

AGENDA

**Regular Council Meeting
Tuesday, December 9, 2025, at 6:30 p.m.
Powassan Council Chambers
252 Clark Street, Powassan, ON**

1. CALL TO ORDER

2. LAND ACKNOWLEDGMENT

"We respectfully acknowledge that we are on the traditional territory of the Anishinaabe Peoples, under the terms of the Robinson-Huron Treaty of 1850 and the Williams Treaties of 1923. We wish to acknowledge the long history of First Nations and Metis Peoples in Ontario and show respect to the neighbouring Indigenous communities. We offer our gratitude towards the Indigenous peoples for their past and present stewardship over these lands, waterways, and resources. May we continue to honour their history, culture, and teachings as we work towards reconciliation."

3. ROLL CALL

4. DISCLOSURE OF MONETARY INTEREST AND GENERAL NATURE THEREOF

5. APPROVAL OF THE AGENDA

6. DELEGATIONS TO COUNCIL

7. ADOPTION OF MINUTES OF PREVIOUS OPEN SESSION MEETINGS OF COUNCIL

7.1 Regular Council Meeting of November 18, 2025

8. MINUTES AND REPORTS FROM COMMITTEES OF COUNCIL

9. MINUTES AND REPORTS FROM APPOINTED BOARDS

9.1 The Golden Sunshine Municipal Non-Profit Housing Corporation – Minutes of September 16, 2025

10. STAFF REPORTS

10.1 Clerk, A. Quinn – Renewal Agreement with ADR Chambers Inc for Integrity Commissioner Services

10.2 Manager of Operations, T. Keefe – Clark Street Pavement Review Update

10.3 Clerk, A. Quinn – Draft Library Agreement Update

10.4 Manager of Operations, T. Keefe – Hummel Bridge Update

10.5 Clerk, A. Quinn – Holiday Hours for 2025

11. BYLAWS

11.1 Bylaw 2025-21 – To adopt Minimum Maintenance Standards for Municipal Highways

12. UNFINISHED BUSINESS

13. NEW BUSINESS

13.1 Resolution to correct Resolution 2025-338 – Consent Application B29/POWASSAN/2025

13.2 Planscape Planning Report – Consent Application B1/POWASSAN/2026

13.3 Powassan and District Foodbank – Donation Request Form

14. CORRESPONDENCE

14.1 Ministry of Municipal Affairs and Housing – “As-of-right” permission for setback requirements

15. ADDENDUM

16. NOTICE OF SCHEDULE OF COUNCIL AND BOARD MEETINGS

17. CLOSED SESSION

17.1 Adoption of Closed Session Minutes of November 18, 2025

17.2 Identifiable Individuals – Section 239(2)(b) of the Municipal Act and under Section 9(4)(b) of the Procedural Bylaw – matters regarding an identifiable individual, including municipal or local board employees.

17.3 Identifiable Individuals – Section 239(2)(b) of the Municipal Act and under Section 9(4)(b) of the Procedural Bylaw – matters regarding an identifiable individual, including municipal or local board employees.

17.4 Identifiable Individuals – Section 239(2)(b) of the Municipal Act and under Section 9(4)(b) of the Procedural Bylaw – matters regarding an identifiable individual, including municipal or local board employees.

17.5 Negotiations – Section 239(2)(k) of the Municipal Act and under Section 9(4)(k) of the Procedural Bylaw - a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

18. MOTION TO ADJOURN

Regular Council Meeting
Tuesday, November 18, 2025, at 6:30 pm
Powassan Council Chambers

Present: Peter McIsaac, Mayor
Markus Wand, Deputy Mayor
Randy Hall, Councillor
Dave Britton, Councillor
Leo Patey, Councillor

Staff: Allison Quinn, Clerk
Treavor Keefe, Manager of Operations

Absent,
With Regrets: Leo Patey, Councillor

Presentations: Bimaajitoon Search and Rescue Team Presentation – Gordon Lane

Disclosure of Monetary Interest and General Nature Thereof: None.

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- | | | |
|-----------------|---|----------------|
| 2025-328 | Moved by: D. Britton Seconded by: R. Hall
That the agenda of the Regular Council Meeting of November 18, 2025, be approved. | Carried |
| 2025-329 | Moved by: R. Hall Seconded by: D. Britton
That the minutes of the Regular Meeting of Council of October 21, 2025, be adopted. | Carried |
| 2025-330 | Moved by: D. Britton Seconded by: M. Wand
That the minutes from the Golden Sunshine Municipal Non-Profit Housing Corporation committee meeting of August 29, be received. | Carried |
| 2025-331 | Moved by: M. Wand Seconded by: R. Hall
That the minutes from the Powassan and District Union Public Library meeting of September 15, 2025, be received. | Carried |
| 2025-332 | Moved by: D. Britton Seconded by: R. Hall
That the 2025 Q3 Budget Variance Report from Treasurer, B. Robinson, be received for information purposes. | Carried |
| 2025-333 | Moved by: R. Hall Seconded by: D. Britton
That the report from Manager of Operations, T. Keefe, regarding the draft Minimum Maintenance Standards Bylaw be received; and,
FURTHER, that staff be directed to bring the Bylaw back to the next Regular Meeting of Council for adoption. | Carried |
| 2025-334 | Moved by: D. Britton Seconded by: M. Wand
That the memo from Manager of Operations, T. Keefe, regarding the November 2025 Public Works Update be received, for information purposes. | Carried |

2025-335

Moved by: M. Wand

Seconded by: R. Hall

That the draft report dated, November 10, 2025, from Tacoma Engineers regarding the Trout Creek Community Centre Condition Assessment Report No. 2, Phase 1: Permanent Remediation, be received; and,
FURTHER that Report No. 2 be finalized and that Tacoma Engineers move to Phase 2: Preliminary and Detailed Design at a cost of \$11,500, as outlined in the proposal. **Carried**

2025-336

Moved by: D. Britton

Seconded by: R. Hall

That correspondence from the Minister of Finance regarding an update on the 2026 Ontario Municipal Partnership Fund, be received. **Carried**

2025-337

Moved by: M. Wand

Seconded by: R. Hall

THAT the Report dated October 24, 2025, from PlanScape to the Council of the Municipality of Powassan, recommending approval subject to standard conditions, be received; and,

THAT Council supports the requested Consent and asks that the following conditions be applied by the North Almaguin Planning Board in rendering its approval of Consent Application B28/POWASSAN/2025:

- a) That a driveway entrance permit for the new lot fronting on Highway 522 be obtained from the Ministry of Transportation.
- b) Confirmation from the local school boards that school bus service is available at the subject location.
- c) That the applicant submit a zoning amendment application to require future development to be setback 30 metres from the top of the bank for the severed and retained lands. **Carried**

2025-338

Moved by: M. Wand

Seconded by: R. Hall

THAT the Report dated October 30, 2025 from PlanScape to the Council of the Municipality of Powassan recommending approval subject to standard conditions, be received; and,

THAT Council supports the requested Consent and asks that the following conditions be applied by the North Almaguin Planning Board in rendering its approval of Consent Application B29/POWASSAN/2025:

- a) That the severed lot be merged on title with the abutting property described as Parcel110521 PSNS (Pin 52212-0036). **Carried**

2025-339

Moved by: R. Hall

Seconded by: D. Britton

THAT the Report dated October 14, 2025, from PlanScape to Powassan Council recommending approval subject to standard conditions, be received; and,

THAT Council for the Municipality of Powassan supports the requested Consent and asks that the following conditions be applied by the North Almaguin Planning Board in rendering its approval of Consent Applications B32/POWASSAN/2025 and B33/POWASSAN/2025

- a) That a driveway entrance permit for the new lots fronting on Golf Course Line be obtained from the Municipality of Powassan.
- b) That the following be put into place via an agreement with the Municipality and further to the Scoped Environmental Impact Study which has been provided –
 - Tree removals required to accommodate development to take place outside of the season in which endangered bats may be actively roosting, i.e., April 1 - Sept 30.

- If construction is to occur within the turtle nesting period (June into early July), exclusion fencing should be installed around active construction areas with sand and gravel to prevent turtles from accessing these areas.
- If a Blandings Turtle or Spotted Turtle is observed during construction, a professional ecologist should be contacted to provide direction on how to proceed. MECP may need to be contacted if a nest is discovered.

c) That Pre-consultation with the MTO confirming any requirement, including comments on a potential noise feasibility report be provided.

d) That a proposed building envelope and justification for the severed lot 2 configuration be provided, and,

e) That the removal of the accessory shed on proposed lot 2 be done or an amendment to the Zoning By-law. **Carried**

2025-340

Moved by: D. Britton

Seconded by: M. Wand

That the donation request from the Trout Creek Lions be received; and,
FURTHER that Council donates the use of the Trout Creek Community Centre Hall on December 12, 2025, for the event. **Carried**

2025-341

Moved by: M. Wand

Seconded by: R. Hall

That the correspondence dated November 18, 2025, from the Ministry of Transportation regarding the Pothole Prevention and Repair Program, be received. **Carried**

2025-342

Moved by: D. Britton

Seconded by: R. Hall

That the correspondence dated October 30, 2025, from the Ministry of Municipal Affairs and Housing regarding the amendments to Development Charges Act, be received. **Carried**

2025-343

Moved by: M. Wand

Seconded by: D. Britton

17.1 Adoption of Closed Session Minutes of October 21, 2025

17.2 Labour Relations – Section 239(2)(d) of the Municipal Act and under Section 9(4)(d) of the Procedural Bylaw – matters regarding labour relations or employee negotiations.

17.3 Identifiable Individuals – Section 239(2)(b) of the Municipal Act and under Section 9(4)(b) of the Procedural Bylaw – matters regarding an identifiable individual, including municipal or local board employees.

17.4 Identifiable Individuals – Section 239(2)(b) of the Municipal Act and under Section 9(4)(b) of the Procedural Bylaw – matters regarding an identifiable individual, including municipal or local board employees.

17.5 Identifiable Individuals – Section 239(2)(b) of the Municipal Act and under Section 9(4)(b) of the Procedural Bylaw – matters regarding an identifiable individual, including municipal or local board employees. **Carried**

2025-344

Moved by: R. Hall

Seconded by: D. Britton

That Council now reconvenes to regular session at 8:14 p.m. **Carried**

2025-345

Moved by: M. Wand

Seconded by: R. Hall

That Council now adjourns at 8:14 p.m. **Carried**

Mayor

Clerk

THE GOLDEN SUNSHINE MUNICIPAL NON-PROFIT HOUSING CORPORATION

BOARD OF DIRECTORS MEETING MINUTES

Common Room – September 16, 2025 @ 9:30 am

A regular meeting of the Golden Sunshine Municipal Non-Profit Housing Corporation board was held on Tuesday September 16, 2025

Present: Bernadette Kerr, Mieke Markus, Dave Britton, Dave Yemm, Leo Patey, Nancy McFadden, Amber McIsaac, Calvin Young, Leo Patey

1. Call to Order

The meeting was called to order at 9:28 a.m. by Bernadette Kerr

Resolution 2025-48:

the Golden Sunshine Non-Profit Housing Corporation calls *the Board of Directors meeting of September, 2025, is to order at: 9:28 a.m.*

Moved by: Leo Seconded by: Dave Y Carried.

2. Additions to Agenda

No additions to the agenda were requested.

3. Approval of the Agenda

The agenda was reviewed and approved as presented.

Resolution 2025-49

the Golden Sunshine Non-Profit Housing Corporation hereby approves the amended *agenda for September 16, 2025 board of directors meeting.*

Moved by: Dave Y Seconded by: Nancy Carried.

4. Conflict of Interest Disclosure

No conflicts of interest were declared.

5. Approval of the Minutes from August 19, 2025

The minutes from the August 19, 2025 board meeting were reviewed and approved.

Resolution 2025-50:

the Golden Sunshine Non-Profit Housing Corporation hereby approves *the minutes of the August 19, 2025 board meeting are hereby approved.*

Moved by: Dave Y Seconded by: Dave B Carried.

6. Business Arising

a) Patio Project Updates –

Amber provided an update on the patio project progress and financials. The Board received the update noting currently the project is on hold until backordered fencing arrives.

b) Maintenance contractor Posting

Amber presented the job posting, position description, contract agreement and maintenance duties outline and a discussion took place. Dave B and Bernadette will volunteer with the interviews the week

of October 6-10. Dave B requested the position be posted on Indeed website. Board accepted Amber's recommendation of the position minimum weekly hours changing from 6 to 5.

c) Attic Insulation

Resolution 2025-51

The Golden Sunshine Non-Profit Housing Corporation hereby approves the quote submitted from Sound Seal Insulation in the amount of \$26, 940 plus HST to upgrade the insulation value and venting at the Pines senior apartments.

Moved by: Dave Y Seconded by: Leo Carried.

d) Letter from Nancy McFadden

Nancy McFadden has resigned from the board effective September 17, 2025. Amber was given direction to post the position and include a letter to Nancy thanking her for her time on the board.

e) Closed session- Tenant Request

Resolution 2025-52

The Golden Sunshine Non-Profit Housing Corporation regular board of Directors meeting entered closed session at 9:48 am.

Moved by: Leo Seconded by: Calvin Carried.

Resolution 2025-53

The Golden Sunshine Non-Profit Housing Corporation regular board of Directors meeting moved into open session at 10:10am.

