West Part Lot 20, Conc 1 OS
- The former Bates home: West Part Lot 20, Conc 1 OS
- The former Looby home: East Part Lot 19, Conc 4 OS
- The former Wilson home: East Part Lot 25, Conc 3 OS
- The former Wilcox home: East Part Lot 16, concession 4 OS, house remaining

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Based on the past practice of the Highland Companies it can safely be assumed that the structures, homes, barns, outbuildings will be demolished, unless written assurances are provided by the Highland Companies and registered on the titles to these properties to ensure subsequent corporate owners are bound by this.

At the June 20 public meeting in Honeywood held by NDACT, a Highland spokesperson stated these homes were condemned and uninsurable. However this statement is not true. The Chief Building Official (CBO) for the County of Dufferin is the only authorized legislative authority to issue an Unsafe Order under the Building Code. The CBO advised in an email dated June 22, 2009

"None of these properties you are asking about have been as you say "condemned" by the County of Dufferin Building Department"

In other words, Highland Companies took it upon themselves to leave these homes unoccupied, unheated and in a state of disrepair after which they made the decision to eradicate these homes.

These were **homes** in which residents of this community lived and raised families and participated in their community, some of them for generations.

You might ask why is it anyone's business what someone else does on their private property? The reasons are many.

**Community and social fabric:**

Without homes you have no people and you have no community. Where is your volunteer base to assist with community events such as the Beef Barbque, Strawberry Supper, charitable events, fundraisers, etc. Young adults who leave to the community for higher education with the hope of returning to financially and socially contribute to their communities and raise future generations will find very few housing opportunities. Our youth is our most valuable asset and without homes and without hope they are lost to us and will move on to benefit other communities, to Melancthon's detriment and loss.

**Recreation, Health & Safety:**

Assuming on average four people reside in a home, a mother, father and two kids this means with there are potentially 80 fewer individuals who might participate on a hockey team, synchronized skating, figure skating, rent ice time, come to public skating or volunteer at the arena. That is a shocking number for an arena the size of Honeywood. Additionally from where will the volunteer firefighters be recruited? With two adults on average living in each house, there is the potential that 40 adult volunteers is lost with the demolition of these homes.

**Financial:**

After Highlands demolishes these homes, they will clearly apply for a reassessment on the properties, leading to a reduction in taxes payable on every single one of these properties. The reduction in the reality tax base will result in one of two things: a reduction in services or increase in property taxes on the remaining tax base in order to maintain the status quo. Is this fair?

Also many provincial grants and subsidy programs are dependent on per capita funding. With a reduction in population, resulting from Highlands destruction of these homes, it could impact Melancthon's ability to apply or be eligible for some programs.

Does this sound like a company that has the best interests of the community at heart?

I ask you then, as a Council, to move immediately on a unified front to save the remaining homes from demolition. There are several ways this can be achieved.

**You can pass the attached resolution tonight together with a bylaw that has been prepared for this purpose to designate the whole of the Township as a Demolition Control Area pursuant to Section 33 of the Planning Act.**

**You can cease to issue all fire permits on structures that are to be demolished in the Township of Melancthon, and all future fire and/or burn permits, that are applied for on dwellings intended to be demolished, be processed, reviewed and dealt with in all respects as though they were a demolition permit;**

**You can seek a heritage designation on the homes in Melancthon that a Heritage Designation Committee deems appropriate;**

**You can make a formal request to the County of Dufferin to implement any and all by-laws, orders, procedures or regulations which are required in order to further the intent of this Resolution.**

You can stop this destruction of our community from occurring. As a young adult who would like to reside in and contribute to my community, as generations of my family have done, we need your help.

Thank you for giving me the time to speak.

TOWNSHIP OF MELANCTHON RESOLUTION  
\_\_\_\_\_ -2009

MOVED BY  
SECONDED BY

WHEREAS 1712665 ONTARIO INC., 3218089 NOVA SCOTIA COMPANY, 3191574 NOVA SCOTIA COMPANY and affiliated entities, operating under the names of The Highland Companies, Wilson Farms, and Downey Farms (Collectively "The Highland Companies") have acquired approximately 7,500 acres of land in Melancthon Township;

AND WHEREAS residential dwellings and or other structures on the following properties have been demolished since August 2008 by or at the direction of The Highland Companies:

- Part of Lot 276 & 277, Concession 1 NE Assessed value: \$261,500.00;
- Part of Lot 7, Concession 3 NE Assessed value: \$334,250;
- East Part of Lot 19, Concession 1 OS Assessed value: \$332,500;
- West Part of Lot 25, Concession 3 OS Assessed value: \$289,750;
- West Part of Lot 26, Concession 3 OS Assessed value: \$276,250; and
- East Part Lot 16, Concession 4 OS;

AND WHEREAS The Highland Companies owns lands, including those noted below, upon which there are residential dwellings that have or will soon become unoccupied since the date of their acquisition;

West Part Lot 26, Conc 1 OS Assessed value: \$312,750 (Blake Irwin)  
West Part Lot 24, Conc 2 OS Assessed value: \$238,750 (Lorne Ferguson)  
East Part Lot 17, Conc 4 OS Assessed value: \$75,475 House \$25,775 Farm (Webb)  
East Part Lot 17, Conc 4 OS Assessed value: \$ 199,250 (Eichhorn)  
West Part Lot 19, Conc 3 OS Assessed value: \$ 326,000 (Ed Downey)  
East Part Lot 15, Conc 4 OS Assessed value: \$ 415,500 (Doug Downey)  
East Part Lot 20, Conc 1 OS Assessed value: \$306,750 (Terry Prentice)  
West Part Lot 22, Conc 1 OS Assessed value: \$269,250 (Glen Laverty)  
West Part Lot 23, Conc 1 OS Assessed value: \$288,750 (Ed Laverty)  
West Part Lot 21, Conc 1 OS Assessed value: \$346,250 (Elgie)  
West Part Lot 20, Conc 1OS Assessed value: \$280,250 (Paul Irwin)  
West Part Lot 20, Conc 1 OS Assessed value: \$198,500 (Bates)  
East Part Lot 19, Conc 4 OS Assessed value: \$185,750 (Looby)  
East Part Lot 25, Conc 3 OS Assessed value: \$397,000 (Wilson)  
Part Lot 26, Conc 10 NE

AND WHEREAS none of the above noted structures identified have been designated by the Chief Building Official (CBO) in the County of Dufferin as unfit for human habitation or condemned and no Unsafe Orders were issued by the CBO;

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AND WHEREAS many of these structures form part of the history and culture of the community, including in certain instances, heritage properties dating back to the 19<sup>th</sup> Century;

AND WHEREAS the demolition of the structures on these properties will detract from the community landscape;

AND WHEREAS the demolition of the structures on these properties will contribute to the depopulation of the municipality;

AND WHEREAS the demolition of the structures on these properties will result in a lowered assessed value on the property, thereby leading to a reduced tax base;

AND WHEREAS the demolition of the structures on these properties may impact the municipality's ability to apply for and receive provincial grants/programs based on population;

THEREFORE BE IT RESOLVED THAT:

1. The Township of Melancthon hereby designates the whole of the Township as a Demolition Control Area pursuant to Section 33 of the Planning Act.
2. The Township of Melancthon hereby ceases to issue all fire permits on structures that are to be demolished in the Township of Melancthon, and that all future fire and/or burn permits, that are applied for on dwellings intended to be demolished, be processed, reviewed and dealt with in all respects as though they were a demolition permit;
3. The Township of Melancthon will seek a heritage designation on the homes in Melancthon that a Heritage Designation Committee deems appropriate;
4. The Township of Melancthon will make a formal request to the County of Dufferin to implement any and all by-laws, orders, procedures or regulations which are required in order to further the intent of this Resolution.

CARRIED

\_\_\_\_\_  
MAYOR

## **“NO STONE UNTURNED”**

2400 acres, 200 feet deep, forever: The Highland Companies Mine.

Ladies and Gentlemen, Madame Mayor and Councillors.

Let this delegation be known as **“No Stone Unturned”**. From this moment forth, it is the **attitude** that Council and residents must adopt to combat the social, economic, and environmental disaster that is facing this Township. Limestone is valued at 18 million dollars an acre; why would Mr. Lowndes stop at 2400? He continues to assemble land, now 7,500 acres; Potatoes are only valued at \$? an acre. It would be prudent to assume that his plan - is to “leave No Stone Unturned”.

Joining a fight for soil and water may have separated some neighbours, but it has and will continue to unite many more. Karren and I are united by our farming history and our desire to protect our children’s food and water. But on this night, Karren and I are connected by a passionate belief that this is a fight we **can and must** win.

