



The Corporation of the County of Wellington

Planning Committee

Agenda

April 9, 2015

9:45 am

County Administration Centre

Keith Room

Members: Warden Bridge; Councillors Lennox (Chair), Alls, McKay, Watters

	Pages
1. Call to Order	
2. Declaration of Pecuniary Interest	
3. Delegation	
3.1 Ms. Anna Spiteri, Citizens Against Fill Dumping	2 - 40
4. Financial Statements as of March 2015	
4.1 Planning	41 - 42
4.2 Green Legacy	43 - 43
4.3 Emergency Management	44 - 44
5. Ghent Pit Official Plan Amendment Preview- Wellington North PD2015-21	45 - 46
6. Land Inventories PD2015-13	47 - 92
7. Closed Session	
(Agenda emailed under separate cover)	
8. Rise and Report	
9. Adjournment	
Next meeting date May 14, 2015 or at the call of the Chair.	



December 19, 2014

The Honourable Glen Murray
Minister of the Environment & Climate Change
11th Floor, Ferguson Block
77 Wellesley Street West
Toronto, ON M7A 2T5

Dear Mr. Murray;

At the Town of Erin's regular Council meeting held December 16, 2014 the following resolution was adopted:

Whereas the provincial government's intensification policy of Places to Grow has created an excess soils problem in Ontario;

And whereas the GTHA continues to grow and with this growth comes an increasing demand for sites to place excavated material;

And whereas there is not a system of regulated disposal control for excess soils in Ontario but each municipality is left to decide how to deal with;

And whereas the Ministry of Environment and Climate Change is assessing the need for a new comprehensive province-wide policy to address the problem of compromised soil and to ensure that excess soils being placed onto sites is safe;

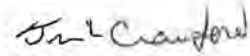
Now therefore be it resolved that the Council of the Town of Erin requests that the Ontario government develop a comprehensive strategy to regulate excess soils in the province and to pass a Clean Soil Act which will help municipalities deal with excess soils under their jurisdiction;

And further that the Ministry of Environment and Climate Change, in consultation with the Ministry of Agriculture, Food and Rural Affairs, Ministry of Finance, Ministry of Municipal Affairs and Housing, Ministry of Natural Resources and Forestry, Ministry of Transportation, Conservation Ontario, and the Association of Municipalities Ontario (AMO) spearhead the development of a comprehensive strategy to regulate excess soils;

And further that this resolution be forwarded to the Association of Municipalities of Ontario (AMO), the County of Wellington Council, the Ontario Good Roads Association (OGRA), the Rural Ontario Municipal Association (ROMA), and the Greater Toronto Countryside Mayors Alliance for circulation and support.

Please accept this for your information and necessary action.

Sincerely,


Dina Lundy
Clerk

Copies to:

The Honourable Jeff Leal
Minister of Agriculture, Food & Rural Affairs

The Honourable Charles Sousa
Minister of Finance

Mayor and Council
The Corporation of the County of Wellington

Ms. Lorna Ruder
Rural Ontario Municipal Association (ROMA)

President Tom Bateman
Ontario Good Roads Association

Conservation Ontario

The Honourable Ted McMeekin
Minister of Municipal Affairs & Housing

The Honourable Bill Mauro
Minister of Natural Resources & Forestry

The Honourable Steven Del Duca
Minister of Transportation

Mr. Gary McNamara
Association of Municipalities of Ontario (AMO)

Mayor Allan Thompson
Town of Caledon

Members of the Greater Toronto Countryside Mayors Alliance:

Mayor Geoffrey Dawe
Town of Aurora

Mayor John Grant
Town of Brock

Mayor Virginia Hackson
Town of East Gwillimbury

Mayor Steve Pelligrini
Township of King

Mayor Tony Van Bynen
Town of Newmarket

Mayor Thomas R. Rowett
Township of Scugog

Mayor Justin Altmann
Town of Whitchurch-Stouffville

Mayor Adrian Foster
The Municipality of Clarington

Mayor Margaret Quirk
Town of Georgina

Mayor Rick Bonnette
Town of Halton Hills

Mayor Gordon Krantz
Town of Milton

Mayor Dave Ryan
The Corporation of the City of Pickering

Mayor Gerri Lynn O'Connor
Township of Uxbridge

Mayor Allan Thompson
Town of Caledon

Innisfil looking to curb disposal of fill

By Miriam King, QMI Agency

Monday, June 10, 2013 4:32:53 EDT PM

INNISFIL — Innisfil wants to restrict the amount of fill being hauled into the town from points in the GTA.

With the building boom continuing in Toronto along with subway and light rapid transit development, the problem for developers has been the disposal of fill from excavation.

Concern over site alteration and dumping of fill within the Town of Innisfil led to tighter rules in January of this year but on June 5, Innisfil town council approved an even tougher site alteration by-law.

At the urging of Coun. Lynn Dollin, council approved Option 1, basically banning major site alterations and the importation of more than 1,000 cubic metres of fill without a permit, and restricting site alterations to normal agricultural practices, development projects under planning approval or building processes and utility works.

"We're being inundated with imported fill," Dollin said, noting that even with the higher fees put in place in January, Innisfil is attractive to developers because so many of the surrounding municipalities — including Essa Township, New Tecumseth and Adjala-Tosorontio — have banned the importation of fill.

She noted that there are currently four sites accepting fill, all of them on gravel roads, none of which have received any dust suppression. Residents on those roads, which normally get around 100 cars per day, are "now getting those 100 cars a day plus 600 trucks a day," Dollin said. "The dirt brokers are making money, the truck operators are making money, the landowners are making money. The only one not making money is us," she told councillors.

Dollin said "it's very apparent that we don't have the resources" to enforce the regulations and monitor the filling operations. "We've got at least one staff member almost full time on this one issue, and that's money we can't recover."

Recently, a dump truck travelling on the 2nd Line of Innisfil was involved in a collision and tipped over, spilling oil and gas into the nearby creek and resulting in a road closure. Investigation discovered that the truck was carrying and dumping shale — an illegal material not permitted by the existing by-law — and that the dumping had exceeded the limits of the permit.

"It's not something you can kind of go on the honour system," Dollin said, urging a zero tolerance approach towards any breaches of the by-law — including site alteration

without a permit — and calling on the town to seek maximum compensation for any road damage.

Director of infrastructure Andy Campbell noted that in the past, his department has always tried to mitigate and remediate problems before laying charges. A zero tolerance approach means more charges will be laid.

Director of legal services Jason Reynar explained that filling incidental to agricultural practice is already exempt from regulation under the Municipal Act, and not required to get a permit.

"If you're going to bring in a lot of fill or remove a lot of fill, we want to know about it," he said.

There was a second option on the table that would have replaced the current by-law with a more rigorous permit process, including the need for security deposits.

However, Coun. Doug Lougheed noted that the deposits would be a "drop in the bucket. If they were dropping bad fill and walked away, and the cost of clean-up exceeded the security deposit, we'd likely have little chance of recovering that."

Coun. Richard Simpson, who owns farmland in Innisfil, warned that the new policy could have "wide-ranging implications for landowners. I want to make sure this doesn't handcuff me from making improvements to my land."

Dollin said the new Innisfil site alteration by-law is based on those in Adjala-Tosorontio and New Tecumseth, and pointed out, "You can't grow hay on shale. It's ruining our land and taking advantage of us."

She added those municipalities find "it's working for them, it's working for their farmers. If we've got it wrong, we're going to hear about it."

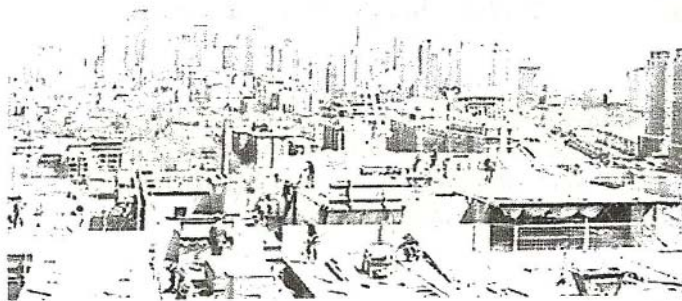
Simpson also took exception to a clause requiring haulers to notify all adjacent property owners, and those along major haul routes that are not major arterial roads.

"To me it doesn't make sense to have to notify" what could be hundreds of people, he said.

"We don't expect people to knock on doors," replied Mayor Barb Baguley. "They send a letter, and the cost is borne by the applicant."

Councillors voted to approve the tougher by-law with an amendment and asked for a report back in six months about the implementation of the new regulations. The new site alteration by-law was also approved.

Residents sound alarm as Toronto's dirt dumped in Wellington County



Under construction

Carlos Osorio, News services

Construction workers are seen working on a Toronto condo building in April. A community group based in the Erin area is alerting municipal officials and residents to the growing number of GTA fill dumping sites in their neck of the woods.

By Rob O'Flanagan

WELLINGTON COUNTY—When new buildings go up in the rapidly growing Toronto area, mountains of material called fill is generated. It has to be transported, stored or dumped somewhere.

Related Stories

Ontario needs to regulate dumping...

Massive quantities of surplus soil, some compromised by petroleum products and industrial chemicals, are finding their way into hundreds of municipalities outside Toronto, including Wellington County.

Those who move the dirt say they are looking further from Toronto for dumping sites, as municipalities within and on the fringes of the Greater Toronto Area put up bylaw roadblocks to outside fill.

A community group based in the Erin area is alerting municipal officials and residents to the growing number of GTA fill dumping sites in their neck of the woods. Thousands of truckloads of the stuff are arriving as Toronto's building boom continues.

Those in the know say the business surrounding the management of such material is unregulated, and that Ontario urgently needs a single set of rules to govern it. Fill haulers say fill fears are blown out of proportion.

Anna Spiteri is the spokesperson for Citizens Against Fill Dumping. Just over a year ago, she said, an ever-increasing number of dump trucks started rolling across Wellington Road 50 near Rockwood, making their way up 3rd Line.

"And this year we just kept getting more and more trucks," Spiteri said, adding that upon investigating the issue further the group found the 3rd Line dumping site was just one of many in the vicinity.

A map on the group's website at www.stopfilldumping.ca shows the location of a dozen sites where GTA fill is being deposited in large quantities. Most of the sites are a few kilometres southwest of Erin. Some are farms where landowners are paid anywhere from \$20 to \$75 per load — some making a lot of money by receiving hundreds, even thousands of loads.

Spiteri said Erin town council held a public information session on fill in December, in which the damage to roads and bridges from increased truck traffic was identified as a major concern.

"The issue has mushroomed from one particular site, to many," Spiteri said. "It has increased exponentially within the last three and a half months."

She said the problem stems mostly from the provincial government's urban intensification policies, an effort to curtail urban sprawl by encouraging residential projects within existing development. More than ever, former industrial sites are being repurposed for residential use, and there are vast quantities of soil to move in the process.

At the same time, there is major Toronto subway extension work underway, condominium highrises going up at a rapid rate, and work is ongoing on Pier 27, the site of the Pan Am Games. All of this construction creates surplus soil that has to be relocated.

"Our major concern is that some of this fill might be contaminated," Spiteri added. "We are not against fill per se, but we are definitely against unregulated fill."

Gord Miller is the environmental commissioner of Ontario. He said the shipment of material excavated during construction in the GTA is a significant environmental concern. There are no regulations governing the activity, and the potential for abuse is ever present, he said.

Only legitimately contaminated sites are overseen by the Ministry of the Environment because toxic substances have the potential to migrate and affect things such as drinking water, agricultural lands and wetlands, Miller said. When such sites are prepared for new

construction the contaminated soil has to be removed and either processed to remove the contaminants or sent to a hazardous materials site.

What is most commonly trucked out of the GTA and distributed throughout outlying municipalities, he said, is clean fill, but also substantial amounts of so-called compromised soil—soil that is acceptable on an industrial site but substandard for a residential site.

While the soil may not be classified as contaminated, much of it is compromised because it contains petroleum products, chemicals or metals. It has to be removed from the site before residential buildings can go up.

The easiest and cheapest way to deal with the dirt is through the "dig-and-dump" method—dig it out and find a place to get rid of it, Miller said. The most common place to dispose of the material is in former gravel or quarry sites that are already zoned industrial. Hosts are paid to receive the material.

Steve Upson is the president of Ashgrove Enterprises, a big player in the removal and relocation of GTA fill. His company has several sites within and outside the GTA where it dumps fill, including in Orangeville. He said the material is being hauled consistently further from Toronto because municipalities are clamping down on the activity.

Upson said contaminated soil was dumped at a site in the east end of the GTA and it threw townships into a panic.

"A lot of municipalities in the area are turning down fill site operations," Upson said. "They're under the impression that the material that's coming out of the city is bad, dirty and contaminated, which it's not. It's clean material."

The movement to stop fill dumping in the east GTA, Upson said, is spreading, and the options for dumping fill are narrowing.

"And it's all based on fear," he said. Companies moving fill out of the GTA are looking outside these restrictive communities for dumping sites.

The biggest problem affecting the transport of the material, Upson said, is most former quarry and gravel pit sites in the GTA refuse to take fill. "We have enough gravel pits in the Greater Toronto Area to handle the dirt from Toronto for the next 30 years," he said.

But without that option, he said his company is already transporting to Barrie and has sites in Alliston, Cookstown and Baxter.

Lou Maieron is the mayor of Erin. He agrees the transport of GTA surplus soil into the municipality has become much more prevalent. "And now it is going into Guelph-Eramosa and Puslinch," he said.

The arrival of countless dump trucks disrupts the rural lifestyle, Maieron said, and a lot of infrastructure damage is done, costing a municipality untold amounts in repairs. "When you start running 50 trucks a week for two years it gets to be an issue," Maieron said.

In 2010, excess construction materials from the GTA amounted to between 20 million and 24 million cubic metres, Miller said. The average dump truck hauls roughly six to 10 cubic metres.

Maieron said Credit Valley Conservation Authority is looking to fill in part of a lake in the Erin area to create a wetland, a project that will accept tens of thousands of loads of fill from Region of Peel.

The conservation authority controls fill dumping permits for lands under its jurisdiction, and Maieron wants it to consult the municipality before approving those permits.

Upton agrees there is a legitimate concern around excessive truck traffic and infrastructure damage in rural areas. Most of Ashgrove Enterprises' fill sites are required to put up \$100,000 bonds to offset possible road damage, he said.

Upton said townships are starting to tighten bylaws and monitoring of the activity. Towns are also starting to generate revenue from it by charging permit fees and load fees.

Adrian Foster is mayor of the Municipality of Clarington, east of Toronto. A couple of years ago, he said, a former quarry in the municipality was the site of a major GTA fill dump. The Ganaraska Region Conservation Authority approved the operation and there was nothing the municipality could do to prevent it.

"You had a quiet country setting with people who had lived there for many years, waking up to hundreds and hundreds of dump trucks on a daily basis," Foster said. "The big challenge is in knowing what's going into the ground, and groundwater protection. And there is huge damage to the roads."

Clarington eventually passed a bylaw requiring a municipal permit and fees for dumping fill. Unless it is a government contract, no fill from outside of Clarington will be accepted. Since passing the bylaw the activity has tailed off.

Foster said the issue is one of the key topics of discussion within the Greater Toronto Countryside Mayors Association. The consistent plea made to the province is there needs to be a set of regulations governing the practice.

"And if you can sneak in a couple of loads of contaminated fill, that is big money," Foster added. "Even non-contaminated fill is big money that these guys get for accepting it."

Ted Arnott is the MPP for Wellington-Halton Hills. He said he has heard concerns about fill dumping from several constituents in the riding. He and others wrote a letter to Ontario Environment Minister Jim Bradley nearly two years ago, asking the minister to

consider establishing an inter-ministerial committee to establish a provincial policy "for the effective regulation of the disposal of this fill," he said.

A number of ministries, Arnott said, are involved in the issue, and all must be involved in crafting effective policy and regulation. Environment, municipal affairs and housing, transport, natural resources and agriculture ministries should be involved.

Miller said the onus should be on the ones digging the holes to ensure their material is properly dealt with. It should not be on the back of a rural township to cope with the repercussions of trucking and dumping the material.

roflanagan@guelphmercury.com

Wednesday, March 11, 2015

Toxic dirt dumped in Ontario's prime farmland

With lax rules and no tracking system, Ontario sits idly while Toronto's contaminated dirt is dumped in the countryside.

Peterborough County farmer Ruco Braat said he was promised clean fill but ended up with truckloads of contaminated soil.

By: Moira Welsh Investigative News reporter, Published on Mon Oct 20 2014 Toronto Star

Toronto's construction boom is unearthing massive volumes of soil contaminated with dangerous heavy metals and petroleum, but it's nearly impossible to know where the dirt is going because Ontario doesn't track it.

Instead, thousands of tonnes of toxic earth taken to prime farmland from downtown condominium projects are usually discovered accidentally — by neighbours who report bad odours from soil that is supposed to be "clean."

Long-term, experts warn of contamination of agricultural land and groundwater, often in the Greenbelt or **Oak Ridges Moraine**.

Landfill operators say the final destination of the tainted soil is a mystery. At a time when excavation projects have spiked, there's been a dramatic drop in the number of trucks taking the dirt to the special landfill sites that can safely manage toxins, said Rob Cook, executive director of the Ontario Waste Management Association.

That leads to the "potential for large amounts of contaminated soil being improperly managed," Cook said.

Ontario's lucrative soil industry operates with little government oversight. There's no regulated tracking system, no proper definition for "clean" soil and not enough rules to govern where the soil is taken.

The Star asked the province and various agencies to provide an accounting of where all the soil from big dig projects like the **Pam Am Athletes' Village** and downtown condominium sites was dumped. Neither the province nor any other agency could provide the information.

Environment Minister Glen Murray told the Star in an interview that better controls are needed to deal with what he termed a "serious issue" that for him is at the "top of environmental and economic concerns" in Ontario.

Years of lax oversight infuriate country residents, from Schomberg in the west to Lakeridge in the east, who fear their health is being sacrificed in the rush to finish big Toronto projects.

Carmela Marshall, of Lakeridge Citizens for Clean Water, said the drive to build infrastructure in Toronto and surrounding area will leave a dangerous legacy. "How many years before it gets in our groundwater? Five years? People are afraid."

Here's what we know: In peak construction years, up to 50 million tonnes of dirt are excavated in Ontario projects, most from the greater Toronto region, at an annual cost of \$1.7 billion, according to the Residential and Civil Construction Alliance of Ontario. Industry experts say that roughly 15 per cent of that soil, as much as 7.5 million tonnes, is contaminated and should go to approved landfill or remediation sites. How much of those 7.5 million tonnes went to approved sites is unknown.

So where's all that dirt going? It's impossible to miss the dump trucks. They thunder across country roads to the north, east and west of Toronto, leaving sleepy towns in their dust. Talk to truck drivers at the Tim Hortons in Schomberg and they all say they're carrying fill from downtown Toronto construction sites. They all say their dirt is clean, but most don't know what they are carrying.

Sheep farmers Ruco and Kimberly Braat agreed to accept loads of soil in the summer of 2011. The couple and their two children live in the Peterborough County hamlet of Bailieboro (renowned for its butter tarts) and needed earth for the base of a barn.

Two men were offering free soil to farmers and Braat said he agreed to take hundreds of truckloads — with the strict proviso that it was clean. Later, a neighbour who wanted some for his property had it tested. The results were horrifying.

The pile of dirt their kids had been sliding on a few days earlier was steeped with polyaromatic hydrocarbons and heavy metals like barium, cadmium, copper and lead. The family complained to the provincial environment ministry.

After an investigation, the ministry filed Environmental Protection Act charges against soil contractor **Green For Life** (the company is also Toronto's garbage collector) and a soil broker called Earthworx. No one from Earthworx would comment.

GFL's president and CEO, Patrick Dovigi, said his company was not to blame for the toxic soil on the sheep farm. He said another contractor dumped the bad soil. The case is still before the courts.

According to Dovigi, GFL has been unfairly ensnared in several ministry investigations because it relies on the "hit and miss" accuracy of soil contamination tests done at the construction site by

the "qualified persons" (called QPs) hired by developers. Dovigi's point is that his company is paid to haul dirt, not conduct scientific tests.

"The QP," said Dovigi, "is the kingpin. It's not our fault if they say the soil is clean and it turns out they're wrong."

Activists like Marshall agree the soil tests are open to interpretation. The results of these tests are included in the developers' "soil management plans," documents that critics say the ministry could collect and analyze. Currently, the ministry is only required to oversee "adverse" impacts under the Environmental Protection Act.

With limited provincial rules, individual municipalities are left to oversee fill operations, creating an ineffective patchwork enforcement system.

If it's confusing for country residents, the operators of landfills that were supposed to get the soil are equally perplexed. The circuitous path of tainted dirt from the Pan Am Athletes' Village provides one example.

Once an industrial dumping ground, the 32-hectare site near the Don River has been transformed by glass condominiums that will be home to 10,000 athletes and coaches during next summer's Pan Am and Parapan Am Games. The buildings will later be sold at market value by the private developer.

Infrastructure Ontario said GFL started the village job on Oct. 16, 2011, taking 248,000 cubic metres (depending on soil density, that's as much as 500,000 tonnes) to ministry-approved sites. The dirt was either tainted (with petroleum and metals) or needed extra tests to determine contamination levels, said an official from Infrastructure Ontario.

Here's the conundrum: Walker Environmental's Mike Watt said GFL's Dovigi told Walker it would get roughly 200,000 tonnes from the village dig. Instead, Watt said only 25,000 tonnes arrived at his landfills. In an interview, Dovigi said he strongly disputes those figures.

As the Star continued asking questions, Infrastructure Ontario offered the names of six sites where it claimed the dirt was taken. Two landfills were owned by Walker and two were owned by a company named Newalta, which said it got 8,930 tonnes. The fifth site was a soil treatment facility called Green Soils, but its owner, Ashley Herman, said he's never directly received dirt from the village.

The final site named is a GFL-owned soil remediation facility in Pickering that can clean out hydrocarbons (from oil or diesel) and identifies (but doesn't remove) heavy metals.

During a series of interviews, emails and text messages, Dovigi told his story to the Star. He said about 100,000 tonnes of the Pan Am dirt was taken to his remediation facility and later was mixed with municipal garbage and trucked across the U.S. border to the Pine Tree Acres Landfill in Michigan. A Michigan landfill official said the soil met state standards. Dovigi also said that

some of the Pan Am dirt at the Pickering site was mixed with soil from other jobs, making it difficult to know where it ultimately landed.

Environmental groups say the confusion over the Pan Am dirt illustrates the challenge of tracking soil.

Now, groups like Lakeridge Citizens for Clean Water, Earthroots and Save the Oak Ridges Moraine are demanding the tough regulations of a "clean soil act." They're seeking rigorous laws that include soil tracking, a definition for "clean" dirt and rules to govern where contaminants are taken.

"The GTA is surrounded by the best farming land and drinking water sources and we will be polluting it for generations if the government continues to turn a blind eye to this problem," said Earthroots' Josh Garfinkle.

Clean or dirty, Toronto's excess dirt ends up in quarries, farmers' fields or "aerodromes," the federally regulated landing strips in the country that offer some landowners a loophole to circumvent municipal soil rules. Many of these so-called airways take in hundreds of truckloads of dirt each day, transforming rolling green meadows into barren hectares of dirt.

Some landowners who take the soil are getting rich. They get between \$30 to \$50 for each load. With at least 150 trucks a day, the annual earnings can be \$2 million or more.

A stone's throw from Port Perry, Greenbank Airways advertises itself as a country air strip. But the regular arrival of dump trucks provides far more action than a few small planes.

Greenbank is owned by Ajax resident Robert Munshaw, the previous owner of the Pickering site where GFL built its remediation facility. Greenbank pays a "qualified person" to test for contaminants on its site and a January 2014 report by the consultant noted that 385 tonnes of tainted dirt were found at Greenbank in 2013. The report, obtained by the Lakeridge Citizens for Clean Water, said the dirt in question was removed and "returned" to GFL's site in Pickering.

Munshaw wouldn't speak to the Star, but Dovigi said this finding shows that Greenbank's system works. He also said that the tainted dirt likely came in one load and was spread around the Greenbank site.

The environment ministry didn't investigate this contamination case, saying that's the role of the local government.

Toxic dirt investigations by the ministry are few. The Star asked for all inspections, investigations and enforcement for the last five years, which coincided with the construction boom. There were fewer than 20 in the greater Toronto region.

In the ministry's list, most companies were named just once. For example, Trillium Recycling, of Etobicoke, is in mediation with the ministry over "table three" soil (considered to be a waste) found on old rail lands in Haldimand County.