Moved by: Dave Y Seconded by: Nacy Carried.

7. Correspondence

a) Financials – July/ August 2025 Transaction Reports

b) Financials – August 2025 Income Statement

The Board reviewed and accepted all financial documents and correspondence as presented.

Resolution 2025-54:

The Golden Sunshine Non-Profit Housing Corporation has received and approved the July and August 2025 financial transaction reports, and the August 2025 income statement as presented.

Moved by: Dave B Seconded by: Calvin Carried.

8. Next Meeting

The next meeting of the Board is scheduled for Tuesday, October 21, 2025 will be differed and moved to November 18, 2025 @ 9:30am

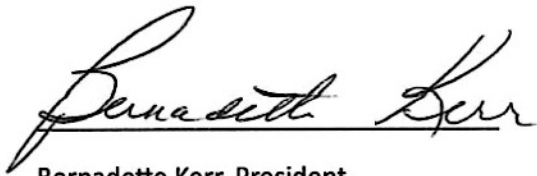
9. Adjournment

There being no further business, the meeting was adjourned at 10:19 a.m.

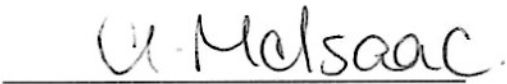
Resolution 2025-55:

Be it resolved that the Board of Directors meeting of September 16, 2025, is hereby adjourned

Moved by: Nancy Seconded by: Mieke Carried.

A handwritten signature in cursive script, reading "Bernadette Kerr", written over a horizontal line.

Bernadette Kerr, President

A handwritten signature in cursive script, reading "A. McIsaac", written over a horizontal line.

Amber McIsaac, Secretary

To: Council
From: Clerk, A. Quinn
Re: Integrity Commissioner Services

RECOMMENDATION:

That the staff report regarding the RFP for Integrity Commissioner Services be received; and, further that the Agreement between the Corporation of the Municipality of Powassan and ADR Chambers Inc. be renewed.

ANALYSIS:

On November 22, 2022, Council passed Bylaw 2022-26 appointing ADR Chambers Inc. as the Integrity Commissioner for the Municipality, effective January 1, 2023.

The proposal does include an increase in the retainer from \$300 to \$500 annually, as set out in Section 12 of the agreement.

Staff recommend renewing this agreement.

THIS AGREEMENT FOR PROFESSIONAL SERVICES
made as of the __ th day of December, 2025

BETWEEN:

Municipality of Powassan
(hereinafter called “the Municipality”)

- and -

ADR CHAMBERS INC.
(hereinafter called “ADRC”)

WHEREAS the Municipality would like to retain the services of Michael Maynard of ADRC as its Integrity Commissioner under the authority of section 223.3(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “Act”) to perform the Services of this position in accordance with the terms of the Act and the provisions of this Agreement;

NOW THEREFORE, the Municipality and ADRC for good and valuable consideration hereto covenant and agree as follows:

Services

1. ADRC agrees to provide Integrity Commissioner services with Michael Maynard of ADRC as the appointed Integrity Commissioner (the “Commissioner”), in accordance with the authority for such appointment as prescribed in Section 223.3 (1) of the Act. ADRC will also make available to the Municipality other ADRC support persons, as permitted by this Agreement, including Ellen Fry, Ben Drory, Jeffrey Shapiro and Naomi Bussin as Associate Investigators.
2. ADRC agrees to perform the services (the “Services”) as set out in section 223.3(1) of the Act.
3. Neither ADRC nor the Commissioner will provide legal advice and none of the advice provided in the delivery of the Services should be considered legal advice. Anyone who requires legal advice should seek that advice from a practising lawyer.
4. Services shall be performed in relation to the Municipality’s Code of Conduct, as amended. A copy of the Municipality’s current Code is attached to the Agreement as Schedule “A”.

5. The Commissioner is appointed for the purpose of addressing Integrity Commissioner-related issues. The Commissioner's jurisdiction over complaints is established only upon ADRC's receipt of a Formal Complaint. ADRC shall not provide advice to persons who wish to file or are thinking about filing a Formal Complaint to ADRC.
6. The Municipality may in writing at any time after the execution of the Agreement or the commencement of Services delete, extend, increase, vary, or otherwise alter the Code. The Municipality and ADRC may jointly agree to alter the services. ADRC shall have the option of terminating this Agreement immediately if the scope of the Services is materially altered without ADRC's consent.
7. (a) The Municipality may at any time, by giving 60 days' notice in writing to ADRC, suspend or terminate this Agreement and the Services or any portion thereof. This may be done for any reason. If the Municipality determines or is informed pursuant to this Agreement that ADRC has a conflict of interest, the Municipality may ask ADRC to make arrangements to ensure Services are provided without a conflict (whether through assignment or otherwise) in a manner satisfactory to the Municipality, failing which, the Municipality may terminate this Agreement. Upon receipt of written notice of termination, ADRC shall perform no further Services other than those reasonably necessary to close out the Services. In such an event, ADRC shall be entitled to payment for those Services rendered and disbursements incurred.

(b) Should a conflict of interest arise, ADRC shall disclose such conflict to the Municipality and shall make arrangements to ensure Services are provided without a conflict (whether through assignment or otherwise) in a manner satisfactory to both the Municipality and ADRC. If unable to address the conflict to the satisfaction of both the Municipality and ADRC, ADRC may, at any time by notice in writing to the Municipality, terminate the Agreement and the Services. Upon ADRC's delivery of written notice to the Municipality, ADRC shall not, without the consent of the Municipality's Clerk, perform any further Services other than those reasonably necessary to close out ADRC's Services. In such an event, ADRC shall be entitled to payment for those Services rendered and disbursements incurred.
8. ADRC shall perform the Services, in an independent and consistent manner to meet the requirements of the Municipality. ADRC shall complete the Services on a flexible and as-needed basis as required by the Municipality.
9. The Municipality acknowledges and agrees that ADRC shall make all final reports to Council. These reports to Council will be made using the proper administrative reporting procedures as directed by the Municipality's Clerk. Notwithstanding anything in this paragraph, ADRC may provide advice to Councillors on a confidential basis.

Term, Termination, and Expiration

10. (a) Subject to the provisions of this Agreement, the initial Term of this Agreement shall be for **three (3) years** and shall commence on the date of execution of the Agreement by both parties (the “Term”).

(b) Upon any termination of this Agreement, ADRC shall provide to the Municipality’s next Integrity Commissioner all material/documentation related to any investigations underway and such documentation/material shall become the property of the new Integrity Commissioner of the Municipality. In the event the Municipality has not contracted the services of a new Integrity Commissioner upon termination of this Agreement, ADRC shall make arrangements with the Municipality to transfer documentation/material relating to on-going investigations to the Municipality’s Clerk in a manner that satisfies ADRC’s concerns respecting confidentiality of the records while allowing their use for the purposes for which they were created.

(c) Following termination of the Agreement, ADRC shall retain all records and documentation relating to the Services for seven (7) years (the “Retention Period”). Upon completion of the Retention Period, ADRC shall dispose of the records.

Impartiality

11. ADRC acknowledges that neither ADRC, nor any of its employees or agents providing Services to the Municipality has any conflicts of interest. Specifically, ADRC acknowledges that neither the Commissioner, nor any other employee or agent of ADRC providing Services are employed by the Municipality, have any financial interest in matters involving the Municipality, have any interest in matters before the Municipality’s Council, or have any interest in any work undertaken by the Municipality. ADRC further agrees that ADRC, its employees and agents involved in providing Services will not have any involvement in political campaigning/endorsements, or related conflicts of interest, with any current member of the Municipality’s Council, Committees, Local Boards, or with any current member of a council, committee or local board of a local municipality within the Municipality preceding or during the Term of the Agreement. ADRC acknowledges that ADRC and the Commissioner shall be and always remain impartial and neutral. ADRC shall perform the Services skilfully, competently, and in accordance with the law.

Compensation

12. (a) The Municipality shall pay ADRC the following fees and disbursements for services rendered:
 - a. Retainer Fee of \$500 per year + HST, charged annually upfront (includes the preparation of the Annual Report);

- b. The Hourly Rate shall be \$375 + HST for work performed by the Commissioner;
 - c. The Hourly Rate shall be \$300 + HST for work performed by the Associate Investigator;
 - d. Mileage for reasonable travel at a rate of \$0.60/km. The Municipality agrees that particulars of travel within the Municipality shall not be disclosed to the Municipality by ADRC if believed that doing so may compromise confidentiality of a complainant or participant in an investigation; and
 - e. Reasonable disbursements at cost.
- (b) Should ADRC require a meeting space in the Municipality during the course of an investigation, the Municipality shall provide such space in a Municipality facility on an as needed and as available basis. In arranging for such space, the Municipality will be mindful of the importance of confidentiality. For greater certainty, ADRC may request space in another Municipality facility where the space offered could, in the opinion of ADRC, give rise to confidentiality concerns.
- (c) The Municipality will print ADRC's reports and will provide services with respect to service of summonses or subpoenas, as may be requested by ADRC at the expense of the Municipality.
- (d) The Municipality shall provide public access to the Code through its website. The Municipality shall also provide information about the Code, the functions of the Integrity Commissioner, and the complaint process on its website. ADRC's Services do not include development of a website or such information. Review of the website content does not constitute part of ADRC's Services, unless requested.
- (e) If the Municipality Clerk refuses to authorize any of ADRC's fees and expenses contemplated by the Agreement, ADRC is entitled to appeal such decision directly to the Municipality's Council.
- (f) Should fees or expenses that ADRC feels are necessary for the reasonable performance of the Services be refused on appeal to the Municipality's Council, then the issue shall be resolved by arbitration pursuant to paragraph 30 of this Agreement.
13. ADRC shall not assume responsibility for, nor seek reimbursement from, the Municipality for any costs incurred by ADRC not specifically set out in the Agreement unless such costs are authorized, in writing, by the Municipality's Clerk (in advance).

14. ADRC shall submit an invoice to the Municipality for all services completed in the immediately preceding month. Interest at the annual rate of 12 percent per annum will be paid on the total outstanding unpaid balance commencing 30 days after the Municipality has received ADRC's invoice. Any applicable Harmonized Sales Tax shall be added to each monthly invoice as prescribed by law from time to time and shall be paid to ADRC by the Municipality. ADRC shall provide its HST Registration Number on all invoices to the Municipality.
15. ADRC shall provide copies of receipts with respect to any disbursement, for which receipts would normally be available, for which ADRC claims payment under this Agreement.

Insurance and Indemnification

16. (a) Indemnity

ADRC agrees to indemnify and save harmless and shall obtain, maintain, pay for and provide evidence of the following insurance.

(b) Professional and Commercial General Liability Insurance

ADRC shall obtain, maintain, pay for, and provide evidence of Professional Liability Insurance with limits of not less than \$2 million (\$2,000,000.00), inclusive per claim, covering services or activities by ADRC and ADRC's agents and employees (inclusive of the Commissioner) that are professional in nature and thereby excluded under the Commercial General Liability Policy.

ADRC shall obtain, maintain, pay for, and provide evidence of Commercial General Liability Insurance that includes as an additional insured the Municipality, with limits of not less than \$5 million (\$5,000,000.00) inclusive per occurrence for bodily and personal injury, death and damage to property including loss of use hereof.

(c) Workplace Safety and Insurance Board ("WSIB")

ADRC is not required to register with the WSIB and, upon request, can provide a letter from the WSIB attesting to this.

(d) *Municipal Act, 2001* Indemnity

The Municipality hereby provides the Integrity Commissioner and any person acting under the Integrity Commissioner's instructions with the indemnity provided for and required in section 223.3(6) of the Municipal Act, 2001, as amended by Bill 68 and effective March 1, 2019.

Representation of ADRC

17. ADRC is appointed under authority of subsection 223.3(1) of the Act and, as such, is responsible for performing the Services in an independent manner. ADRC and the Commissioner may be identified publicly as the Integrity Commissioner appointed by the Municipality. ADRC shall be an independent contractor and shall not be considered and shall at no time represent itself or permit any of its employees or agents to represent themselves to be legal counsel, an agent, or an employee of the Municipality.

Confidentiality

18. The Commissioner is entitled to have access to all books, records, electronic data processing records, reports, files, and all other papers, things or property belonging to or used by the Municipality or a local board that the Commissioner believes to be necessary for an inquiry.
19. ADRC, the Commissioner, and every person acting under the instructions of either ADRC or the Commissioner shall preserve secrecy with respect to all matters that come to their knowledge in the course of its Services, save and except information that may be disclosed in a criminal proceeding, as required by law or otherwise set out in subsection 223.5(2) of the Act.
20. ADRC shall comply with the confidentiality provisions of the Act and specifically the requirements set out in sections 223.5, 223.6, 223.7, and 223.8 of the Act.
21. Except as may be required by law, ADRC shall not disclose confidential information that was the subject of a closed meeting under section 239 of the Act, or which could identify a person concerned. Nothing herein precludes the ADRC from making public disclosure of information as is permitted by law.
22. In the event the Commissioner believes access is required to files and documents for which solicitor client privilege is claimed, then ADRC shall discuss such request with the Municipality's solicitor. If, in the opinion of the Municipality's solicitor, such request needs to be approved by the Municipality's Council, then the direction of the Municipality's Council will be sought by the Municipality's solicitor.
23. Upon receipt of a Formal Complaint pursuant to the Code, the Commissioner may conduct an informal investigation or may elect to exercise the inquiry powers under sections 33 and 34 of the *Public Inquiries Act*, as contemplated by subsection 223.4(2) of the Act.

