

AGENDA

Regular Council Meeting – Rural Municipality of North Shore

6:30 pm Wednesday, July 13th, 2022 at North Shore Community Centre

1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

- 2.1. Disclosure of Pecuniary (Financial) or other Conflicts of Interest

3. APPROVAL OF THE MINUTES FROM

REGULAR MEETING 6:30PM JUNE 8, 2022

PUBLIC MEETING 7:30PM JUNE 13, 2022

SPECIAL MEETING 6:30PM JUNE 22, 2022

SPECIAL MEETING 6:00PM JULY 5, 2022

- 3.1. Business arising from the minutes

4. DELEGATIONS SPECIAL SPEAKERS AND PUBLIC INPUT

5. REPORTS

- 5.1. EMO Committee Report
- 5.2. Water and Environment Committee Report
- 5.3. Recreation and Engagement Committee Report
- 5.4. Covehead and Tracadie Bay Enhancement Committee Report
- 5.5. Stanhope Peninsula Potable Water Research Committee Report
- 5.6. CAO Report
- 5.7. Finance and Infrastructure Report
- 5.8. Planning Board and Development Permit Report

(Approval of Reports)

6. NEW BUSINESS (REQUESTS FOR DECISION)

- 6.1. RFD-2022-023 Second reading of NS-22-036 RZ Rezoning amendment PID 796052
- 6.2. RFD-2022-025 First reading 2019-01-A Bylaw to Amend Enforcement and Summary Proceedings Bylaw
- 6.3. RFD-2022-027 August Public Meeting
- 6.4. August Council Meeting
- 6.5. RFD-2022-026 Parks Canada re: Stanhope Cape Beach Access
- 6.6. Municipal Elections

7. CORRESPONDENCE

- 7.1 John Baird Passing

8. APPOINTMENTS TO COMMITTEES

- 9. **CLOSED MEETING** – MGA Section 119 (g) the conduct of an investigation under a bylaw

10. NEXT MEETING Sept 13, 2022 6:30pm North Shore Community Centre

11. ADJOURNMENT

APPROVED MINUTES
Regular Council Meeting – Rural Municipality of North Shore
6:30 pm Wednesday July 13th, 2022
@ North Shore Community Centre

PRESENT:

Mayor Gerard Watts, Deputy Mayor Nancy MacKinnon, Councilors - Derek Cook, Wanson Hemphill, Krista Shaw by phone, Bob Doyle and CAO Stephanie Moase.

4 members of the public

Regrets- Councilor Peter Vriends

1. **CALL TO ORDER:** 6:30 pm by Mayor Gerard Watts

2. **APPROVAL OF THE AGENDA:**

It was duly moved and seconded that the agenda be approved with the removal of item 6.2.

Moved by Councilor Bob Doyle, seconded by Councilor Wanson Hemphill

5-0

MOTION CARRIED

2022-07-094

2.1. **DISCLOSURE OF PECUNIARY (Financial) or other CONFLICTS OF INTEREST:**

There were none

3. **APPROVAL OF MINUTES:**

It was duly moved and seconded that the minutes of the Regular Monthly Council Meeting of June 8th, 2022 @ 6:30 pm be approved as presented.

Moved by Councilor Derek Cook, seconded by Councilor Krista Shaw

5-0

MOTION CARRIED

2022-07-095

It was duly moved and seconded that the minutes of the Public Meeting of June 13th, 2022 @ 7:30 pm be approved as presented.

Moved by Councilor Nancy MacKinnon, seconded by Councilor Derek Cook

5-0

MOTION CARRIED

2022-07-096

It was duly moved and seconded that the minutes of the Special Meeting of June 22nd, 2022 @ 6:30 pm be approved as presented.

Moved by Councilor Derek Cook, seconded by Councilor Krista Shaw

5-0

MOTION CARRIED

2022-07-097

It was duly moved and seconded that the minutes of the Special Meeting of July 5th, 2022 @ 6:00 pm be approved as presented.

Moved by Councilor Wanson Hemphill, seconded by Councilor Nancy MacKinnon

5-0

MOTION CARRIED

2022-07-098

3.1. Business Arising From the Minutes

Public Meeting Minutes of June 13, 2022- Councilor stated it was good to have captured the comments at the meeting even though most were not directly related to the rezoning. CAO stated it is a requirement at a Public Meeting to capture all comments from the Public. Written comments that are received are not required to be made Public if the person requests so.

Special Meeting of June 22, 2022- Councilor asked if the change to the deferred Pleasant Grove Park Funds to Reserve affected where the money was directed. CAO stated no, just a change in how they are recorded from deferred to reserve fund.

Special Meeting of July 5, 2022- Councilor asked if Councilor Vriends had returned to the meeting after leaving. CAO stated that he did not, if you look at the following motion, it reflects that there was one less voter.

4. DELEGATIONS, SPECIAL SPEAKERS AND PUBLIC INPUT

None

5. REPORTS

5.1. EMO Committee Report

EMO set up a booth at NSCC for Canada Day. Some literature and volunteer sheets handed out. Plan on meeting near the end of August 2022.

5.2. Water and Environment Committee Report

No meeting held

5.3. Recreation and Engagement Committee Report

No meeting held, was meeting scheduled for tonight but were unable to achieve quorum

5.4. Covehead and Tracadie Bay Enhancement Committee Report

No meeting held. Plan to meet in August 2022

5.5. Stanhope Peninsula Potable Water Research Committee Report

Mayor Gerard Watts stated a meeting had been held and discussed the consultant's progress. The next step is to hold a Public Meeting in August, to be chosen by Council. The committee proposed a date of Aug 10, 2022.