Trillium's lawyer, Mauro Marchioni, said his client had the misfortune to be the last company to drop dirt on the site, despite years of dumping by others. "If the property has gone through six sets of hands and (the ministry) gets the last guy, that's who they go after," Marchioni said.

GFL was named six times in the ministry records. Two follow-up inspections west of Toronto found no outstanding issues. East of Toronto, the ministry named GFL in four cases involving contaminated soil, most of which has since been removed. Ministry documents said the tainted dirt came from GFL's remediation facility where soil mixing made it "difficult to determine" the site where it originated.

Dovigi said GFL is targeted because its remediation facility in Pickering is subject to strict government rules. Other soil contractors just pick up the dirt and drop it off, so they don't face the same scrutiny, he said.

The government oversight of the Pickering facility is part of GFL's defence in the case of the sheep farmers, who are now suing GFL and Earthworx for nearly \$5 million. In GFL's statement of defence, it says that contaminated soil is treated and tested by third parties to "confirm" that it complies with ministry standards. (The current system, which critics say can be loosely interpreted, uses contamination levels set out in "tables" that range from low to high.)

In the end, the Braats estimate that at least 700 truckloads were dumped on their farm. Dovigi said GFL only dumped 192 loads. Under ministry orders, GFL removed all of the soil. GFL is now countersuing for \$600,000 in removal costs, alleging the Braats benefited from GFL's "good deed." The Braats said they were not enriched "in any way" by GFL's actions.

The farmers have since sold 100 of their 450 sheep to pay for soil tests, legal fees and other expenses. "I feel like we're starting all over," Braat said.

Cook, of the Ontario Waste Management Association, warns that one day the province will take a similar financial hit for this "environmental travesty."

"When the birds come home to roost and somebody needs to clean up these sites, it's going to fall on the taxpayer's back."

International Municipal Lawyers Association

**IMLA in Canada 2014
Toronto, Ontario, Canada**

**SITE ALTERATION BY-LAWS
AND THE DIRTY BUSINESS OF "CLEAN" FILL**

Charles M. Loopstra, Q.C.
LOOPSTRA NIXON LLP
Toronto, Ontario, Canada



LOOPSTRA NIXON LLP
BARRISTERS AND SOLICITORS

(L0334104.1)

© 2014 International Municipal Lawyers Association. This is an informational and educational report distributed by the International Municipal Lawyers Association during its IMLA in Canada 2014 Program, held May 29, 2014 in Toronto, Ontario. IMLA assumes no responsibility for the policies or positions presented in the report or for the presentation of its contents.

SITE ALTERATION BY-LAWS AND THE DIRTY BUSINESS OF "CLEAN" FILL

BY CHARLES M. K. LOOPSTRA, Q.C.

The Ontario landscape has changed dramatically with respect to site alteration in rural areas.

This is caused by a number of factors:

1. the need to dispose of excess fill from development in nearby urban areas (large building excavations, subway tunnelling, and new subdivision development;
2. the cost of disposing of excess clean fill;
3. the cost of disposing of contaminated or hazardous soils;
4. the loss of owner occupied farming operations in the surrounding rural areas, replaced by lands held by speculators, and other non-farm related individuals and corporations;
5. government attempts to protect the natural landform and environment¹; and
6. applications for the development of unused gravel pits or other poor agricultural lands for commercial fill sites.

As a result there has been a great deal of pressure on local municipalities to regulate both private and commercial fill operations within their jurisdiction.

The Legislative Framework

In Ontario the *Municipal Act, 2001* permits municipalities to pass by-laws to prohibit and regulate site alteration:

¹ *Oak Ridges Moraine Conservation Act, 2001; Greenbelt Act, 2005*

142. (1) In this section,

"topsoil" means those horizons in a soil profile, commonly known as the "O" and the "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat. 2001, c. 25, s. 142 (1).

Powers of local municipality

(2) Without limiting sections 9, 10 and 11, a local municipality may,

- (a) prohibit or regulate the placing or dumping of fill;
- (b) prohibit or regulate the removal of topsoil;
- (c) prohibit or regulate the alteration of the grade of the land;
- (d) require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land; and
- (e) impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site. 2006, c. 32, Sched. A, s. 76 (1).

Delegation to upper-tier

(3) A lower-tier municipality may delegate all or part of its power to pass a by-law respecting the dumping or placing of fill, removal of topsoil or the alteration of the grade of land to its upper-tier municipality with the agreement of the upper-tier municipality. 2001, c. 25, s. 142 (3).

Most municipalities in Ontario surrounding large urban areas have passed site alteration by-laws. These by-laws do not just regulate the placing of fill, but also the removal of topsoil, altering the grade, or even stockpiling fill. The *Municipal Act*, 2001 only allows such by-laws to prohibit and regulate. Thus if the criteria and conditions in the by-law for permitting the site alteration are met, the municipality has no discretion to refuse the granting of the permit.

There are also exemptions in the legislation whereby the by-law cannot be used to regulate site alteration in the following circumstances:

Exemptions

(5) A by-law passed under this section does not apply to,

- (a) activities or matters undertaken by a municipality or a local board of a municipality;
- (b) the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (c) the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under

section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under that regulation;

- (d) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (e) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- (f) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*; or
- (g) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act, 2001*, c. 25, s. 142 (5); 2002, c. 17, Sched. A, s. 30 (2, 3).

Exception

(6) A by-law respecting the removal of topsoil does not apply to the removal of topsoil as an incidental part of a normal agricultural practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products. 2001, c. 25, s. 142 (6).

Exclusion

(7) The exception in subsection (6) respecting the removal of topsoil as an incidental part of a normal agricultural practice does not include the removal of topsoil for sale, exchange or other disposition. 2001, c. 25, s. 142 (7).

By-law ceases to have effect

(8) If a regulation is made under section 28 of the *Conservation Authorities Act* respecting the placing or dumping of fill, removal of topsoil or alteration of the grade of land in any area of the municipality, a by-law passed under this section is of no effect in respect of that area. 2001, c. 25, s. 142 (8).

In the area surrounding the City of Toronto (known as the GTA), site alteration is discouraged in the Oak Ridges Moraine. The *Oak Ridges Moraine Conservation Act, 2001* ("Act") establishes the Oak Ridges Moraine Conservation Plan², whose objectives include:

(a) protecting the ecological and hydrological integrity of the Oak Ridges Moraine Area;

...

(d) ensuring that the Oak Ridges Moraine Area is maintained as a continuous natural landform and environment for the benefit of present and future generations;

² s.4, *Oak Ridges Moraine Conservation Act, 2001*

(e) providing for land and resource uses and development that are compatible with the other objectives of the Plan;

...

The Act provides that it prevails over all other Acts, and that no municipality may pass a by-law for any purpose that conflicts with the Plan.³

The Plan expressly prohibits site alteration in the Oak Ridges Moraine Area except as permitted by the Plan. The Plan defines "site alteration" as⁴:

activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include,

(a) the construction of facilities for transportation, infrastructure and utilities uses, as described in section 41, by a public body, or

(b) for greater certainty,

(i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001, or

(ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001;

The "Illegal Dumping" Problem

Most municipalities with rural areas close to large urban areas have had a great deal of difficulty in the policing and enforcement of their site alteration by-laws. Since most municipal regulatory by-laws are enforced on a complaints only basis, large scale abuses have occurred where owners of large parcels have permitted dumping on their lands in order to collect "tipping fees" from haulers. In more recent cases, contractors and haulers have bought cheap farm properties (primarily in poor agricultural areas or abandoned gravel pits) to use as fill sites.

³ ss. 7(2) and 25, *Oak Ridges Moraine Conservation Act, 2001*

⁴ ss. 3 and 5, *Oak Ridges Moraine Conservation Plan*

Rural municipalities have struggled with this concept. In some cases they have simply prohibited the use of any lands in the municipality for a "commercial fill operation". Notwithstanding such prohibitions, owners, tenants, haulers and contractors will bring in large quantities of fill on to lands without a site alteration permit before any enforcement can occur.

Even where site alteration permits were granted pursuant to the by-law, a great deal of abuse has occurred. The conditions of permit were not adhered to, drainage patterns were altered with a detrimental effect on neighbouring properties, or the fill contained prohibited, contaminated or even hazardous materials, which could potentially affect the ground or surface water. Often haulers would produce a soil report (as may be required by the by-law) to prove that the source site contained clean fill. However, there was no guarantee and no soil management practice in place to ensure that the receiving site was only obtaining fill from the source site. Subsequent testing would often show that the soil at the receiving site contained prohibited materials, was contaminated, or in some cases contained hazardous materials.

The cost of tipping fees for non-hazardous soil to an approved receiving site for haulers can range from \$40 to \$50 per tonne. Tipping fees for hazardous soil are \$400 per tonne. One dual axle truck can carry 12 to 15 tonnes of soil. Thus every load of hazardous soil dumped illegally is worth as much as \$6000 in saved tipping fees.

Ontario Soil Management Guidelines

Recently, Ontario produced voluntary soil management guidelines⁵ for municipalities to adopt to try to regulate and ensure that only clean fill would be deposited on receiving sites. The Ontario Ministry of the Environment is encouraging municipalities to implement them by by-laws in connection with any permits or approvals required which involves the removal, movement, temporary storage and placement of excess soil. Unfortunately, this only works with compliant applicants who are also prepared to pay (as a condition of permit) the expensive cost of monitoring the fill being brought on site from a source site to a receiving site.

For the purpose of the Guidelines, "excess soil" is soil that has been excavated and moved off site, either permanently or temporarily. "Soil" is defined by Ont. Reg. 153/04 which is the Records of Site Condition Part of the *Environmental Protection Act*. The Guidelines do not apply to materials not caught by the two definitions, such as compost, engineered fill products, asphalt, concrete, re-used or recycled aggregate product and/or mine tailings, other products, including soil mixed with debris such as garbage, shingles, painted wood, ashes or other refuse. Soil removed from brownfield sites, often include materials that do not qualify as "excess soil" and should be prohibited in any event by local site alteration by-laws.

All municipalities that may be the target of commercial fill operations, whether applied for or not, should have detailed Site Alteration By-laws which give the municipality strong regulatory oversight and control over approved fill operations. An application for a fill permit where significant quantities of fill are being imported from an unknown source should be like a

⁵ Management of Excess Soil – A Guide for Best Management Practices, Ontario Ministry of the Environment

development application, and require an agreement which includes provision for a soil management plan to ensure that the fill is tested and there is adequate supervision by a qualified person. Municipalities run the risk of being sued in cases where contaminated or even clean soil may be deposited on private or public lands if they fail to use their enforcement powers available to them. Increasingly, the private law duty of care concerning negligent enforcement is being applied more broadly if the harm is foreseeable, even if enforcement is not mandatory.

Even though it has been held that there is not duty to enforce subdivision grading provisions⁶, or ensure that haulers when removing fill to construct public roads are hauling it to an approved location⁷, the risk of liability is becoming more realistic and municipalities are well advised to take the appropriate preventative measures through by-law regulation, the *Planning Act* approval process, and enforcement to minimize the risk.

If the governmental authority is directly responsible for the depositing of the fill, different considerations apply. In that case, the governmental authority owes a private law duty of care that no contamination will occur.⁸ In *Berendsen*⁹, the Ontario Department of Highways, now the Ministry of Transportation Ontario (MTO), reconstructed a highway near the Berendsens' farm, generating waste asphalt. A contractor was responsible for the removal of the waste asphalt. The contractor entered into an agreement with the previous owner of the farm to bury the waste asphalt on the farm. The waste asphalt contaminated the farm's water supply and

⁶ *Southorn v. Gauley* ONSC 7518

⁷ *Northmarket v. Newmarket* 2011 ONSC 4657; 2012 ONCA 149

⁸ *Berendsen v. Ontario* 2009 ONCA 845; *Berendsen v. Ontario*, [2001] 2 S.C.R. 849

⁹ *supra*

the Berendsens commenced an action against the government. The Court found that the disposal of waste asphalt in that instance was an operational decision of a predominately private character and therefore not subject to the six-month limitation period set out in section 7 of the *Public Authorities Protection Act*.

The Court in *Berendsen* did not find that a duty of care arose with respect to the disposal of the waste asphalt. It only decided on the issue of whether the limitation period applied. The Court directed the Berendsens' action to be restored to the trial list and specifically stated that "[n]othing in these reasons is to reflect on the merits of the negligence claim against the [government]."

The Ontario Court of Appeal subsequently found that the government was not negligent when it deposited the waste asphalt on the farm.

In an appeal to the Supreme Court of Canada the Court wrote:

23 Looking at all the relevant circumstances, I conclude that the [Berendsens'] position should prevail, and that the decision regarding the manner in which the waste asphalt was disposed of is predominantly of an operational nature, as I will now discuss.

24 In the first place, while the MTO may owe a duty to every member of the public to repair highways, the disposal of waste asphalt on private land gives rise to a duty of care owed only to the landowner involved and possibly a few other individuals who could be impacted by the disposal. In other words, the courts must examine who could bring an action against the government for the negligent disposal of waste asphalt. When asphalt has been disposed of on private land, and is only causing harm to a restricted number of individuals, it is only those individuals affected, not any member of the public, who could bring such a claim.

When the Court states that "[t]he disposal of waste asphalt on private land gives rise to a duty of care owed only to the landowner involved and possibly a few other individuals who could be

impacted by the disposal," it is doing so in the context of an analysis of whether the act complained of is public or private in nature. The Court is not making a statement as to whether or not there is a duty of care, but rather to whom the duty of care is owed.

Enforcement

Municipalities generally pursue enforcement by laying charges under the *Provincial Offences Act* ("POA"). The Provincial Offences Judge has the power to impose fines under the originating statute (such as the *Municipal Act, 2001* or in the case of zoning contraventions, the *Planning Act*), the Judge also is granted the following powers with respect to site alteration¹⁰:

Additional order to discontinue or remedy

431. If any by-law of a municipality or by-law of a local board of a municipality under this or any other Act is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,

- (a) prohibiting the continuation or repetition of the offence by the person convicted; and
- (b) in the case of a by-law described in section 135 or 142, requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Although the POA judge is given the authority by this section to impose prohibitory orders as well as mandatory cleanup orders with respect to site alteration by-laws passed under section 142, where you have a large scale repeat offender, this method of enforcement becomes mostly ineffective. One of the reasons is that it is a criminal statute which means laying an information and proceeding in Provincial Offences Court with numerous adjournments and delays. In addition there are disclosure requirements only available to the accused. The prosecution will not know of the nature of the defence until the trial. The burden on the municipality is to prove the offence beyond a reasonable doubt, and the judge hearing the

¹⁰ *Municipal Act, 2001*

matter is often not familiar with or sympathetic with municipal issues such as illegal fill. What may have started as a few truck loads of illegal fill, may well have escalated to thousands of loads by the time the matter comes up for trial. By that time, the municipality has lost its opportunity to stop a large scale commercial fill operation and is looking for a different type of relief, with the possibility that the operator responsible is either gone or insolvent.

In addition, to obtain a mandatory order for remediation may require extensive expert evidence with respect to the quantity, nature and effects of the fill. The POA courts are not equipped to deal with this kind of evidence, and are unlikely to impose the type of sophisticated orders required to bring about proper remediation.

Another problem that often arises is when the POA proceedings have resulted in a dismissal, and the municipality subsequently wishes to pursue injunctive relief in the Superior Court of Justice. Invariably, the defendant will raise the evidentiary estoppel argument and even the reasons for dismissal as evidence of bad faith.

In *Uxbridge v. Corbar*¹¹ the Ontario Court of Appeal on an application to admit fresh evidence of the POA dismissal reasons stated:

On the issue of the admissibility of the fresh evidence, namely a ...transcript and reasons for judgment in a *Provincial Offences Act* prosecution, ...the reasons are not relevant. The *Provincial Offences Act* proceedings dealt with different orders to comply, engaged a different burden of proof, and do not deal with injunctive relief.

¹¹ 2012 ONSC 3527; upheld at 2013 ONCA 561; leave refused by SCC March 13, 2014

If the municipality is pursuing a mandatory order to remove the illegal fill and impose full remediation, it should resort to seeking injunctive relief in the Superior Court of Justice by way of an Application pursuant to section 440 of the *Municipal Act, 2001*:

440. If any by-law of a municipality or by-law of a local board of a municipality under this or any other Act is contravened, in addition to any other remedy and to any penalty imposed by the by-law, the contravention may be restrained by application at the instance of a taxpayer or the municipality or local board.

The statutory authority in s. 440 of the *Municipal Act, 2001* to “restrain” the contravention of a bylaw includes the authority to grant a mandatory order for the respondents to remedy the contravention by removing the thing(s) that contravene the bylaw. The municipality need not prove that there is no other adequate remedy.¹²

The court then has the discretion to grant interim, interlocutory, and permanent injunctive relief pursuant to section 101 of the *Courts of Justice Act* on such terms as the court considers just, which includes mandatory relief. Where a municipal authority seeks an injunction to enforce a bylaw which it establishes is being breached, irreparable harm should be presumed and the courts will refuse the application only in exceptional circumstances.¹³

There are also the added benefits that the municipality only needs to establish on a balance of probability that the contravention has occurred and where there is a contravention, it is *prima facie* entitled to the relief sought, and if successful, is entitled to costs.

¹² *Suprun v. Bryla*, 2007 CanLII 56089 (ON S.C.J.), aff’d 2008 ONCA 94

¹³ *Newcastle Recycling Ltd. v. Clarington (Municipality)* (2005), 204 O.A.C. 389; *RJR-MacDonald Inc. v. Canada*, [1994] 1 S.C.R. 311

Three Cases with Three Novel Approaches

Because of the substantial monetary stakes involved, large illegal fill operations are not easily deterred by By-law Contravention Orders and POA prosecutions. The following 3 recent cases illustrate the point.

*Scugog (Township) v. Earthworx Industries*¹⁴

2241960 Ontario Inc. o/a Earthworx Industries ("Earthworx") is the owner of a former gravel pit property, located in the Oak Ridges Moraine in the Township of Scugog. Earthworx had applied for and been granted a fill permit by the Township to operate a commercial clean fill dump site, which was revoked because of concerns over the quality of fill being deposited on the property. After the fill permit was revoked, Earthworx informed the Township that it would not be applying for a new permit because its filling activity would continue for the purpose of constructing a runway on the property. Earthworx continued to operate the fill site despite a stop work order. The Township was successful in obtaining an interlocutory injunction against Earthworx.

The Township also passed a new site alteration by-law in an attempt to strictly regulate commercial fill operations. Earthworx did not obtain a permit under the new by-law and continued to use the property as a commercial fill site earning approximately \$20,000 per day in tipping fees. Earthworx brought an application for judicial review seeking a declaration that the Township's fill by-law was constitutionally inapplicable to it because it was in the process of constructing a runway on the property.

¹⁴ 2011 ONSC 1598 and 2011 ONSC 2337 (Div.Ct.)

The federal aviation regulations differentiate between “airports” and “aerodromes”. There is significant regulation of airports, which require an airport certificate to be issued by Transport Canada, but there is very little regulation of local “aerodromes”, which are defined very broadly as any place used or set apart for the arrival, departure, movement and servicing of aircraft. Essentially, any area of land could be declared an “aerodrome” by any person without any further regulation or authorization from Transport Canada. An aerodrome operator has the option of complying with some minimal requirements regarding lighting and marking of the runways at an aerodrome and then being listed in the public Canadian Flight Supplement, but it is perfectly acceptable to operate a completely private aerodrome not meeting any federal standards.

In its application, Earthworx relied upon the doctrine of interjurisdictional immunity, which provides for immunity to federal undertakings from the application of provincial or municipal laws which impair core federal powers. The doctrine of interjurisdictional immunity was recently revived in a pair of decisions from the Supreme Court of Canada, which dealt with the application of land use laws to already operating aerodromes in Quebec. Earthworx relied upon the *COPA*¹⁵ decision of the SCC and the *GTAA v. Mississauga*¹⁶ case from the Ontario Court of Appeal relating to the redevelopment of Pearson airport. These cases were among a long line holding that aeronautics is a federal power, and that the location and construction of aerodromes is at the core of that federal power.

¹⁵ *Quebec (Attorney General) v. Canadian Owners and Pilots Association*, 2010 SCC 39, [2010] 2 S.C.R. 536

¹⁶ *Greater Toronto Airports Authority v. Mississauga (City)*, [2000] O.J. No. 4086 (C.A.)

The Divisional Court found that Earthworx was not at present, by filling up the gravel pit hole, engaged in the construction of an aerodrome – it is engaged in the operation of a commercial fill site. The Court expressed some skepticism about Earthworx's sincerity given the history between the parties and the fact that there was evidence that Earthworx earned up to \$20,000 per day in "tipping fees" from the operation of the fill site.

The Court also held that even if Earthworx were engaged in an aeronautics undertaking, interjurisdictional immunity would not apply because the impact of the fill by-law does not impair the federal power over the location of aerodromes. The *COPA* decision was distinguished on the basis that the fill by-law is not a land-use by-law. The regulatory provisions in the fill by-law relating to the quality of fill, drainage patterns, etc. do not prevent the use of the property as an aerodrome. Similarly, the Court held that the by-laws did not prevent Earthworx from selecting appropriate fill materials to form the base of a runway, and therefore do not impair the federal power over the construction of aerodromes.

The outcome of this case is being watched carefully by other small municipalities in the GTA because many of these municipalities have started to run into more and more applications for large-scale fill operations as a result of development in the GTA. Prior to the past few years, if a municipality had a fill by-law in place, most fill applications were for leveling a farmer's field or creating a berm, or some similar purpose. These small, rural municipalities are now faced with how to manage and regulate the potentially great environmental impacts of "clean fill", including the prospect of having several hundred dump trucks driving down rural roads each day. In this particular case, there was significant pressure from neighbouring residents to

protect an aquifer located in the area of the Earthworx property, and to control the noise and dust impact of the operation.

It should be noted that the Township called for reinforcements from the Ministry of the Environment when the soil quality problems were discovered. The MOE had been involved in making orders against Earthworx for ongoing soil testing and well-head protection, but it is clear that MOE was also struggling with how to address testing of clean fill soil to be dumped using the Table standards intended for brownfield development.

As the litigation between Scugog and Earthworx got underway, word of Earthworx's strategy had spread, and in several neighbouring municipalities, windsocks were erected at operating clean fill sites indicating that they too were dumping for the purpose of constructing aerodromes. Although that loophole appears to have been shut down by the *Earthworx* decision, other new novel arguments have appeared as is illustrated by the following decisions.

*Uxbridge (Township) v. Talbot*¹⁷

Talbot owned a property in the Township that he used for his haulage and earth moving business. He had previously applied for a site alteration permit and was in default of the conditions of the permit. He then purchased a property adjacent that had been partially used for a nursery retail sales outlet which constituted a legal non-conforming use. Talbot then filled in a large area of the property adjoining the nursery retail facility and formerly used as a hay field with approximately 2m of fill without a site alteration permit. Talbot claimed he had to create a level area to operate a triple mix plant in conjunction with the nursery business. He

¹⁷ 2014 ONSC 1276

argued he had a right to do so as a result of the legal non-conforming use. Talbot admitted he had brought in about 240 truck loads of fill on to the property (approximately 3600 tonnes) without a fill permit. Talbot then began to establish an industrial triple mix operation on the property and brought in large stockpiles of materials. He also expanded his haulage and earth moving business on to the new property, further removing agricultural lands from production. The Township brought an Application for injunctive relief and were granted an interlocutory order preventing any further dumping or filling on the two properties, limiting stockpiles to 1000m³ and preventing the operation of a triple mix plant from the property. At the direction of the Township, Talbot had the illegal fill tested and it was established to be "clean fill". Accordingly, Talbot was encouraged to apply for a site alteration permit to regularize the illegal fill, something that Talbot refused to do. Instead, he started to use the filled area as a waste transfer station on which were located large industrial disposal bins.

The Township then proceeded to obtain a final order which included the follow relief:

1. A Declaration that commercial and industrial uses such as stockpiling for a triple mix operation, operating a landscape supply operation, parking and storing vehicles and equipment for a contracting and haulage business, operating a contractor's yard and waste disposal business, storing waste disposal bins are all illegal uses under the zoning by-law.
2. A Declaration that importing fill without a fill permit is contrary to the provisions of the Site Alteration By-law.