General Conditions

24. Except as set out herein, neither ADRC, nor any person, firm, or corporation associated or affiliated with or subsidiary to ADRC shall have an interest either directly or indirectly with the business of the Municipality.
25. ADRC is not permitted to assign this Agreement in whole or in part, subject to paragraphs 26 and 27.
26. ADRC recognizes and agrees that the Commissioner has been selected by the Municipality to perform the Services based on his or her unique qualifications for the position, combined with the support systems provided by ADRC. In the event of any delegation of the Services by ADRC to an agent, employee, or other person beyond what is expressly set out in this Agreement, ADRC will notify the Municipality's Clerk of the identity of the proposed designate, as well as his or her qualifications, experience, and expertise necessary to perform the Services to the same standard.
27. Nothing herein shall preclude the Commissioner from delegating his or her authority to individuals referred to in this Agreement or such other individuals who may be agreed to by the Municipality in accordance with the provisions of the *Municipal Act, 2001*.
28. Powers and Services assigned to ADRC under this Agreement shall apply to ADRC only while in performance of the Services during the Term of this Agreement.
29. This Agreement supersedes all previous agreements, arrangements, or understandings between the parties whether written or oral in connection with or incidental to ADRC's Services.
30. Any dispute, difference or disagreement between the parties hereto in relation to this Agreement may be referred to arbitration. The parties will agree on a suitable arbitrator and if they are unable to do so, an arbitrator will be appointed by the ADR Institute of Ontario. The award of the arbitrator shall be final and binding upon the parties. The provisions of the *Arbitration Act, 1991*, S.O., 1991, as amended shall apply.
31. The headings used in the Agreement are for convenience of reference only and do not limit or otherwise affect the meaning of the terms, provisions, interpretation, or language of the Agreement.
32. This Agreement may be executed in one or more counterparts, each of which is deemed an original, but all of which taken together constitute one and the same instrument.

IN WITNESS THEREOF ADRC has set its corporate seal attested by the hands of its duly authorized officers and the Municipality has affixed its corporate seal attested by the hands of its duly authorized officers on the day and year first above written.

SIGNED, SEALED AND DELIVERED

The Municipality of Powassan

PER:

Name:

Title:

Name:

Title: Clerk

ADR CHAMBERS INC.



Naomi Bussin

Director, Integrity,

Investigation & Resolution

I have authority to bind the
corporation

Schedule “A”
Code of Conduct

**MUNICIPALITY OF POWASSAN
COUNCIL CODE OF CONDUCT - 2011**

INTRODUCTION:

- The Ontario Municipal Act, Part V (1), Section 223 provides authority for municipalities to establish codes of conduct for Council members and members of local boards
- This Code of Conduct applies to the Mayor and all Municipal Councilors, commonly referred to as Members of Council.
- At the commencement of each term, Members of Council will be expected to sign two copies of the Code of Conduct and in doing so will convey to each other and all other stakeholders that they have read, understood, will accept and agree to abide by it.
- This Code of Conduct is supplementary to existing legislation and policies and is meant to be considered, in whole, with existing laws.

ROLES AND OBLIGATIONS:

- The Code of Conduct sets minimum standards for acceptable conduct of Council Members in carrying out their function. It has been developed to assist Council to:
 - understand the standards of conduct that are expected of them and the law that applies to that standard
 - fulfill their duty to act honestly and exercise reasonable care and diligence
 - ensure that decisions are made through the appropriate channels of the government structure.
 - act in a way that enhances public confidence in local government and
 - identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority
 - act with integrity and impartiality and be able to bear the closest scrutiny
 - be committed to achieving transparent and accountable governance to best serve its constituents.
 - To represent the diversity of community views in a fair and equitable manner, while developing an overall strategy for the future of the municipality.
 - To demonstrate sound financial management, planning and accountability.
 - To be aware and understand statutory obligations imposed upon individual members and council as a statutory body.
- Specifically, Council Members shall refrain from behaviour that could constitute an act of disorder or misbehaviour,. They shall refrain from conduct that
 - contravenes federal or provincial statutes or legislation, the Municipal Act, Municipal by-laws, associated regulations and the Municipality's Code of Conduct
 - is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse or the adverse treatment of others
 - prejudices the provision of a service or services to the community

RELATIONSHIPS WITH OTHER COUNCILORS, STAFF AND THE GENERAL PUBLIC:

- Under the direction of the Clerk-Treasurer, municipal staff serve Council as a whole. The Clerk-Treasurer has the overall responsibility for the administration of municipal affairs in accordance with the decisions adopted by Council.
- To assist in this, the establishment of appropriate administrative policies, systems and structures, policies and internal controls will enable staff to implement Council's goals and objectives in systematic manners.
- Council Members must recognize the importance of co-operation and should strive to create an atmosphere during Council and committees that is conducive to solving the issues before Council, listening to various points of view and using respectful language and behaviour towards all in attendance.
- Council Members must make every effort to diligently participate in the activities of the agencies, boards, commissions and committees to which they are appointed in the same manner as Council activities.
- Council Members will conduct themselves with decorum at Council and other municipally related meetings, including boards, etc. of which they are members.
- Decision making authority lies with the Council as a whole and not with an individual Council Members with respect to:
 - budgets
 - policies
 - committee processes
 - direction of staff
 - commitment of resources and
 - other municipal matters
- Council Members shall be respectful of the role of staff to advise based on objectivity and without undue influence from any individual council member.
- In accordance with the Ontario Rights Code and the Occupational Health and Safety Act, all persons must be treated with dignity and respect in an environment free of discrimination and harassment. Harassment, whether it occurs inside or outside the workplace, but is related to the activities of elected office, is considered to be inappropriate behaviour for the purposes of the Code of Conduct.

COMMUNICATION:

- Council Members must convey and conduct Council business in an open and public manner (other than those matters excluded by section 239(2) Ontario Municipal Act) so that all stakeholders may understand the process, logic and rationale which was used to reach conclusions or decisions.
- The decision making process and the conveyance of Council business must be done in a manner which is transparent, accountable and equitable and with the recognition that the public has a right to open government, to participatory decision making and to reasonable access to information on the decision making process.
- Council will periodically use formal or informal opportunities to seek public input as part of the decision making process on issues which will have broad impacts on the community.
- Council Members will accurately and adequately communicate the decisions of Council, even if they are not in agreement with a majority decision.

- Council Members will speak respectfully to each other and to staff, and of the municipality and Council decisions and will not comment on other Council Members or staff in a manner which casts aspersions on their professional or personal competence or credibility.

CONFIDENTIAL INFORMATION:

- Council Members have a duty to hold in strictest confidence all in camera matters and shall not publicly disclose the content of any confidential matter or the substance of deliberations in in-camera meetings until the information is open or released to the public as required by law, or approval by Council.
- Confidential information may include, but is not limited to:
 - personnel matters
 - labour relations
 - litigation
 - information which infringes on the rights of others (e.g. sources of complaints where the identity of the complainant is given in confidence),
 - a matter of which a council, board, committee or other body may hold a closed meeting,
 - project tendering and request for proposals
 - property acquisitions, and
 - the security of municipal property
- Council Members acknowledge that official information related to decisions and resolutions made by Council will be communicated to the community and the media by the Council as a whole or the Mayor or Head of Council or by those so designated.
- Council Members shall not access or attempt to gain access to confidential information in the possession of the municipality unless it is necessary for the performance of their duties and not prohibited by law or Council policy.
- No Council Member shall use confidential information for any personal or private gain, or for the personal or private gain of relatives or any other person or corporation.
- Municipal Information will only be released by Council Members in accordance with the Municipal Freedom of Information and Protection of Individual Privacy Act.
- The obligation to keep information confidential is a continuing obligation even after the Council Member ceases to be a member.

CONFLICT OF INTEREST:

- It is the responsibility of Council Members to ensure that they are aware and trained in the application of the Municipal Conflict of Interest Act. The onus is on the Council Member to identify a conflict of interest and take appropriate action to identify the existence of a conflict in favour of his/her public duty.
 - a conflict exists when an individual is, or could be, influenced or appear to be influenced by personal interest, financial (pecuniary) or otherwise, when carrying out their public duty. Personal interest can include direct or indirect pecuniary interest, bias, pre-judgment close mindedness or undue influence.
- When a pecuniary interest exists a Council Member must withdraw from direct involvement and refrain from any comment on the issue which might influence the decision and they are not eligible to vote on the matter.

- Council Members must vacate the Council table when the matter which they have declared a direct or indirect pecuniary interest on is debated.
- If the matter is of a confidential matter, Council Members shall retire from the meeting room
- Council Members shall not act as a agent before Council or any committee, board or commission of council.
- This section does not supersede any Provincial Act or legislation.

IMPROPER USE OF INFLUENCE:

- No Council member shall use or attempt to use their authority or influence for the purposes of intimidating, threatening, coercing, commanding or influencing any staff member, with the intent of interfering with that staff member's duties, including the duty to disclose improper activities.
- No Council Member shall use the influence of his position of office for any purpose other than for the exercise of official duties.

USE OF MUNICIPAL PROPERTY:

- Council Members will only use municipal property, equipment or services connected with the discharge of their official duties.
- When municipal property is in a Council Member's care they shall ensure that it is properly secured and protected at all times.

GIFTS:

- No Council Member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties in office.
- Exceptions to this are:
 - Food, lodging or transportation and entertainment provided by another government body.
 - Food and beverages consumed at banquets and receptions.
 - A suitable memento of a function honouring the member.
 - Gifts that generally accompany the responsibilities of office and are received as an incident of protocol or social obligation.
 - A political contribution reported otherwise by law.
 - If the value of the gift does not exceed \$100.00

DUTY TO REPORT VIOLATION:

- No one may, directly or indirectly, induce, encourage or aid a Council Member to violate any provision of this code.
- Neither the municipality or any Council Member may take or threaten to take, discharge, discipline, personal attack, harassment, intimidation, or change in job or salary against a person or their family for reporting a violation of this code.
- Where liability is denied, and the alleged misconduct is serious in nature, Council may pass a resolution, pursuant to s. 274 (1) of the Municipal Act, requesting a judicial investigation into the Council Member's conduct.

COMPLAINT PROTOCOL:

- Investigation - assessment and investigation of formal written complaints respecting alleged contraventions of the Code of Conduct
- Inquiry - determining whether a Council Member has in fact violated a protocol, bylaw or policy governing their ethical behaviour, with the final decision making authority resting with Council as to whether the recommendation(s) should be imposed and
- Annual Reporting - providing Council, through the Clerk-Treasurer, with an annual report of complaints.

FORMAL COMPLAINT PROCEDURE:

- A request for an investigation of a complaint that a Council Member has contravened the Code of Conduct shall be in writing.
- All complaints shall be signed by an identifiable individual and provide contact information.
- A complaint shall identify the alleged breach and set out reasonable and probable grounds for the allegation that the Council Member has contravened the Code of Conduct, and should include a supporting affidavit that sets out the evidence in support of the complaint.
- The request for an investigation shall be filed with the Clerk-Treasurer, who shall forward the matter to the Ombudsman.

PENALTIES:

- A reprimand and/or
- Suspension of the remuneration paid to the Council Member in respect of his or her services as a member of Council, for a period of up to 90 days.
- The Ombudsman may also recommend that Council take the following actions:
 - Removal of the Council Member as Chair of a Committee
 - Repayment or reimbursement of monies received
 - Return of property or reimbursement of its value
 - A request for an apology to Council, the complainant or both.



STAFF REPORT

To: Council
From: Manager of Operations – Trevor Keefe
Re: Clark Street Pavement Review Update

Clark Street & Joseph Street Intersection – Road Condition Assessment

Staff have completed a review of the south side of Clark Street, from west of Joseph Street through to east of the intersection. This section of roadway is experiencing surface deterioration, creating a rough driving experience for motorists. Public Works staff have been applying cold patch repairs since September to maintain drivability, and these repairs will continue as needed.

Observed Conditions

- The southwest corner of the intersection appears to sit slightly lower than the surrounding area, forming a bowl effect
- This has contributed to minor drainage concerns, with water not shedding as efficiently as intended
- There are indications that the sub-base may be weakened, which is causing recurring surface failures

These issues are not uncommon in older road sections and can typically be corrected once grades and base conditions are properly understood.

Next Steps

To ensure the Municipality proceeds with the most effective and long-lasting repair, staff will be obtaining pricing from an external contractor to complete:

1. Investigatory work, including a review of the existing sub-base condition.
2. A detailed grade plan, including elevation checks of the manhole, stormwater pathways, and ditching.

This preliminary work is standard practice and will help confirm the most appropriate repair method. It will also ensure that when the pavement is restored, it sheds water properly and avoids repeat failures.

Interim Maintenance & Monitoring

Public Works will continue to monitor the area closely.