5.6. CAO Report

CAO Stephanie Moase referred Council to the written report. The RFP for the Public Open Space and Recreation Strategic Plan closed on July 11, 2022. Only one proposal was received, the RFP will be re-opened to allow for additional proposals. There was a question on the widening of the Eastern Rd, CAO stated that it is on the schedule for this year to be done.

A councilor commented that the dog waste receptacles on the Promenade have been overflowing and dog poo is being left in bags on the ground along the Promenade. It has been mentioned that the receptacles have been being used for household garbage, which fills them up very quickly as they are small and only meant for dog waste. This is a concern and a reminder to residents to please only use the dog waste receptacles for their intended use.

The Grand Tracadie Commons title issue, CAO has been working with the Province and legal to move forward with this. The Departments of Land and Ag, Transportation, Justice and Public Safety and Fisheries and Communities have all looked at the issue and provided feedback. The Province has agreed to work with the Municipality to contribute to the cost.

The NSCC roof has been repaired and there was still an additional leak, they repaired again and we are awaiting some heavy rains to ensure it is fixed for good this time so aesthetic repairs can be completed.

Mayor Watts thanked all those who were able to attend the Canada Day festivities. A councilor mentioned that they noticed 'for-profit' items being sold. CAO stated that those selling were actually children entrepreneurs part of the not for profit Young Millionaires group. A councilor asked why the watersheds were not in attendance. CAO stated that they had been invited but would double check with Shirley as to why they did not attend. In the past there used to be more not for profit groups in attendance. CAO requested that those that have been here for a while could help out the Rec Coordinator by letting her know who should be invited to have a booth. Additionally, all not for profit groups are always invited to contact the office to let us know your wishes to attend!

A councilor asked about repairs to benches etc at Grand Tracadie. CAO stated she will look into it, had thought that it had been completed. Dugouts are being built for all fields, just awaiting for contractors to be available. The parking lot is now awaiting an engineer design for water run-off.

Councilor asked about who the new enforcement officer is. CAO stated they have not yet been hired and will let Council know when that process is completed.

5.7. Finance and Infrastructure Report

Mayor Watts referred Council to the written report and the first quarter report to the end of June. Councilor Vriends not in attendance. CAO mentioned the ballfield #2 fencing has been approved however we are now at the bottom of the list and will be done in Sept.

5.8. Planning Board and Development Permit Report

Chair Nancy MacKinnon stated there have been several meetings but do not have anything finalized to bring forward to Council yet. Based on the permit report there is lots of building going on, there have been 82 applications received since January.

It was duly moved and seconded that all reports be approved.

Moved by Councilor Derek Cook, seconded by Councilor Nancy MacKinnon

5-0

MOTION CARRIED

2022-07-099

6. NEW BUSINESS (REQUEST FOR DECISION):

6.1 RFD-2022-023 Second Reading of NS-22-036RZ RZ Rezoning Amendment PID 796052

Mayor Gerard Watts introduced the RFD.

Whereas an application has been received from Doug Currie for PID # 796052 to amend the Rural Municipality of North Shore 2021-02 Land Use Bylaw “Zoning Map” from Agriculture (A) designation to Residential (R) designation;

And whereas in accordance with Section 3.10 of the Rural Municipality of North Shore 2021-02 Land Use Bylaw, the Rural Municipality of North Shore Council may amend the Rural Municipality of North Shore 2021-02 Land Use Bylaw to ensure conformity with the Official Plan;

And whereas approval of the amendment has been recommended by Planning Board;

And whereas the bylaw amendment BY-02-2022, a bylaw to amend the Rural Municipality of North Shore 2021-02 Land Use Bylaw Zoning Map, was duly read and approved for the first time by Council at a meeting held July 5, 2022;

Be it resolved that the bylaw amendment BY-02-2022, a bylaw to amend the Rural Municipality of North Shore 2021-02 Land Use Bylaw Zoning Map, be hereby read a second time.

Moved by Councilor Nancy MacKinnon, seconded by Councilor Derek Cook

5-0

MOTION CARRIED

2022-07-100

Whereas an application has been received from Doug Currie for PID # 796052 to amend the Rural Municipality of North Shore 2021-02 Land Use Bylaw “Zoning Map” from Agriculture (A) designation to Residential (R) designation;

And whereas in accordance with Section 3.10 of the Rural Municipality of North Shore 2021-02 Land Use Bylaw, the Rural Municipality of North Shore Council may amend the Rural Municipality of North Shore 2021-02 Land Use Bylaw to ensure conformity with the Official Plan;

And whereas approval of the amendment has been recommended by Planning Board;

And whereas the bylaw amendment BY-02-2022, a bylaw to amend the Rural Municipality of North Shore 2021-02 Land Use Bylaw Zoning Map, was duly read and approved for the first time by Council at a meeting held July 5, 2022;

And whereas bylaw amendment BY-02-2022, a bylaw to amend the Rural Municipality of North Shore 2021-02 Land Use Bylaw Zoning Map, was read a second time at this Council meeting;

Be it resolved that the second reading of bylaw amendment BY-02-2022, a bylaw to amend the Rural Municipality of North Shore 2021-02 Land Use Bylaw Zoning Map, be hereby approved.