3. A Declaration that using the properties for a waste disposal business, including the handling, storage, and processing of waste and construction debris is contrary to the Environmental Protection Act.
4. A mandatory order requiring the removal of all of the fill deposited without a permit and restore the property in a manner suitable for agricultural purposes. (This would apply to the illegally filled area to a depth of about 5 to 6 feet as well as the piles stored on the property that do not qualify for an exemption under the site alteration by-law or contravene the zoning by-law.)
5. A permanent injunction restraining the owners and others with knowledge of the order from:
 - a. placing or dumping fill on the property unless a site alteration permit has been obtained;
 - b. Operating a landscape supply business or storing or selling soils from the property;
 - c. Using the property as a contractor's yard or storing goods, equipment and materials used in a general contracting, excavation and haulage business;
 - d. Using either the properties as a waste disposal site or for a waste disposal business or for the storage of waste disposal bins.

What started out as a complaint about illegal fill being brought on to a property which had historically been used as a garden centre ended up in court order whereby a claim for an existing as well as an expansion of a legal non-conforming use was denied and effectively prohibiting the use of the two properties for a contracting, landscaping and triple mix business as well as requiring the removal of a large quantity of fill and restoring the property to an agricultural use.

*Uxbridge (Township) v. Corbar*¹⁸

The owner Corbar Holdings Inc. and the principals of the owner operate an excavating and haulage business. They bought a rolling 108 acre property in Uxbridge Township. They proposed to use it as a commercial fill site and submitted an application for 300,000 m³ of fill or approximately 30,000 loads. The Township shortly thereafter passed a by-law prohibiting the depositing of fill in the Oak Ridges Moraine and refused to grant a permit. Corbar brought an Application to quash the by-law and sought a mandatory order compelling the Township to issue the permit. It was unsuccessful on the Application.¹⁹

Corbar then sought a severance of 10 acres for a building lot and also applied for building permit for the remaining 98 acres. As a condition of severance, Corbar signed an agreement prohibiting any fill from being placed except as permitted by an approved grading plan in conjunction with a building permit. A grading plan was submitted and approved which allowed for approximately 26,000 m³ (approximately 2600 truck loads) of clean fill to create a driveway

¹⁸ 2012 ONSC 3527; upheld at 2013 ONCA 561; leave refused by SCC March 13, 2014.

¹⁹ ONSC (unreported) Ct. File No. 57733/08 (Oshawa)

access and usable space for a rural residence and septic field. The fill area was also clearly delineated. Before commencement of construction, Corbar started to bring in fill beyond the limits of the grading plan without a site alteration permit and contrary to the severance agreement. The Township issued orders which were ignored and commenced POA proceedings. Corbar continued to bring great amounts of fill on to the property in excess of what was permitted by the site alteration plan and outside the permitted fill limits. Corbar now asserted that it was bringing in clean fill because it was necessary to do so to level the lands to pursue agricultural activities. It claimed that without bringing in such large quantities, the lands were not suitable for farming. It should be noted that the lands were in a landform conservation protection area and high aquifer vulnerability under the ORMCP and had not been actively farmed for some years.

The Township brought an application for injunctive and mandatory relief to prevent the illegal fill operation. Corbar took the position that the fill was exempt as a "normal farm practice" protected by s.6 of the *Farming and Food Protection Act*.

Justice Edwards of the Ontario Superior Court of Justice granted a permanent injunction preventing any further fill operations except in accordance with the approved grading plan and subject to complying with a Township Order that required up to date survey and engineering information regarding the illegal fill and proposed remediation work required to bring the property into compliance. He held that depositing upwards of 30,000 loads of fill does not in any way remotely resemble a normal farming operation. He reserved the right to make further orders with respect to remediation of the property. The Normal Farm[®] Practices Board dismissed

an application by Corbar on the grounds they had no jurisdiction to hear the matter given the decision by Justice Edwards.

Corbar refused to comply, and continued to bring fill on to the property and also appealed the Edwards order to the Ontario Court of Appeal. The Ontario Court of Appeal dismissed the appeal and concurred with Edwards that the fill operation was not protected by the FFPA as a normal farm practice. A further leave to appeal application was dismissed by the Supreme Court of Canada.

The Township then sought to pursue remediation. Due to Corbar's refusal to comply with the outstanding order to provide survey and engineering information for the purpose of remediation, the Township had no alternative but to conduct its own surveying and testing. Corbar refused entry, and the Township was required to obtain an inspection order pursuant to s. 438 of the Municipal Act, 2001, which provides that a provincial judge or justice of the peace may issue an order for inspection in certain circumstances. As a result, it was determined that approximately 152,000m³ of illegal fill (15,200 dual axle truckloads) was brought on to the site in addition to the 26,266m³ of fill that had been permitted. It was also determined that the fill was contaminated with brick, asphalt, concrete, plastic, wood, foam, and putrescible materials. Based on the testing, the fill must be disposed of as contaminated non-hazardous fill to an approved site. The Township has proposed that 87,756m³ of uncontaminated fill can remain on the site, but that 90,642m² of contaminated non-hazardous fill should be removed. The estimated cost of removal, transportation, disposal and monitoring of this contaminated non-hazardous fill is \$9,745,541.

At the time of this article, a hearing for a remediation order is still pending.

Conclusion

Illegal site alteration can take on many forms, from removing top soil, filling in old pits or other depressions, raising the elevations of properties, creating berms or stockpiling fill materials.

Effectively, any significant landform change can constitute a site alteration for which a permit may be required.

Even where municipalities have passed site alteration by-laws, often significant contraventions have occurred before the municipality can respond with the result that unscrupulous operators may have dumped thousands of loads of contaminated fill on property before they are stopped.

Municipalities need to become more pro-active to ensure that such illegal activities do not result in serious damage to the environment or to innocent third parties who may become affected.

Ontario needs to regulate dumping and hauling of fill

By Editorial

It seems what used to be someone else's problem is knocking on our door. And there's no use hiding behind the couch waiting for it to leave, because this problem isn't going away.

The problem in this case is dirt and other materials called fill. The fill originates at construction sites in the Greater Toronto Area and it has to be disposed of somewhere.

Somewhere is often in rural areas surrounding Toronto, where landowners are paid to allow dump trucks to unload the fill on their properties.

This material has to go somewhere. We understand that. But we also agree with concerned citizens in the Erin area who are mounting a campaign to push for provincial oversight and regulations that would help monitor the fill to ensure toxic waste dumps aren't being created in beautiful countryside settings.

For a landowner, accepting fill might seem like easy money at the time, but without regulations you could end up with a bill to decontaminate your property that far outweighs the gains you made from allowing the trucks to dump fill on your land.

Many questions come to mind, including wondering who is responsible for cleaning up a site years down the road, especially if it's in a wetland and the problem shows up downstream from where the toxins were dumped. It sounds like a bill a municipality could be stuck with.

Also a concern for municipalities is damage to roads caused by the flow of heavy trucks loaded with fill. Why should municipalities, such as Erin, be on the hook for road repairs while the companies dumping the fill move on down the road to the next town with willing landowners?

Obviously, as the Toronto area sees more construction and infill developments are being viewed favourably, compared to sprawling further into the country, there is going to be fill generated. It is interesting that the same farmland being protected by rules deterring urban sprawl is potentially going to suffer anyway if the inner-city fill headed its way is dirty.

It is clear regulations need to be put in place that will oblige testing and allow landowners to know what is being dumped is clean. Simply being told the fill is from a construction site in Toronto isn't good enough.

The sooner we open the door and start asking questions, the better off we'll be.

[Saturday, Jan 18, 2014 Guelph Mercury

MOE shuts down fill haulage to Taylor's Road property after second round of testing reveals elevated levels of metals and hydrocarbons

GFL insists no municipal laws were broken as there is no bylaw in place governing bringing fill into City from beyond its borders

Peterborough This Week

(OAKWOOD) What a difference a day makes.

On the eve of a council meeting that will deal with a proposed site alteration/fill bylaw, City of Kawartha Lakes staff are wondering about an email from the Ministry of the Environment (MOE) that says the Ministry has "concerns" after a second round of soil testing relating to an Oakwood property.

While Green for Life (GFL), the company supplying the remediated fill said it was "business as usual" on Monday morning (July 23), but by Monday afternoon they agreed to stop bringing any more dirt to 513 Taylor's Road in Mariposa Township.

GFL, a well known waste management company is providing tonnes of remediated fill being hauled to the property, a former gravel pit owned by Cindy Brigden. She wants to restore the land to its pre-gravel pit status, and her efforts have annoyed several neighbours upset with the dust and noise from dozens of dump trucks hauling in the fill.

As This Week published on July 19, the operation started in April and Ms Brigden admitted it is taking much longer than she originally thought, with another several weeks' work expected before the job is done.

While some residents have complained, both GFL and Ms Brigden maintain the soil being brought to the property meet MOE standards that will allow the land to be used for residential fill, although not for agriculture or animal pasture.

First thing Monday morning, the City's manager of planning Doug Carroll told This Week he received an email from the MOE on Friday (July 20) that confirmed a second round of testing was done on the soil GFL is bringing to the property.

But, he said while the email notes the MOE has "concerns" about what is in the soil, it didn't specify what those concerns were. Mr. Carroll stated the second tests on the soil were done June 21.

He said the email advised that GFL was "co-operating" with the Ministry.

On Monday morning, Sean Goldberg, GFL's vice president of soil and excavation operations, said there was (at that point) no order from the Ministry to stop hauling. "It's business as usual; everything's under control," he said. He added he "knows our results" of the testing and had not yet compared those results with those of the MOE, but, to his knowledge, there was nothing in the fill to cause concern.

Mr. Goldberg said after This Week's story appeared last week, he heard from several people who "are happy the safety concerns were dealt with."

Both he and Mr. Carroll mentioned a letter the City sent to GFL earlier this month, telling the company to stop the operation. Mr. Carroll said Monday that Mr. Goldberg has not responded to that letter.

Mr. Goldberg's position is that there is no bylaw in place that regulates commercial fill coming to the City from beyond its borders, and that without such a bylaw, bringing the fill to Taylor's Road is not illegal. As well, he said GFL is extremely diligent in testing its remediated soil before it is taken anywhere.

In the July 19 article, Mr. Goldberg made it clear the MOE had already taken soil samples and given the green light for the fill to be brought to Ms Bridgen's property, insisting the company's practice is in compliance with the regulations.

By Monday afternoon, David Bradley of the MOE responded to This Week's inquiry.

"The Ministry of the Environment does not regulate clean fill sites," he wrote in an email. "Clean fill sites are regulated by either the local municipality or the local conservation authority depending on where the fill is deposited. In this case, Green For Life provides treated soil to land owners upon their agreement."

"The Ministry has inspected the fill site and did not observe any waste materials being deposited at the site. As a precaution, the ministry has taken samples of the fill material from the site. The first round of samples indicated the soil is acceptable for use as fill, however recent samples showed elevated levels of metals and hydrocarbons.

"The Ministry has been in contact with the company and today the company committed to immediately stopping any fill operations and is in the process of hiring a qualified person to do an assessment of the quality of the fill at the site."



County of Wellington
Planning
Statement of Operations as of
31 Mar 2015

	Annual Budget	March Actual \$	YTD Actual \$	YTD Actual %	Remaining Budget
Revenue					
Grants and Subsidies	\$28,000	\$0	\$15,000	54%	\$13,000
Municipal Recoveries	\$35,000	\$2,623	\$4,190	12%	\$30,810
User Fees & Charges	\$250,000	\$14,565	\$50,965	20%	\$199,035
Other Revenue	\$0	\$0	\$8,060	0%	\$(8,060)
Internal Recoveries	\$500	\$0	\$333	67%	\$167
Total Revenue	\$313,500	\$17,188	\$78,548	25%	\$234,952
Expenditures					
Salaries, Wages and Benefits	\$1,588,000	\$134,983	\$386,476	24%	\$1,201,524
Supplies, Material & Equipment	\$36,800	\$1,861	\$5,185	14%	\$31,615
Purchased Services	\$298,100	\$19,776	\$48,633	16%	\$249,467
Transfer Payments	\$740,000	\$26,948	\$0	0%	\$740,000
Internal Charges	\$6,100	\$301	\$1,008	17%	\$5,092
Total Expenditures	\$2,669,000	\$183,869	\$441,302	17%	\$2,227,698
NET OPERATING COST / (REVENUE)	\$2,355,500	\$166,681	\$362,754	15%	\$1,992,746
Transfers					
Transfers from Reserves	\$(20,000)	\$0	\$0	0%	\$(20,000)
Total Transfers	\$(20,000)	\$0	\$0	0%	\$(20,000)
NET COST (REVENUE)	\$2,335,500	\$166,681	\$362,754	16%	\$1,972,746



County of Wellington

02-April-2015

Planning

Capital Work-in-Progress Expenditures By Departments

All Open Projects For The Period Ending March 31, 2015

	LIFE-TO-DATE ACTUALS						
	Approved	March	Current	Previous	Total	% of	Remaining
	Budget	Actual	Year	Years		Budget	Budget
Trans Canada Trail	\$395,300	\$0	\$9,326	\$0	\$9,326	2 %	\$385,974
Official Plan Update	\$40,000	\$1,674	\$1,674	\$25,694	\$27,368	68 %	\$12,632
Total Planning	\$435,300	\$1,674	\$11,000	\$25,694	\$36,695	8 %	\$398,605



County of Wellington
Green Legacy
Statement of Operations as of
31 Mar 2015

	Annual Budget	March Actual \$	YTD Actual \$	YTD Actual %	Remaining Budget
Revenue					
Sales Revenue	\$500	\$35	\$35	7%	\$465
Other Revenue	\$1,500	\$0	\$0	0%	\$1,500
Total Revenue	\$2,000	\$35	\$35	2%	\$1,965
Expenditures					
Salaries, Wages and Benefits	\$475,800	\$34,097	\$95,669	20%	\$380,131
Supplies, Material & Equipment	\$101,100	\$4,420	\$10,039	10%	\$91,061
Purchased Services	\$77,000	\$6,159	\$9,614	12%	\$67,386
Insurance & Financial	\$9,100	\$0	\$9,118	100%	\$(18)
Internal Charges	\$5,000	\$0	\$0	0%	\$5,000
Total Expenditures	\$668,000	\$44,675	\$124,440	19%	\$543,560
NET OPERATING COST / (REVENUE)	\$666,000	\$44,640	\$124,404	19%	\$541,596
NET COST (REVENUE)	\$666,000	\$44,640	\$124,404	19%	\$541,596



County of Wellington
Emergency Management
Statement of Operations as of
30 Apr 2015

	Annual Budget	April Actual \$	YTD Actual \$	YTD Actual %	Remaining Budget
Expenditures					
Salaries, Wages and Benefits	\$277,700	\$(8,926)	\$38,769	14%	\$238,931
Supplies, Material & Equipment	\$8,500	\$0	\$1,000	12%	\$7,500
Purchased Services	\$176,500	\$0	\$79,920	45%	\$96,580
Transfer Payments	\$141,000	\$0	\$0	0%	\$141,000
Insurance & Financial	\$2,000	\$0	\$1,984	99%	\$16
Total Expenditures	\$605,700	\$(8,926)	\$121,673	20%	\$484,027
NET OPERATING COST / (REVENUE)	\$605,700	\$(8,926)	\$121,673	20%	\$484,027
NET COST (REVENUE)	\$605,700	\$(8,926)	\$121,673	20%	\$484,027



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chair and Members of the Planning Committee
From: Linda Redmond, Senior Planner
Date: Wednesday, April 01, 2015
Subject: **Ghent Pit OFFICIAL PLAN AMENDMENT Preview – Wellington North**
PD2015-12

Purpose:

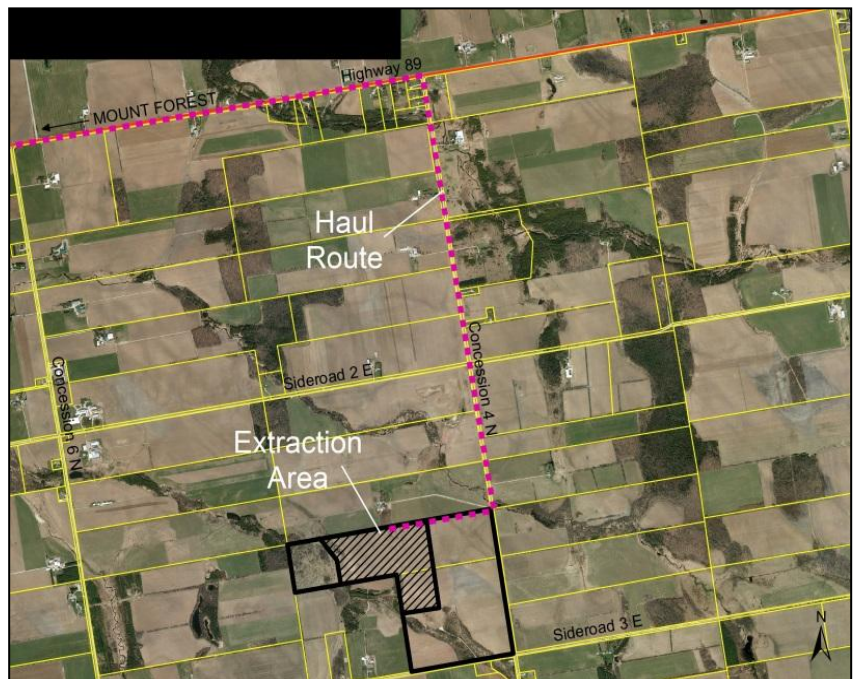
The purpose of this amendment is to amend the Schedule A6 of the County Official Plan by adding a Mineral Aggregate Area overlay to a 24.5 hectare area within an existing Prime Agricultural designation. This will permit development of a gravel pit operation pursuant to the Aggregate Resources Act, on the subject property.

Location:

The lands subject to the amendment are located at Part Lot 5 & 6, Concession 5 with municipal addresses of 7572 Sideroad 3 and 9458 Concession 4 N. The property is located in the northerly part of the Township approximately 6 km east of Mount Forest.

Basis

The County Official Plan provides consideration for the establishment of new aggregate extraction operations, subject to an assessment of the potential impacts of such a land use on the natural environment, agricultural operations and surrounding land uses. The subject lands are outside the “Mineral Aggregate Area”. To permit an extraction operation an Official Plan Amendment is required to include these lands (24.5 hectares) within the Mineral Aggregate Area. Appropriate municipal zoning and an aggregate extraction license (Pit License) from the Ministry of Natural Resources (MNR) are also required.



The Pit License application is a Category 3, Class “A” license. This application covers 24.5 hectares of land (the proposed licensed area) of that 21.8 ha are proposed to be extracted. The main haul route will be north on Concession 4N to Highway 89 and then west to the Mount Forest area. The available aggregate resource of the subject land is estimated to be 2,500,000 tonnes, of non-absorbent, hard aggregate. There will be no excavation below the water table and limits excavation to 1.5 metres above the water table. The projected pit life is 10-20 years.

Status

The application was circulated by the County to agencies in May, 2014. The Township of Wellington North held 2 statutory public meetings June, 2014 and March 23, 2015. In addition to the County Official Plan Amendment, the proponent (H. Bye Construction Ltd.) has also submitted a Re-Zoning Application to the Township of Wellington North. This land is presently zoned as *Agricultural (A) Zone* and *Natural Environment (NE) Zone*. A number of concerns were raised by the neighbours which included, noise, dust, need, property values and haul route safety. The County has received correspondence from MNR and SVCA indicating that all their issues have been addressed.

Recommendation:

That the report Ghent Pit PD2015-12 be received for information.

Respectfully submitted,



Linda Redmond
Senior Planner



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chair and Members of the Planning Committee
From: Mark Paoli, Manager of Policy Planning
Date: April 9, 2015
Subject: **LAND INVENTORIES (PD2015-13)**

Background:

The Planning and Development department maintains employment and residential land inventories in a geographic information system. The three main uses of these inventories in planning are:

- a) As input to growth forecast updates for both Development Charges and the Official Plan.
- b) To demonstrate consistency with the following provincial policy requirements:
 - Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years;
 - Maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment, and if necessary, lands which are designated and available for residential development; and
 - Maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a 3 year supply of units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.
- c) As input to land needs assessment, which is one of several criteria in municipal comprehensive reviews that are required to justify expanding an urban centre or hamlet, or changing employment lands to other uses.

The inventories are also used as background information for reviewing development applications, and for economic development work.

Employment Land Inventory:

The employment land inventory primarily contains land that is designated in the Official Plan as 'Industrial', 'Highway Commercial' or 'Rural Employment Area'.

The inventory is broken down further into 'Built' vs 'Vacant' lands. We track building on vacant parcels, (referred to as 'Absorption') using permit reports that are provided monthly by our local building departments. In addition to mapping the lands, we also maintain information about the land, including:

- Zone Category;
- Status (Built, Absorbed since 2011, or Vacant); and
- For vacant land, an estimate of the developable area.

Table 1 summarizes the estimated developable acres of vacant employment land as of November, 2014 for the County and each local municipality. Maps showing vacant employment lands are shown in Attachment 'A'.

Table 1: Estimated developable acres of vacant employment land

MUNICIPALITY	OFFICIAL PLAN DESIGNATION			TOTAL
	WITHIN URBAN CENTRES		OUTSIDE OF URBAN CENTRES	
	Vacant Industrial	Vacant Highway Commercial	Vacant Rural Employment Area	
Mapleton	87	10	6	103
Wellington North	228	22	50	300
Centre Wellington	185	45	-	230
Erin	62	50	-	112
Minto	120	21	-	141
Guelph/Eramosa	-	-	294	294
Puslinch	-	-	174	174
Wellington County	682	148	524	1,354

Wellington County has a range of different types of vacant designated land.

- Lands designated 'Industrial' are located in Urban Centres and may be used for: a variety of industrial uses; public and private services and utilities; certain commercial uses which may not be suitable in a commercial area; and office uses, subject to the provisions of the Zoning By-law.
- Lands designated 'Highway Commercial' are located in Urban Centres and provide services to the traveling public, sites for commercial uses which require large lots which cannot locate in the downtown area, and on a limited basis, convenience uses to serve the daily needs of local residents.
- Lands designated 'Rural Employment Area' are outside of Urban Centres and will be used by "dry" industrial and limited commercial uses which do not use significant amounts of water in their operation and which do not produce significant amounts of effluent, consistent with rural servicing levels which rely on private water and sewage systems.

There are approximately 1,350 acres that meet the provincial definition of employment areas for long term growth management purposes. It should be noted however that this base includes unserviced lands, sites with servicing constraints, and lands not currently available for development for other reasons (examples: site access, the need for internal roads and further lotting, or the landowner intends to continue farming).

Residential Supply Inventory:

The residential supply inventory is land that is designated for residential uses in the Official Plan. This includes:

- Lands designated 'Residential' in Urban Centres;
- Hamlets;
- Country Residential Areas; and
- Lifestyle Communities converting to year round use.

The inventory includes estimates of future units that are anticipated from severances in the 'Secondary Agricultural Area' and tracks lot creation and building permit activity in the Secondary Agricultural Area. Estimates of urban infilling potential are also included. We track development activity using building permit reports that are provided monthly by our local building departments.

In addition to mapping the lands, we also maintain information about the land, including:

- Status (Vacant Designated, Application Under Review, Draft or Conditionally Approved, Registered);
- Number of vacant or potential units;
- Number of built units;
- Density category (low, medium, high);
- Inside or outside the Built Boundary for tracking intensification and greenfield densities; and
- Zone Category.

Table 2 summarizes the units of residential supply as of November, 2014 for the County and each local municipality. Maps showing the residential supply are shown in Attachment 'B'.

Table 2: Vacant and Potential Residential Units

MUNICIPALITY	Registered	Draft Approved or Provisional	Applications Under Review	Vacant Designated	TOTAL
CENTRE WELLINGTON	740	374	879	3,326	5,319
Urban Centres	698	322	861	3,281	5,162
Outside Urban centres	42	52	18	45	157
ERIN					1,019
Urban Centres					500*
Outside Urban centres	155	24	0	340	519
GUELPH/ERAMOSA	284	20	71	195	570
Urban Centres	215	0	71	162	448
Outside Urban centres	69	20	0	33	122
MAPLETON	311	238	160	452	1,161
Urban Centres	206	204	160	452	1,022
Outside Urban centres	105	34	0	0	139
MINTO	215	295	33	536	1,079
Urban Centres	137	295	33	479	944
Outside Urban centres	78	0	0	57	135
PUSLINCH	341	21	58	160	580
Urban Centres	7	6	10	35	58
Outside Urban centres	334	15	48	125	522
WELLINGTON NORTH	234	364	514	722	1,834
Urban Centres	223	293	514	694	1,724
Outside Urban centres	11	71	0	28	110
Wellington County	2,280	1,336	1,715	5,678	11,562
Urban Centres	1,486	1,120	1,649	5,103	9,858
Outside Urban centres	794	216	66	575	1,704

* Residential Supply in Erin and Hillsburgh cannot be determined based on the level of servicing. The estimated growth potential based on the assimilative capacity of the Credit River is around 500 units according to the Servicing and Settlement Master Plan.