Staff are aware it remains in a state of repair and will:

- perform cold patching as needed
- check the area following freeze–thaw cycles
- and monitor drainage performance throughout the winter and spring

Updated Timeline

Winter 2026	Obtain pricing for investigatory and grade plan work
Spring 2026	Complete the investigation and finalize recommended repair approach
Spring/Summer 2026	Present a reconstruction plan and costing to Council
Summer 2026	Targeted completion of the permanent repair



STAFF REPORT

To: Council
From: Clerk, A. Quinn
Re: Draft Library Agreement

RECOMMENDATION:

That the draft Agreement for the Powassan and District Union Public Library between the Corporation of the Municipality of Powassan, the Corporation of the Township of Nipissing, and the Corporation of the Township of Chisholm, be received for information purposes.

ANALYSIS:

Representatives from the Municipality of Powassan, Township of Nipissing, and the Township of Chisholm met on Friday, October 24 to discuss and review the draft Library Agreement. Currently, no comments have been forwarded for changes or corrections, but the Agreement has not been passed by any of the Councils. I'm trusting a final version of the Agreement can be brought back in early January and the Agreement signed shortly after.

AGREEMENT

for

THE POWASSAN AND DISTRICT UNION PUBLIC LIBRARY

BETWEEN:

THE CORPORATION OF THE **MUNICIPALITY OF POWASSAN**
hereinafter called Powassan of the First part

AND: THE CORPORATION OF THE **TOWNSHIP OF NIPISSING**
hereinafter called Nipissing in the Second part

AND: THE CORPORATION OF THE **TOWNSHIP OF CHISHOLM**
hereinafter called Chisholm in the Third part

WHEREAS the parties hereto wish to enter into an agreement to provide for the maintenance of the Powassan and District Union Public Library (the “Library”), as provided for in the Public Libraries Act, R.S.O. 1990, c. P-44, Section 5(1) and 9(4).

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and conditions contained herein and subject to the terms and conditions hereinafter set forth, the parties hereto agree as follows:

1. The Board

1.1 The Powassan and District Union Public Library Board (the “Board”) shall be comprised of one (1) Councillor appointed from each Municipality and additional members appointed by the respective councils as follows:

The Corporation of the Municipality of Powassan shall have an additional minimum of two (2) members and a maximum of five (5) members for a total of six (6) members;

The Corporation of the Township of Chisholm shall have an additional one (1) member for a total of two (2) members;

The Corporation of the Township of Nipissing shall have an additional one (1) member for a total of two members.

1.2 It is the responsibility of each Municipality to ensure that their representatives are appointed in accordance with Section 10 of the Public Libraries Act, R. S. O. (1990), Chapter P.44, as amended.

1.3 Each Member shall have one vote only. The Chair may vote with other members. An equal vote is deemed to be negative.

1.4 A board member’s Term shall be concurrent with the term of the appointing council, or until a successor is appointed, and may be reappointed for one or more further terms.

1.5 At anytime the Council of a non-participating Municipality or representatives from an unorganized Township may make a request to the Councils of the participating Parties to become a participating Member. If all Councils agree, this Agreement will be amended accordingly.

2. Costs

2.1 The cost of operating and maintaining the Powassan and District Union Library shall be based on the following formula:

Municipality of Powassan	60%
Township of Chisholm	20%
Township of Nipissing	20%

2.2 The Powassan and District Union Public Library shall annually prepare a budget of all funds required during the year for the purposes of the Board, and the budget shall:

- a) set forth the estimated revenues and expenditures of the Board
- b) make allowance for surplus of the previous year to be available during the current year
- c) provide for any deficiencies of any previous year
- d) set forth the amount to be chargeable to each of the Councils
- e) provide for capital expenditures from current funds, not to exceed 10% of the annual budget unless approved by all three Councils
- f) be presented to participating Councils on or before the first week of February of the current year.

The proportion of the Budget to be charged to each of the Parties of the Agreement shall be based on the cost-sharing formulas provided in Section 2.1.

2.3 If the budget of the Board is approved, or amended and approved, by the Council of the Municipality of Powassan, the budget so approved is binding on all participating municipalities.

2.4 A separate budget for expenditures over and above any amount exceeding 10% of the current year's budget, or any other major monetary changes initiated by the Board, must be presented to all participating Councils in writing for approval.

2.5 Cost sharing on any capital expenditures not listed in the current budget shall be determined through negotiations between all Parties to this agreement.

2.6 At the end of each calendar year, each participating Municipality shall be given the exact number of registered users per Municipality.

2.7 All grants for library purposes, whether municipal, provincial, federal or otherwise, received by the member municipality shall be delivered to the Library Chief Executive Officer (CEO) for deposit to the library account.

3. Membership

3.1 A person shall be eligible for membership at the Powassan and District Union Public Library if they:

- a) are a resident of any participating municipality
- b) owns property in any participating municipality
- c) are deemed eligible through any Agreement between the Library and another Library Board.
- d) reside outside of the participating municipalities but have purchased a membership as per Section 3.2.

3.2 The Board shall impose Library Fees as it considers proper for the use of library services by persons who do not reside in the Board's jurisdiction.

4. Withdrawal from the Powassan and District Union Public Library

4.1 Any Party may withdraw from this agreement upon written notice to the Powassan and District Union Public Library Board and all other Parties no later than the last business day of June so allow six months' notice for the other Parties and for the next years budgeting process.

4.2 Any withdrawing Party shall be required to pay its share for the balance of the current year and any deficit that may exist at the end of the term of the withdrawing Party.

5. Notice

5.1 Notice under this Agreement shall be provided to all parties by personal delivery, by mail or by email to:

Powassan and District Union Public Library
324 Clark Street
Powassan, ON P0H 1Z0
powlib@gmail.com

Municipality of Powassan
250 Clark Street
Powassan, ON P0H 1Z0
clerk@powassan.net

Township of Nipissing
45 Beatty Street
Nipissing, ON P0H 1W0
admin@nipissingtownship.com

Township of Chisholm
2847 Chiswick Line
Powassan, ON P0H 1Z0
info@chisholm.ca

6. Severability

6.1 If any provision of this Agreement shall be held or made invalid by a court decision, statute or rule, or shall be otherwise rendered invalid, the remainder of this Agreement shall not be affected thereby.

7. Entire Agreement

7.1 In the event of a conflict between any provisions of this Agreement and any provisions of the Public Libraries Act, R.S.O. (1990), c. P44, the Sections of the Act shall prevail.

7.2 This Agreement constitutes the entire Agreement between the Parties.

8. Indemnification

8.1 The Parties shall indemnify and save harmless the others from and against all claims, losses, damages, judgments, liabilities, costs, expenses, actions, and other proceedings made, sustained, brought, prosecuted, or threatened to be brought or prosecuted, that are based on, occasioned by or attributed to any bodily injury to or death of a person or damage to or loss of property caused by any negligent act or omission on the part of the indemnifying party, its officers, employees, students, agents, or volunteers arising out of this agreement.

9. Insurance

9.1 The Library Board shall, at their expense, obtain and keep in force during the term of the Agreement Commercial Liability Insurance satisfactory to all Parties, and underwritten by an insurer licensed to practice in the Province of Ontario.

9.2 A Certificate of Insurance shall be provided to all parties at the start of each year for the term of the Agreement.

10. Prior Agreements

10.1 This agreement shall replace all prior agreements.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals,
attested by the hands of their proper signing officers duly authorized in that behalf.

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

Mayor

Clerk

THE CORPORATION OF THE TOWNSHIP OF CHISHOLM

Mayor

Clerk

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

Mayor

Clerk



STAFF REPORT

To: Council
From: Manager of Operations – Trevor Keefe
Re: Hummel Bridge - Update

December 9th, 2025

Project Status Update

I have made contact with the Township of Nipissing regarding the Hummel Bridge project, and have begun corresponding to confirm the current status of completed studies and funding considerations. Nipissing has advised that all studies within their control have been ordered or completed in preparation for any future funding opportunities.

The estimated cost for the bridge and associated surfacing remains approximately \$5 million, and the project will require significant external funding support to move forward.

Archaeological desktop review work has commenced, with field investigations anticipated in the spring.

Staff will continue to reach out regularly, remain engaged in the process, and keep this file active. The Municipality will continue to monitor all relevant provincial and federal funding announcements and will work with the Township of Nipissing to explore collaborative funding approaches where appropriate.

Staff recognize the interest this project holds for affected residents and will ensure that Council is updated promptly should new information or funding pathways emerge.



STAFF REPORT

To: Council
From: A. Quinn, Clerk
Re: 2025 Holiday Hours

RECOMMENDATION:

That the staff report regarding 2025 Holiday Hours be received; and that the municipal office be closed as set out in the memo.

as follows:

Wednesday, December 24: Open 8:30 until noon
Thursday, December 25 and Friday, December 26: Closed
Monday, December 29: Closed
Tuesday, December 30: Open 8:30-4:30
Wednesday, December 31: Open 8:30 until noon
January 1, 2026: Closed
January 2, 2026: Closed

BACKGROUND AND ANALYSIS:

The Municipality of Powassan's office holiday hours need to be established for us to post public notice.

The office will be closed on Thursday, December 25 and Friday, December 26, 2025, in recognition of the Christmas Day and Boxing Day statutory holidays. The office will further be closed on Thursday, January 1, 2026, in recognition of the New Years Day statutory holiday.

As with previous years, staff are requesting that the office be closed starting at noon on Wednesday, December 24, and remain closed until December 30 at 8:30am. We will open front reception for payments on Tuesday, December 30 all day and Wednesday, December 31 from 8:30 until noon, 2025 to accept and process water payments as this is the due date of the fourth quarter billing. The office will be closed on Friday, January 2, 2026.

Staff will use vacation or banked leave time to cover these closures.

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BYLAW NO. 2025-21

Being a Bylaw to adopt Minimum Maintenance Standards for Municipal Highways for the Municipality of Powassan

WHEREAS, Section 8 of the Municipal Act, 2001 S.O. 2001 C.25 as amended, states that: 'Powers of a natural person - A Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act';

AND WHEREAS, Section 26 of the Municipal Act, 2001 S.O. 2001 C.25 as amended, states "What constitutes a highway";

AND WHEREAS, Section 27 (I) of the Municipal Act, 2001 S.O. 2001 C.25 as amended provides that: A municipality may pass bylaws in respect of a highway only if it has jurisdiction over the highway.

AND WHEREAS, Ontario Regulation 239/2002 made under the Municipal Act, 2001 S.O. 2001 C.25 as amended, has established Minimum Maintenance Standards for Municipal Highways;

AND WHEREAS, Ontario Regulation 239/2002 made under the Municipal Act, 2001 S.O. 2001 C.25 as amended has established a Table of Classification of Highways;

NOW THEREFORE, the Council of the Corporation of the Municipality of Powassan, enacts as follows:

1. THAT Ontario Regulation 239/02 – Minimum Maintenance Standards for Municipal Highways, as established under the Municipal Act, 2001, be hereby endorsed as the Municipality of Powassan's official minimum maintenance standard for municipal roads and sidewalks.
2. THAT the MMS Operational Overview (2025), attached for information, shall be used as a guiding reference document until such time as the Municipality adopts a full Winter Maintenance Plan incorporating the requirements of Ontario Regulation 239/02.
3. THAT Schedule "B" Municipal Road Classifications, as updated and maintained by the Municipality, shall be utilized for determining roadway classes for the purpose of interpreting and applying the MMS.
5. THAT the Clerk has delegated authority to update and maintain Schedule "B" Municipal Road Classifications as required for Municipal requirements and to ensure compliance with all relevant legislation.

6. THAT nothing in this Bylaw prevents the Municipality from exceeding the MMS where operational capacity, public safety, or emergency conditions require it.

7. THAT this Bylaw shall come into force and take effect on the day of passing thereof.

READ a **FIRST** and **SECOND** time on the 9th day of December 2025 and to be **READ** a **THIRD** and **FINAL** time and considered passed as such in open Council on the 5th day of January 2026.

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

Mayor

Clerk

Municipal Act, 2001

Loi de 2001 sur les municipalités

[ONTARIO REGULATION 239/02](#)

MINIMUM MAINTENANCE STANDARDS FOR MUNICIPAL HIGHWAYS

CURRENT Consolidation period: May 3, 2018 - e-Laws currency date (November 5, 2025)

Last amendment: [366/18](#).

This Regulation is made in English only.

