



**Corporation of the Town of Ingersoll  
Regular Council Meeting Minutes  
Town Centre, Council Chambers  
Monday, August 13, 2018  
Closed Session, 5:30 p.m. Open Session, 6:30 p.m.**

**Council Members Present:**

Councillors: Comiskey, Franklin, Freeman, Bowman, Lesser, Petrie and Van Kooten-Bossence

**Staff Present:**

William Tigert, Chief Administrative Officer  
Michael Graves, Director of Corporate Services/Clerk-Deputy CAO (Closed Session)  
Iryna Koval, Director of Finance/Treasurer  
Kyle Stefanovic, Director of Community Services  
Sandra Lawson, Town Engineer  
Shannon Vanderydt, Chief Building Official  
Danielle Richard, Deputy Clerk (Open Session)

**Media Present:**

Rogers TV

**Call to Order**

Mayor Comiskey is in the chair and opens this meeting of Council at 5:35 p.m.

**Disclosures of Pecuniary Interest**

- Councillor Franklin declared a pecuniary interest related to item 1 from the Closed Session meeting on July 24, 2018
- Deputy Mayor Freeman declared a pecuniary interest related to item 1 from the Closed Session meeting on July 24, 2018
- Councillor Lesser declared a pecuniary interest related to item 1 from the Closed Session Meeting on August 13, 2018.

**Closed Session**

**Moved by Councillor Franklin; seconded by Councillor Petrie**

**C18-08-239 THAT** Council do now go into Committee of the Whole at 5:35 p.m. for a Closed Meeting pursuant to Section 239 (2) of the Municipal Act, 2001, as amended to discuss the following matters:

- 1) Section 239 (2) (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose
- 2) Minutes of Closed Session Meeting on July 9, 2018
- 3) Minutes of Closed Session Meeting on July 24, 2018

**CARRIED**

**Moved by Councillor Van Kooten-Bossence; seconded by Deputy Mayor Freeman**

**C18-08-240 THAT** Council do now rise out of the Committee of the Whole from a Closed Session meeting at 6:20 p.m.

**CARRIED**

**Moved by Councillor Petrie; seconded by Councillor Franklin**

**C18-08-241 THAT** the Closed Session Council meeting minutes from July 9, 2018 be adopted as presented.

**CARRIED**

**Moved by Councillor Van Kooten-Bossence; seconded by Councillor Bowman**

**C18-08-242 THAT** the Closed Session Council meeting minutes from July 24, 2018 be adopted as presented.

**CARRIED**

## **Consent Agenda**

**Moved by Councillor Bowman; seconded by Deputy Mayor Freeman**

**C18-08-243 THAT** the items contained in the August 13, 2018 Consent Agenda be adopted as presented with exception of Note and File Item 2) Howick Township, Request for Support, re Cemetery Resolution.

**CARRIED**

**Moved by Councillor Petrie**

**C18-08-244 THAT** Note and File Item 2) Howick Township, Request for Support, re Cemetery Resolution be removed from the August 13, 2018 Consent Agenda.

**AND THAT** Council endorse Howick Township's request for support of their resolution to petition the Bereavement Authority of Ontario to amend Ontario Regulation 30/11, passed at the July 17, 2018 Township of Howick Council Meeting concerning

**CARRIED**

**Special Staff Reports**

**Moved by Deputy Mayor Freeman; seconded by Councillor Bowman**

**C18-08-245** THAT Council do now go into Committee of the Whole.

Council in Committee of the Whole, Councillor Petrie in the Chair.

**CARRIED**

**Moved by Councillor Franklin; seconded by Councillor Petrie**

**C18-08-246** THAT the Council of the Corporation of the Town of Ingersoll receive report A-028-18 as information.

**AND FURTHER THAT** Council authorize the Treasurer to utilize an additional \$75,000.00 from the Legal Fund Reserve at year end, if deemed necessary, to finance expenditures in relation to opposition of the Walker/Carmeuse Dump.