Note: Outside of Urban Centres includes Hamlets, Estate Residential, Lifestyle Communities, potential future severance estimates and existing vacant lots.

There are 11,562 units in the County's overall supply of vacant and potential residential units, as tracked through building permit reports to the end of November, 2014; of these, 9,858 (or 85%) are located in Urban Centres. Units in the 'Registered' (which includes rezoned multiples) and the 'Draft Approved or Provisional' categories are considered to be available in the short term; there are 3,616 units in these categories, with 2,606 (or 72%) in the Urban Centres.

Recommendation:

That the report Land Inventories PD2015-13 be received for information.

Respectfully submitted,

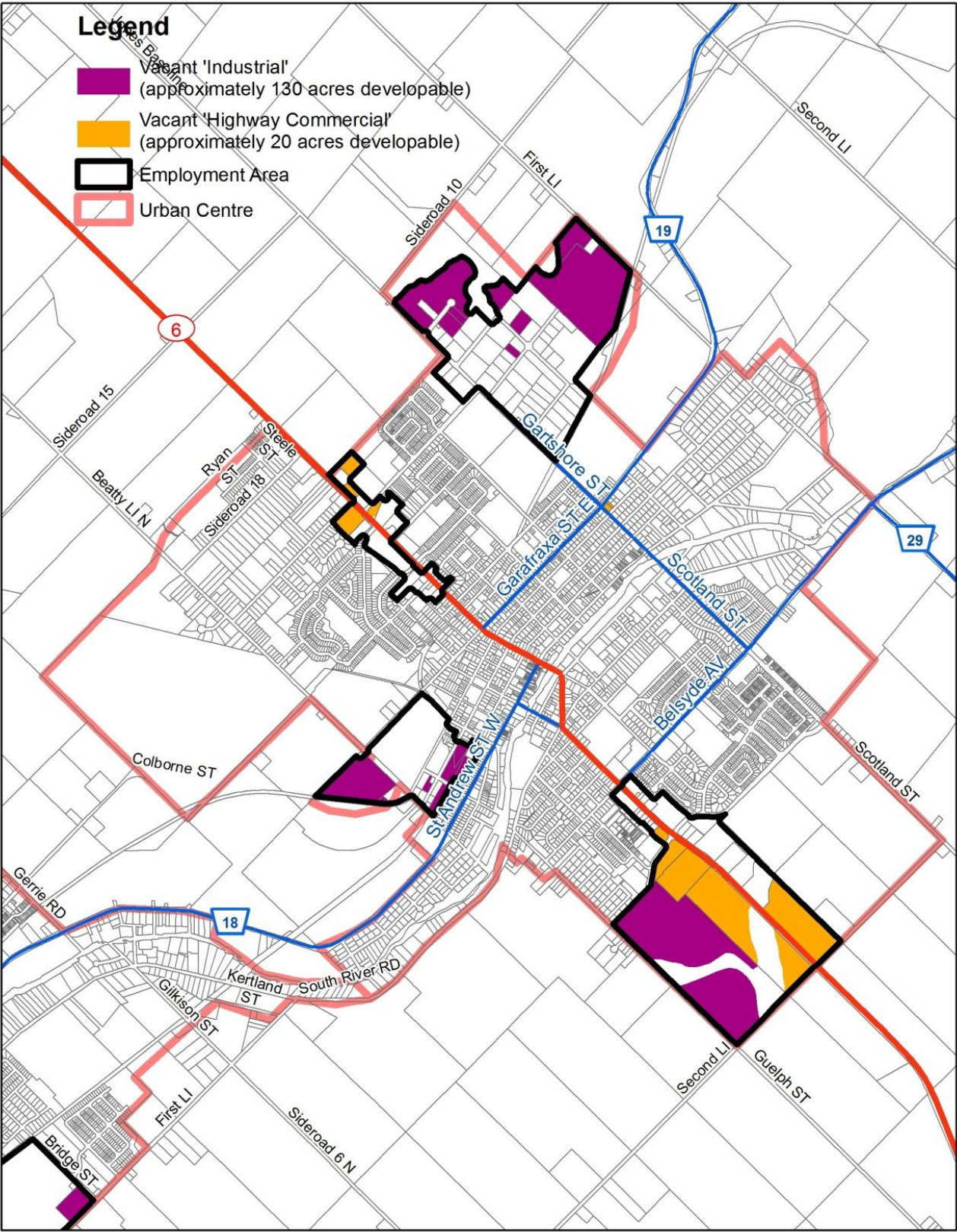
A handwritten signature in black ink, appearing to read "Mark Paoli".

Mark Paoli
Manager of Policy Planning

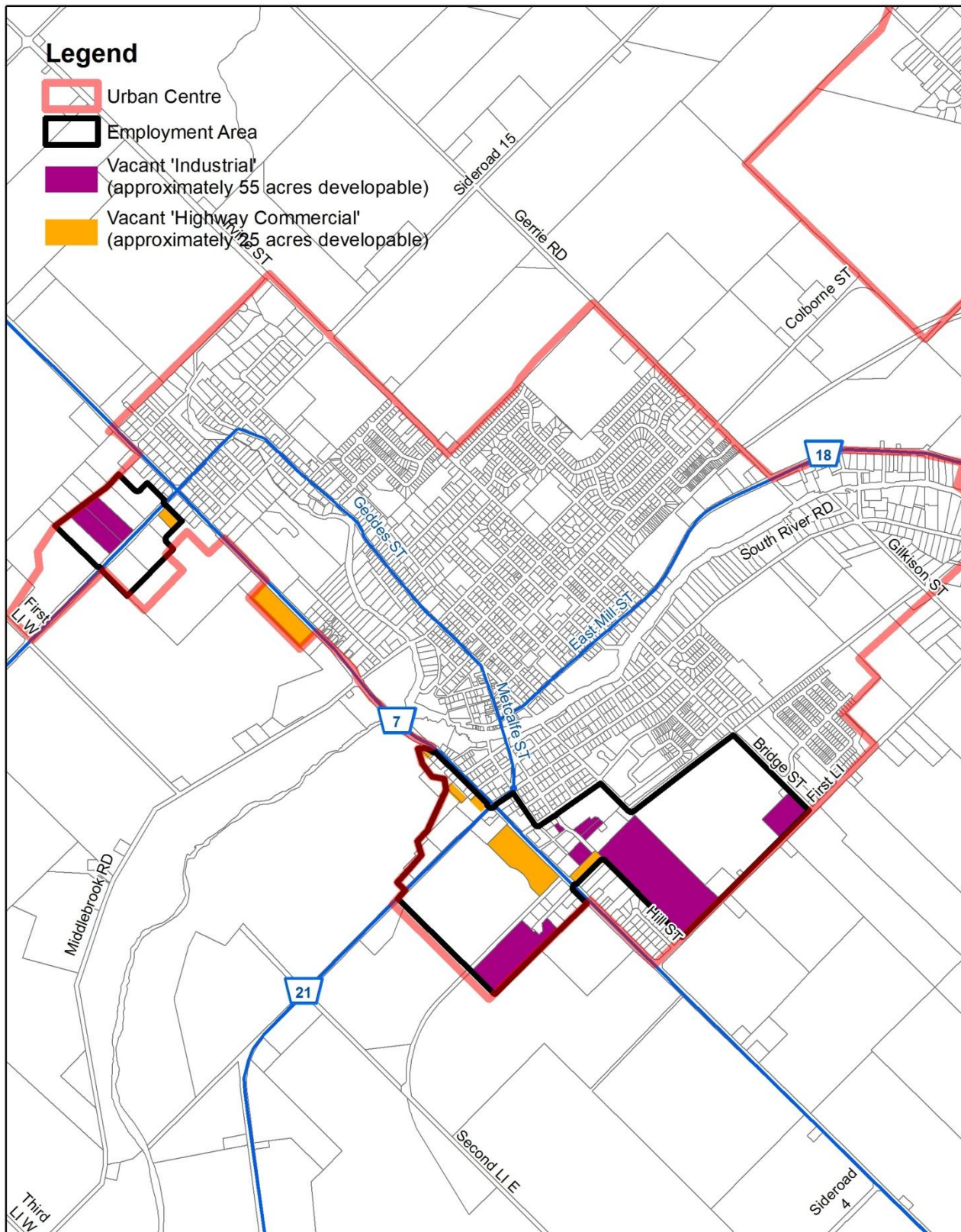
ATTACHMENT 'A'

VACANT EMPLOYMENT LAND MAPS

Centre Wellington – Fergus

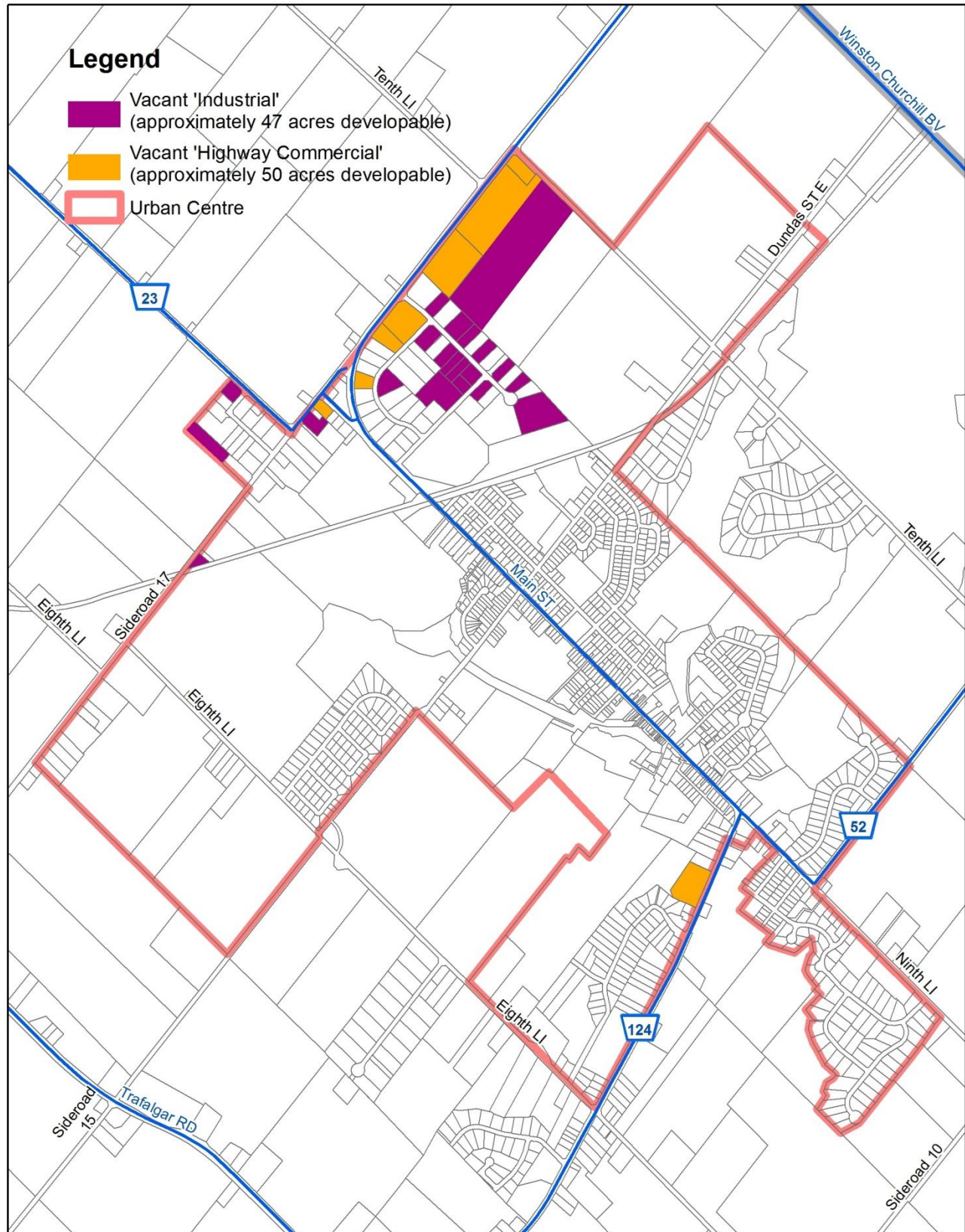


Centre Wellington – Elora



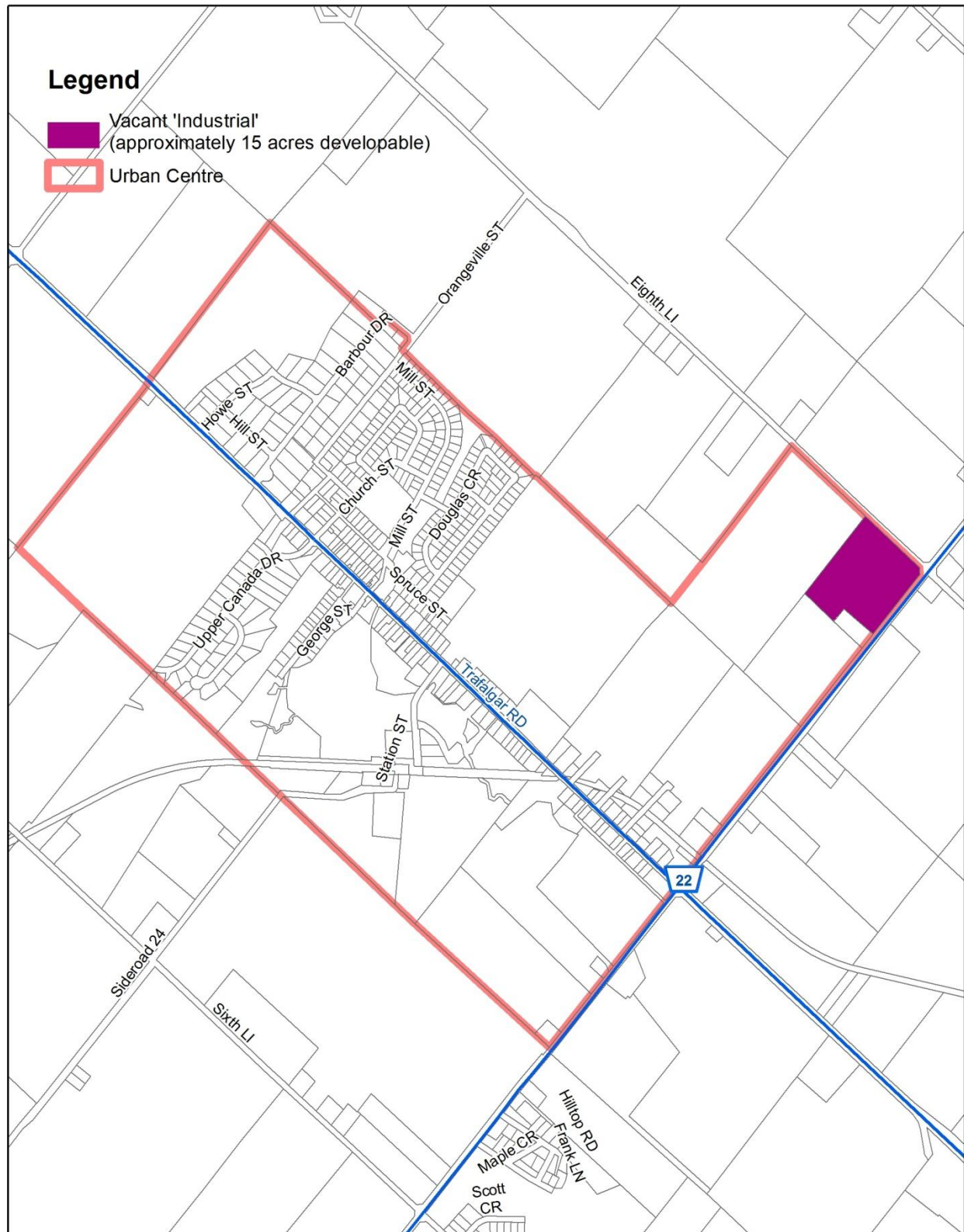
Document Path: F:\GIS\Projects\2015\EmploymentInventory\LandsReport\Files\Elora_Area.mxd

Erin- Erin Village



Document Path: F:\GIS\Projects\2015\EmploymentInventory\LandsReportFiles\Erin_Village_Area.mxd

Erin- Hillsburgh



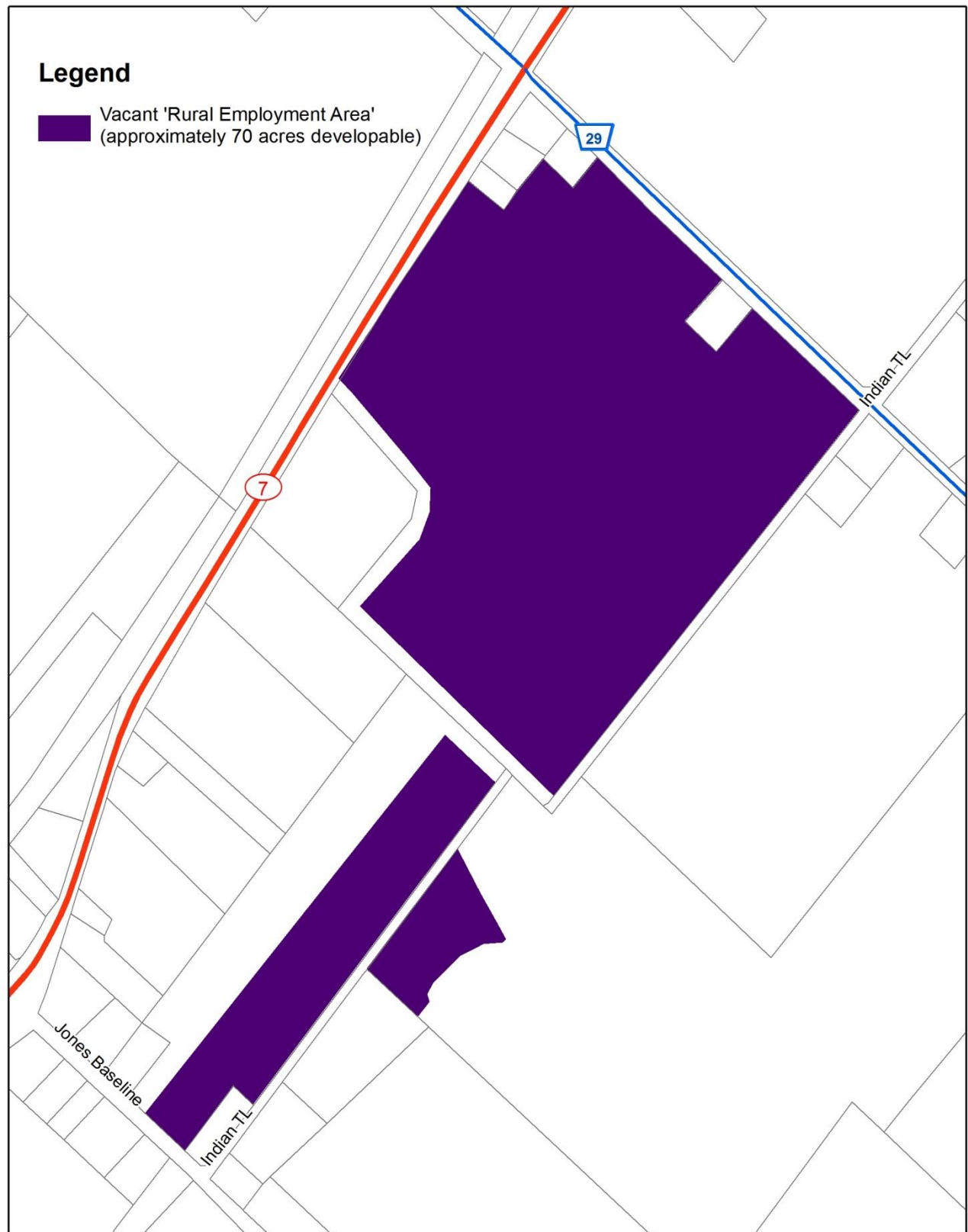
Document Path: F:\GIS\Projects\2015\EmploymentInventoryLandsReport\Files\Hillsburgh_Area.mxd

Guelph/Eramosa – Crewsons Corners Area



Document Path: F:\GIS\Projects\2015\EmploymentInventoryLandsReportFiles\Highway_7_Seventh_Line_Area.mxd

Guelph/Eramosa – Highway 7 Area



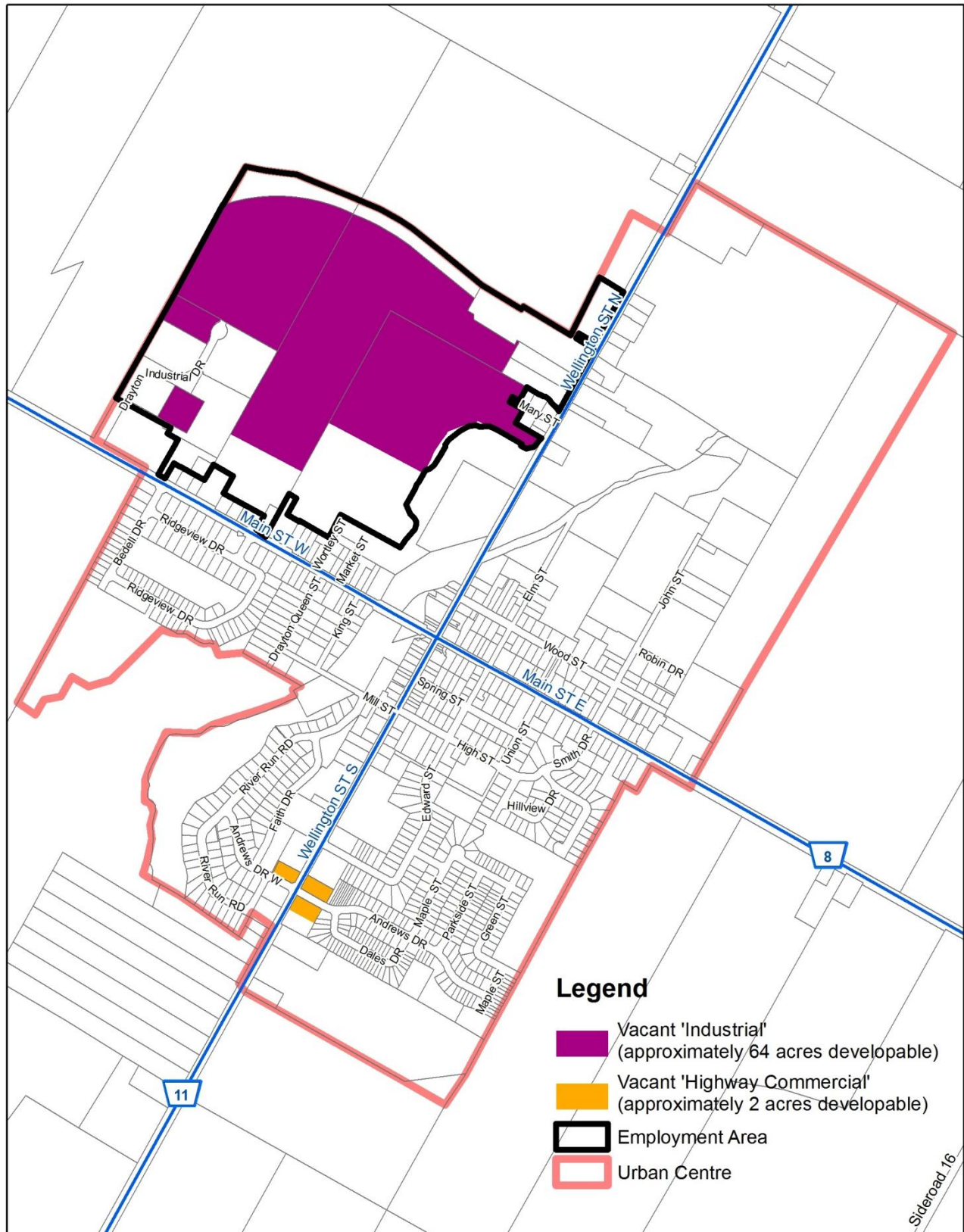
Document Path: F:\LIS\Projects\2015\EmploymentInventoryLandsReportFiles\Highway_7_Hamlet_Area.mxd