Legislative History

Definitions

1. (1) In this Regulation,

“bicycle facility” means the on-road and in-boulevard cycling facilities listed in Book 18 of the Ontario Traffic Manual;

“bicycle lane” means,

(a) a portion of a roadway that has been designated by pavement markings or signage for the preferential or exclusive use of cyclists, or

(b) a portion of a roadway that has been designated for the exclusive use of cyclists by signage and a physical or marked buffer;

“cm” means centimetres;

“day” means a 24-hour period;

“encroachment” means anything that is placed, installed, constructed or planted within the highway that was not placed, installed, constructed or planted by the municipality;

“ice” means all kinds of ice, however formed;

“motor vehicle” has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*, except that it does not include a motor assisted bicycle;

“non-paved surface” means a surface that is not a paved surface;

“Ontario Traffic Manual” means the Ontario Traffic Manual published by the Ministry of Transportation, as amended from time to time;

“paved surface” means a surface with a wearing layer or layers of asphalt, concrete or asphalt emulsion;

“pothole” means a hole in the surface of a roadway caused by any means, including wear or subsidence of the road surface or subsurface;

“roadway” has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*;

“shoulder” means the portion of a highway that provides lateral support to the roadway and that may accommodate stopped motor vehicles and emergency use;

“sidewalk” means the part of the highway specifically set aside or commonly understood to be for pedestrian use, typically consisting of a paved surface but does not include crosswalks, medians, boulevards, shoulders or any part of the sidewalk where cleared snow has been deposited;

“significant weather event” means an approaching or occurring weather hazard with the potential to pose a significant danger to users of the highways within a municipality;_

“snow accumulation” means the natural accumulation of any of the following that, alone or together, covers more than half a lane width of a roadway:

1. Newly-fallen snow.
2. Wind-blown snow.
3. Slush;

“substantial probability” means a significant likelihood considerably in excess of 51 per cent;

“surface” means the top of a sidewalk, roadway or shoulder;

“utility” includes any air, gas, water, electricity, cable, fiber-optic, telecommunication or traffic control system or subsystem, fire hydrants, sanitary sewers, storm sewers, property bars and survey monuments;

“utility appurtenance” includes maintenance holes and hole covers, water shut-off covers and boxes, valves, fittings, vaults, braces, pipes, pedestals, and any other structures or items that form part of or are an accessory part of any utility;

“weather” means air temperature, wind and precipitation.

“weather hazard” means the weather hazards determined by Environment Canada as meeting the criteria for the issuance of an alert under its Public Weather Alerting Program. O. Reg. 239/02, s. 1 (1); O. Reg. 23/10, s. 1 (1); O. Reg. 47/13, s. 1; O. Reg. 366/18, s. 1 (1, 2).

(2) For the purposes of this Regulation, every highway or part of a highway under the jurisdiction of a municipality in Ontario is classified in the Table to this section as a Class 1, Class 2, Class 3, Class 4, Class 5 or Class 6 highway, based on the speed limit applicable to it and the average daily traffic on it. O. Reg. 239/02, s. 1 (2); O. Reg. 366/18, s. 1 (3).

(3) For the purposes of subsection (2) and the Table to this section, the average daily traffic on a highway or part of a highway under municipal jurisdiction shall be determined,

(a) by counting and averaging the daily two-way traffic on the highway or part of the highway; or

(b) by estimating the average daily two-way traffic on the highway or part of the highway. O. Reg. 239/02, s. 1 (3); O. Reg. 23/10, s. 1 (2); O. Reg. 366/18, s. 1 (3).

(4) For the purposes of this Regulation, unless otherwise indicated in a provision of this Regulation, a municipality is deemed to be aware of a fact if, in the absence of actual

knowledge of the fact, circumstances are such that the municipality ought reasonably to be aware of the fact. O. Reg. 366/18, s. 1 (4).

TABLE
CLASSIFICATION OF HIGHWAYS

Column 1 Average Daily Traffic (number of motor vehicles)	Column 2 91 - 100 km/h speed limit	Column 3 81 - 90 km/h speed limit	Column 4 71 - 80 km/h speed limit	Column 5 61 - 70 km/h speed limit	Column 6 51 - 60 km/h speed limit	Column 7 41 - 50 km/h speed limit	Column 8 1 - 40 km/h speed limit
53,000 or more	1	1	1	1	1	1	1
23,000 - 52,999	1	1	1	2	2	2	2
15,000 - 22,999	1	1	2	2	2	3	3
12,000 - 14,999	1	1	2	2	2	3	3
10,000 - 11,999	1	1	2	2	3	3	3
8,000 - 9,999	1	1	2	3	3	3	3
6,000 - 7,999	1	2	2	3	3	4	4
5,000 - 5,999	1	2	2	3	3	4	4

4,000 - 4,999	1	2	3	3	3	4	4
3,000 - 3,999	1	2	3	3	3	4	4
2,000 - 2,999	1	2	3	3	4	5	5
1,000 - 1,999	1	3	3	3	4	5	5
500 - 999	1	3	4	4	4	5	5
200 - 499	1	3	4	4	5	5	6
50 - 199	1	3	4	5	5	6	6
0 - 49	1	3	6	6	6	6	6

O. Reg. 366/18, s. 1 (5).

Application

2. (1) This Regulation sets out the minimum standards of repair for highways under municipal jurisdiction for the purpose of clause 44 (3) (c) of the Act. O. Reg. 288/03, s. 1.

(2) REVOKED: O. Reg. 23/10, s. 2.

(3) This Regulation does not apply to Class 6 highways. O. Reg. 239/02, s. 2 (3).

Purpose

2.1 The purpose of this Regulation is to clarify the scope of the statutory defence available to a municipality under clause 44 (3) (c) of the Act by establishing maintenance standards which are non-prescriptive as to the methods or materials to be used in complying with the standards but instead describe a desired outcome. O. Reg. 366/18, s. 2.

MAINTENANCE STANDARDS

Patrolling

3. (1) The standard for the frequency of patrolling of highways to check for conditions described in this Regulation is set out in the Table to this section. O. Reg. 23/10, s. 3 (1); O. Reg. 366/18, s. 3 (2).

(2) If it is determined by the municipality that the weather monitoring referred to in section 3.1 indicates that there is a substantial probability of snow accumulation on roadways, ice formation on roadways or icy roadways, the standard for patrolling highways is, in addition to that set out in subsection (1), to patrol highways that the municipality selects as representative of its highways, at intervals deemed necessary by the municipality, to check for such conditions. O. Reg. 47/13, s. 2; O. Reg. 366/18, s. 3 (2).

(3) Patrolling a highway consists of observing the highway, either by driving on or by electronically monitoring the highway, and may be performed by persons responsible for patrolling highways or by persons responsible for or performing highway maintenance activities. O. Reg. 23/10, s. 3 (1).

(4) This section does not apply in respect of the conditions described in section 10, subsections 11 (0.1) and 12 (1) and section 16.1, 16.2, 16.3 or 16.4. O. Reg. 23/10, s. 3 (1); O. Reg. 366/18, s. 3 (3).

TABLE
PATROLLING FREQUENCY

Class of Highway	Patrolling Frequency
1	3 times every 7 days
2	2 times every 7 days
3	once every 7 days
4	once every 14 days
5	once every 30 days

O. Reg. 239/02, s. 3, Table; O. Reg. 23/10, s. 3 (2).

Weather monitoring

3.1 (1) From October 1 to April 30, the standard is to monitor the weather, both current and forecast to occur in the next 24 hours, once every shift or three times per calendar day,

whichever is more frequent, at intervals determined by the municipality. O. Reg. 47/13, s. 3; O. Reg. 366/18, s. 4.

(2) From May 1 to September 30, the standard is to monitor the weather, both current and forecast to occur in the next 24 hours, once per calendar day. O. Reg. 47/13, s. 3; O. Reg. 366/18, s. 4.

Snow accumulation, roadways

4. (1) Subject to section 4.1, the standard for addressing snow accumulation on roadways is,
- (a) after becoming aware of the fact that the snow accumulation on a roadway is greater than the depth set out in the Table to this section, to deploy resources as soon as practicable to address the snow accumulation; and
 - (b) after the snow accumulation has ended, to address the snow accumulation so as to reduce the snow to a depth less than or equal to the depth set out in the Table within the time set out in the Table,
 - (i) to provide a minimum lane width of the lesser of three metres for each lane or the actual lane width, or
 - (ii) on a Class 4 or Class 5 highway with two lanes, to provide a total width of at least five metres. O. Reg. 47/13, s. 4; O. Reg. 366/18, s. 5 (1).
- (2) If the depth of snow accumulation on a roadway is less than or equal to the depth set out in the Table to this section, the roadway is deemed to be in a state of repair with respect to snow accumulation. O. Reg. 47/13, s. 4.
- (3) For the purposes of this section, the depth of snow accumulation on a roadway and, if applicable, lane width under clause (1) (b), may be determined in accordance with subsection (4) by a municipal employee, agent or contractor, whose duties or responsibilities include one or more of the following:
- 1. Patrolling highways.
 - 2. Performing highway maintenance activities.
 - 3. Supervising staff who perform activities described in paragraph 1 or 2. O. Reg. 47/13, s. 4; O. Reg. 366/18, s. 5 (2).
- (4) The depth of snow accumulation on a roadway and lane width may be determined by,
- (a) performing an actual measurement;
 - (b) monitoring the weather; or
 - (c) performing a visual estimate. O. Reg. 47/13, s. 4; O. Reg. 366/18, s. 5 (3).

- (5) For the purposes of this section, addressing snow accumulation on a roadway includes,
- (a) plowing the roadway;
 - (b) salting the roadway;
 - (c) applying abrasive materials to the roadway;
 - (d) applying other chemical or organic agents to the roadway;
 - (e) any combination of the methods described in clauses (a) to (d). O. Reg. 366/18, s. 5 (4).
- (6) This section does not apply to that portion of the roadway,
- (a) designated for parking;
 - (b) consisting of a bicycle lane or other bicycle facility; or
 - (d) used by a municipality for snow storage. O. Reg. 366/18, s. 5 (4).

TABLE
SNOW ACCUMULATION - ROADWAYS

Class of Highway	Depth	Time
1	2.5 cm	4 hours
2	5 cm	6 hours
3	8 cm	12 hours
4	8 cm	16 hours
5	10 cm	24 hours

O. Reg. 47/13, s. 4; O. Reg. 366/18, s. 5 (5).

Snow accumulation on roadways, significant weather event

4.1 (1) If a municipality declares a significant weather event relating to snow accumulation, the standard for addressing snow accumulation on roadways until the declaration of the end of the significant weather event is,

- (a) to monitor the weather in accordance with section 3.1; and

(b) if deemed practicable by the municipality, to deploy resources to address snow accumulation on roadways, starting from the time that the municipality deems appropriate to do so. O. Reg. 366/18, s. 7.

(2) If the municipality complies with subsection (1), all roadways within the municipality are deemed to be in a state of repair with respect to snow accumulation until the applicable time in the Table to section 4 expires following the declaration of the end of the significant weather event by the municipality. O. Reg. 366/18, s. 7.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and

(b) address snow accumulation on roadways in accordance with section 4. O. Reg. 366/18, s. 7.

Snow accumulation, bicycle lanes

4.2 (1) Subject to section 4.3, the standard for addressing snow accumulation on bicycle lanes is,

(a) after becoming aware of the fact that the snow accumulation on a bicycle lane is greater than the depth set out in the Table to this section, to deploy resources as soon as practicable to address the snow accumulation; and

(b) after the snow accumulation has ended, to address the snow accumulation so as to reduce the snow to a depth less than or equal to the depth set out in the Table to this section to provide a minimum bicycle lane width of the lesser of 1 metre or the actual bicycle lane width. O. Reg. 366/18, s. 7.

(2) If the depth of snow accumulation on a bicycle lane is less than or equal to the depth set out in the Table to this section, the bicycle lane is deemed to be in a state of repair in respect of snow accumulation. O. Reg. 366/18, s. 7.

(3) For the purposes of this section, the depth of snow accumulation on a bicycle lane and, if applicable, lane width under clause (1) (b), may be determined in the same manner as set out in subsection 4 (4) and by the persons mentioned in subsection 4 (3), with necessary modifications. O. Reg. 366/18, s. 7.

(4) For the purposes of this section, addressing snow accumulation on a bicycle lane includes,

(a) plowing the bicycle lane;

(b) salting the bicycle lane;

- (c) applying abrasive materials to the bicycle lane;
- (d) applying other chemical or organic agents to the bicycle lane;
- (e) sweeping the bicycle lane; or
- (f) any combination of the methods described in clauses (a) to (e). O. Reg. 366/18, s. 7.

TABLE
SNOW ACCUMULATION – BICYCLE LANES

Column 1 Class of Highway or Adjacent Highway	Column 2 Depth	Column 3 Time
1	2.5 cm	8 hours
2	5 cm	12 hours
3	8 cm	24 hours
4	8 cm	24 hours
5	10 cm	24 hours

O. Reg. 366/18, s. 7.

Snow accumulation on bicycle lanes, significant weather event

4.3 (1) If a municipality declares a significant weather event relating to snow accumulation, the standard for addressing snow accumulation on bicycle lanes until the declaration of the end of the significant weather event is,

- (a) to monitor the weather in accordance with section 3.1; and
- (b) if deemed practicable by the municipality, to deploy resources to address snow accumulation on bicycle lanes, starting from the time that the municipality deems appropriate to do so. O. Reg. 366/18, s. 7.

(2) If the municipality complies with subsection (1), all bicycle lanes within the municipality are deemed to be in a state of repair with respect to snow accumulation until the applicable time in the Table to section 4.2 expires following the declaration of the end of the significant weather event by the municipality. O. Reg. 366/18, s. 7.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and

(b) address snow accumulation on bicycle lanes in accordance with section 4.2. O. Reg. 366/18, s. 7.

Ice formation on roadways and icy roadways

5. (1) The standard for the prevention of ice formation on roadways is doing the following in the 24-hour period preceding an alleged formation of ice on a roadway:

1. Monitor the weather in accordance with section 3.1.

2. Patrol in accordance with section 3.

3. If the municipality determines, as a result of its activities under paragraph 1 or 2, that there is a substantial probability of ice forming on a roadway, treat the roadway, if practicable, to prevent ice formation within the time set out in Table 1 to this section, starting from the time that the municipality determines is the appropriate time to deploy resources for that purpose. O. Reg. 366/18, s. 8.