**CARRIED**

**Moved by Councillor Lesser; seconded by Councillor Franklin**

**C18-08-247** THAT the Council of the Corporation of the Town of Ingersoll receives report numbered A-029-18 as information;

**AND FURTHER THAT** the Council for the Town of Ingersoll and authorizes staff to reallocate \$5,000 within the approved 2018 Economic Development Department Budget to participate in the Ontario Intelligent Manufacturing Mission to Taiwan.

**CARRIED**

**Moved by Councillor Van Kooten-Bossence; seconded by Councillor Bowman**

**C18-08-248** THAT Council receives this report A-030-18 as information;

**AND THAT** Council directs staff to apply for a RED Grant in the amount of \$50,000 to fund the Downtown WIFI and Directional signage projects.

**CARRIED**

**Moved by Councillor Bowman; seconded by Deputy Mayor Freeman**

**C18-08-249** THAT the Council of the Corporation of the Town of Ingersoll receives report numbered B-018-18 as information.

**AND FURTHER THAT** Council does not approve the variance requested at 95 Walker Road for relief from By-law 13-4720 and that the owner relocate the fence to a minimum of 1.5 metres (5 feet) from the exterior side lot line.

**CARRIED**

**Moved by Deputy Mayor Freeman; seconded by Councillor Bowman**

**C18-08-250 THAT** the Council of the Town of Ingersoll receives report CS-025-18 as information.

**CARRIED**

**Moved by Councillor Franklin; seconded by Councillor Petrie**

**C18-08-251 THAT** the council for the Town of Ingersoll receives report CS-026-18 as information;

**AND THAT** Council approves the temporary closures of the parking spots in front of Heritage Square on: a) August 31st for Kiwanis Hot Dog Day and B) August 16th, September 20th, and October 18th for #sollgood Market.

**CARRIED**

**Moved by Councillor Lesser; seconded by Councillor Franklin**

**C18-08-252 THAT** the council for the Town of Ingersoll receives report CS- 027-18 as information

**AND THAT** Council approves the waiving of fees for the community swim and public skates during the week of Sept 10, 2018 – Sept 16th, 2018.

**CARRIED**

**Moved by Councillor Van Kooten-Bossence; seconded by Councillor Bowman**

**C18-08-253 THAT** the Council for the Town of Ingersoll receives report CS-028-18 as information.

**AND THAT** Council approved the Butternut Woods Trail Development on Town lands as indicated.

**CARRIED**

**Moved by Councillor Bowman; seconded by Deputy Mayor Freeman**

**C18-08-254 THAT** the Council for the Town of Ingersoll receives report CS-029-18 as information.

**AND THAT** Council approves the Thomas Ingersoll Trail extension as indicated.

**CARRIED**

**Moved by Deputy Mayor Freeman; seconded by Councillor Bowman**

**C18-08-255 THAT** the Council for the Town of Ingersoll receives for information, the Operating Budget Variance Report for the 6 months ended June 30th 2018.

**CARRIED**

**Moved by Councillor Franklin; seconded by Councillor Petrie**

**C18-08-256 THAT** the 2017 Audited Consolidated Financial Statements be received and approved.

**AND THAT** the surplus generated from operations in the amount of \$200,431.43 be transferred to the Legal Reserve to fund legal and consulting costs related to the proposed landfill.

**CARRIED**

**Moved by Councillor Lesser; seconded by Councillor Franklin**

**C18-08-257 THAT** the Committee do now rise out of Committee of the Whole.

**CARRIED**

**Moved by Mayor Comiskey; seconded by Councillor Franklin**

**C18-08-258 THAT** Council do hereby adopt, ratify and confirm all resolutions passed in the Committee of the Whole as if each resolution was adopted, ratified and confirmed by separate resolution of Council.