Guelph/Eramosa –Lakeroad at 124



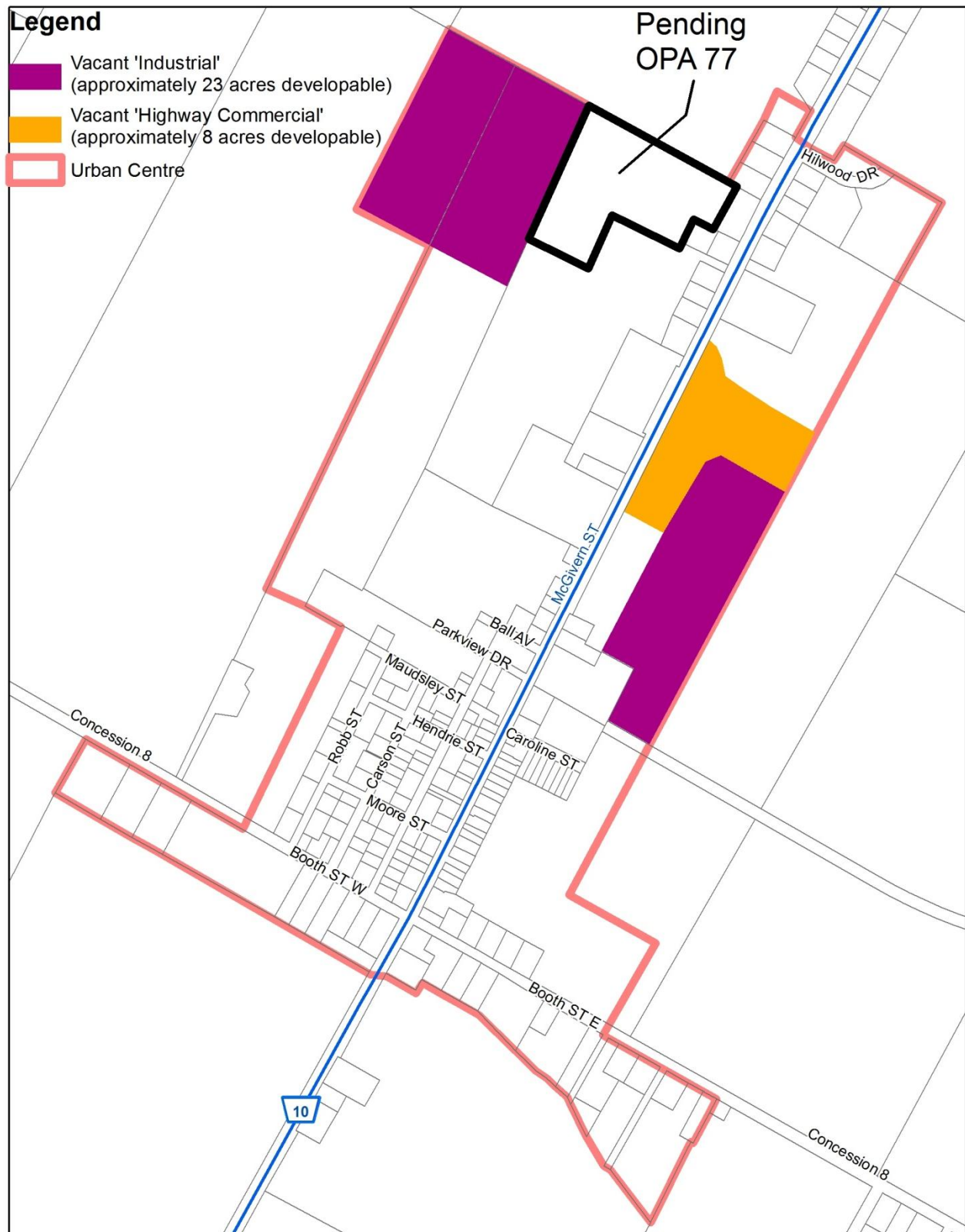
Document Path: F:\GIS\Projects\2015\EmploymentInventory\LandsReportFiles\Wellington_124_Lake_Road_Area.mxd

Mapleton- Drayton



Document Path: F:\GIS\Projects\2015\EmploymentInventory\LandsReportFiles\Drayton_Area.mxd

Mapleton- Moorefield

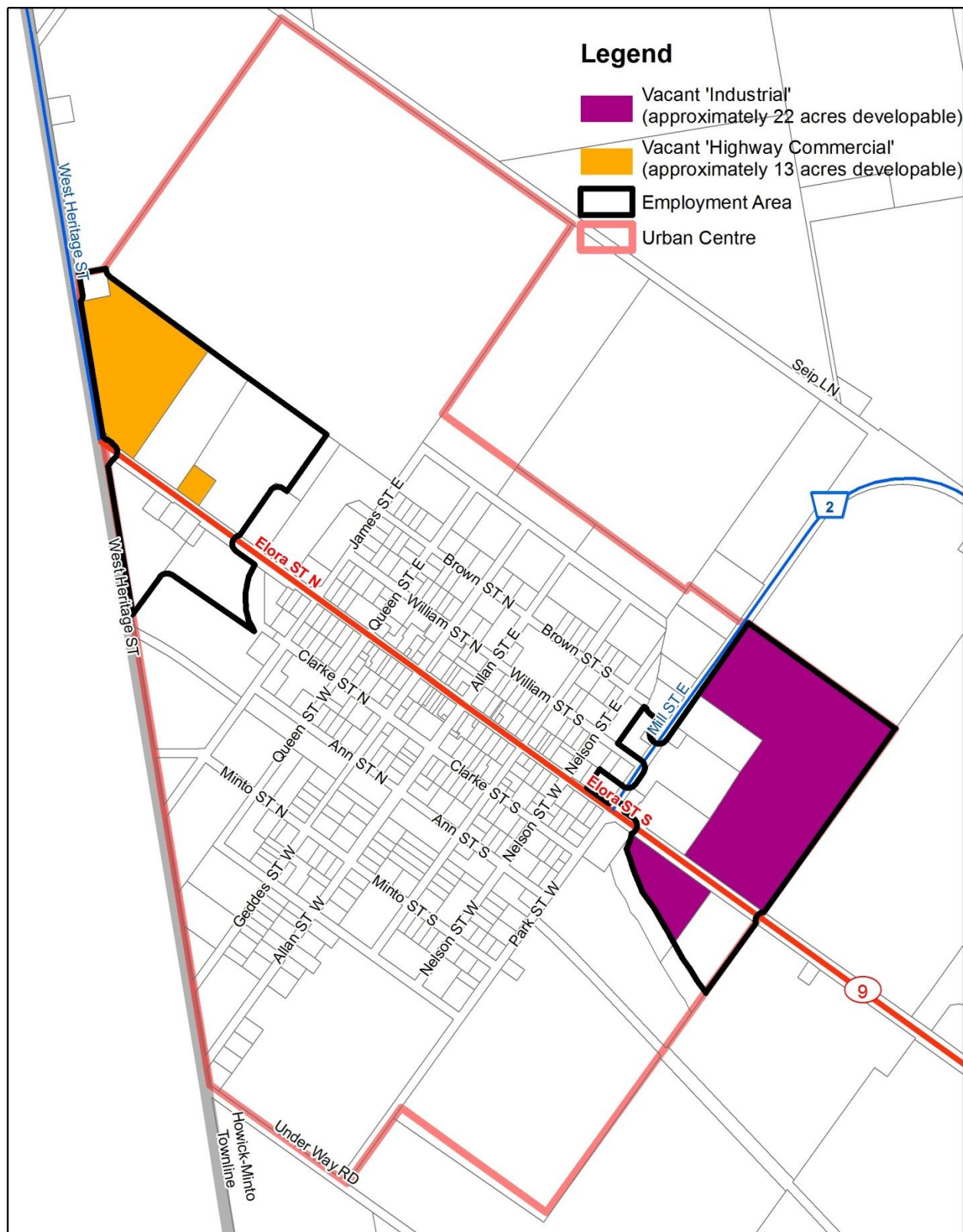


Document Path : F:\LIS\Projects\2015\EmploymentInventoryLandsReport\Files\Moorefield_Area.mxd

Mapleton- Wallenstein

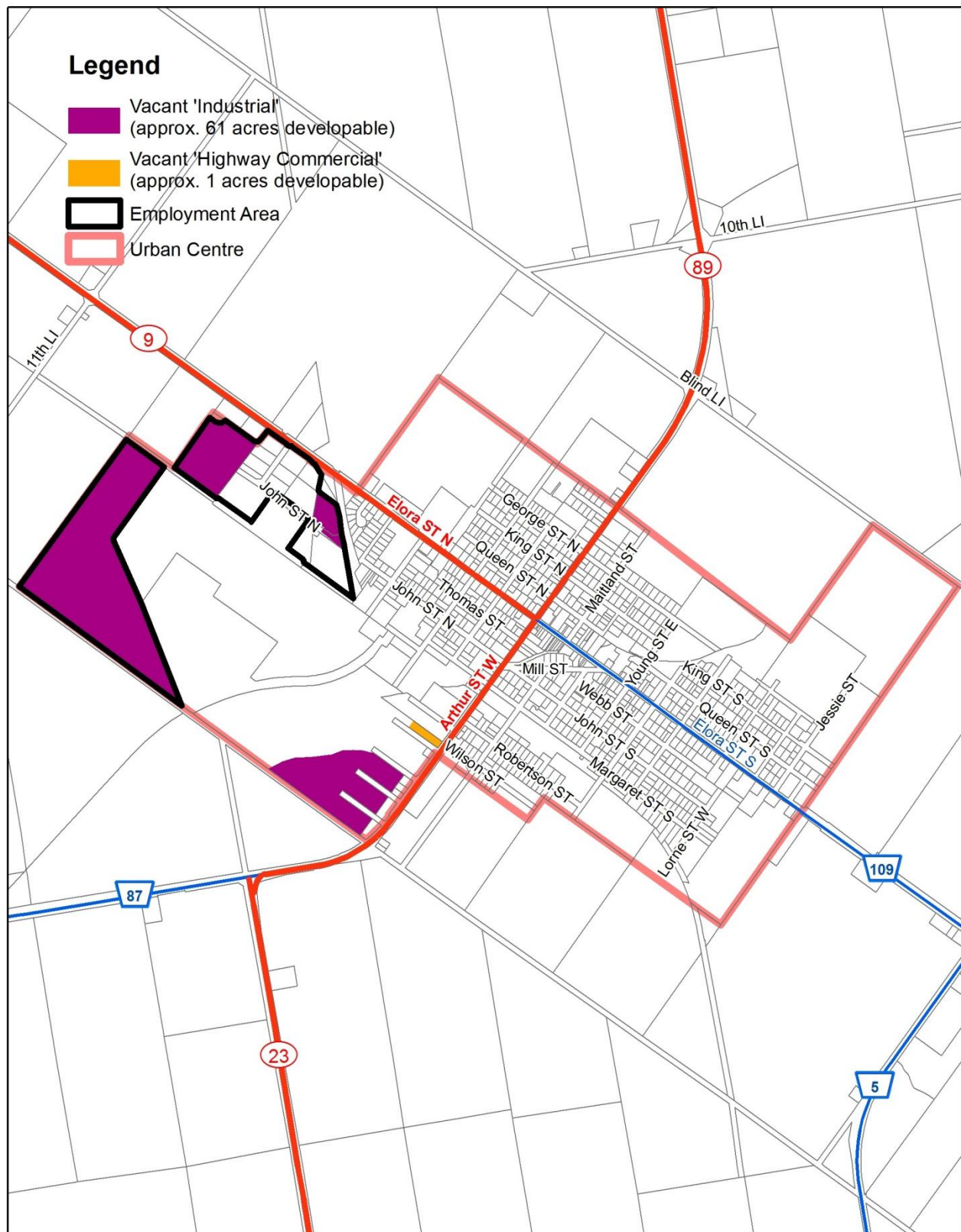


Document Path: F:\LIS\Projects\2015\EmploymentInventory\LandsReportFiles\Wallenstein_Area.mxd



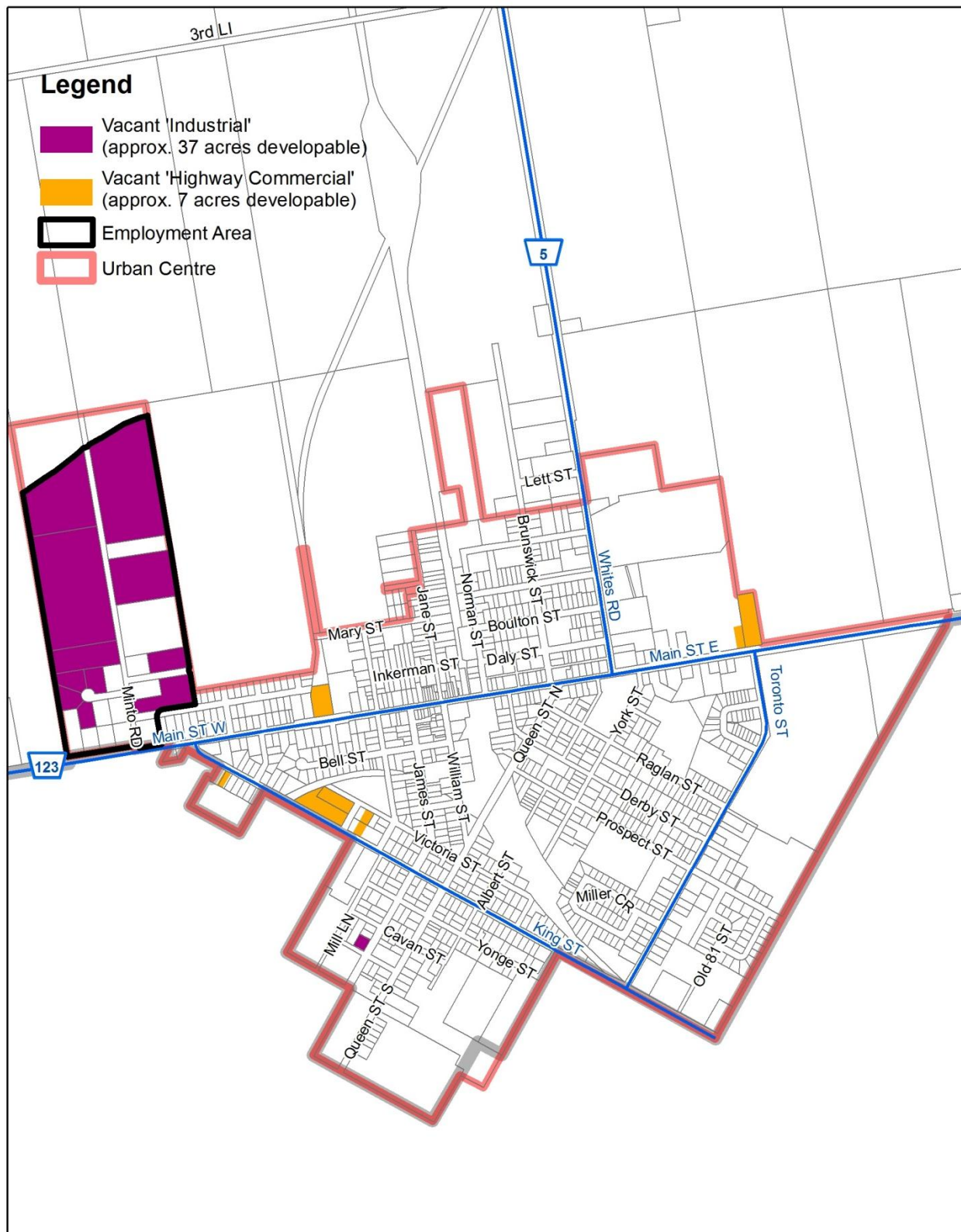
Document Path: F:\GIS\Projects\2015\EmploymentInventory\LandsReportFiles\Clifford_Area.mxd

Minto- Harriston



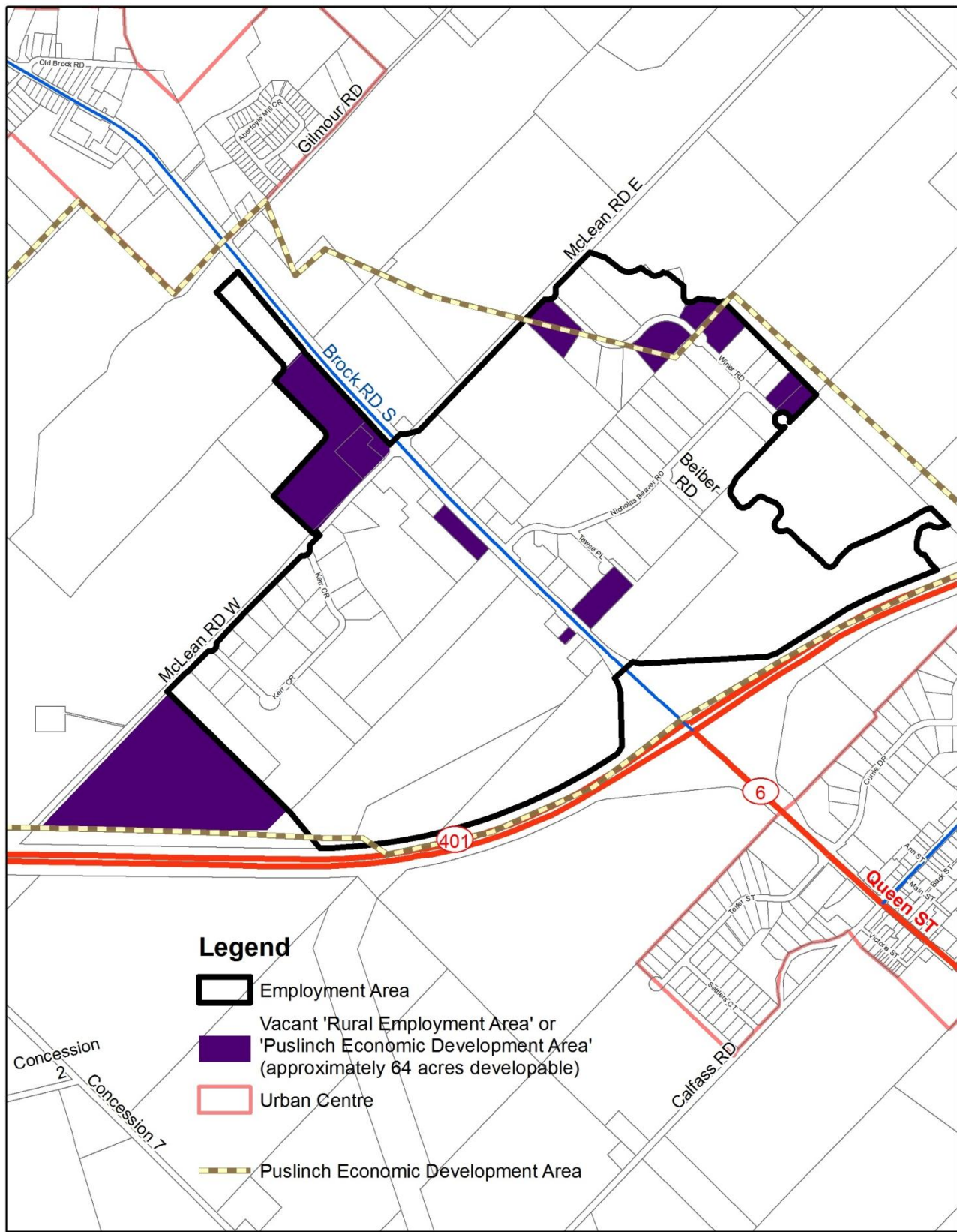
Document Path: F:\LIS\Projects\2015\EmploymentInventory\LandsReportFiles\Harriston_Area.mxd

Minto- Palmerston



Document Path: F:\GIS\Projects\2015\EmploymentInventory\LandsReportFiles\Palmerston_Area.mxd

Puslinch- Economic Development Area



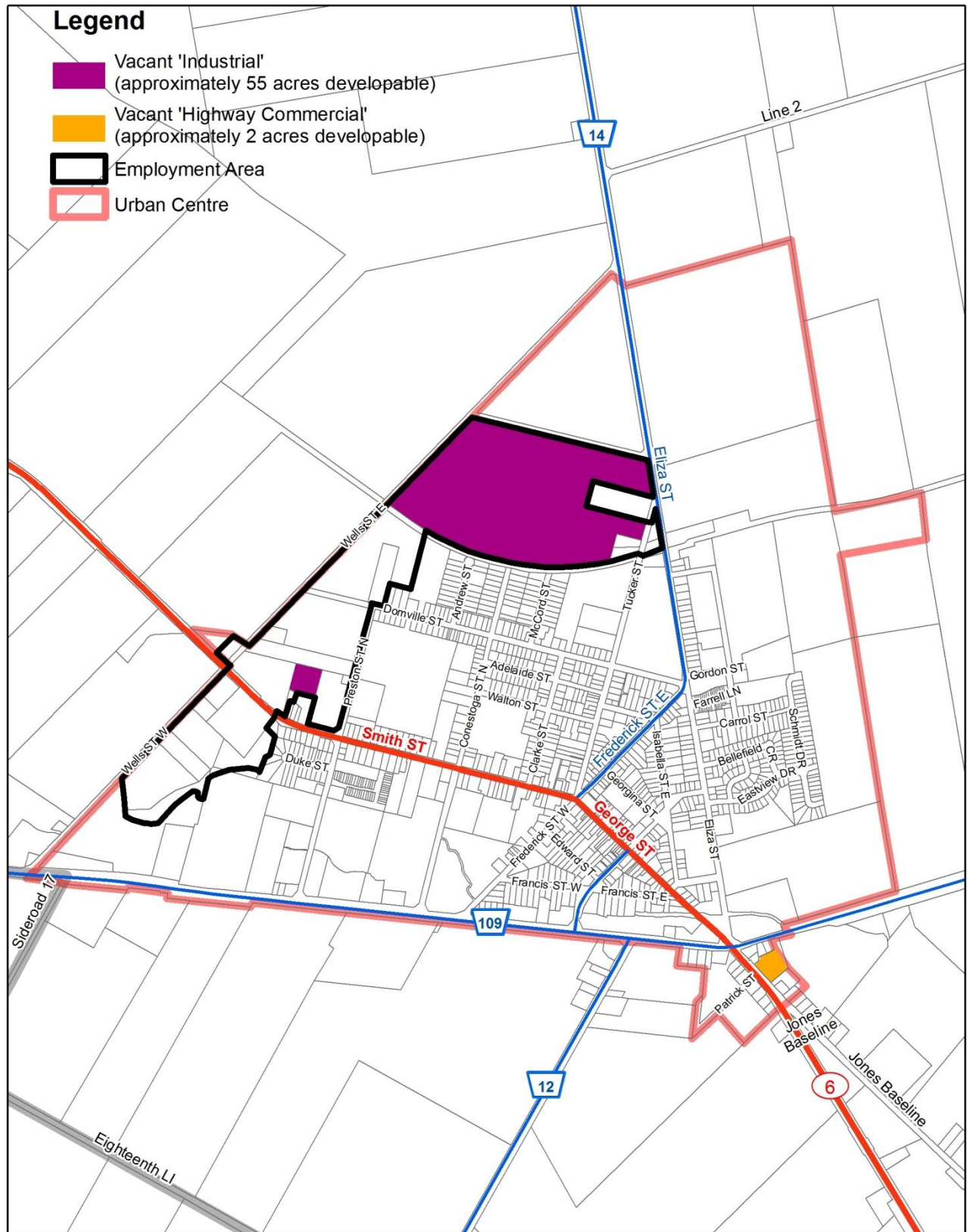
Document Path: F:\LIS\Projects\2015\EmploymentInventoryLandsReport\Files\Morrison_Area.mxd