(2) If the municipality meets the standard set out in subsection (1) and, despite such compliance, ice forms on a roadway, the roadway is deemed to be in a state of repair until the applicable time set out in Table 2 to this section expires after the municipality becomes aware of the fact that the roadway is icy. O. Reg. 366/18, s. 8.

(3) Subject to section 5.1, the standard for treating icy roadways is to treat the icy roadway within the time set out in Table 2 to this section, and an icy roadway is deemed to be in a state of repair until the applicable time set out in Table 2 to this section expires after the municipality becomes aware of the fact that a roadway is icy. O. Reg. 366/18, s. 8.

(4) For the purposes of this section, treating a roadway means applying material to the roadway, including but not limited to, salt, sand or any combination of salt and sand. O. Reg. 366/18, s. 8.

(5) For greater certainty, this section applies in respect of ice formation on bicycle lanes on a roadway, but does not apply to other types of bicycle facilities. O. Reg. 366/18, s. 8.

TABLE 1
ICE FORMATION PREVENTION

Class of Highway	Time
1	6 hours

2	8 hours
3	16 hours
4	24 hours
5	24 hours

O. Reg. 366/18, s. 8.

TABLE 2
TREATMENT OF ICY ROADWAYS

Class of Highway	Time
1	3 hours
2	4 hours
3	8 hours
4	12 hours
5	16 hours

O. Reg. 366/18, s. 8.

Icy roadways, significant weather event

5.1 (1) If a municipality declares a significant weather event relating to ice, the standard for treating icy roadways until the declaration of the end of the significant weather event is,

- (a) to monitor the weather in accordance with section 3.1; and
- (b) if deemed practicable by the municipality, to deploy resources to treat icy roadways, starting from the time that the municipality deems appropriate to do so. O. Reg. 366/18, s. 8.

(2) If the municipality complies with subsection (1), all roadways within the municipality are deemed to be in a state of repair with respect to any ice which forms or may be present until the applicable time in Table 2 to section 5 expires after the declaration of the end of the significant weather event by the municipality. O. Reg. 366/18, s. 8.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and

(b) treat icy roadways in accordance with section 5. O. Reg. 366/18, s. 8.

Potholes

6. (1) If a pothole exceeds both the surface area and depth set out in Table 1, 2 or 3 to this section, as the case may be, the standard is to repair the pothole within the time set out in Table 1, 2 or 3, as appropriate, after becoming aware of the fact. O. Reg. 239/02, s. 6 (1); O. Reg. 366/18, s. 8 (1).

(1.1) For the purposes of this section, the surface area and depth of a pothole may be determined in accordance with subsections (1.2) and (1.3), as applicable, by a municipal employee, agent or contractor whose duties or responsibilities include one or more of the following:

1. Patrolling highways.
2. Performing highway maintenance activities.
3. Supervising staff who perform activities described in paragraph 1 or 2. O. Reg. 366/18, s. 8 (2).

(1.2) The depth and surface area of a pothole may be determined by,

- (a) performing an actual measurement; or
- (b) performing a visual estimate. O. Reg. 366/18, s. 8 (2).

(1.3) For the purposes of this section, the surface area of a pothole does not include any area that is merely depressed and not yet broken fully through the surface of the roadway. O. Reg. 366/18, s. 8 (2).

(2) A pothole is deemed to be in a state of repair if its surface area or depth is less than or equal to that set out in Table 1, 2 or 3, as appropriate. O. Reg. 239/02, s. 6 (2); O. Reg. 47/13, s. 6.

TABLE 1
POTHOLES ON PAVED SURFACE OF ROADWAY

Class of Highway	Surface Area	Depth	Time
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1	600 cm ²	8 cm	4 days
2	800 cm ²	8 cm	4 days
3	1000 cm ²	8 cm	7 days
4	1000 cm ²	8 cm	14 days
5	1000 cm ²	8 cm	30 days

O. Reg. 239/02, s. 6, Table 1.

TABLE 2
POTHOLES ON NON-PAVED SURFACE OF ROADWAY

Class of Highway	Surface Area	Depth	Time
3	1500 cm ²	8 cm	7 days
4	1500 cm ²	10 cm	14 days
5	1500 cm ²	12 cm	30 days

O. Reg. 239/02, s. 6, Table 2.

TABLE 3
POTHOLES ON PAVED OR NON-PAVED SURFACE OF SHOULDER

Class of Highway	Surface Area	Depth	Time
1	1500 cm ²	8 cm	7 days
2	1500 cm ²	8 cm	7 days
3	1500 cm ²	8 cm	14 days
4	1500 cm ²	10 cm	30 days

5	1500 cm ²	12 cm	60 days
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O. Reg. 239/02, s. 6, Table 3.

Shoulder drop-offs

7. (1) If a shoulder drop-off is deeper than 8 cm, for a continuous distance of 20 metres or more, the standard is to repair the shoulder drop-off within the time set out in the Table to this section after becoming aware of the fact. O. Reg. 366/18, s. 9 (1).

(2) A shoulder drop-off is deemed to be in a state of repair if its depth is less than 8 cm. O. Reg. 366/18, s. 9 (1).

(3) In this section,

“shoulder drop-off” means the vertical differential, where the paved surface of the roadway is higher than the surface of the shoulder, between the paved surface of the roadway and the paved or non-paved surface of the shoulder. O. Reg. 239/02, s. 7 (3).

TABLE
SHOULDER DROP-OFFS

Class of Highway	Time
1	4 days
2	4 days
3	7 days
4	14 days
5	30 days

O. Reg. 366/18, s. 9 (2).

Cracks

8. (1) If a crack on the paved surface of a roadway is greater than 5 cm wide and 5 cm deep for a continuous distance of three metres or more, the standard is to repair the crack within

the time set out in the Table to this section after becoming aware of the fact. O. Reg. 366/18, s. 10 (1).

(2) A crack is deemed to be in a state of repair if its width or depth is less than or equal to 5 cm. O. Reg. 366/18, s. 10 (1).

TABLE
CRACKS

Column 1 Class of Highway	Column 2 Time
1	30 days
2	30 days
3	60 days
4	180 days
5	180 days

O. Reg. 366/18, s. 10 (2).

Debris

9. (1) If there is debris on a roadway, the standard is to deploy resources, as soon as practicable after becoming aware of the fact, to remove the debris. O. Reg. 239/02, s. 9 (1); O. Reg. 366/18, s. 11.

(2) In this section,

“debris” means any material (except snow, slush or ice) or object on a roadway,

(a) that is not an integral part of the roadway or has not been intentionally placed on the roadway by a municipality, and

(b) that is reasonably likely to cause damage to a motor vehicle or to injure a person in a motor vehicle. O. Reg. 239/02, s. 9 (2); O. Reg. 47/13, s. 9.

Luminaires

10. (0.1) REVOKED: O. Reg. 366/18, s. 12.

(1) The standard for the frequency of inspecting all luminaires to check to see that they are functioning is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 366/18, s. 12.

(2) For conventional illumination, if three or more consecutive luminaires on the same side of a highway are not functioning, the standard is to repair the luminaires within the time set out in the Table to this section after becoming aware of the fact. O. Reg. 366/18, s. 12.

(3) For conventional illumination and high mast illumination, if 30 per cent or more of the luminaires on any kilometre of highway are not functioning, the standard is to repair the luminaires within the time set out in the Table to this section after becoming aware of the fact. O. Reg. 366/18, s. 12.

(4) Despite subsection (2), for high mast illumination, if all of the luminaires on consecutive poles on the same side of a highway are not functioning, the standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the luminaires. O. Reg. 366/18, s. 12.

(5) Despite subsections (1), (2) and (3), for conventional illumination and high mast illumination, if more than 50 per cent of the luminaires on any kilometre of a Class 1 highway with a speed limit of 90 kilometres per hour or more are not functioning, the standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the luminaires. O. Reg. 366/18, s. 12.

(6) Luminaires are deemed to be in a state of repair,

(a) for the purpose of subsection (2), if the number of non-functioning consecutive luminaires on the same side of a highway does not exceed two;

(b) for the purpose of subsection (3), if more than 70 per cent of luminaires on any kilometre of highway are functioning;

(c) for the purpose of subsection (4), if one or more of the luminaires on consecutive poles on the same side of a highway are functioning;

(d) for the purpose of subsection (5), if more than 50 per cent of luminaires on any kilometre of highway are functioning. O. Reg. 366/18, s. 12.

(7) In this section,

“conventional illumination” means lighting, other than high mast illumination, where there are one or more luminaires per pole;

“high mast illumination” means lighting where there are three or more luminaires per pole and the height of the pole exceeds 20 metres;

“luminaire” means a complete lighting unit consisting of,

(a) a lamp, and

(b) parts designed to distribute the light, to position or protect the lamp and to connect the lamp to the power supply. O. Reg. 239/02, s. 10 (7).

TABLE
LUMINAIRES

Class of Highway	Time
1	7 days
2	7 days
3	14 days
4	14 days
5	14 days

O. Reg. 239/02, s. 10, Table.

Signs

11. (0.1) The standard for the frequency of inspecting signs of a type listed in subsection (2) to check to see that they meet the retro-reflectivity requirements of the Ontario Traffic Manual is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 23/10, s. 7 (1); O. Reg. 47/13, s. 11 (1); O. Reg. 366/18, s. 13.

(0.2) A sign that has been inspected in accordance with subsection (0.1) is deemed to be in a state of repair with respect to the retro-reflectivity requirements of the Ontario Traffic Manual until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge that the sign has ceased to meet these requirements. O. Reg. 47/13, s. 11 (2).

(1) If any sign of a type listed in subsection (2) is illegible, improperly oriented, obscured or missing, the standard is to deploy resources as soon as practicable after becoming aware of the fact to repair or replace the sign. O. Reg. 239/02, s. 11 (1); O. Reg. 23/10, s. 7 (2); O. Reg. 366/18, s. 13.

(2) This section applies to the following types of signs:

1. Checkerboard.
2. Curve sign with advisory speed tab.
3. Do not enter.
- 3.1 Load Restricted Bridge.
- 3.2 Low Bridge.
- 3.3 Low Bridge Ahead.
4. One Way.
5. School Zone Speed Limit.
6. Stop.
7. Stop Ahead.
8. Stop Ahead, New.
9. Traffic Signal Ahead, New.
10. Two-Way Traffic Ahead.
11. Wrong Way.
12. Yield.
13. Yield Ahead.
14. Yield Ahead, New. O. Reg. 239/02, s. 11 (2); O. Reg. 23/10, s. 7 (3).

Regulatory or warning signs

12. (1) The standard for the frequency of inspecting regulatory signs or warning signs to check to see that they meet the retro-reflectivity requirements of the Ontario Traffic Manual is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 23/10, s. 8; O. Reg. 47/13, s. 12 (1); O. Reg. 366/18, s. 13.

(1.1) A regulatory sign or warning sign that has been inspected in accordance with subsection (1) is deemed to be in a state of repair with respect to the retro-reflectivity requirements of the Ontario Traffic Manual until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge that the sign has ceased to meet these requirements. O. Reg. 47/13, s. 12 (2).

(2) If a regulatory sign or warning sign is illegible, improperly oriented, obscured or missing, the standard is to repair or replace the sign within the time set out in the Table to this section

after becoming aware of the fact. O. Reg. 23/10, s. 8; O. Reg. 366/18, s. 13.

(3) In this section,

“regulatory sign” and “warning sign” have the same meanings as in the Ontario Traffic Manual, except that they do not include a sign listed in subsection 11 (2) of this Regulation. O. Reg. 23/10, s. 8.

TABLE
REGULATORY AND WARNING SIGNS

Class of Highway	Time
1	7 days
2	14 days
3	21 days
4	30 days
5	30 days

O. Reg. 239/02, s. 12, Table.

Traffic control signal systems

13. (1) If a traffic control signal system is defective in any way described in subsection (2), the standard is to deploy resources as soon as practicable after becoming aware of the defect to repair the defect or replace the defective component of the traffic control signal system.

O. Reg. 239/02, s. 13 (1); O. Reg. 366/18, s. 13.

(2) This section applies if a traffic control signal system is defective in any of the following ways:

1. One or more displays show conflicting signal indications.
2. The angle of a traffic control signal or pedestrian control indication has been changed in such a way that the traffic or pedestrian facing it does not have clear visibility of the information conveyed or that it conveys confusing information to traffic or pedestrians facing other directions.

3. A phase required to allow a pedestrian or vehicle to safely travel through an intersection fails to occur.
 4. There are phase or cycle timing errors interfering with the ability of a pedestrian or vehicle to safely travel through an intersection.
 5. There is a power failure in the traffic control signal system.
 6. The traffic control signal system cabinet has been displaced from its proper position.
 7. There is a failure of any of the traffic control signal support structures.
 8. A signal lamp or a pedestrian control indication is not functioning.
 9. Signals are flashing when flashing mode is not a part of the normal signal operation.
- O. Reg. 239/02, s. 13 (2).

(3) Despite subsection (1) and paragraph 8 of subsection (2), if the posted speed of all approaches to the intersection or location of the non-functioning signal lamp or pedestrian control indication is less than 80 kilometres per hour and the signal that is not functioning is a green or a pedestrian “walk” signal, the standard is to repair or replace the defective component by the end of the next business day. O. Reg. 239/02, s. 13 (3); O. Reg. 366/18, s. 13.