Moved by Councilor Derek Cook, seconded by Councilor Bob Doyle

5-0

MOTION CARRIED

2022-07-101

Whereas an application has been received from Doug Currie for PID # 796052 to amend the Rural Municipality of North Shore 2021-02 Land Use Bylaw “Zoning Map” from Agriculture (A) designation to Residential (R) designation;

And whereas in accordance with Section 3.10 of the Rural Municipality of North Shore 2021-02 Land Use Bylaw, the Rural Municipality of North Shore Council may amend the Rural Municipality of North Shore 2021-02 Land Use Bylaw to ensure conformity with the Official Plan;

And whereas approval of the amendment has been recommended by Planning Board;

And whereas the bylaw amendment BY-02-2022, a bylaw to amend the Rural Municipality of North Shore 2021-02 Land Use Bylaw Zoning Map, was duly read and approved a first time by Council at a meeting held July 5, 2022 and a second time on July 13, 2022;

Be it resolved that the bylaw amendment BY-02-2022, a bylaw to amend the Rural Municipality of North Shore 2021-02 Land Use Bylaw Zoning Map, be hereby formally adopted and declared passed.

Moved by Councilor Bob Doyle, seconded by Councilor Derek Cook

5-0

MOTION CARRIED

2022-07-102

6.2 RFD-2022-025 First Reading 2019-01-A Bylaw to Amend Enforcement and Summary Proceedings Bylaw

Item removed from agenda

6.3 RFD-2022-027 August Public Meeting

Mayor Watts introduced the RFD.

It was duly moved and seconded that the Stanhope Peninsula Potable Water Research Report Public Meeting will be held August 11th, 2022.

Moved by Councilor Wanson Hemphill, seconded by Councilor Derek Cook

Upon discussion of Council at the ability of CBCL to adhere to one date, Council agreed to open the approval to a range of dates suitable to CBCL. Councilor Wanson Hemphill amended his motion.

It was duly moved and seconded that the Stanhope Peninsula Potable Water Research Report Public Meeting will be held during the week of August 7 to 11th, 2022, based on best date for CBCL.

Moved by Councilor Wanson Hemphill, seconded by Councilor Derek Cook

5-0

MOTION CARRIED

2022-07-103

6.4 August Council Meeting

It was duly moved and seconded that there will be no Regular Council Meeting held in August.

Moved by Councilor Krista Shaw, seconded by Councilor Bob Doyle

5-0

MOTION CARRIED

2022-07-104

6.5 RFD-2022-026 Parks Canada Re: Stanhope Cape Beach Access

Mayor Watts introduced the RFD. Councilor Shaw stated she received an email from a concerned resident regarding the walkway to Stanhope Cape beach being filled in with sand. Residents have requested Parks to add a permanent structure to the beach and request Council support.

It was duly moved and seconded that Council draft a letter to Parks Canada regarding the access to Stanhope Cape Beach.

Moved by Councilor Krista Shaw, seconded by Councilor Nancy MacKinnon

5-0

MOTION CARRIED

2022-07-105

6.6 Municipal Elections

CAO just wanting to remind Council of the upcoming elections in November. Please continue to get the word out and invite neighbours to join committees.

7. CORRESPONDENCE

7.1 John Baird Passing

Mayor Watts spoke about how John was a very committed volunteer, a member of many organizations within the community and gave his all to whatever committee he was on. He was always willing to put his shoulder to the wheel to get things done. He was the Chair of the Community Centre Committee at one time. Councilor Hemphill said John was also involved as a director with the watershed committee and did a great job. He was a great guy and Wanson remembers John and Kaye spending time walking around the building and grounds ensuring things were good.

8. APPOINTMENTS TO COMMITTEES

Nil

9. CLOSED MEETING - IN CAMERA

It was duly moved and seconded that the meeting be closed as per MGA Section 119(g) the conduct of an investigation under a bylaw

Moved by Councilor Derek Cook, seconded by Councilor Bob Doyle

5-0

MOTION CARRIED

2022-07-106

It was duly moved and seconded that the meeting be re-opened to the Public

Moved by Councilor Krista Shaw, seconded by Councilor Nancy MacKinnon

5-0

MOTION CARRIED

2022-07-107

10. NEXT MEETING:

September 13, 2022 @ 6:30 at North Shore Community Centre.

11. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:45 pm.

Moved by Councilor Derek Cook, seconded by Councilor Krista Shaw

5-0

MOTION CARRIED

2022-07-108

SIGNED: Gerard Watts, Mayor

DATE:

SIGNED: Stephanie Moase, CAO

DATE:

EMO Report for July 2022 Council Meeting

EMO: Table was set up for Canada Day and was able to pass out some volunteer sign up sheets, hopefully some will be sent back. Our next meeting will be near the end of August.
TKs Derek

CAO's REPORT

June 2022

- Maintaining and updating website- working with new website consultant
- Preparation of minutes for Council and committees
- Working with contractors on completing and quoting Capital & Maintenance Projects
- Working with Development Officer with property issues, rezoning, training
- Working with Rec Coordinator on Summer camp, students, Canada Day/Jubilee project, Small Halls
- Preparing MCEG for 2021-2022 F/Y
- Working with Legal on various items
- Working on Procedural Bylaw, Committee Policy, Employee Code of Conduct, Stop Work Orders
- Working with Province/Legal/Insurance on user agreement for floating docks at Stanhope Wharf
- Working with Transportation on Promenade issues
- Working with new book keeper to get up to speed
- Active Transportation Zoom Meeting June 14 2022
- Provincial Climate Adaptation Call June 28 2022
- RFP out for Recreation & Public Open Space Strategic Plan (July 11)
- RFQ out for Medical Lift Architectural & Project Management
- Hiring of new Enforcement Officer

Capital and Maintenance Projects

New/Replacement Signs for Municipality- Grand Tracadie grounds, NSCC grounds, GT Building – Ongoing maintenance budget

NSCC and GT Grounds Upgrades- Budget 55,000 Gas Tax, and \$55,750 CCRF will include benches, grandstands, garbage receptacles, bike racks, picnic tables, ballfield fencing. Will also include new parking lot at Grand Tracadie. Garbage cans and fencing ordered.