As our Council, you have continually reminded us that no matter what you do, the ultimate decision will be made at the Ontario Municipal Board and that costly studies will be at the expense of the Tax Payer. But make no mistake, the OMB will base their decision largely on what is done here, by this Council, to prove through professional studies, that a 2400 acre, 200 foot deep mine does **not** belong on the headwaters of 2 vital water sheds serving over a million Ontarians. That such a mine does **not** belong on Prime Agriculture land that is strategically located to feed Canada’s biggest population base during a time of climate change and world wide food shortage. Legally, these studies can and must be paid for by the applicant, **if such requirements are in the Official Plan.**

Council has the ability and tools to be in charge of this situation; to take a stand, and set the conditions to protect the land and water for the Township as mandated in the Official Plan. Under “*Water Taking*”, Melancthon’s Official Plan states: that water taking shall not be approved unless Council is satisfied that “**the quality of ground and surface water in the area will be maintained and, where possible, improved.**”

2400 acres of holes will be blasted through the headwaters and left in Melancthon for eternity. It is very questionable that the cement walls and pumps that a Melancthon farmer is expected to maintain, at some unimaginable cost – forever, will secure the headwaters and “maintain the quality of water”. In fact, similar mining plans have been turned down by both Caledon and Flamborough because the comparative studies, where the *water recirculation process* was used, were done on completely different soil types. Quoting Councillor McCarthy of Flamborough: “It became an indisputable truth: All filed documents held that the suggested process, of the whole *Water Recirculation Process* proposed by the applicant, was “theoretical” and not tested.”

The “No Stone Unturned Plan” we present tonight, is not new; it was first introduced to you by Karren at the April 2<sup>nd</sup> Council meeting and was immediately supported by Harvey Lyon. It was presented again by Rob Uffen on June 20th, and most recently by Dave Vander Zagg on behalf of NDACT. It was re-inspired by a press interview with Councillor McCarthy who is fighting the same fight for residents in Flamborough *and winning*.

It took a matter of hours to confirm the information with the Ministry of Municipal Affairs and Housing. Conditions set in the Official Plan insure the best chance for the security of the Township and costs little more than the Planners time to implement them.

As well as implementing the conditions into the Official Plan, Council must adopt the **AEMOT Study into the OP-** as our neighbour, the Municipality of Grey Highlands did in 2001; **and amend the Planning Fees and Charges immediately**, to reflect the true cost of processing an aggregate application. Currently, Melancthon has **no** fee.

Please advise ratepayers if any of **these options have been pursued to date**.

(Karren presents detailed plans)

End

A resolution has been prepared, so that on this evening of August 13<sup>th</sup>, 2009 Council can immediately move forward to implement these vital components into the Official Plan. Once accomplished, staff will require time, advice, and possibly support staff to insure the Ministry of Municipal Affairs and Housing expedites the amendments into Melancthon's Official Plan pursuant to tonight's resolution. This support and vigilance must continue as staff and Council pursue every possible avenue to protect the Township – leaving “no stone unturned”.

(3 of 3)

I want to thank Council for the opportunity to speak today about an issue that has arisen through no fault of residents or Council. The proposal for a 2,400 acre open pit mine is strictly a Highland Companies idea and they and their shareholders will be the one to profit substantially from this. As such any and all costs related to this should be borne strictly by Highlands, this should not cost ratepayers or citizens organizations one penny.

There are a number of legislative options available to the Township to achieve this.

Firstly Council should look at their fees and charges bylaw and possible amendments thereto. The City of Hamilton has a fee of \$100,000.00 for an OPA/ZBA amendment related to the establishment of a pit or quarry and a fee \$40,000.00 for expansion of an existing pit or quarry. Their bylaw goes on to state that additionally the applicant shall pay for all costs related reviews, peer reviews and an aggregate advisor.

Currently you have an existing Official Plan and a consolidated/updated OP that has been before Municipal Affairs and Housing for some time. My understanding is that it must now be brought into conformity with the growth plan. The legislation provides that the province must make a decision on any OP amendment submitted to them that has been municipally approved within 180 days. If Council wants to move forward on this and have the province make a decision that is in the purview of Council as it has clearly been before the province for more than 180 days. Sitting by passively has let too much time elapse on this issue.

Another amendment to the OP that Council should consider is listing all studies in the OP that may possibly be required for an application to be considered complete. Bill 51 strengthened this provision as well. Without this clause specifically listed in the OP, an applicant can submit some studies, but not all the ones the municipality requires leaving the municipality in position of being unable to make an informed decision. The 180 day period in which a decision must be made starts from the day the partial studies are submitted. If the clause is in the OP, then the clock doesn't start ticking until the municipality considers the application complete.