(4) In this section and section 14,

“cycle” means a complete sequence of traffic control indications at a location;

“display” means the illuminated and non-illuminated signals facing the traffic;

“indication” has the same meaning as in the *Highway Traffic Act*;

“phase” means a part of a cycle from the time where one or more traffic directions receive a green indication to the time where one or more different traffic directions receive a green indication;

“power failure” means a reduction in power or a loss in power preventing the traffic control signal system from operating as intended;

“traffic control signal” has the same meaning as in the *Highway Traffic Act*;

“traffic control signal system” has the same meaning as in the *Highway Traffic Act*. O. Reg. 239/02, s. 13 (4).

Traffic control signal system sub-systems

14. (1) The standard is to inspect, test and maintain the following traffic control signal system sub-systems once per calendar year, with each inspection taking place not more than 16

months from the previous inspection:

1. The display sub-system, consisting of traffic signal and pedestrian crossing heads, physical support structures and support cables.
2. The traffic control sub-system, including the traffic control signal cabinet and internal devices such as timer, detection devices and associated hardware, but excluding conflict monitors.
3. The external detection sub-system, consisting of detection sensors for all vehicles, including emergency and railway vehicles and pedestrian push- buttons. O. Reg. 239/02, s. 14 (1); O. Reg. 47/13, s. 13 (1); O. Reg. 366/18, s. 13.

(1.1) A traffic control signal system sub-system that has been inspected, tested and maintained in accordance with subsection (1) is deemed to be in a state of repair until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge that the traffic control signal system sub-system has ceased to be in a state of repair. O. Reg. 47/13, s. 13 (2).

(2) The standard is to inspect, test and maintain conflict monitors every five to seven months and at least twice per calendar year. O. Reg. 239/02, s. 14 (2); O. Reg. 47/13, s. 13 (3); O. Reg. 366/18, s. 13.

(2.1) A conflict monitor that has been inspected, tested and maintained in accordance with subsection (2) is deemed to be in a state of repair until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge that the conflict monitor has ceased to be in a state of repair. O. Reg. 47/13, s. 13 (4).

(3) In this section,

“conflict monitor” means a device that continually checks for conflicting signal indications and responds to a conflict by emitting a signal. O. Reg. 239/02, s. 14 (3).

Bridge deck spalls

15. (1) If a bridge deck spall exceeds both the surface area and depth set out in the Table to this section, the standard is to repair the bridge deck spall within the time set out in the Table after becoming aware of the fact. O. Reg. 239/02, s. 15 (1); O. Reg. 366/18, s. 13.

(2) A bridge deck spall is deemed to be in a state of repair if its surface area or depth is less than or equal to that set out in the Table. O. Reg. 239/02, s. 15 (2); O. Reg. 47/13, s. 14.

(3) In this section,

“bridge deck spall” means a cavity left by one or more fragments detaching from the paved surface of the roadway or shoulder of a bridge. O. Reg. 239/02, s. 15 (3).

TABLE
BRIDGE DECK SPALLS

Class of Highway	Surface Area	Depth	Time
1	600 cm ²	8 cm	4 days
2	800 cm ²	8 cm	4 days
3	1,000 cm ²	8 cm	7 days
4	1,000 cm ²	8 cm	7 days
5	1,000 cm ²	8 cm	7 days

O. Reg. 239/02, s. 15, Table.

Roadway surface discontinuities

16. (1) If a surface discontinuity on a roadway, other than a surface discontinuity on a bridge deck, exceeds the height set out in the Table to this section, the standard is to repair the surface discontinuity within the time set out in the Table after becoming aware of the fact. O. Reg. 23/10, s. 9; O. Reg. 366/18, s. 13.

(1.1) A surface discontinuity on a roadway, other than a surface discontinuity on a bridge deck, is deemed to be in a state of repair if its height is less than or equal to the height set out in the Table to this section. O. Reg. 47/13, s. 15.

(2) If a surface discontinuity on a bridge deck exceeds five centimetres, the standard is to deploy resources as soon as practicable after becoming aware of the fact to repair the surface discontinuity on the bridge deck. O. Reg. 23/10, s. 9; O. Reg. 366/18, s. 13.

(2.1) A surface discontinuity on a bridge deck is deemed to be in a state of repair if its height is less than or equal to five centimetres. O. Reg. 47/13, s. 15.

(3) In this section,

“surface discontinuity” means a vertical discontinuity creating a step formation at joints or cracks in the paved surface of the roadway, including bridge deck joints, expansion joints and approach slabs to a bridge. O. Reg. 23/10, s. 9.

TABLE
SURFACE DISCONTINUITIES

Class of Highway	Height	Time
1	5 cm	2 days
2	5 cm	2 days
3	5 cm	7 days
4	5 cm	21 days
5	5 cm	21 days

O. Reg. 239/02, s. 16, Table.

Sidewalk surface discontinuities

16.1 (1) The standard for the frequency of inspecting sidewalks to check for surface discontinuity is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 23/10, s. 10; O. Reg. 47/13, s. 16 (1); O. Reg. 366/18, s. 13.

(1.1) A sidewalk that has been inspected in accordance with subsection (1) is deemed to be in a state of repair with respect to any surface discontinuity until the next inspection in accordance with that subsection, provided that the municipality does not acquire actual knowledge of the presence of a surface discontinuity in excess of two centimetres. O. Reg. 47/13, s. 16 (2).

(2) If a surface discontinuity on or within a sidewalk exceeds two centimetres, the standard is to treat the surface discontinuity within 14 days after acquiring actual knowledge of the fact. O. Reg. 366/18, s. 14.

(2.1) REVOKED: O. Reg. 366/18, s. 14.

(3) A surface discontinuity on or within a sidewalk is deemed to be in a state of repair if it is less than or equal to two centimetres. O. Reg. 366/18, s. 14.

(4) For the purpose of subsection (2), treating a surface discontinuity on or within a sidewalk means taking reasonable measures to protect users of the sidewalk from the discontinuity,

including making permanent or temporary repairs, alerting users' attention to the discontinuity or preventing access to the area of discontinuity. O. Reg. 366/18, s. 14.

(5) In this section,

“surface discontinuity” means a vertical discontinuity creating a step formation at any joint or crack in the surface of the sidewalk or any vertical height difference between a utility appurtenance found on or within the sidewalk and the surface of the sidewalk. O. Reg. 366/18, s. 14.

Encroachments, area adjacent to sidewalk

16.2 (1) The standard for the frequency of inspecting an area adjacent to a sidewalk to check for encroachments is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 366/18, s. 15.

(2) The area adjacent to a sidewalk that has been inspected in accordance with subsection (1) is deemed to be in a state of repair in respect of any encroachment present. O. Reg. 366/18, s. 15.

(3) For greater certainty, the area adjacent to a sidewalk begins at the outer edges of a sidewalk and ends at the lesser of the limit of the highway, the back edge of a curb if there is a curb and a maximum of 45 cm. O. Reg. 366/18, s. 15.

(4) The area adjacent to a sidewalk is deemed to be in a state of repair in respect of any encroachment present unless the encroachment is determined by a municipality to be highly unusual given its character and location or to constitute a significant hazard to pedestrians. O. Reg. 366/18, s. 15.

(5) If a municipality determines that an encroachment is highly unusual given its character and location or constitutes a significant hazard to pedestrians, the standard is to treat the encroachment within 28 days after making such a determination, and the encroachment is deemed in a state of repair for 28 days from the time of the determination by the municipality. O. Reg. 366/18, s. 15.

(6) For the purpose of subsection (4), treating an encroachment means taking reasonable measures to protect users, including making permanent or temporary repairs, alerting users' attention to the encroachment or preventing access to the area of the encroachment. O. Reg. 366/18, s. 15.

Snow accumulation on sidewalks

16.3 (1) Subject to section 16.4, the standard for addressing snow accumulation on a sidewalk after the snow accumulation has ended is,

a) to reduce the snow to a depth less than or equal to 8 centimetres within 48 hours; and

b) to provide a minimum sidewalk width of 1 metre. O. Reg. 366/18, s. 15.

(2) If the depth of snow accumulation on a sidewalk is less than or equal to 8 centimetres, the sidewalk is deemed to be in a state of repair in respect of snow accumulation. O. Reg. 366/18, s. 15.

(3) If the depth of snow accumulation on a sidewalk exceeds 8 centimetres while the snow continues to accumulate, the sidewalk is deemed to be in a state of repair with respect to snow accumulation, until 48 hours after the snow accumulation ends. O. Reg. 366/18, s. 15.

(4) For the purposes of this section, the depth of snow accumulation on a sidewalk may be determined in the same manner as set out in subsection 4 (4) and by the persons mentioned in subsection 4 (3) with necessary modifications. O. Reg. 366/18, s. 15.

(5) For the purposes of this section, addressing snow accumulation on a sidewalk includes,

(a) plowing the sidewalk;

(b) salting the sidewalk;

(c) applying abrasive materials to the sidewalk;

(d) applying other chemical or organic agents to the sidewalk; or

(e) any combination of the methods described in clauses (a) to (d). O. Reg. 366/18, s. 15.

Snow accumulation on sidewalks, significant weather event

16.4 (1) If a municipality declares a significant weather event relating to snow accumulation, the standard for addressing snow accumulation on sidewalks until the declaration of the end of the significant weather event is,

(a) to monitor the weather in accordance with section 3.1; and

(b) if deemed practicable by the municipality, to deploy resources to address snow accumulation on sidewalks starting from the time that the municipality deems appropriate to do so. O. Reg. 366/18, s. 15.

(2) If the municipality complies with subsection (1), all sidewalks within the municipality are deemed to be in a state of repair with respect to any snow present until 48 hours following the declaration of the end of the significant weather event by the municipality. O. Reg. 366/18, s. 15.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

- (a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and
- (b) address snow accumulation on sidewalks in accordance with section 16.3. O. Reg. 366/18, s. 15.

Ice formation on sidewalks and icy sidewalks

16.5 (1) Subject to section 16.6, the standard for the prevention of ice formation on sidewalks is to,

- (a) monitor the weather in accordance with section 3.1 in the 24-hour period preceding an alleged formation of ice on a sidewalk; and
- (b) treat the sidewalk if practicable to prevent ice formation or improve traction within 48 hours if the municipality determines that there is a substantial probability of ice forming on a sidewalk, starting from the time that the municipality determines is the appropriate time to deploy resources for that purpose. O. Reg. 366/18, s. 15.

(2) If ice forms on a sidewalk even though the municipality meets the standard set out in subsection (1), the sidewalk is deemed to be in a state of repair in respect of ice until 48 hours after the municipality first becomes aware of the fact that the sidewalk is icy. O. Reg. 366/18, s. 15.

(3) The standard for treating icy sidewalks after the municipality becomes aware of the fact that a sidewalk is icy is to treat the icy sidewalk within 48 hours, and an icy sidewalk is deemed to be in a state of repair for 48 hours after it has been treated. O. Reg. 366/18, s. 15.

(4) For the purposes of this section, treating a sidewalk means applying materials including salt, sand or any combination of salt and sand to the sidewalk. O. Reg. 366/18, s. 15.

Icy sidewalks, significant weather event

16.6 (1) If a municipality declares a significant weather event relating to ice, the standard for addressing ice formation or ice on sidewalks until the declaration of the end of the significant weather event is,

- (a) to monitor the weather in accordance with section 3.1; and
- (b) if deemed practicable by the municipality, to deploy resources to treat the sidewalks to prevent ice formation or improve traction, or treat the icy sidewalks, starting from the time that the municipality deems appropriate to do so. O. Reg. 366/18, s. 15.

(2) If the municipality complies with subsection (1), all sidewalks within the municipality are deemed to be in a state of repair with respect to any ice which forms or is present until 48

hours after the declaration of the end of the significant weather event by the municipality. O. Reg. 366/18, s. 15.

(3) Following the end of the weather hazard in respect of which a significant weather event was declared by a municipality under subsection (1), the municipality shall,

(a) declare the end of the significant weather event when the municipality determines it is appropriate to do so; and

(b) address the prevention of ice formation on sidewalks or treat icy sidewalks in accordance with section 16.5. O. Reg. 366/18, s. 15.

Winter sidewalk patrol

16.7 (1) If it is determined by the municipality that the weather monitoring referred to in section 3.1 indicates that there is a substantial probability of snow accumulation on sidewalks in excess of 8 cm, ice formation on sidewalks or icy sidewalks, the standard for patrolling sidewalks is to patrol sidewalks that the municipality selects as representative of its sidewalks at intervals deemed necessary by the municipality. O. Reg. 366/18, s. 15.

(2) Patrolling a sidewalk consists of visually observing the sidewalk, either by driving by the sidewalk on the adjacent roadway or by driving or walking on the sidewalk or by electronically monitoring the sidewalk, and may be performed by persons responsible for patrolling roadways or sidewalks or by persons responsible for or performing roadway or sidewalk maintenance activities. O. Reg. 366/18, s. 15.

Closure of a highway

16.8 (1) When a municipality closes a highway or part of a highway pursuant to its powers under the Act, the highway is deemed to be in a state of repair in respect of all conditions described in this Regulation from the time of the closure until the highway is re-opened by the municipality. O. Reg. 366/18, s. 15.