Master Recreation Plan- Budget \$15,000 Approved under Provincial Rural Growth Initiative, RFP due July 11

Stanhope Promenade- Budget Gas Tax \$14000 for interpretive panels 3 benches ordered \$1068 ea

Medical Lift at NSCC- Budget \$77,000 quote from Harding medical for medical lift, less than an elevator and does not have the restrictions the chairlift does. Received drawings to get contractor quote for shaft- Received New Horizons funding \$25000 Getting architectural quotes

NSCC and GT Water stations: Quote \$1500 plus tax and installation

Website Migration and Security- Budget \$5000 Project awarded to PEI Atlantic Business Federation, project underway, issues getting the domain name access

Grand Tracadie Survey- Budget \$1500 Project awarded to ISE, awaiting completion

Grand Tracadie basement water issue- Awarded to Boswall's, on list to start

NSCC Roof repair- Budget \$14000 Gas Tax – Completed

Dog Waste Receptacle- Grand Tracadie 40 Rink Rd- Ordered- missing a piece...

Grand Tracadie Generator- Budget \$42,000 safe restart funds (\$13,000) climate challenge funding denied, concrete base has been put in place

Report Finance and Infrastructure Committee Meeting June13 2022

4 PM Call to order, Present Howard Ellis, Rick Bain, Gary Bradley, Peter Vriends, Stephanie Moase, Doug Smith. Regrets, John Cook, Gerard Watts

Agenda Approved, No conflicts declared, May16th Minutes approved.

Business arising, Estimates for the parking lot expansion at Grand Tracadie Centre to be revised and resubmitted due to new information on the elevations and base material required.

Fencing project for NSCC on hold until updated information on league standards for fencing are received.

Discussion was held on arranging a meeting with CBCL to update the committee on the work done to date on the Water study for Stanhope Peninsula

New Business, May Budget tracking reviewed. No significant issues found, Next month a quarterly review will be done by the committee.

Capital projects update, awaiting final quotes on architect do to drawings and project management on lift to be installed at NSCC. Various other projects ongoing, reviewed and discussed with CAO.

Meeting adjourned 5PM, Next meeting July18th 4PM, Chair may call a special meeting prior to that to have the committee give a recommendation to Council on projects with urgent timelines.

Chair Peter Vriends

JUNE 2022 DEVELOPMENT PERMITS REPORT
THE RURAL MUNICIPALITY OF NORTH SHORE

PROPERTY NUMBER	PROPERTY ADDRESS	PERMIT NUMBER	DATE PERMIT ISSUED	APPLICANT'S NAME	DESCRIPTION OF WORK
1024439	70 Windsor Drive, Covehead	NS-22-039	2-Jun-22	Kelli Matheson	new detached garage, deck and pool
697235	1721 Bedford Rd, Grand Tracadie	NS-22-048	6-Jun-22	Nancy MacKinnon	Above ground pool, deck
796052	158 MacLaughlan Highlands	NS-22-053	2-Jun-22	Doug Currie	Removal of trees and debris
136531+ 136770	12 Cliffview, Stanhope	NS-22-055SD	Preliminary Approval June 14,2022 Final Approval June 21,2022	Colin McAulay	Consolidation
1108539	34 Joyces Lane, Stanhope	NS-22-056	7-Jun-22	Blain & Sharon Bryenton	Change of use from residential to Home Occupation
901207	17 Garden Shore Road	NS-22-059	20-Jun-22	Jack Courage	Construct a Cottage
1113471	West Covehead	NS-22-060	14-Jun-22	Kimberly Porter& Robert Buttars	Construct a Cottage
1025212	71 Bell View Point Road	NS-22-061	9-Jun-22	David/Annete MacSwain	Construct a Fence
685859	57 MacLauchlan Highlands, York	NS-22-062	13-Jun-22	Renee Parker	Construct a Deck
755421	3512 Bayshore Road	NS-22-063	21-Jun-22	Dwayne & Gina Mac Ewen DMAC EAST INC	Addition to a cottage for purpose of shed
1034594	69 Windsor Drive	NS-22-067	23-Jun-22	Lisa & Matthew Garland	Above ground pool
1143791	Coveview Rd, Lot w-20 West Covehead	NS-22-070	28-Jun-22	Tyler Arsenault	Construct a new cottage
135392	2597 Eastern Rd, Stanhope	NS-22-072	23-Jun-22	John & Emily Jefferies	Moving a building on the property
892075	12 Serenity Lane	NS-22-075	30-Jun-22	Darin Affleck	Construct a Cottage

Rural Municipality of North Shore
REQUEST FOR DECISION
Topic: NS-22-036Z Rezoning Request PID 796052