Also, without a municipal decision on an OPA, the province cannot submit comments on the OPA, or do their own peer review of the studies. Rather the applicant will file an appeal to the OMB and can then produce studies directly at the OMB which does not give the municipality time to review/peer review or the province the opportunity to comment or peer review them.

The OP should have a provision therein that states that all studies and/or peer reviews are at the expense of the proponent. I know there is a clause on the application, but putting it directly into the OP strengthens the ability to demand it. The municipality can insist through the OP that all studies are municipally directed, meaning the municipality decides which subject matter expert needs to be retained. The applicant can do a second study with the consultant of their own choosing if they so desire, again at their own expense, but a municipally directed study gives the municipality more power.

The AEMOT study should be incorporated into the OP. The Municipality of Grey Highlands, under Section 2.5 of their OP adopted the AEMOT study into their OP. This is not up to the province to incorporate it into your OP.

Moving the above noted provisions in the OP can be achieved either through amending the current OP or by providing these amendments to the OP currently before the province, then pushing for them to make a decision within the legislated time line. All planning act provisions must be following including pre-consultation, a public meeting, etc.

There can be no more speculation about what Highlands will or will not do. They made it abundantly clear at their open how massive this open pit mine will be if not the largest, one of the largest in the province. They were, however, unclear on many of the details, particularly how they propose to sustain a massive pump and concrete wall until the end of time to stop the hole from filling with water. A concern is that when the company has depleted the land, they will simply disappear and within three years of non-payment of taxes the municipality, meaning ratepayers will be on the hook for maintaining the cement wall and pumps or have the hole fill with water. The impact on the surrounding wells and waterways would be devastating. Council must look now for all ways to prevent this from happening.

An application on this scale will require enormous amounts of staff time and the hiring of professionals. Again this should be at the expense of the applicant. The City of Hamilton, who is very familiar with the methods being employed by this company in Melancthon, took a stand immediately upon hearing about trees being cut, surprisingly without proper permits and speculation on an open pit mine years before an application was filed and passed the costs to the developer.

Use all the resources available to you, legislatively and precedent wise.

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
2009 FEE STRUCTURE (EFFECTIVE APRIL 15, 2009)**

<b>1.</b>	<b>Official Plan Amendment and/or Zoning Bylaw Amendment to establish a New Pit or Quarry</b>	\$ 100,000.00
	<b>Pit or Quarry – Expansion</b>	\$ 40,000.00
	(In addition to base fee, the owner/applicant shall bear any and all cost pertaining to Peer Reviews and for an Aggregate Advisor, if required).	
<b>2.</b>	<b>Rural Hamilton Official Plan Amendment*</b>	\$ 9,620.00
<b>3.</b>	<b>Regional Official Plan Amendment*</b>	\$ 9,620.00
	a) Recirculation with no advertising required	\$ 385.00
	b) Recirculation with advertising required	\$ 4,120.00
	c) Cancellation of the Public Meeting	\$ 3,760.00
	d) Advertising Fee	Minimum charge of \$ 1,000 if applicable
<b>4.</b>	<b>Local Official Plan Amendment*</b>	
	a) Phase 1 – Services up to City Council Report	\$ 5,680.00
	b) Phase 2 – Services subsequent to the Council Resolution approval	\$ 3,940.00
	c) Recirculation with no advertising required	\$ 385.00
	d) Public Notice recirculation due to cancellation of a Public Meeting by the applicant or agent	\$ 385.00
	e) Advertising Fee	Minimum charge of \$ 1,000 if applicable
<b>5.</b>	<b>Rezoning Application*</b>	
	a) Routine	\$ 5,585.00
	b) i) Complex Phase 1 - Services up to City Council Report	\$ 7,530.00
	ii) Complex Phase 2 - Services subsequent to the Council Resolution approval	\$ 3,640.00
	c) Public Notice recirculation due to cancellation of a Public Meeting by the applicant or agent	\$ 385.00
	d) Advertising Fee	Minimum charge of \$ 1,000 if applicable
	e) Severance of Surplus Farm Dwelling	\$ 2,795.00
	f) Amended applications	\$ 725.00
	g) Recirculations	\$ 725.00
	h) Removal of a 'H' Holding Provision	\$ 1,545.00
<b>6.</b>	<b>Site Plan Control</b>	
	a) Full Application	\$ 5,880.00
	i) Plus residential charge prior to the issuance of final site plan approval (Maximum 30 units)	\$ 250.00 / unit
	ii) Plus gross floor area for non-residential development charge prior to the issuance of final site plan approval to a maximum of 5,000 m <sup>2</sup> for industrial and 50,000 m <sup>2</sup> for commercial	\$ 1.00 / m <sup>2</sup>
	b) Minor Application	\$ 730.00
	c) Resubmission (on the 4 <sup>th</sup> occasion and thereafter)	\$ 1,890.00
	d) Amendment to an Approved Site Plan	\$ 1,425.00
	e) Preliminary Review	\$ 1,425.00
	f) Extension	\$ 960.00
	g) 1 & 2 Family Residential on the Hamilton Beach Strip (Outside of the Heritage Conservation District)	\$ 1,375.00
	h) Agricultural Uses	½ of the applicable fee
<b>7.</b>	<b>Plan of Condominium</b>	
	a) New Construction – with Public Process	\$ 10,365.00 + \$55 Per Unit
	b) New Construction – without Public Process	\$ 7,610.00 + \$55 Per Unit
	c) Condominium Conversions	\$ 10,945.00 + \$70 Per Unit
	d) Recirculation Fee	\$ 800.00
	e) Revision Fee	\$ 850.00
	f) Maintenance Fee (File over 3 years old)	\$ 330.00
	g) Exemption Fee	\$ 900.00
	h) Extension Fee	\$ 620.00