**CARRIED**

### **Minor Variance Public Meeting**

**Moved by Councillor Petrie; seconded by Councillor Lesser**

**C18-08-259 THAT** the Council for the Town of Ingersoll adjourns the August 13, 2018 Regular Meeting of Council at 7:02 p.m. to go into a Committee of Adjustment meeting to consider the following Minor Variance application:

- 1) A-04-18 – 43 Hollingshead Road, Daniel Frank Corbin.

No pecuniary interest declared

Deputy Clerk, Danielle Richard informs the committee through Member Comiskey that an email against the minor variance has been received from resident David Sheard and that a petition was also received containing the signatures of 107 residents who are also against the minor variance. The committee is informed that the Planner, Ron Versteegen is prepared to speak to Mr. Sheard's concerns.

The Planner Ron Versteegen gives the report.

Daniel Frank Corbin, the applicant and owner of 43 Hollingshead Road states that the Planner has overviewed the intent of his application adequately and adds that he is seeking the minor variance to establish a legal basement apartment.

Nathan Goetz of 40 Hollingshead Road addresses the Committee to inform them that that he has petitioned the neighborhood, who he states have indicated (through the petition) that they do not agree with the application. Mr. Goetz cites concerns with parking, services and decreased home values as reasons against approving the minor variance. Mr. Goetz informs the Committee that he does not want to see a precedent set and is not interested in seeing homes in the neighbourhood devalue as a result of the variance.

Member Comiskey asks Mr. Goetz if he is aware that he resides in an R2 area.

Mr. Sheard of 42 Hollingshead Road informs the committee that the restrictive covenants established between Sifton and the property owner only allow for single family dwellings. Mr. Sheard states he would like the application denied and that he does not want a precedent to be set.

Tim Lobzun of 65 King St. West informs the Committee that he cannot speak for or against the application, but would be inclined to vote against it. Mr. Lobzun states that the core principle of the issue at hand is due to a lack of a housing plan in Ingersoll and Oxford County and that he would like to see the application put on hold until the County comes up with a new plan that meets the needs of the Town. Mr. Lobzun states that we are setting ourselves up for a disruption on our neighbourhoods.

Nancy Guirtard of 1 Brookfield informs the Committee that she is new to Ingersoll. She states she has no issue with duplexes, townhomes or semis and has no issue with housing that people can afford. Ms. Guirtard states she bought a single family home in Phase 2 of the Harrisview subdivision. She informs the Committee that she believes some of the rental units on Mutual Street are disgraceful, and as such, she does not want her neighbourhood to turn into a rental neighbourhood.

Chief Administrative Officer, William Tigert clarifies the difference between permitted secondary units and granny flats. He states there is no implication that the applicant is seeking to establish a granny flat, which is a separate issue.

Tim Lobzun clarifies that he knows the difference between granny flats and secondary units. He states he is very well aware of the Planning Act and the OPA.

Planner, Ron Versteegen states that the definition of a family to establish the definition of family home was contained in a by-law years ago, but the province determined the definition to be too restrictive and the term was removed; this was a provincial decision.

Committee Member Freeman states that the problem with denying the application is that the applicant can legally convert the dwelling into a duplex as it zoned R2. He states that there are probably more R2 than R1 zoned properties in Ingersoll and as a result of the properties in Harrisview being zoned R2, this issue becomes a legal endeavor. Member Freeman states that if the Committee says no and denies the application, they would be going against all previous allowances. In terms of how the

home will look after the basement apartment is created, Mr. Freeman states that the home will look like the remainder of the homes in the neighbourhood.

Member Petrie asks the Planner if his recommendation to grant the minor variance still stands after hearing the public's input on the matter. The Planner, Ron Versteegen, affirms that yes, it still meets the four tests of a minor variance.

Member Petrie states that the Committee has to look at the four tests for a minor variance. He states that all homes can be rented out and there is nothing in place to stop that practice and that restrictive covenants cannot be taken into consideration as they represent an agreement between the builder and owner, not the Town. Mr. Petrie states that those who are unhappy have the right to appeal to the Tribunal.