Puslinch- Highway 6/ Maltby road Area



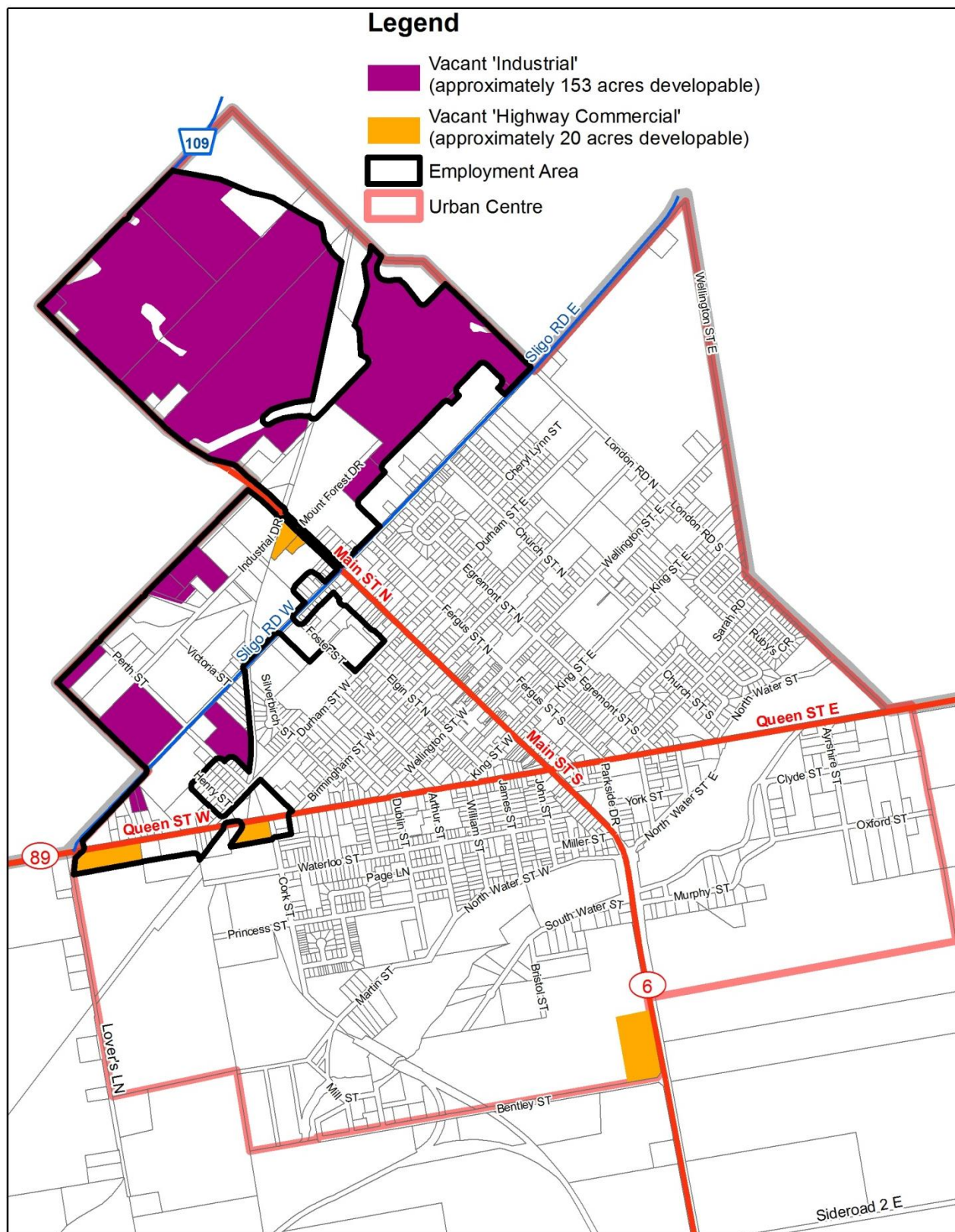
Document Path: F:\GIS\Projects\2015\EmploymentInventory\LandsReportFiles\Maltby_Road_Highway_6_Area.mxd

Wellington North – Arthur



Document Path: F:\GIS\Projects\2015\EmploymentInventory\LandsReportFiles\Arthur_Village_Area.mxd

Wellington North – Mount Forest



Document Path: F:\GIS\Projects\2015\EmploymentInventory\LandsReport\Files\Mount_Forest_Area.mxd

Wellington North- Riverstown Area

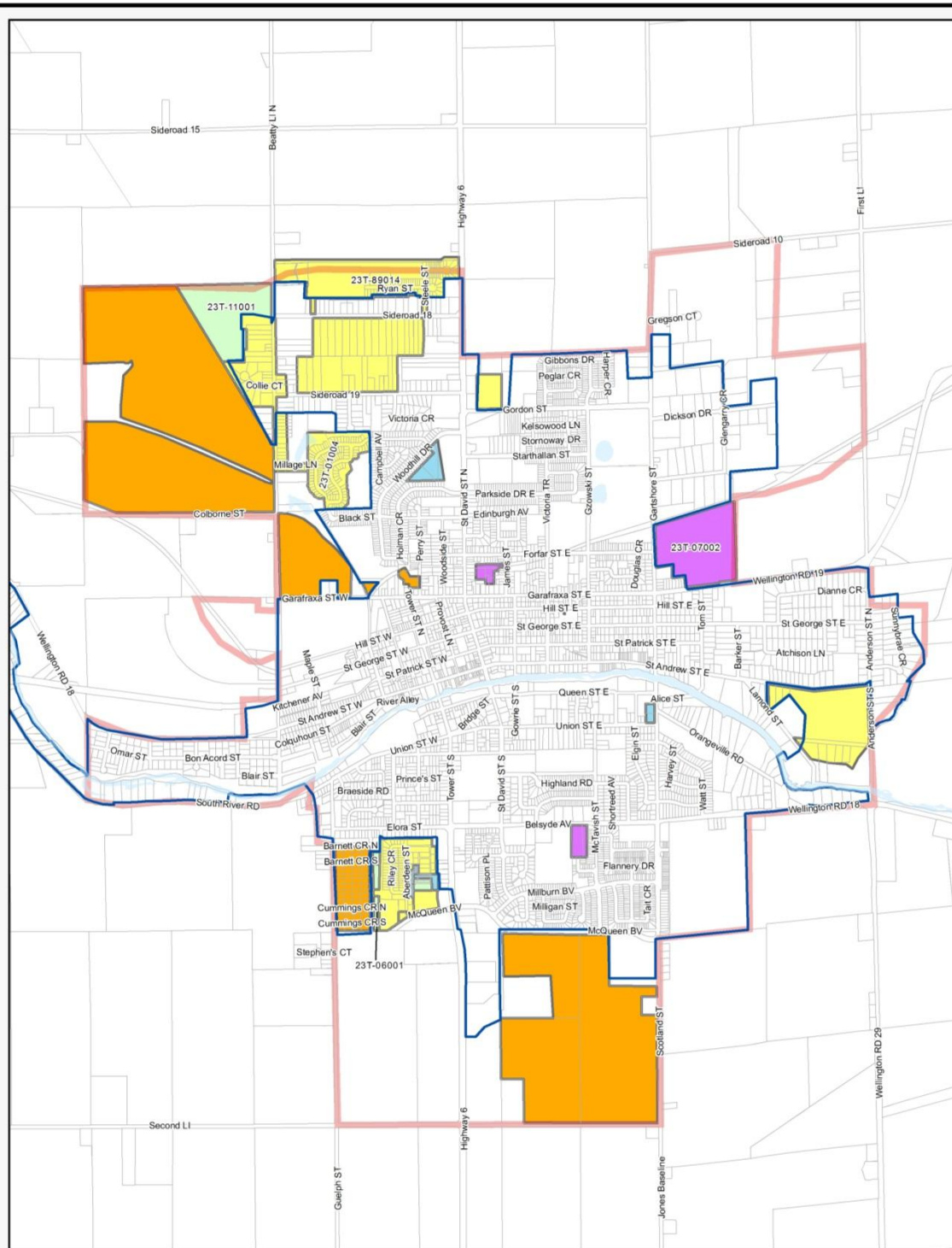


Document Path: F:\LIS\Projects\2015\EmploymentInventory\LandsReport\Files\Riverstown_Area.mxd



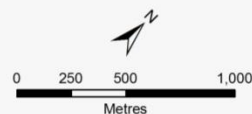
ATTACHMENT 'B'

RESIDENTIAL SUPPLY MAPS

**Residential Supply Category**

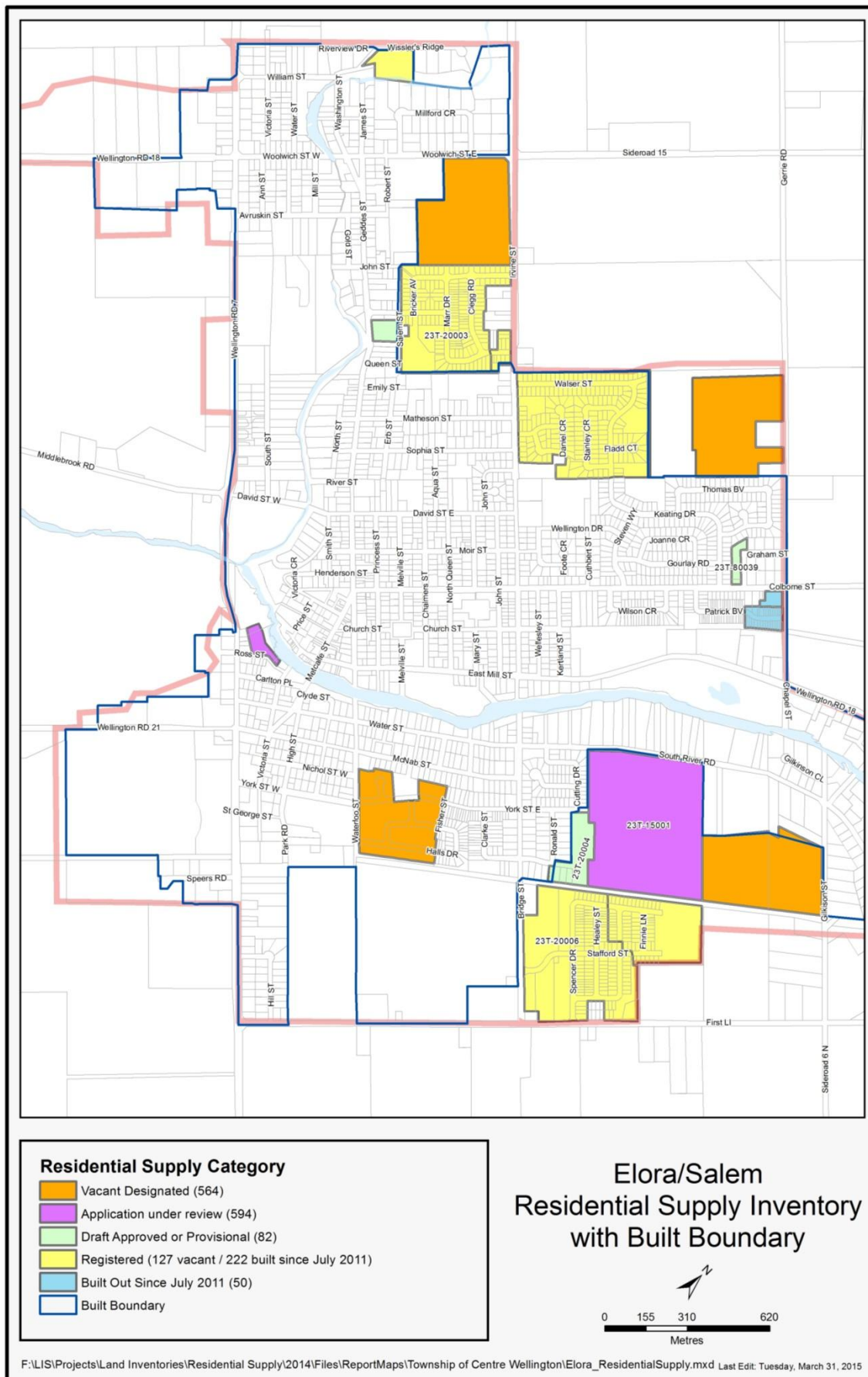
-  Vacant Designated (2717)
 Application under review (267)
 Draft Approved or Provisional (240)
 Registered (571 vacant / 128 built out since July 2011)
 Built Out Since July 2011 (149)
 Built Boundary

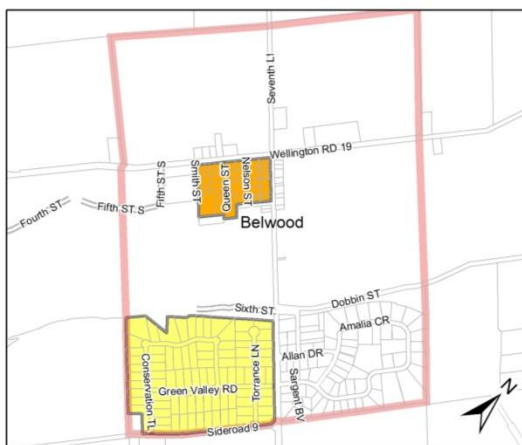
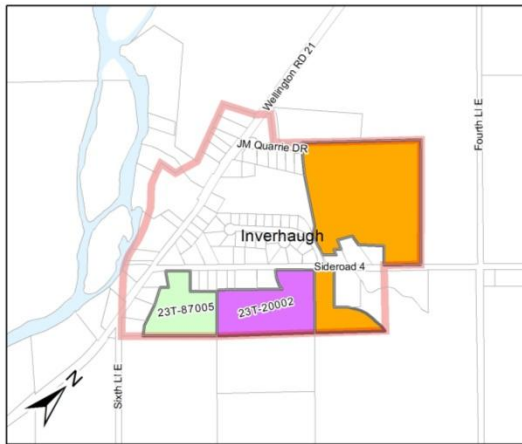
Fergus
Residential Supply Inventory
with Built Boundary



F:\LIS\Projects\Land Inventories\Residential Supply\2014\Files\ReportMaps\Township of Centre Wellington\Fergus_ResidentialSupply.mxd

Last Edit: Tuesday, March 31, 2015





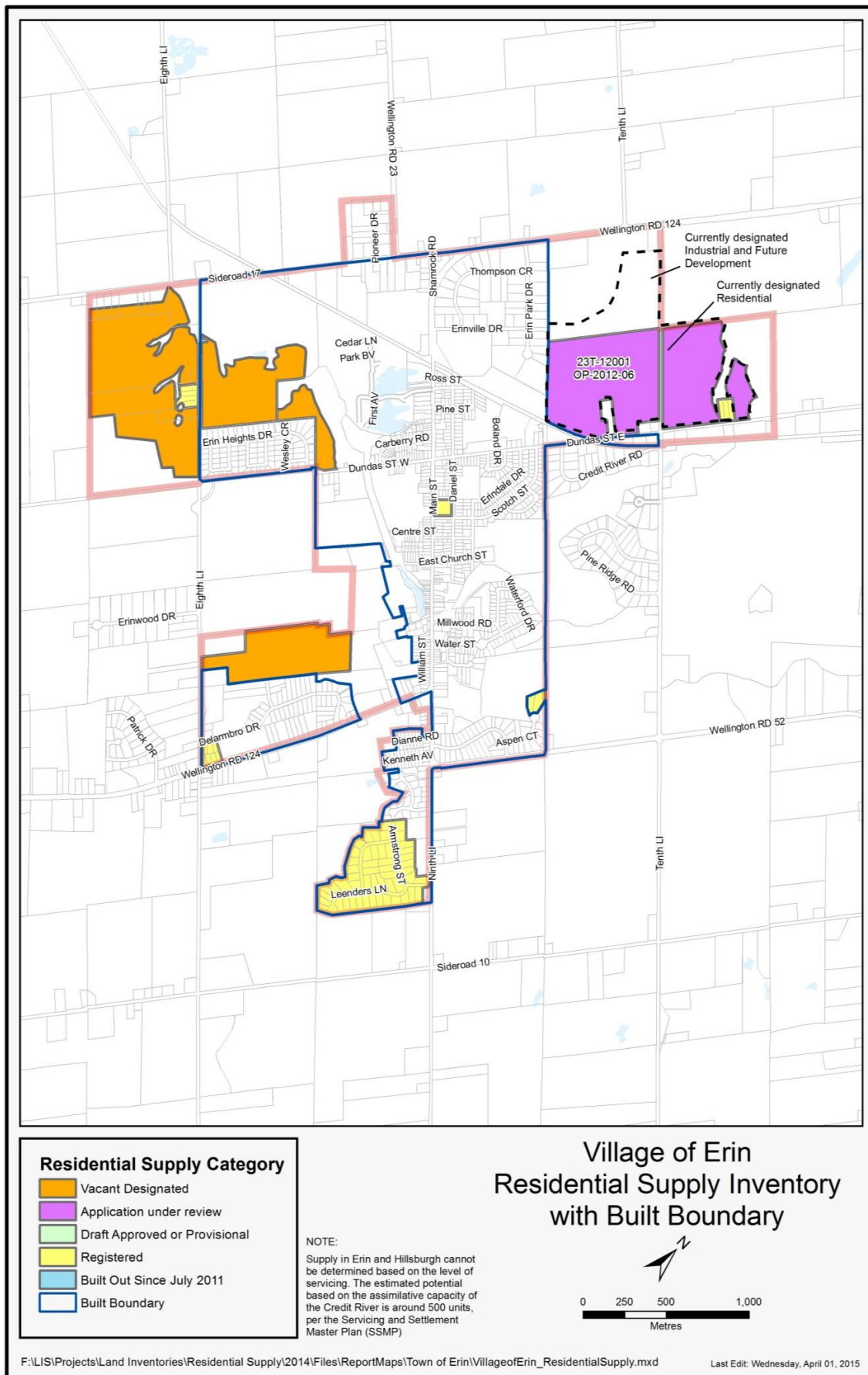
Township of Centre Wellington Rural Residential Supply Inventory

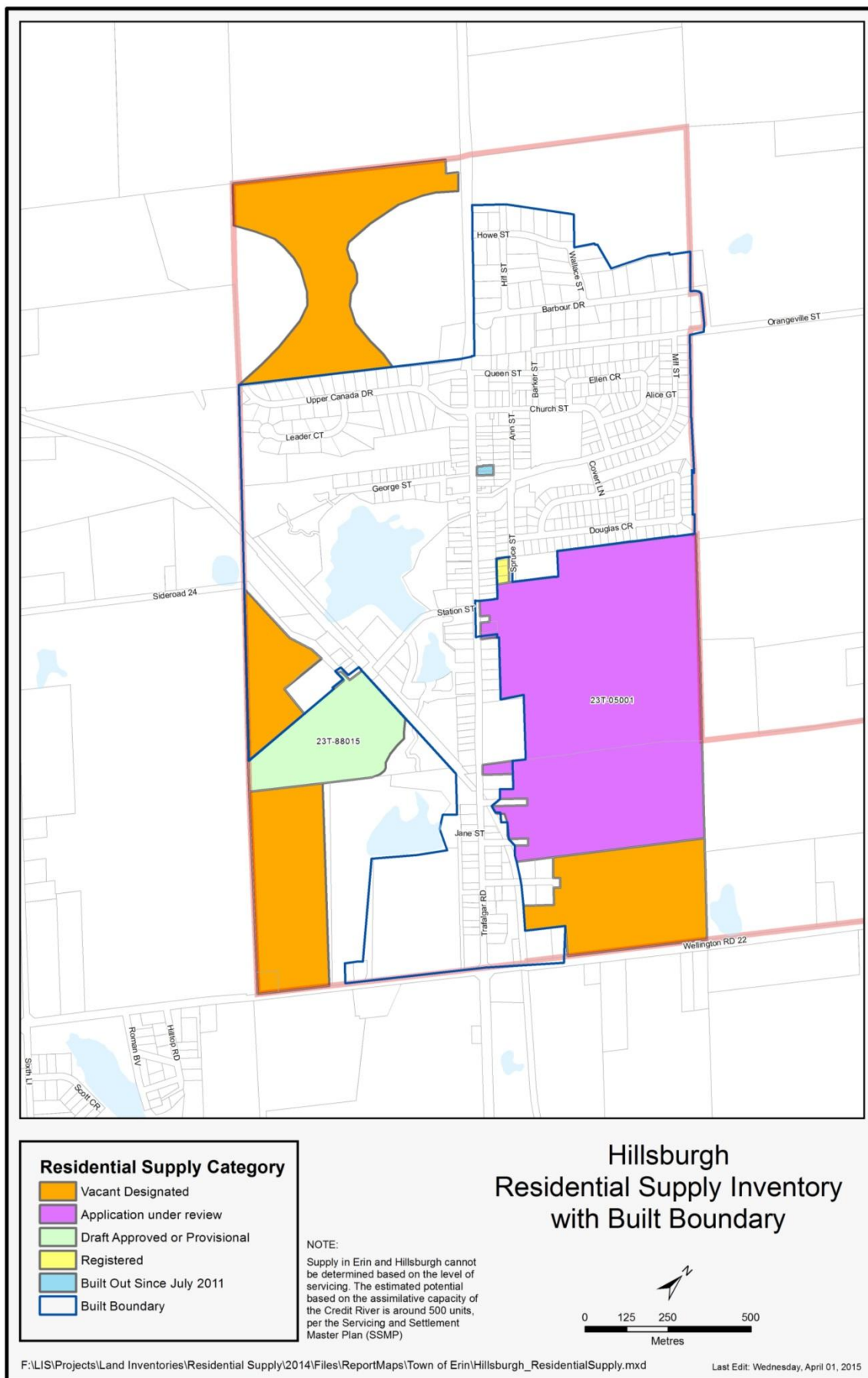
THIS IS NOT SURVEY DATA
Parcels - Teranet 2002, County of Wellington 2015
Roads - County of Wellington, 2015
Includes material © 2015 of the Queen's Printer for Ontario. All Rights Reserved.

Residential Supply

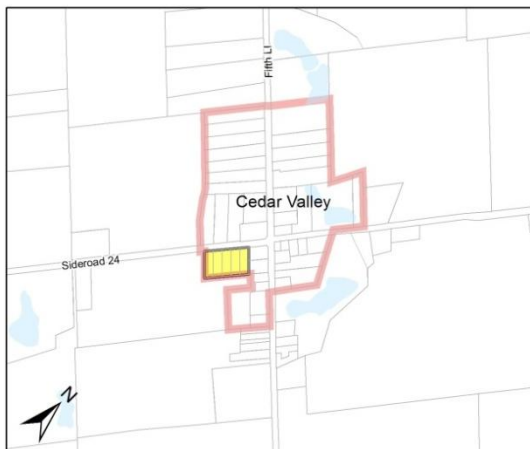
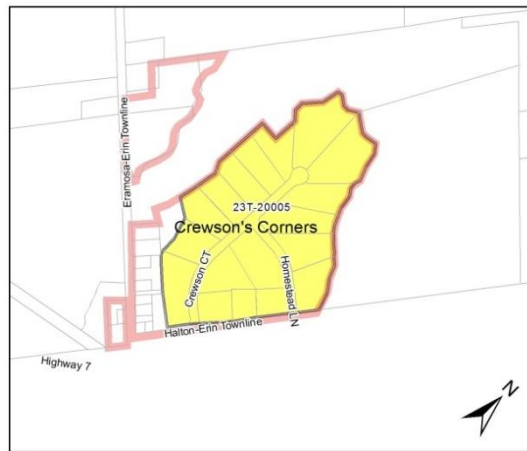
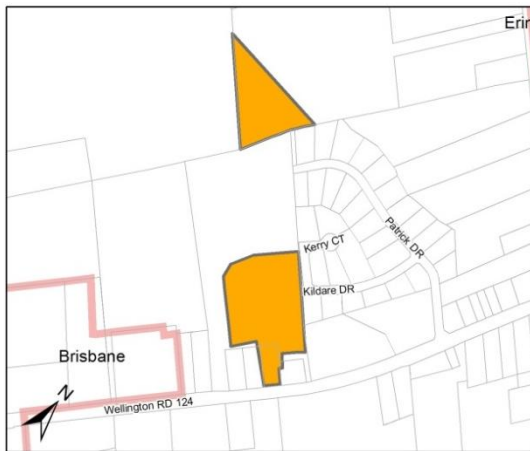
- Vacant Designated (45)
 - Application under review (18)
 - Draft Approved or Provisional (52)
 - Registered (42 vacant / 30 built out since July 2011) *
 - Built Out Since July 2011
- * Includes existing vacant rural lots not shown on map

F:\GIS\Projects\Land Inventories\Residential Supply\2014\Files\ReportMaps\Township of Centre Wellington\CentreWellingtonRural_ResidentialSupply.mxd/31/2015





Erin- Rural Residential



Town of Erin Rural Residential Supply Inventory

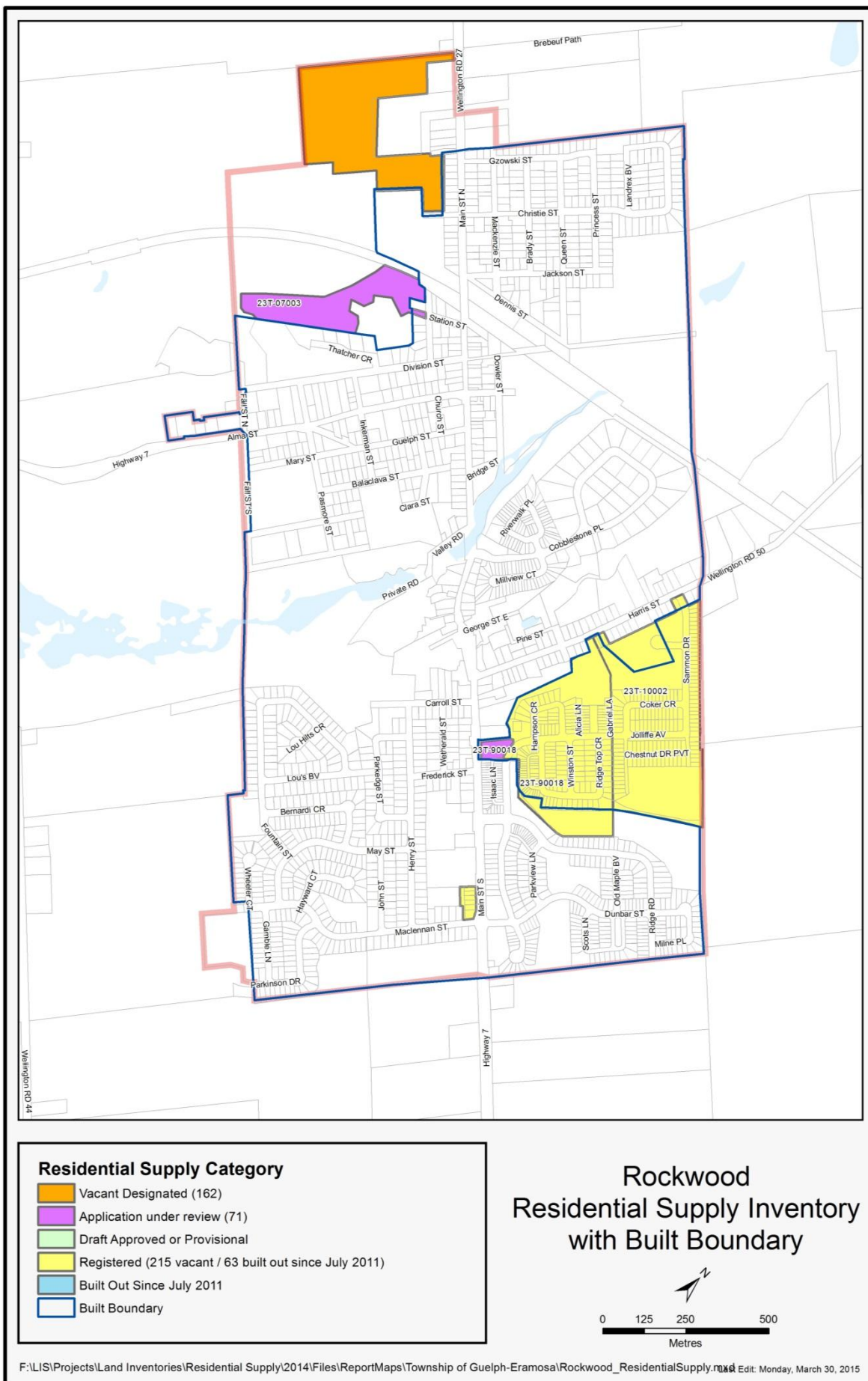
THIS IS NOT SURVEY DATA
Parcels - Teranet 2002, County of Wellington 2015
Roads - County of Wellington, 2015
Includes material © 2015 of the Queen's Printer for Ontario. All Rights Reserved.