Date: June 30, 2022	Request No: RFD-2022-023 <i>(Office Use Only)</i>
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Person: Nancy MacKinnon	Representing: Planning Board
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Background: Development Officer received an application for a rezoning request for PID 796052. A Public Meeting was held June 13, 2022. Planning Board met on June 20, 2022 and recommends to approve the re-zoning

Request: Council to make decision to approve or deny the rezoning request for PID 796052

Advantages	Disadvantages
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Required Resources:	
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Staff Comments	
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CAO's Review / Comments	
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Rural Municipality of North Shore

West Covehead Covehead Road Stanhope
Pleasant Grove Grand Tracadie
2120 Covehead Road, Rte. 25
York, PE C0A 1P0
(902) 672-2600
administrator@northshorepei.ca
www.stanhopecovehead.pe.ca



Dear Sir or Madam:

Application #NS-22-036RZ—Douglas Currie

I am writing to notify you that the Rural Municipality of North Shore received an application to rezone Parcel #796052 from Agricultural (A) to Residential (R) zone. The property is located at 158 MacLauchlan Highlands, Stanhope.

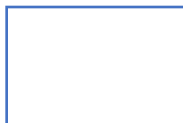
In accordance with Subclause 3.10.13.(a) of the 2021-02 Land Use Bylaw, the Development Officer must notify all landowners within 150 m (492.1 ft) of the boundary of the subject property and give them the opportunity to comment on the application within 14 days of the date of the notice. We believe you are one of those owners.

The Applicant formally applied to rezone his property from Agricultural (A) to Residential (R) zone for the purpose of subdividing the parcel into three (3) residential lots. The Applicant has chosen to rezone the parcel to be more aligned with the rest of the residential properties in the area.

You are hereby offered the opportunity to provide any comment or reservation you may have with regard to this application for rezoning. A Public meeting will be held Monday June 13, 2022 at 7:00pm at the North Shore Community Centre. The Planning Board will review the comments from you and other landowners within 150 m (492.1 ft) of the boundary of the subject property and make recommendations to the Council before a decision would be made.

Kindly send your written submission to the Municipal Council Office at the above address or by email at development@northshorepei.ca. Your submission must be received no later than 4 PM, Friday, June 17 2022, to be considered.

The following sketch shows the approximate location of the development.





For more information about the municipal planning, and Land Use bylaw, kindly check information online at <http://www.stanhopecovehead.pe.ca/>

Please contact me by telephone (902-672-2600) or email (development@northshorepei.ca) if you would like more information or would like to view the application.

Sincerely,

Mirko Terrazas
Development Officer

**Rural Municipality of North Shore
REQUEST FOR DECISION**

Topic: 2019-01-A Bylaw to Amend Enforcement and Summary Proceedings Bylaw

Date: Sept 9, 2022	Request No: RFD-2022-025 <i>(Office Use Only)</i>
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Person: Nancy MacKinnon	Representing: Planning Board
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Background: Since Nov 2021 Planning Board has been reviewing and discussing the ability to add Stop Work orders to the Bylaw. Upon further discussions with Legal found the best way to incorporate was through the existing Enforcement and Summary Proceedings Bylaw enacting the powers given through MGA section 238 as other Municipalities have currently been reviewing as well. Legal has provided a draft for Planning Board review.

Request: For Council to approve the 2019-01-A Bylaw to Amend the Enforcement and Summary Proceedings Bylaw

Advantages	Disadvantages
Allows Enforcement Officer to issue orders	

Required Resources:	
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Staff Comments	
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CAO's Review / Comments	
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**RURAL MUNICIPALITY OF NORTH SHORE
BYLAW TO AMEND THE ENFORCEMENT AND SUMMARY PROCEEDINGS BYLAW
BYLAW # 2019-01-A**

BE IT ENACTED by the Council of the Rural Municipality of North Shore as follows:

PART I – INTERPRETATION AND APPLICATION

1. Title

1.1. This bylaw shall be known and cited as the “Bylaw to Amend the Enforcement and Summary Proceedings Bylaw”

2. Purpose

2.1. The purpose of this bylaw is to confirm the authority of an enforcement officer to issue orders under Section 238 of the Municipal Government Act, RSPEI 1988, c M-12.1, and to provide the process for issuing, serving, and appealing such orders.

3. Authority

3.1. This bylaw is adopted pursuant to Part 9 of the Municipal Government Act, RSPEI 1988, c M-12.1, and applicable regulations.

4. Definitions

4.1. In this bylaw, any word or term that is defined in the Municipal Government Act or in the Rural Municipality of North Shore Enforcement and Summary Proceeding Bylaw 2019-01 has the same meaning as in that Act, regulation, or bylaw.

PART II – AMENDMENT

5. Section 9 – Effective Date is repealed and replaced by the following:

PART IV – ORDERS

9. Orders

9.1. Where an enforcement officer determines that a person is contravening a provision of a bylaw or an enactment which the municipality is authorized to enforce, the enforcement officer may issue an order.

9.2. Subject to subsection 9.3, an order shall be issued to

- (a) the registered owner of the property; or
- (b) the occupier of the property.

9.3. Where the enforcement officer is satisfied that a person other than the owner or the occupier of the property caused or contributed to the contravention,

and the owner and the occupier, if any, agree to permit that other person to come onto the property for the purpose of complying with an order, an order may be issued to that other person.