Nancy Guitard of 1 Brookfield states that there is a difference between renting a whole house for \$3,000 a month or \$1,200, and that there is a big difference between a person who can afford \$3,000 versus \$1,200.

Member Petrie interjects with a point of order that he takes offence to Ms. Guitard's statement.

Member Lesser asks the Planner if the lot to the south of 43 Hollingshead would be approved for a secondary dwelling unit as is, and without a minor variance application. Planner, Ron Versteegen, responds that yes, the owner of the property would need to apply for a building permit, but no minor variance would be required.

Member Comiskey states that parking was a concern brought forward, but that issue has been addressed. Member Comiskey asks the Town Engineer, Sandra Lawson, if sanitary is an issue. Sandra Lawson, Town Engineer responds that the request meets all requirements for sanitary.

Member Van Kooten-Bossence states that she has put forth a motion to approve the minor variance and notes that the Town would have a hard time fighting against the application at the OMB. Member Van Kooten-Bossence notes that she understands the neighbours' perspective, but the application, as noted by the Planner, meets the four tests of a minor variance.

Member Lesser states that if the issue goes to the Tribunal it will lose; he understands the property is zoned as R2, but does not feel comfortable with supporting the resolution.

Member Petrie acknowledges that the lack of affordable housing in Ingersoll is an issue and wants people to know that he cannot afford a \$500,000 home, but that does not make him a bad person. Member Petrie states that you can rent your house out tomorrow if need be. He notes that the application meets the minor variance test, but that it does not mean that residents' worst nightmares will come true; he notes that your neighbour could be a family member or a friend who just cannot afford a house.

Member Freeman states that the Committee needs to follow the letter of the law, and that their decisions have to follow those that have been made previously. R2 zoning allows for duplexes, there are many of these lots in the Harrisview subdivision. Member

Freeman notes that win or lose, another person will come along with the same idea. He acknowledges that this is a tough decision for everyone.

Member Comiskey states without prejudice that rules are rules and that there is a need to follow those rules. The submitted application is acceptable for R2 zoning, it falls under the guidelines and staff including Planning, and the Engineer agree with the decision. Member Comiskey states that the Committee is bound by the rules and regulations of what is permitted for R2 zoning and that he has to follow and support the motion on the table.

**Moved by Member Van Kooten-Bossence; seconded by Member Freeman**

**C18-08-260 THAT** the Town of Ingersoll Committee of Adjustment **approve** Application File A-04-18, submitted by Daniel Frank Corbin for lands described as Lot 15, Plan 41M-309 in the Town of Ingersoll and further identified as 43 Hollingshead Road, as it relates to:

1. Relief from the provisions of Section 7.2 - Zone Provisions, Lot Frontage; to reduce the required lot frontage from 18 m (59.1 ft.) to 16.6 m (54.5 ft.) to permit the use of the existing single detached dwelling as a converted dwelling (containing two dwelling units).

The proposed relief meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act as follows:

- The proposed relief is a minor variance from the provisions of the Town of Ingersoll Zoning By-law in that the relief is not anticipated to impact on the ability of the site to provide adequate space for grading/drainage, amenity space, maintenance and parking;
- The proposed relief is desirable for the use of the land as the intended use is permitted by the Zoning By-law, is compatible with permitted uses in the area and will not negatively impact neighbouring properties;
- The proposed relief maintains the general intent and purpose of the Town's Zoning By-law as the development is generally in keeping with the provisions of the 'R2' zone; and
- The relief maintains the intent and purpose of the Official Plan as the proposed converted dwelling with two dwelling units is complimentary to the low density residential development contemplated by the Official Plan.