Residential Supply

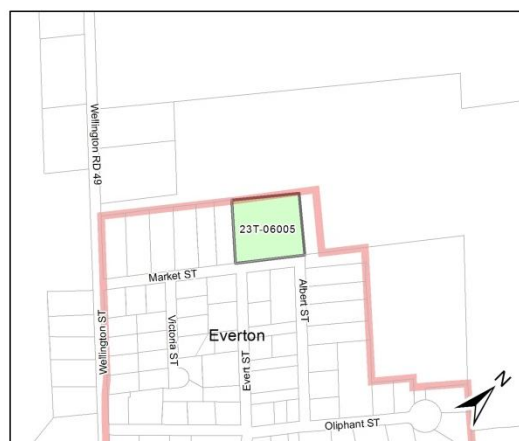
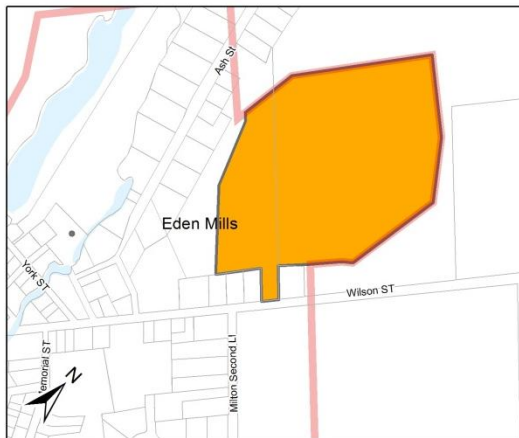
- Vacant Designated (340) *
- Application under review
- Draft Approved or Provisional (24)
- Registered (155 vacant / 75 built out since July 2011) **
- Built Out Since July 2011 (9)

* Includes potential future severances

** Includes existing vacant rural lots not shown on map



Guelph/Eramosa – Rural Residential



Township of Guelph-Eramosa Rural Residential Supply Inventory

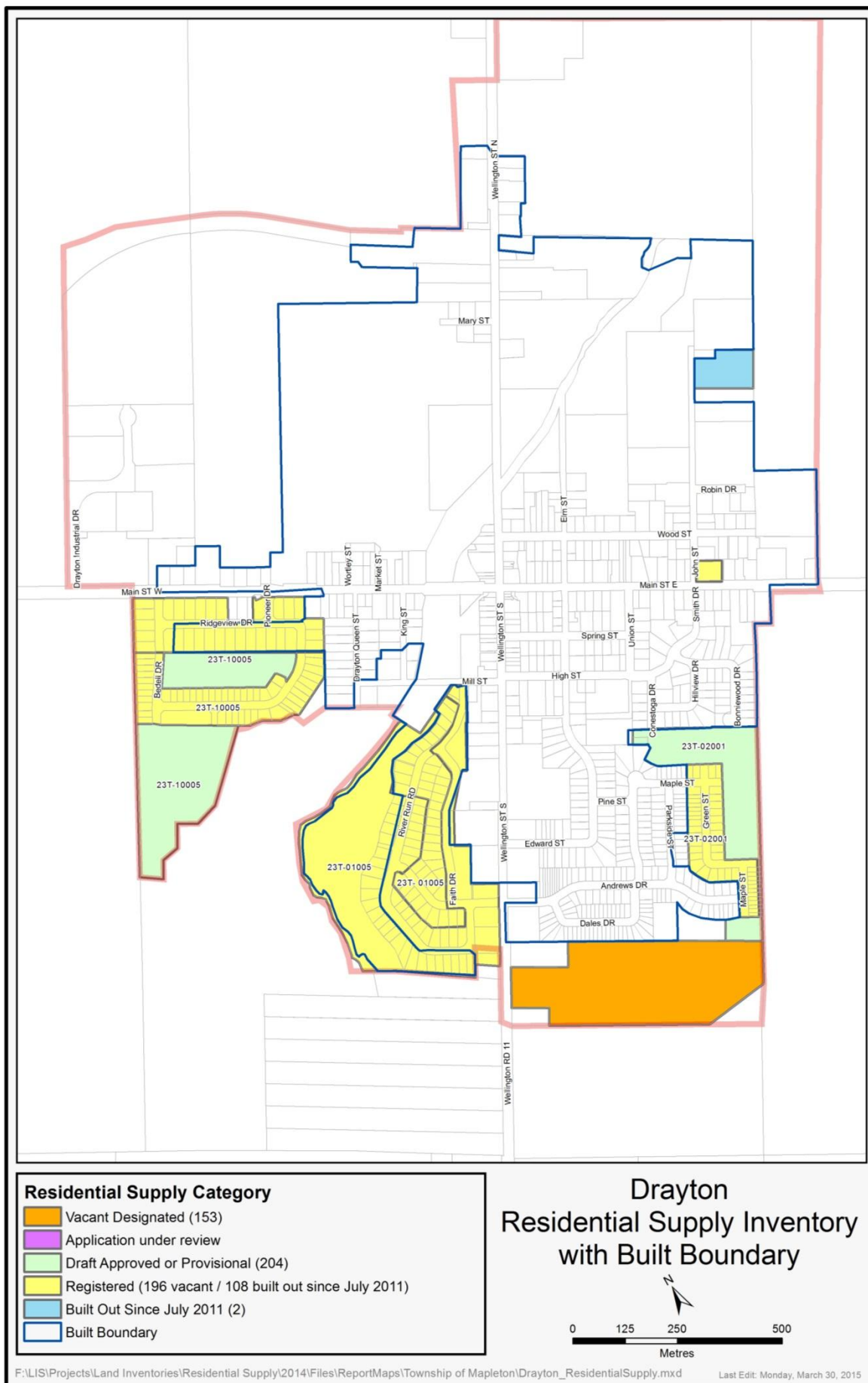
THIS IS NOT SURVEY DATA
Parcels - Teranet 2002, County of Wellington 2015
Roads - County of Wellington, 2015
Includes material © 2015 of the Queen's Printer for Ontario. All Rights Reserved.

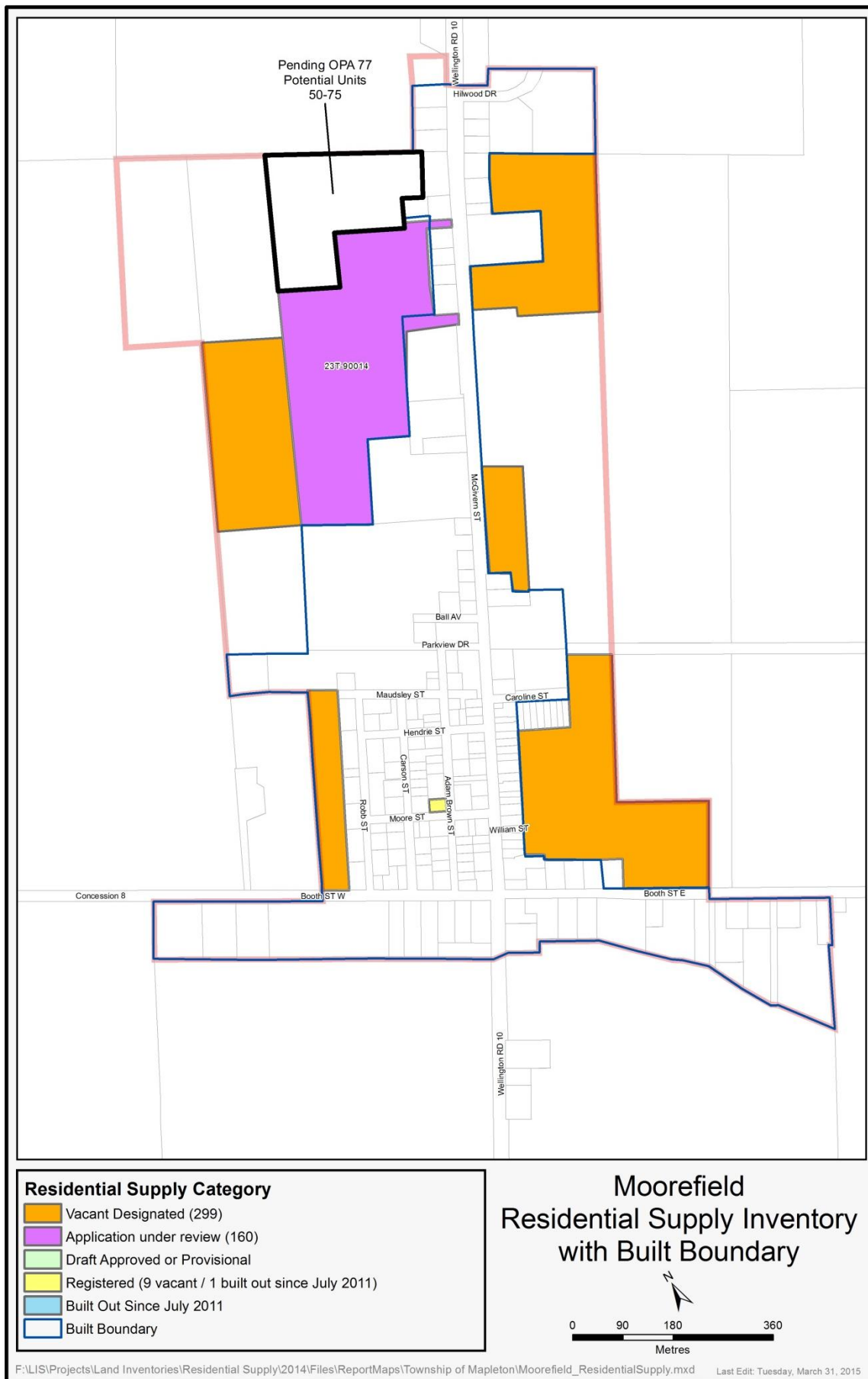
Residential Supply

- Vacant Designated (33)
- Application under review
- Draft Approved or Provisional (20)
- Registered (69 vacant / 21 built out since July 2011) *
- Built Out Since July 2011

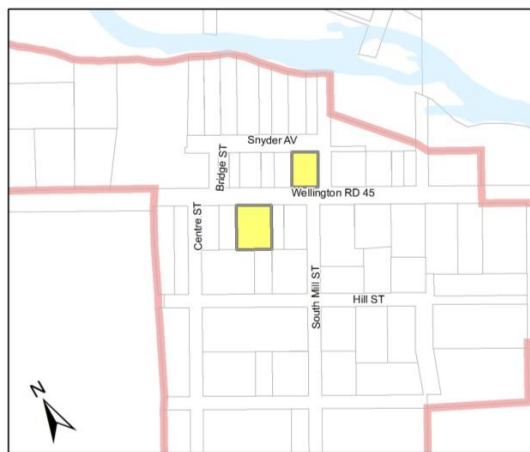
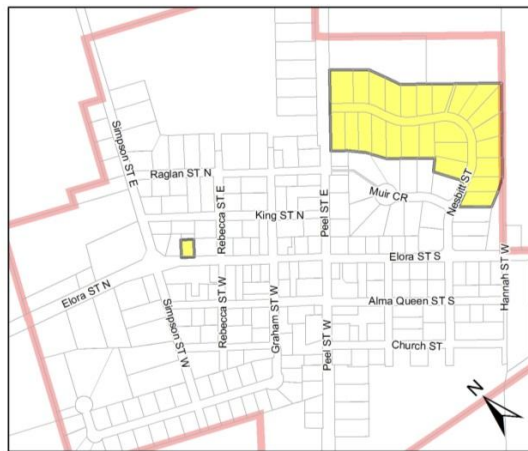
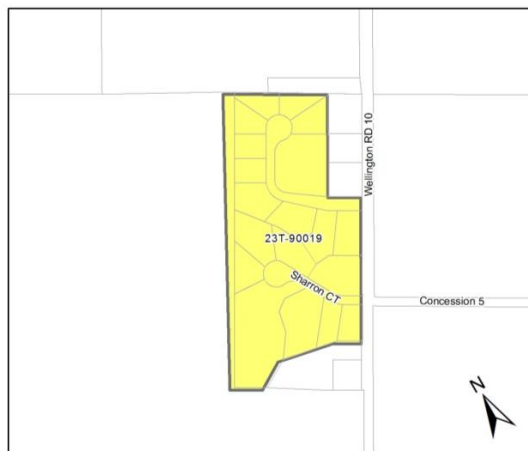
* Includes existing vacant rural lots not shown on map

F:\GIS\Projects\Land Inventories\Residential Supply\2014\Files\Report\Maps\Township of Guelph-Eramosa\GuelphEramosaRural_ResidentialSupply.mxd 3/31/2015





Mapleton - Rural Residential



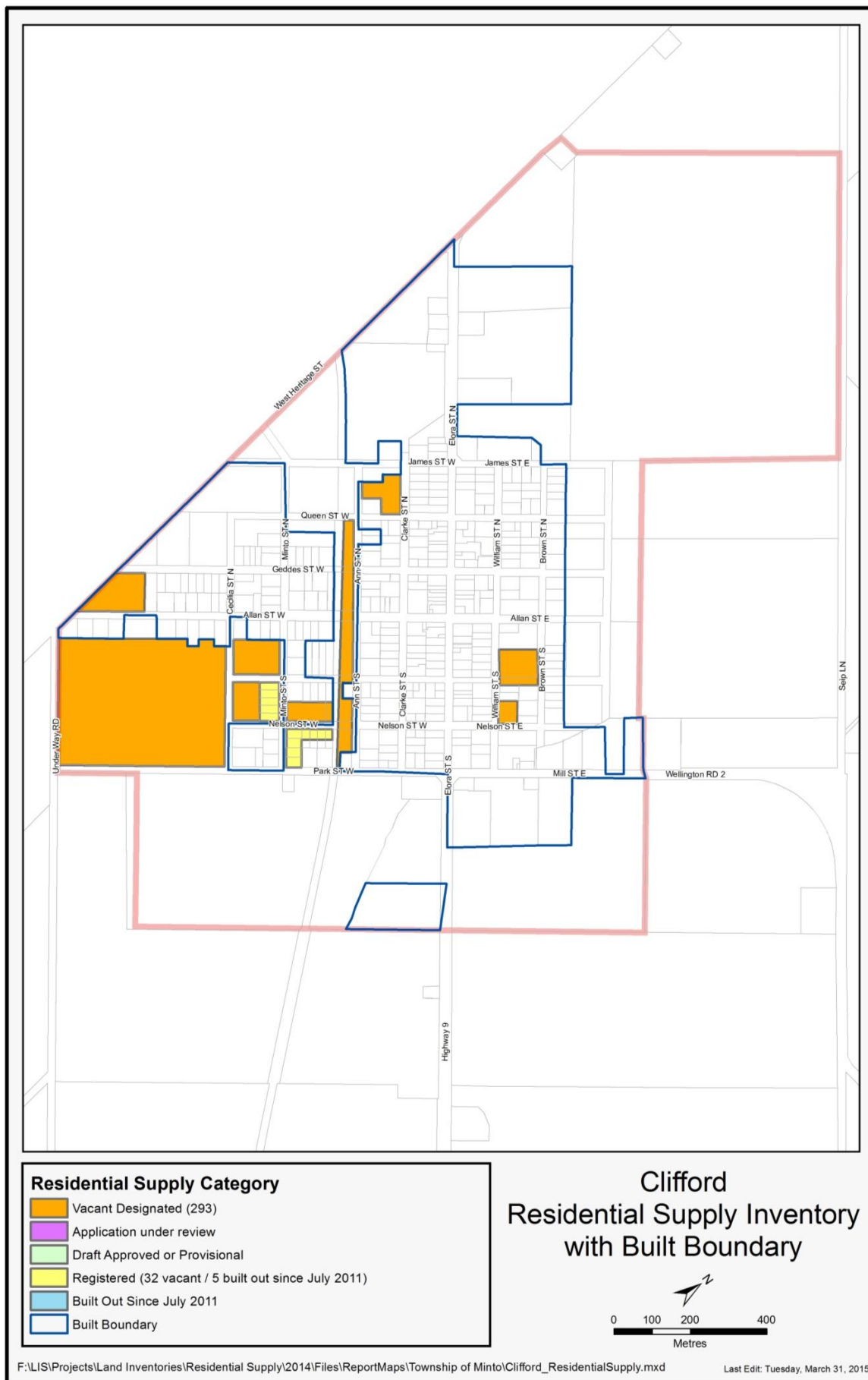
Township of Mapleton Rural Residential Supply Inventory

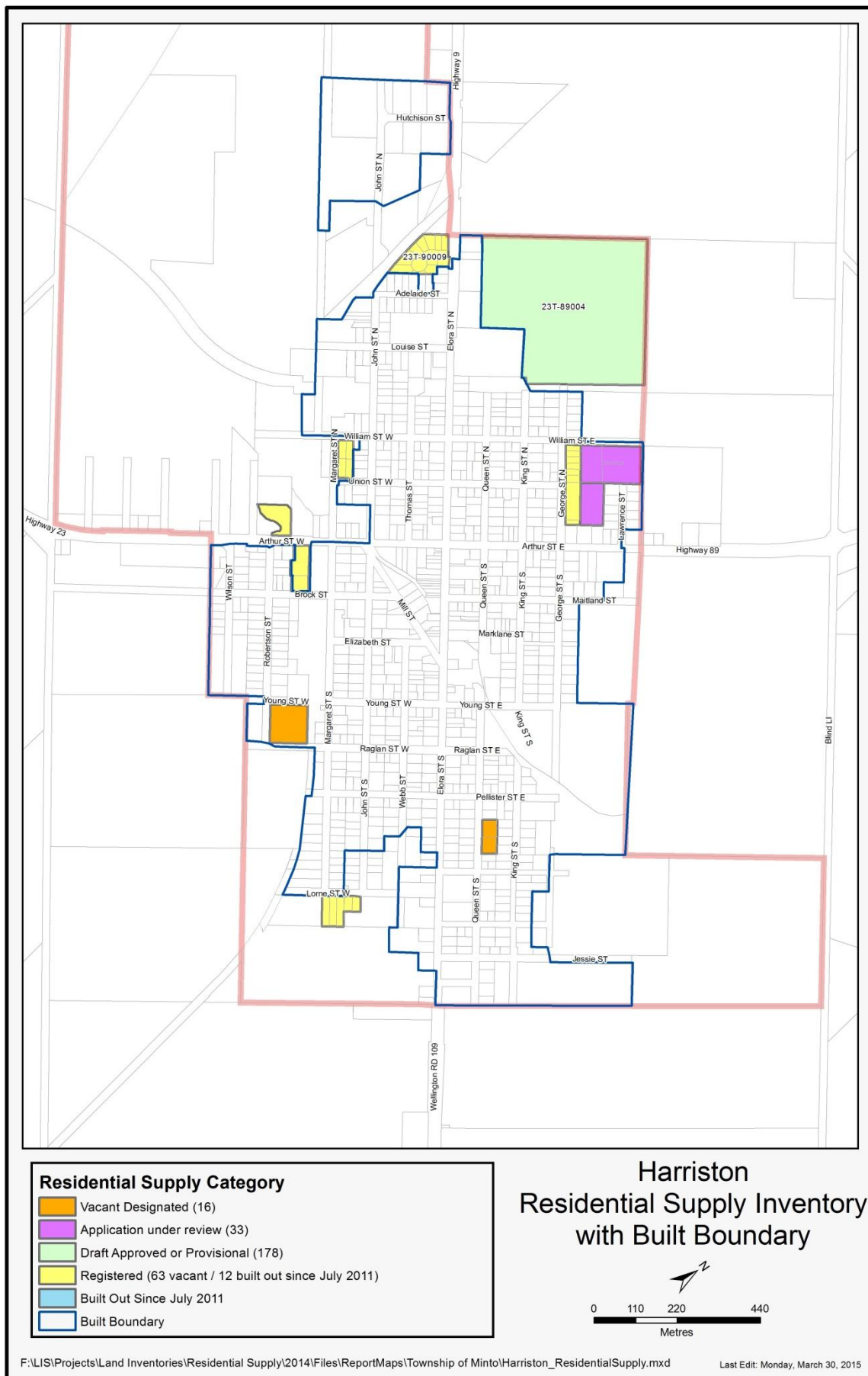
THIS IS NOT SURVEY DATA
Parcels - Teranet 2002, County of Wellington 2015
Roads - County of Wellington, 2015
Includes material © 2015 of the Queen's Printer for Ontario. All Rights Reserved.