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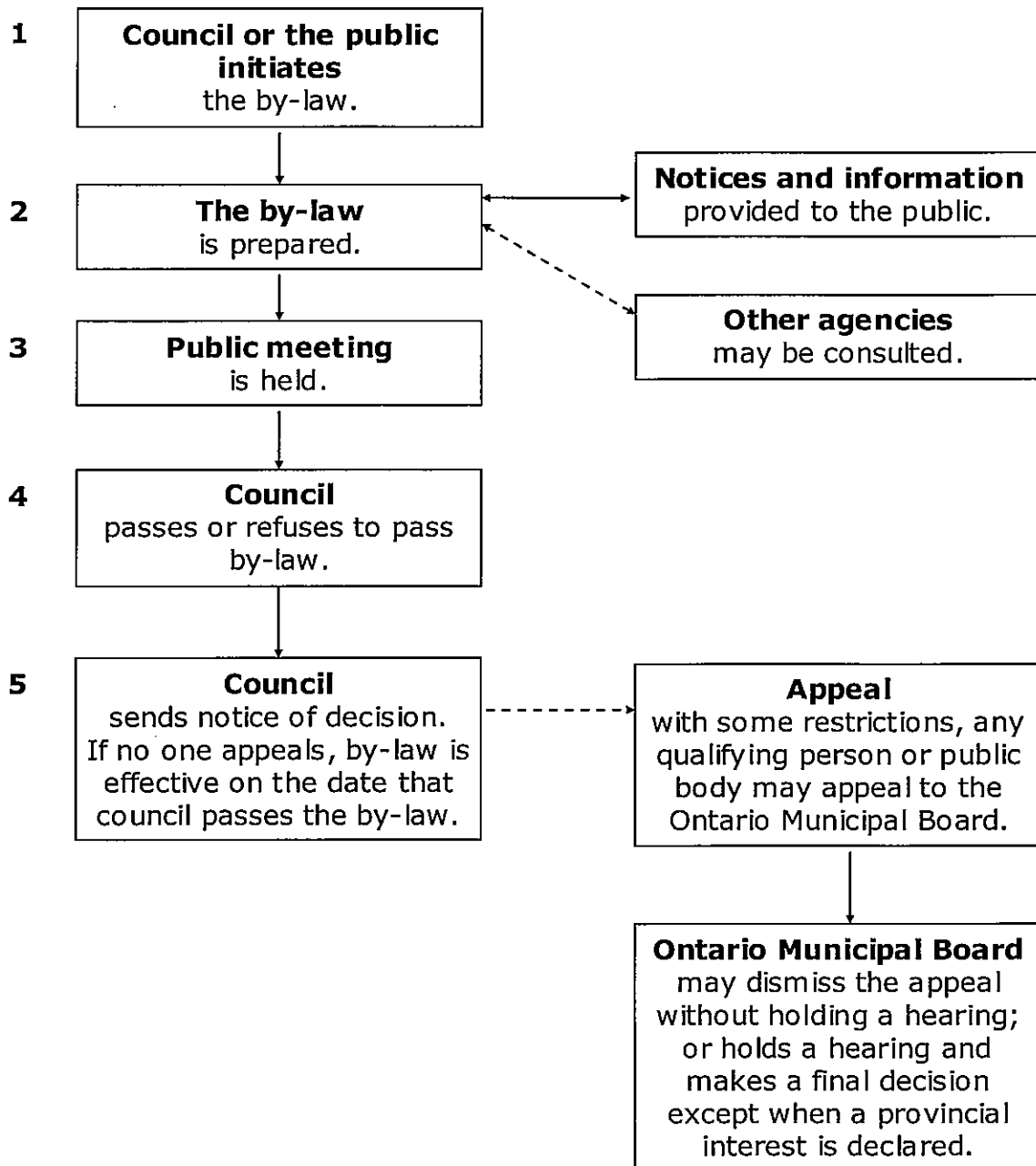
<b>8. Plans of Subdivision</b>	
a) Subdivision application	\$ 15,880.00 + \$100 Per Unit + \$500.00 Per Block
b) Recirculation of revisions	\$ 800.00
c) Revision Fee – Draft Plan approved	
Minor Revisions	\$ 1,830.00
Major Revisions	\$ 11,910.00
d) Extension Fee – Draft Plan approved	\$ 620.00
e) Annual Maintenance Fee (File over 3 years old)	\$ 330.00
f) Advertising Fee	Minimum charge of \$ 1,000 if applicable
<b>9. Part Lot Control Application</b>	\$ 1,670.00 +\$80 Per Lot/Unit/Part + \$15.00 per unit Finance Fee (only collected if new parcel of land is created)
Extension	\$ 720.00
<b>10. Preparation of Neighbourhood Plan or Modified Neighbourhood Plan</b>	\$ 1,830.00
<b>11. Municipal Street Number Request</b>	\$ 240.00
<b>12. Street Name Change</b>	\$ 4,880.00
<b>13. Property Reports</b> (with respect to Official Plan, Zoning, Rental Housing Protection, Heritage Designation)	\$ 135.00
<b>14. Consent Application</b>	
a) Land Division Consent Fee	
i) Fully Serviced Lot	\$ 1,800.00
ii) Property serviced by well / cistern	\$ 1,900.00
iii) Additional fee plus Base Fee where no sanitary sewer exists or if services are new to the area and any existing house is still serviced by a septic system.	\$ 245.00
b) Land Division Re-circulation Fee	\$ 145.00
c) Land Division Deed Certification	\$ 145.00
d) Deferral or Extension	\$ 40.00
e) Validation of Title	\$ 540.00
<b>15. Minor Variance Application Fee</b>	\$ 1,000.00
a) Variance required "after the fact"	\$ 1,210.00
b) Re-circulation Fee	\$ 145.00
<b>16. Sign Variance</b>	\$ 725.00
Fee for a sign erected, located and displayed without a permit	\$ 1,010.00
<b>17. Ministry of Environment's Certificate of Approval Admin. fee</b>	\$ 1,640.00
<b>18. Cash in Lieu of Parking administration fee</b>	\$ 405.00
<b>19. ESAIEG application fee</b>	\$ 310.00
<b>20. Record of Site Condition administration fee</b>	\$ 260.00
<b>21. Peer Review of Special Studies Administration fee</b>	\$ 280.00