**Moved by Councillor Bowman; seconded by Deputy Mayor Freeman**

**C18-08-261 THAT** the August 13, 2018 Regular Council meeting come back to order.

**CARRIED**

### Zone Change Public Meeting

1) Zone Change ZN 6-18-01 Jose Luis A. Diaz, 158 Charles Street



The Planner, Ron Versteegen overviews the application filed by Mr. Diaz who is seeking a rezoning of his property located at 158 Charles Street to R2 to allow for a semi-detached dwelling. Mr. Versteegen states that there are a number of standards that need to be varied from the existing by-law to allow for the rezoning and that a report and by-law concerning the application will be brought forward at a future meeting of Council.

Denis Brolese, representative of the applicant informs Council that the applicant, Mr. Diaz will live in one half of the dwelling with intentions to sell the other half.

Tony Luis Diaz, resident of 158 Charles St. and applicant, informs Council that he currently lives at the address and that due to the current state of his home, which requires a lot of work, that he would like to erect a two-story semi that will allow him to break even with the sale of the other unit. He comments that he believed the decision on the zone change would be made at this meeting of Council as his application was submitted three months prior. Mr. Diaz states that he is attempting to make affordable housing in the Town, he came from Brampton and experienced the housing prices there and as a result, would like to make it affordable for families to live.

Denis Brolese requests that staff and Council deal with the issues that have caused the delay in the application as expediently as possible so that a report may be brought forward at the next meeting of Council.

Chief Administrative Officer, William Tigert explains that it is not an unusual practice to hold a public meeting and then bring a report forward at a subsequent meeting of Council. He assures the applicant and Mr. Brolese that the report will be brought forward at the September meeting of Council.

Councillor Petrie states that he is fearful that a move to an application process where the public meeting is held in advance of the report being presented may comprise the public engagement process. He wonders why the application is only being presented to Council this evening.

Planner, Ron Versteegen informs Council that there were two previous circulations concerning the application that Council would have received.

Mayor Comiskey states that he believes it is a good idea to have a public meeting prior to the report coming forward to allow Council to receive public input and then review the report thereafter.

Chief Administrative Officer William Tigert states that it is possible to move to a process where the public meeting is held prior to the presentation of the report concerning the application.

Councillor Petrie asks when the earliest the planning report will be made available and Mayor Comiskey inquires as to whether there is a time factor associated with the application.

Denis Brolese states that there is a time factor for them as they are waiting to move forward.

William Tigert, Chief Administrative Officer states that staff would need at least one week to a week and a half to bring together the planners and departments needed to coalesce thoughts on the application. Mr. Tigert notes that he has to defer the question concerning statutory timeframes to the Planner.

Planner Ron Versteegen, notes that there are statutory timelines under the Planning Act to deal with such matters, but would need to reference the Act to determine to which phase of the application the timeline applies.

### Consideration By-Laws

**Moved by Deputy Mayor Freeman; seconded by Councillor Bowman**

**C18-08-262 THAT** the mover have leave to introduce and go into Committee of the Whole on the following by- laws:

18-5013 through 18-5017

Council in Committee of the Whole, Mayor Comiskey in the Chair. On motion, the by-laws are accepted as circulated. That constitutes the first and second reading of the by-laws.

**CARRIED**

**Moved by Councillor Franklin; seconded by Councillor Petrie**

**C18-08-263 THAT** the Committee do now rise out of Committee of the Whole.

**CARRIED**

**Moved by Councillor Lesser; seconded by Councillor Franklin**

**C18-08-264 THAT** by-laws 18-5013 through 18-5017 be now read a third time, passed, signed and sealed and that this constitutes the third reading of the by-laws.

**CARRIED**

### Upcoming Council Meetings

**Regular Meeting of Council**  
Monday, September 10, 2018, 6:00 p.m.  
Town Centre, Council Chambers

### Adjournment

**Moved by Councillor Petrie; seconded by Councillor Lesser**

**C18-08-265 THAT** the Council for the Town of Ingersoll adjourns the August 13, 2018 Regular Meeting of Council at 9:12 p.m.

**CARRIED**

---

Edward (Ted) Comiskey, Mayor

---

Michael Graves, Clerk