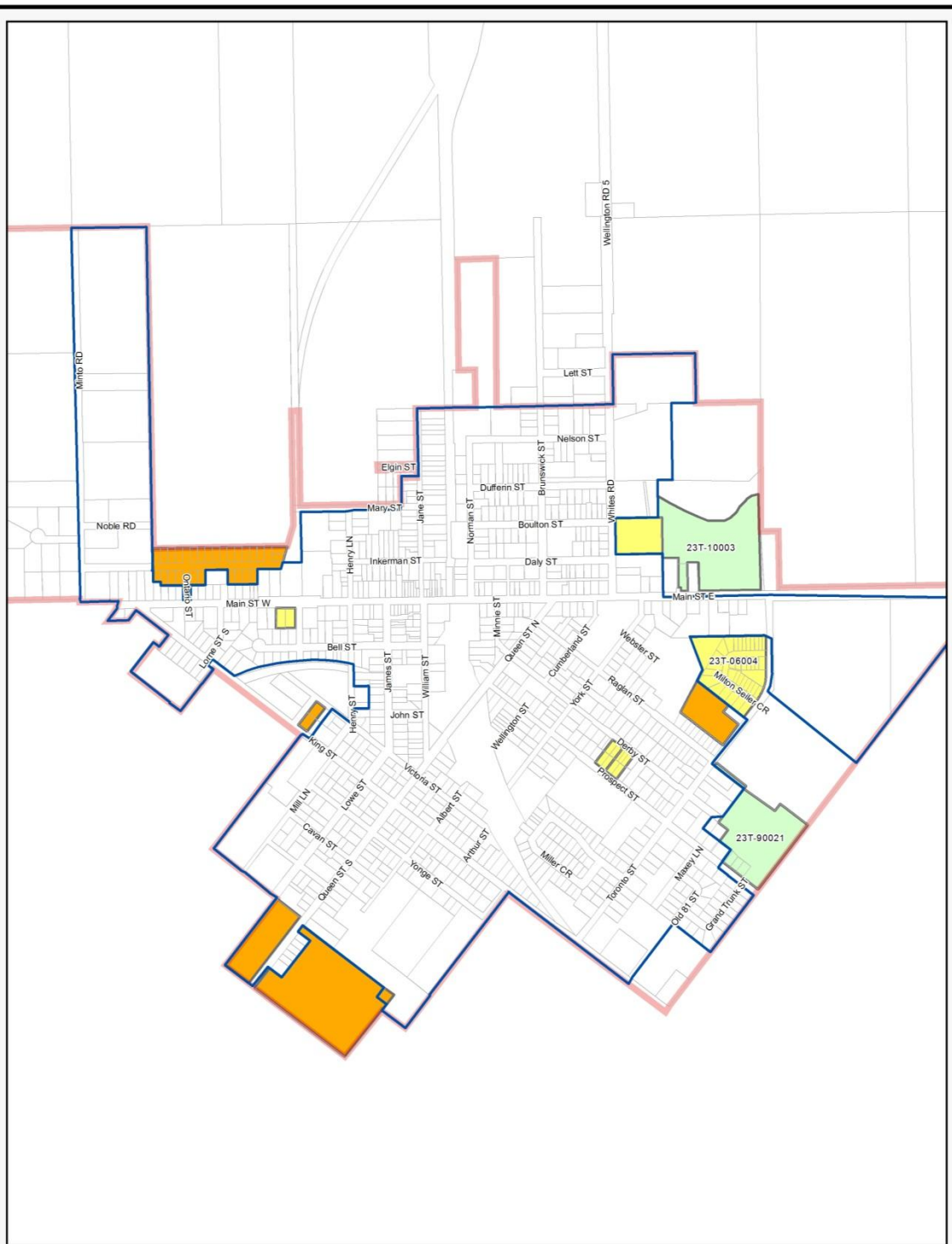
Residential Supply

- Vacant Designated
- Application under review
- Draft Approved or Provisional (34)
- Registered (105 vacant / 55 built out since July 2011) *
- Built Out Since July 2011

* Includes existing vacant rural lots not shown on map



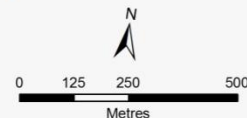




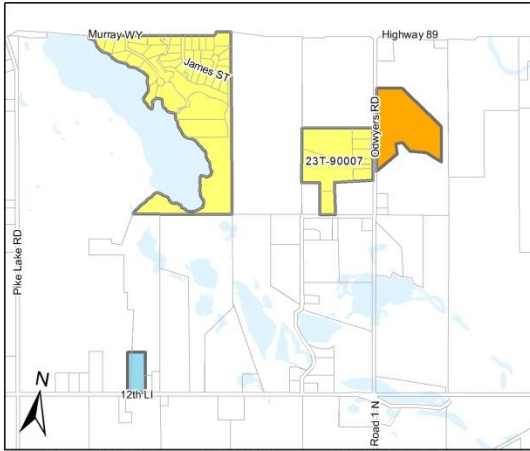
Residential Supply Category

- Vacant Designated (170)
- Application under review
- Draft Approved or Provisional (117)
- Registered (42 vacant / 30 built out since July 2011)
- Built Out Since July 2011
- Built Boundary

Palmerston Residential Supply Inventory with Built Boundary



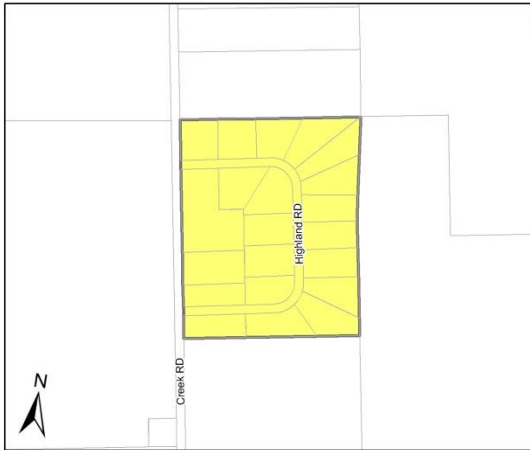
Minto – Rural Residential



Minto Pines (MI-39), Cherry (MI-40), Thomson (MI-41), Pike Lake Expansion (MI-42)



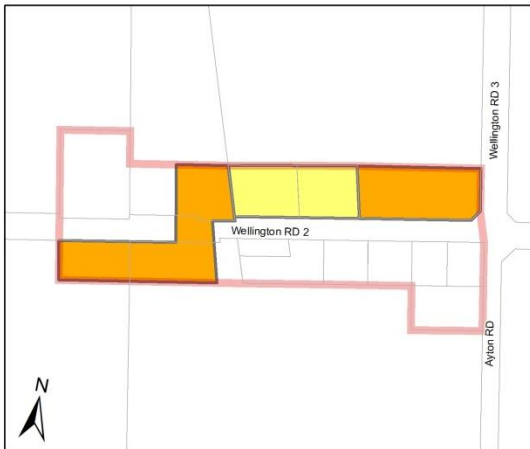
Country Lanes



Minto Highlands



Teviotdale West (MI-44) and Teviotdale East (MI-45)



Drew (MI-43 & MI-57)

Town of Minto Rural Residential Supply Inventory

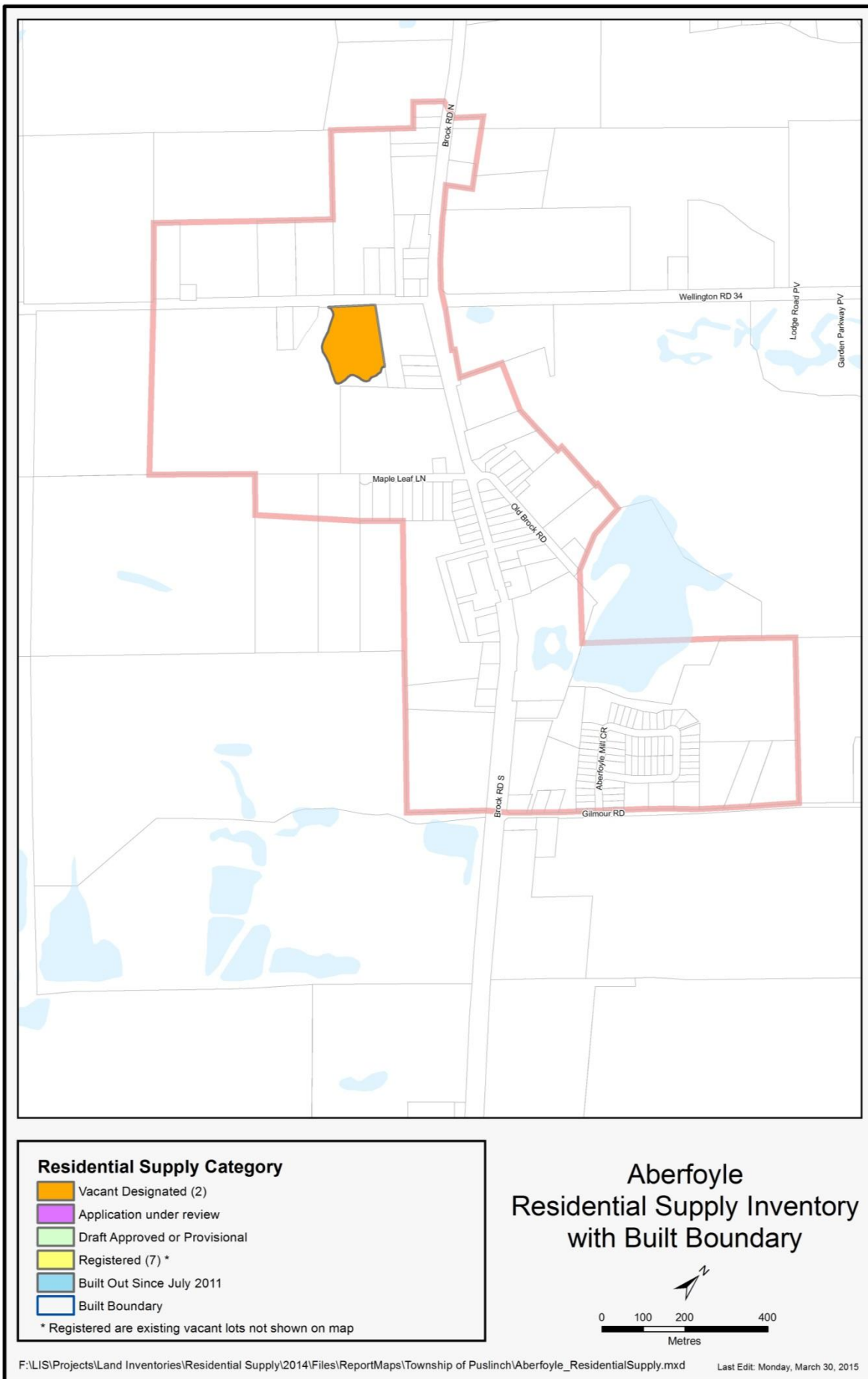
THIS IS NOT SURVEY DATA
Parcels - Teranet 2002, County of Wellington 2015
Roads - County of Wellington, 2015
Includes material © 2015 of the Queen's Printer for Ontario. All Rights Reserved.

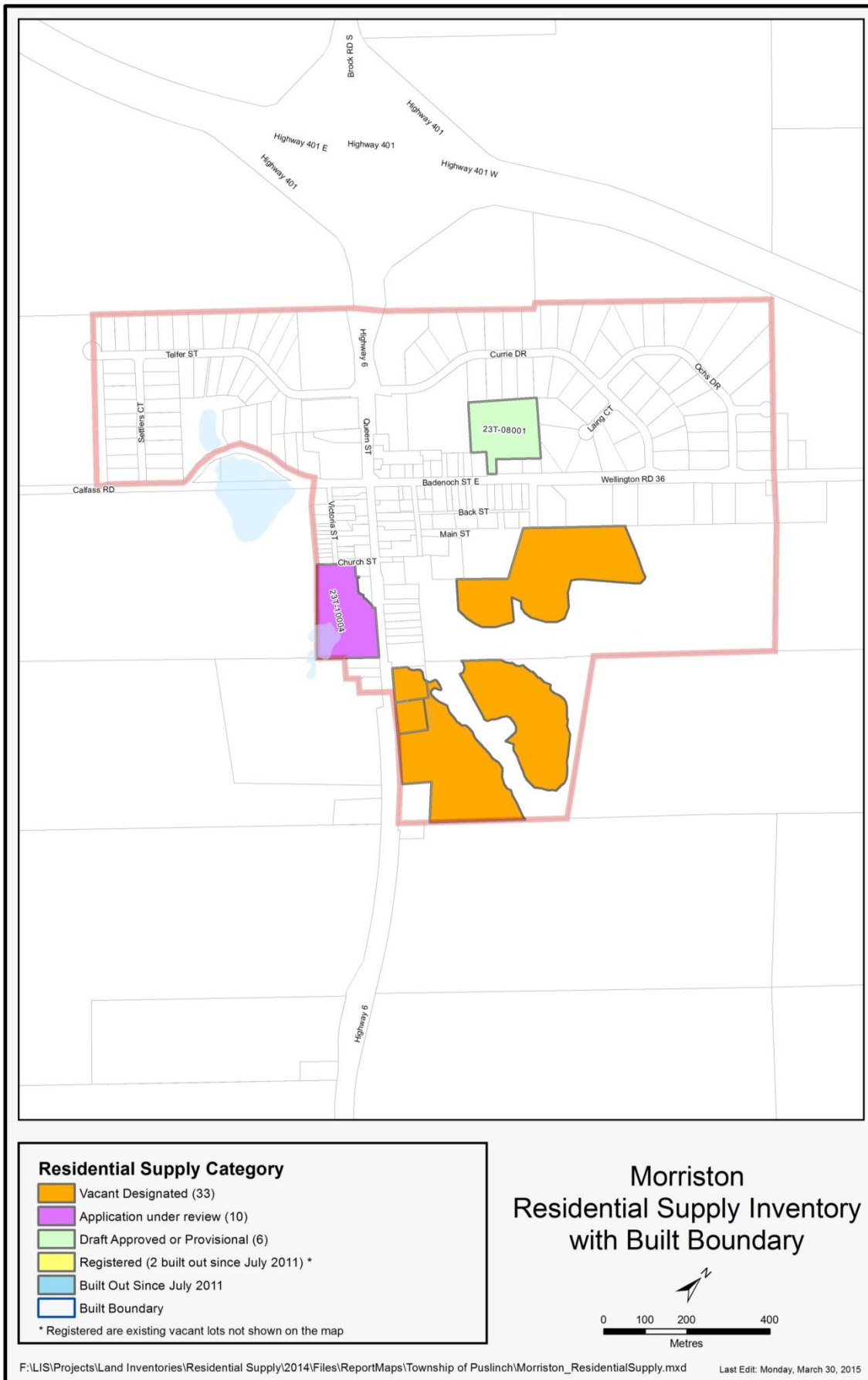
Legend

Residential Supply

- Vacant Designated (57)
- Application under review
- Draft Approved or Provisional
- Registered (78 vacant / 28 built out since July 2011) *
- Built Out Since July 2011 (20)

* Includes existing vacant rural lots not shown on map

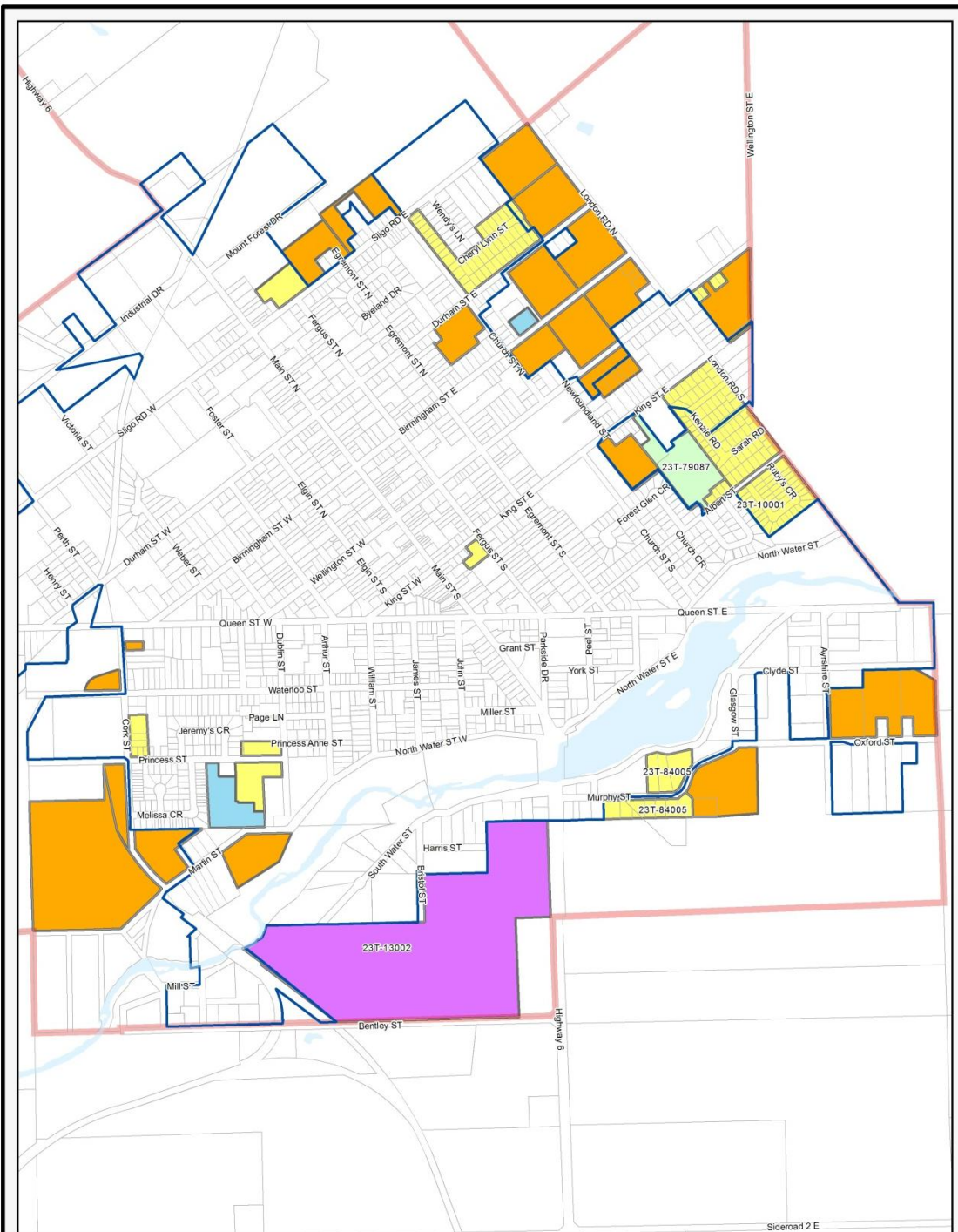




Puslinch – Rural Residential



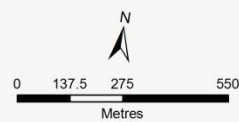
Wellington North – Mount Forest



Residential Supply Category

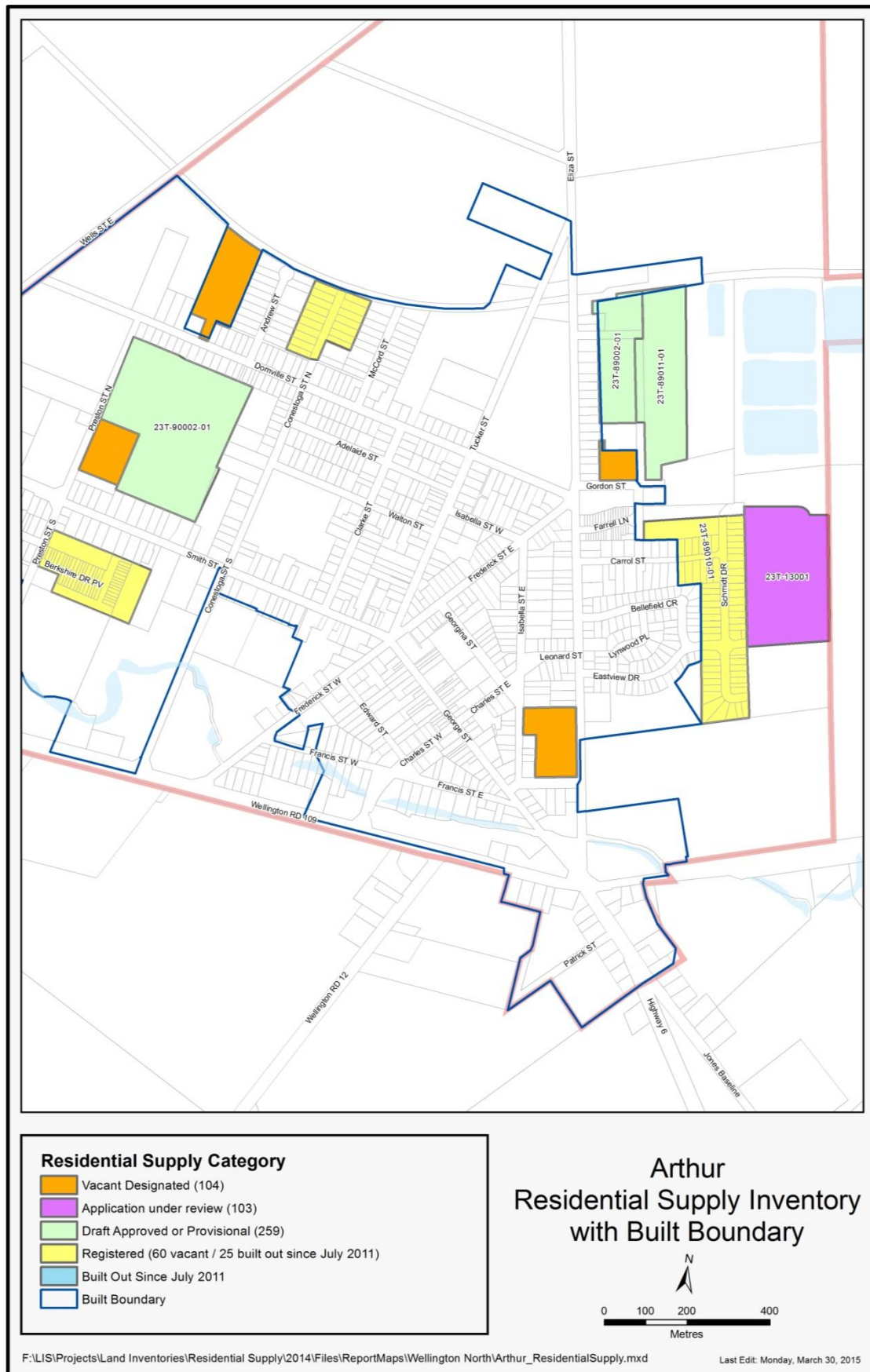
- Vacant Designated (590)
- Application under review (411)
- Draft Approved or Provisional (34)
- Registered (162 vacant / 38 built out since July 2011)
- Built Out Since July 2011 (28)
- Built Boundary

Mount Forest Residential Supply Inventory with Built Boundary

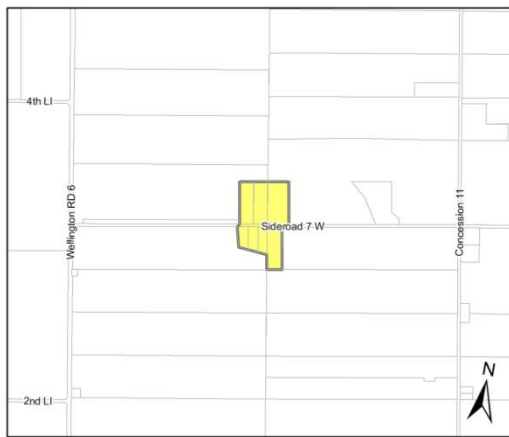
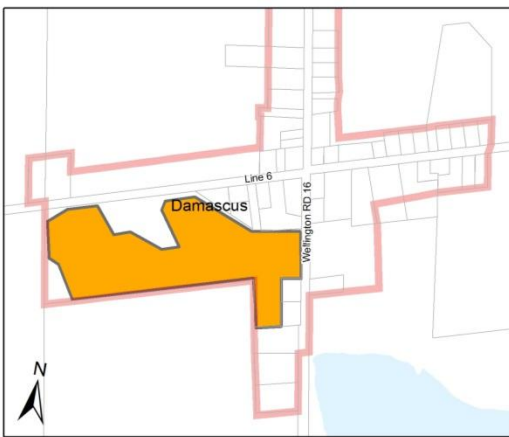


F:\GIS\Projects\Land Inventories\Residential Supply\2014\Files\ReportMaps\Wellington North\MountForest_ResidentialSupply.mxd

Last Edit: Tuesday, March 31, 2015



Wellington North – Rural Residential



Township of Wellington North Rural Residential Supply Inventory

THIS IS NOT SURVEY DATA
Parcels - Teranet 2002, County of Wellington 2015
Roads - County of Wellington, 2015
Includes material © 2015 of the Queen's Printer for Ontario. All Rights Reserved.

Residential Supply

- Vacant Designated (28)
- Application under review
- Draft Approved or Provisional (71)
- Registered (11 vacant / 35 built out since July 2011) *
- Built Out Since July 2011 (7)

* Includes existing vacant rural lots not shown on map

F:\GIS\Projects\Land Inventories\Residential Supply\2014\Files\ReportMaps\Wellington North\WellingtonNorthRural_ResidentialSupply.mxd

3/31/2015