9.4. The order may require the person to whom it is addressed, within a period of time specified in the order to

- (a) stop doing something, or change the way in which the person is doing it;
- (b) take any action or measure necessary to remedy the contravention of the enactment, and, if necessary, to prevent a re-occurrence of the contravention;
- (c) remedy the condition of the property in a manner and to the extent directed in the order;
- (d) if authorized by a resolution of Council, remove or demolish any building or other structure which has been erected or placed in contravention of a bylaw;
- (e) do all or any of the matters specified in clauses (a) to (d).

9.5. The order shall

- (a) be in the form provided in Schedule "D" of this bylaw;
- (b) state in which respect(s) the property does not meet the requirements of an enactment and what must be done to remedy the contravention;
- (c) state the date which the property shall be brought into compliance with the requirements of this bylaw, which date is not to exceed thirty (30) days from the date the order is deemed to be served pursuant to subsection 9.7;
- (d) state that if the person does not comply with the order within the prescribed time frame, the Municipality shall take the action or measure at the expense of the person.

9.6. The order shall be served on the person notified

- (a) by personal delivery thereof to that person;
- (b) by posting the order by registered mail with postage prepaid addressed to that person at the person's latest known address; or
- (c) where the address of that person is unknown, by posting the order in a conspicuous place on the property.

9.7. The date of the service of the order shall be

- (a) on the date of delivery where personal service is made;
- (b) on the date stated on the written acknowledgment of receipt where service by mail is made; or
- (c) on the date of the posting where posting is made on the property.

- 9.8.** Proof of service of the order may be made by a certificate signed by the person serving the order setting forth the manner in which service was made and specifying the time of service.
- 9.9.** A certificate made under subsection 9.8
- (a) shall be in the form provided at Schedule “E” of this bylaw;
 - (b) is proof of the signature of the person certifying; and
 - (c) is proof that the person named in the order received notice of the matters referred to in the order.
- 9.10.** An order continues in force for a period of twelve months from the date on which it is served on the person to whom it is addressed and, if that person permits the contravention to re-occur while the order is in force, the person shall be deemed to have failed to comply with the order and it may be enforced against the person accordingly, but without prejudice to the issue of a new order in respect of that property.
- 9.11.** An enforcement officer may extend the time for compliance with any order issued pursuant to this part, provided there is evidence of intent to comply with any such order and reasonable cause exists to prevent immediate compliance.
- 9.12.** Any extension of the time for compliance under subsection 9.11 will not extend the time for filing an appeal under section 10.

10. Appeals

- 10.1.** A person to whom an order is issued may, within fourteen (14) days from the date of service, appeal the order by filing a notice of appeal with the Chief Administrative Officer.
- 10.2.** The notice of appeal filed under this section shall be in writing, on a form attached hereto as Schedule “F”, and shall state the grounds for the appeal, the relief sought and the name and address of the person making the appeal.
- 10.3.** The Chief Administrative Officer shall forthwith deliver the notice of appeal and any supporting documentation to the Council and the enforcement officer who issued the order.
- 10.4.** Upon Council’s receipt of the notice of appeal, Council shall:
- (a) determine a date, place and time for a hearing of the matter, which hearing shall take place not less than seven (7) days, and not more than thirty (30) days from the date of Council’s receipt of the notice of appeal;
 - (b) advise the owner in writing of the date, place and time of the hearing; and
 - (c) provide the owner with a copy of any materials relied upon by the enforcement officer to justify the issuance of the order.
- 10.5.** Council shall preside at the hearing and has the right to decide any matter of procedure not otherwise provided in this bylaw.

- 10.6.** The owner shall be permitted to make submissions, adduce evidence, and question the inspector at the hearing.
- 10.7.** After the hearing, the Council may, by resolution,
- (a) confirm the order;
 - (b) vary the terms of the order;
 - (c) substitute its own order for the order reviewed; or
 - (d) rescind the order.
- 10.8.** Council shall include in the recitals of the resolution referred to in subsection 10.7 brief written reasons for its decision.
- 10.9.** Council shall provide a certified copy of the resolution to the person making the appeal.
- 10.10.** Council's decision in the matter is final and there shall be no further right to appeal an order issued under this bylaw.

11. Failure to Comply with Order

- 11.1.** Where a person on whom an order has been served fails to comply with the order or an order of the Council made under section 10, the enforcement officer may carry out the directives contained in the order and charge the costs of the work done to the person to whom the order was issued and the person so charged is personally liable therefore; neither the Municipality, the Council nor the enforcement officer is personally liable for any action taken under this section, nor for the costs of any goods, materials or labour incurred in exercising powers vested in the enforcement officer under this section.

12. Order for Costs of Remediation

- 12.1.** The Council hereby authorizes an enforcement officer to issue an order for the costs of carrying out the work done under section 11 against the person to whom the order was issued and the order for costs shall be served in the manner provided in section 9.
- 12.2.** The cost incurred by the Municipality to remedy a contravention of an order shall include an additional administrative fee of 25% of the costs incurred to a maximum fee of \$750.
- 12.3.** An order for the costs of remediation made under subsection 12.1 may be filed with the Registrar of the Supreme Court at any time following thirty days after it is issued and, when so filed, the order is of the same force and effect as if it were a judgment.
- 12.4.** An order for the costs of remediation made under subsection 12.1 shall also constitute a lien on the property which shall have priority over every claim, privilege, or encumbrance of any person except the Crown.

13. Offences and Penalties

- 13.1.** Any person who prevents or obstructs or attempts to prevent or obstruct an enforcement officer from carrying out their duties under this bylaw is guilty of

an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$1,000.