**22. Ontario Municipal Board Appeals**  
In addition to the fees set out above in sections 1., 2., 3., 4., 5., 7., 8., 14. and 15 the total fees payable shall include all fees associated with supporting an applicant at a hearing where the application was approved by City Council including City legal fees, City staff fees, outside legal counsel and consultant/witness fees where required, but excluding the cost of the Planning and Economic Development Department staff. These additional fees shall be collected through the process set out in a cost acknowledgement agreement which must be signed and submitted as part of the applications identified in sections 1., 2., 3., 4., 5., 7., 8., 14. and 15.

\* Joint Application – Where applications are made for a Rural Hamilton Official Plan Amendment, Regional Official Plan Amendment, Local Official Plan Amendment, Plan of Subdivision, and Rezoning, or any combination thereof, the total fees will be reduced by 25%.

**Notes:** This list is a summary of development fees. Additional fees may be required, such as for the cancellation and/or re-circulation of a Public Meeting, Ontario Municipal Board appeals, Conservation Authority Plan Reviews, etc. Please call the Planning and Economic Development Department at 905-546-2424 Ext. 2799 or 905-546-2424 Ext. 4169 for additional information.

## The Zoning By-law Process



*This flowchart focuses on the basic process – some steps are not shown.*

**The Official Plan Process  
(Plans NOT exempt from approval)**