13.2. Every person who fails to comply with an order issued under this bylaw is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$2,000.

13.3. Where a contravention of an order continues for more than one day, the person responsible for the contravention is guilty of a separate offence for each day or part of a day on which the contravention occurs and shall be liable to a fine of \$1,000 for each day or part day on which the contravention occurs after the first day.

13.4. The court may, in addition to any other penalty imposed, order the person to comply with the enactment under which the order was issued.

14. Limitation of Liability

14.1. The Municipality, Council, enforcement officers, and persons acting under their instructions, or under the authority of this bylaw are not personally liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done in the exercise or purported exercise of any powers given by this bylaw.

15. Enforcement

15.1. In addition to any matter authorized in this bylaw, an enactment may be enforced, and any breach thereof may be restrained by application by the Municipality to the Supreme Court of Prince Edward Island in accordance with the *Municipal Government Act* or any successor legislation.

16. Severability / Conflicts

16.1. It is the intention of Council that each separate provision of this bylaw shall be deemed independent from all other provisions of this bylaw, such that if any provision of this bylaw is declared invalid, all other provisions of this bylaw shall remain valid and enforceable.

16.2. In the event of a conflict between this bylaw and the provision of any other enactment, the most stringent requirement shall apply.

17. Evidence

17.1. A copy of any writing, paper or document filed in the Court, or any statement containing any information from the records of the Department of the Minister appointed pursuant to the provision of the *Real Property Assessment Act*, RSPEI 1988, c R-4, shall be received in evidence in Court without proof of signature and is *prima facie* evidence of the facts contained therein as to the name of the owner of the real property and the corresponding civic address.

18. Effective Date

18.1. This Enforcement and Summary Proceedings Bylaw #2019-01 is effective on the date of approval and adoption by Council.

PART III – SCHEDULES

6. Schedules

- 6.1.** Council hereby adopts the Schedules annexed hereto as Schedule D, Schedule E, and Schedule F, which shall become part of the Enforcement and Summary Proceedings Bylaw.

PART IV – CONSOLIDATION and EFFECTIVE DATE

7. Consolidation

- 7.1.** Pursuant to section 133 of the *Municipal Government Act*, Council hereby authorizes the Chief Administrative Officer to consolidate the foregoing amendments into the Enforcement and Summary Proceedings Bylaw 2019-01, and to publish the consolidated version on the Municipality's website.

8. Effective Date

- 8.1.** This Bylaw to Amend the Enforcement and Summary Proceedings Bylaw, Bylaw #2019-01-A, shall be effective on the date of approval and adoption by Council.

DRAFT

First Reading:

This Bylaw to Amend the Enforcement and Summary Proceedings Bylaw, Bylaw # 2019-01-A was read a first time at the Council meeting held on the ____ day of July, 2022.

This Bylaw to Amend the Enforcement and Summary Proceedings Bylaw, Bylaw # 2019-01-A was approved by a majority of Councillors present at the Council meeting held on the ____ day of July, 2022.

Second Reading:

This Bylaw to Amend the Enforcement and Summary Proceedings Bylaw, Bylaw # 2019-01-A was read a second time at the Council meeting held on the ____ day of August, 2022.

This Bylaw to Amend the Enforcement and Summary Proceedings Bylaw, Bylaw # 2019-01-A was approved by a majority of Councillors present at the Council meeting held on the ____ day of August, 2022.

Adoption and Approval by Council:

This Bylaw to Amend the Enforcement and Summary Proceedings Bylaw, Bylaw # 2019-01-A was adopted by a resolution of Council at the Council meeting held on the ____ day of August, 2022.

This Bylaw to Amend the Enforcement and Summary Proceedings Bylaw, Bylaw # 2019-01 is declared to be passed on the ____ day of August, 2022.

WITNESS the corporate seal of the Municipality.

Mayor, Gerard Watts (signature sealed)

Chief Administration Officer, Stephanie Moase
(signature sealed)

This Bylaw to Amend the Enforcement and Summary Proceedings Bylaw adopted by the Council of the Rural Municipality of North Shore is certified to be a true copy

Chief Administration Officer, Stephanie Moase
(signature sealed)

Date

SCHEDULE "D"

This Schedule establishes the form to be used for an order issued pursuant to the Enforcement and Summary Proceedings Bylaw.

CORPORATION OF THE RURAL MUNICIPALITY OF NORTH SHORE

ORDER

(Issued pursuant to the Enforcement and Summary Proceedings Bylaw)

TO: _____

of _____

WHEREAS an inspection of real property designated as Parcel No. _____ located at _____, in _____, Prince Edward Island, has been made by an enforcement officer having authority under Bylaw # 2019-01 the *Enforcement and Summary Proceedings Bylaw*;

AND WHEREAS the said enforcement officer has determined that you have contravened section _____ of the _____ in the following respect:

THEREFORE, YOU ARE HEREBY ORDERED TO: _____

YOU ARE REQUIRED TO COMPLY with this Order within _____ days of the date of service of this Order.

IF YOU FAIL TO COMPLY WITH THIS ORDER within the time frame provided above, the Municipality shall take the action or measure required to remedy the contravention, and any costs of expenses incurred shall be a debt owing by you to the Municipality and a lien against the property.

Dated this _____ day of _____, 20____

ENFORCEMENT OFFICER

THIS ORDER MAY BE APPEALED TO COUNCIL PURSUANT TO SECTION 10 OF THE *ENFORCEMENT AND SUMMARY PROCEEDINGS BYLAW* BY FILING A NOTICE OF APPEAL WITH THE CHIEF ADMINISTRATIVE OFFICER OF THE MUNICIPALITY WITHIN FOURTEEN (14) DAYS OF THE DATE OF THE SERVICE OF THIS ORDER.

SCHEDULE "E"

This Schedule establishes the form to be used for the certificate referenced in Section 9.8 of the Enforcement and Summary Proceedings Bylaw .

CORPORATION OF THE RURAL MUNICIPALITY OF NORTH SHORE

CERTIFICATE OF SERVICE

(pursuant to subsection 9.8 of the Enforcement and Summary Proceedings Bylaw)

I, _____, of

_____, Prince Edward Island, declare that I did serve an Order issued pursuant to the *Enforcement and Summary Proceedings Bylaw*, a true copy of which is annexed hereto in the manner indicated below:

- () By personal delivery to the person to whom it is directed,
- () By posting the Order by Registered Mail with postage prepaid addressed to the latest known address of the person to whom it is addressed, or
- () By posting the Order in a conspicuous place on the property that is the subject of the Order,

on _____, the _____ day of _____, 20____, at the hour of _____ in the _____ noon at _____, in Queens County, Province of Prince Edward Island.

DATED this _____ day of _____, 20 _____.

SCHEDULE "F"

This Schedule establishes the form to be used for filing an appeal pursuant to Section 10 of the Enforcement and Summary Proceedings Bylaw.

CORPORATION OF THE RURAL MUNICIPALITY OF NORTH SHORE

NOTICE OF APPEAL

(pursuant to Section 10 of the Enforcement and Summary Proceedings Bylaw)

CONTACT INFORMATION	
Last Name:	First Name:
Company Name (if applicable):	
Email Address:	
Telephone Number:	
Mailing Address:	

APPEAL INFORMATION
List the reasons for your appeal (if more space is provided, kindly fill out a separate sheet and attach it to this form. If you intend to rely on any documents, including photographs, videos, or witness statements, kindly attach them to this form as well):

RELIEF SOUGHT
List or describe the relief sought (if more space is required, kindly fill out a separate sheet and attach it to this form):

DECLARATION	
I solemnly declare that all the statements and the information provided, are true, correct and complete. By signing this form, I consent to the collection of my personal information:	
Signature of Appellant:	Date:
In accordance with the <i>Freedom of Information and Protection of Privacy Act</i> , some of the information collected herein may be available to the public.	

**Rural Municipality of North Shore
REQUEST FOR DECISION
Topic: August Public Meeting**

Date: July 6, 2022	Request No: RFD-2022-027 <i>(Office Use Only)</i>
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Person: Gerard Watts	Representing: Stanhope Peninsula Potable Water System Research Committee
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Background: CBCL has been working on the Study Update and Conceptual Design and will be ready to present in August. The committee has suggested Aug 10, 2022 at 7pm

Request: For Council to choose a date to preside at a Public Meeting.

Advantages -Provide updated information for residents	Disadvantages
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Required Resources:	CBCL and Council
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Staff Comments	
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CAO's Review / Comments	Will invite MLA, MP, members of Provincial Depts
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**Rural Municipality of North Shore
REQUEST FOR DECISION
Topic: Stanhope Capes Beach Access**

Date: July 6, 2022	Request No: RFD-2022-026 <i>(Office Use Only)</i>
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Person: Krista Shaw	Representing: Ward 2 Stanhope
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Background: Several residents have brought forward the issue of beach access at Stanhope Capes. It will be discussed at the CAO/Mayor Annual meeting with Parks Canada scheduled for this week.

Request: For Council to approve a letter to Parks requesting the improvements to the Stanhope Capes Beach Access.

Advantages -Provide safe beach Access for residents	Disadvantages - Potential environmental impacts
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Required Resources:	
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Staff Comments	
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CAO's Review / Comments	
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administrator northshore <administrator@northshorepei.ca>

John Baird (Chair of North Shore Community Centre)

1 message

Gerard Watts <gwatts@northshorepei.ca>
To: Stephanie Moase <administrator@northshorepei.ca>

Mon, Jun 13, 2022 at 9:18 AM

John Frederick Baird of Charlottetown, formerly of Stanhope, PEI, passed away peacefully at the Queen Elizabeth Hospital on June 6, 2022, at the age of 89. John is survived by his wife of sixty-seven years, Jean (Diamond); his sister, Elizabeth Bruce (the late Bill); sister-in-law, June Watts (Louis); brothers-in-law, John Diamond (Beryl) and Sterling Diamond. Also survived by nieces and nephews in PEI and Ontario, and family in Nova Scotia. John was born in Sheet Harbour, Nova Scotia to Fred and Roberta Baird. He was a graduate of Acadia University and the Nova Scotia Technical College. He worked for Nova Scotia Power Corp. as a professional engineer for thirty-three years (1958-1991). In retirement, John and Jean moved to Stanhope, PEI where he participated in many community organizations. Resting at MacLean Funeral Home Swan Chapel from where the funeral will be held on Monday, June 13, at 10:00 a.m. Interment in West Covehead Cemetery. Visiting hours on Monday from 9:00 a.m., until 9:45 a.m. In lieu of flowers, donations may be made to Queen Elizabeth Hospital Foundation or Friends of Covehead and Brackley Bay Watershed. Online condolences may be made at: www.macleanhf.com