(2) For the purposes of subsection (1), a highway or part of a highway is closed on the earlier of,

(a) when a municipality passes a by-law to close the highway or part of the highway; and

(b) when a municipality has taken such steps as it determines necessary to temporarily close the highway or part of a highway. O. Reg. 366/18, s. 15.

Declaration of significant weather event

16.9. A municipality declaring the beginning of a significant weather event or declaring the end of a significant weather event under this Regulation shall do so in one or more of the

following ways:

1. By posting a notice on the municipality's website.
2. By making an announcement on a social media platform, such as Facebook or Twitter.
3. By sending a press release or similar communication to internet, newspaper, radio or television media.
4. By notification through the municipality's police service.
5. By any other notification method required in a by-law of the municipality. O. Reg. 366/18, s. 15.

REVIEW OF REGULATION

Review

17. (1) The Minister of Transportation shall conduct a review of this Regulation and Ontario Regulation 612/06 (Minimum Maintenance Standards for Highways in the City of Toronto) made under the *City of Toronto Act, 2006* every five years. O. Reg. 613/06, s. 2.

(2) Despite subsection (1), the first review after the completion of the review started before the end of 2007 shall be started five years after the day Ontario Regulation 23/10 is filed. O. Reg. 23/10, s. 11.

18. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 239/02, s. 18.

Date: December 9, 2025

Moved by:

Seconded by:

WHEREAS, it has come to the attention of Council that the file name was incorrectly recorded on Resolution 2025-338 dated November 18, 2025; and,

WHEREAS, the correct file name is Consent Application B34/POWASSAN/2025; and,

NOW THEREFORE BE IT RESOLVED THAT, Resolution 2025-338 dated November 18, 2025, be and is hereby amended to correct the file name from Consent Application B29/POWASSAN/2025 to Consent Application B34/POWASSAN/2025.

 Carried

 Defeated

 Deferred

 Lost

 Mayor

Recorded Vote: Requested by _____

Name	Yeas	Nays	Name	Yeas	Nays
Councillor Randy Hall			Mayor Peter McIsaac		
Councillor Markus Wand					
Councillor Dave Britton					
Councillor Leo Patey					

Date: December 9, 2025

Moved by:

Seconded by:

THAT the Report dated Dec 2., 2025, from PlanScape to Powassan Council recommending approval be received; and,

THAT Council for the Municipality of Powassan supports the requested Consent and asks that the following conditions be applied by the North Almaguin Planning Board in rendering its approval of Consent Applications B1/POWASSAN/2026:

- Submit a zoning amendment application to rescind Bylaw 2009-44 and rezone the resulting lots to appropriately recognize the existing uses;
- That an agreement be registered on title pursuant to Section 51 (26) of the Planning Act on the resulting benefiting lot recognizing the general industrial use of the adjacent lot;
- That the lands subject to this Consent be legally merged on title with the abutting lot described as Part of Lot 19, Concession 13 (Himsworth); Plan 42R-19103, Part 1; PIN 52207-0288; and
- That the other standard conditions of consent are met.

 Carried

 Defeated

 Deferred

 Lost

 Mayor

Recorded Vote: Requested by _____

Name	Yeas	Nays	Name	Yeas	Nays
Councillor Randy Hall			Mayor Peter McIsaac		
Councillor Markus Wand					
Councillor Dave Britton					
Councillor Leo Patey					

File # B1/POWASSAN/2026

December 3, 2025

Planning Report: Municipality of Powassan, Consent Application: B11/POWASSAN/2026

Background

Tulloch Engineering has applied for Consent to the North Almaguin Planning Board on behalf of their clients Evan Hughes and Shawn Hughes. The Application has been circulated to the Municipality of Powassan for comment. The Application for Consent is for a lot line addition, where no new lot will be created. The subject lands will be severed and added to an abutting lot that was created in 2010 as indicated on the application.

Location and Lot Description

The subject lands are legally described as, Part of Lots 19 and 20, Concession 13 (Himsworth); PIN 52207-0289, in the Municipality of Powassan, District of Parry Sound. The property is civically known as 118 Highway 534. The location of the subject lands is shown in [Figure 1](#).

Proposal Description

The subject property is approximately 31.0 hectares in size (76.7 ac), with approximately 270.3 m (\pm 886.6 ft) of frontage on Provincial Highway 534. The proposed severed lot (illustrated as 'retained area' in the application) would have an area of approximately 22.9 ha (37.8 ac) and no actual road frontage. The retained lot (illustrated as 'severed' in the application) would maintain approximately 8.1 ha (\pm 20.0 ac) and retain the entire frontage of approximately 270.3 m (\pm 886.6 ft) on Highway 534; [Figure 2](#) illustrates the proposed severed lot as provided by the applicant. For clarity [Figure 3](#) shows the resulting lots.

The resulting benefiting lot will have an approximate area of 26.9 ha (\pm 66.7 ac) and 118.0 m (\pm 387.1 ft) of frontage on Highway 534. The benefiting lot is also owned by Evan Hughes and Shawn Hughes and is described as Part of Lot 19, Concession 13 (Himsworth); Plan 42R-19103, Part 1; PIN 52207-0288, in the Municipality of Powassan, District of Parry Sound. The application and Planning Justification Briefing indicates the proposed use on the resulting lot is for residential uses in the form of a single detached dwelling. It is our understanding that a building permit for the dwelling has already been granted. No current buildings or structures exist on the benefiting lands.

The property currently has an operating “Contractor’s Yard” with an existing building used for the Hughes’ excavating business. The intention of the application is to sever this operation and use. The agent has confirmed both lots have existing entrance permits to Highway 534.

The current (2003) Municipality of Powassan Official Plan was recently reviewed, updated and Council adopted it on September 16, 2025. This application has been reviewed against both documents for conformity. The subject property is designated as Rural and Open Space in the 2003 Official Plan as shown on Schedule ‘A’ and as Agricultural and Open Space in the 2025 adopted Plan.

The property is zoned Rural (RU), General Industrial Exception Zone Five (M1- 5) and a Hazard Overlay (HZ) according to available zoning schedules. During the policy review, the subject lands appear to be subject to By-law 2009-44 that would suggest the property is zoned M1-5 and Multiple Residential (RM). No schedule was attached to the by-law as provided by Powassan. The applicant’s agent with access to historical client information has provided a zoning sketch they believe identifies the approved zoning as part of the 2009 Zoning Amendment Application and is shown below in Figure 4. All information has been reviewed as part of this report.

Figure 1: Location Map

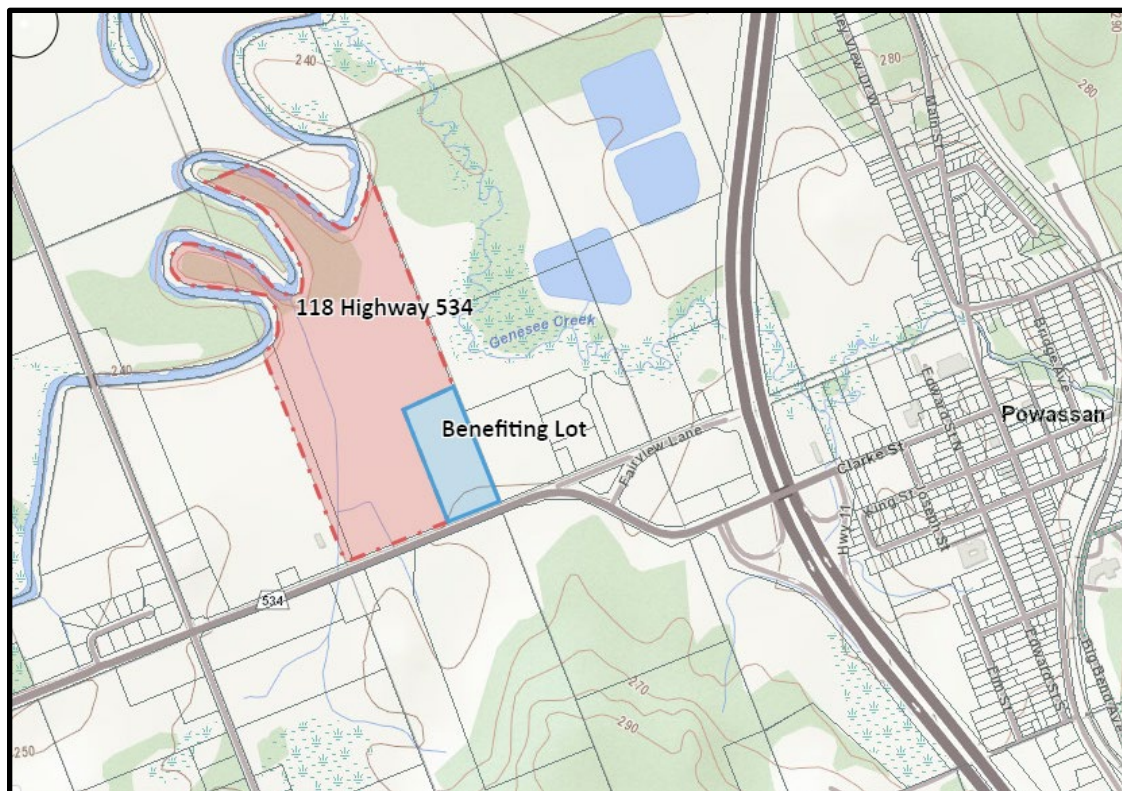


Figure 2: Proposed Severance

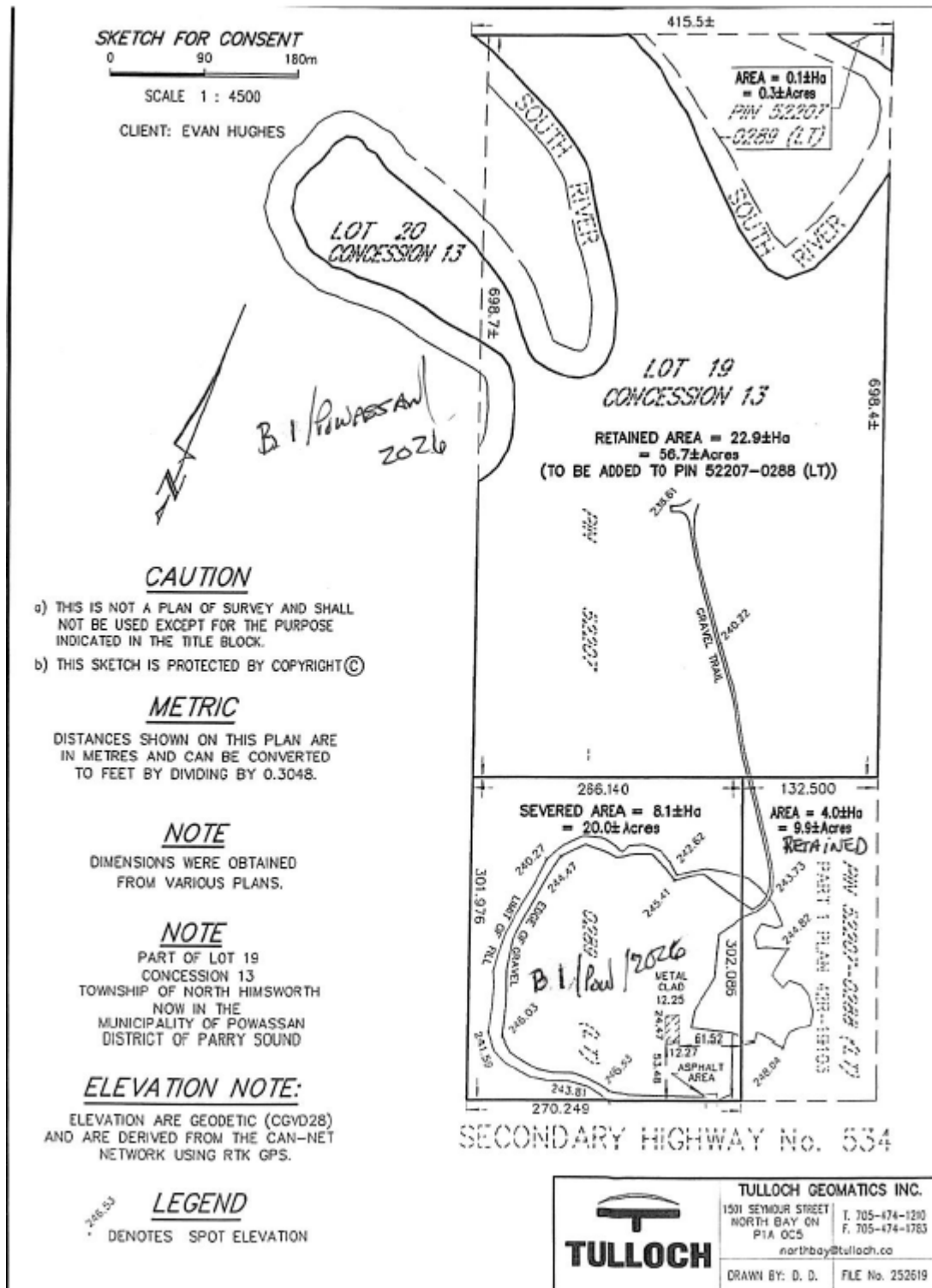


Figure 3: Resulting Lots

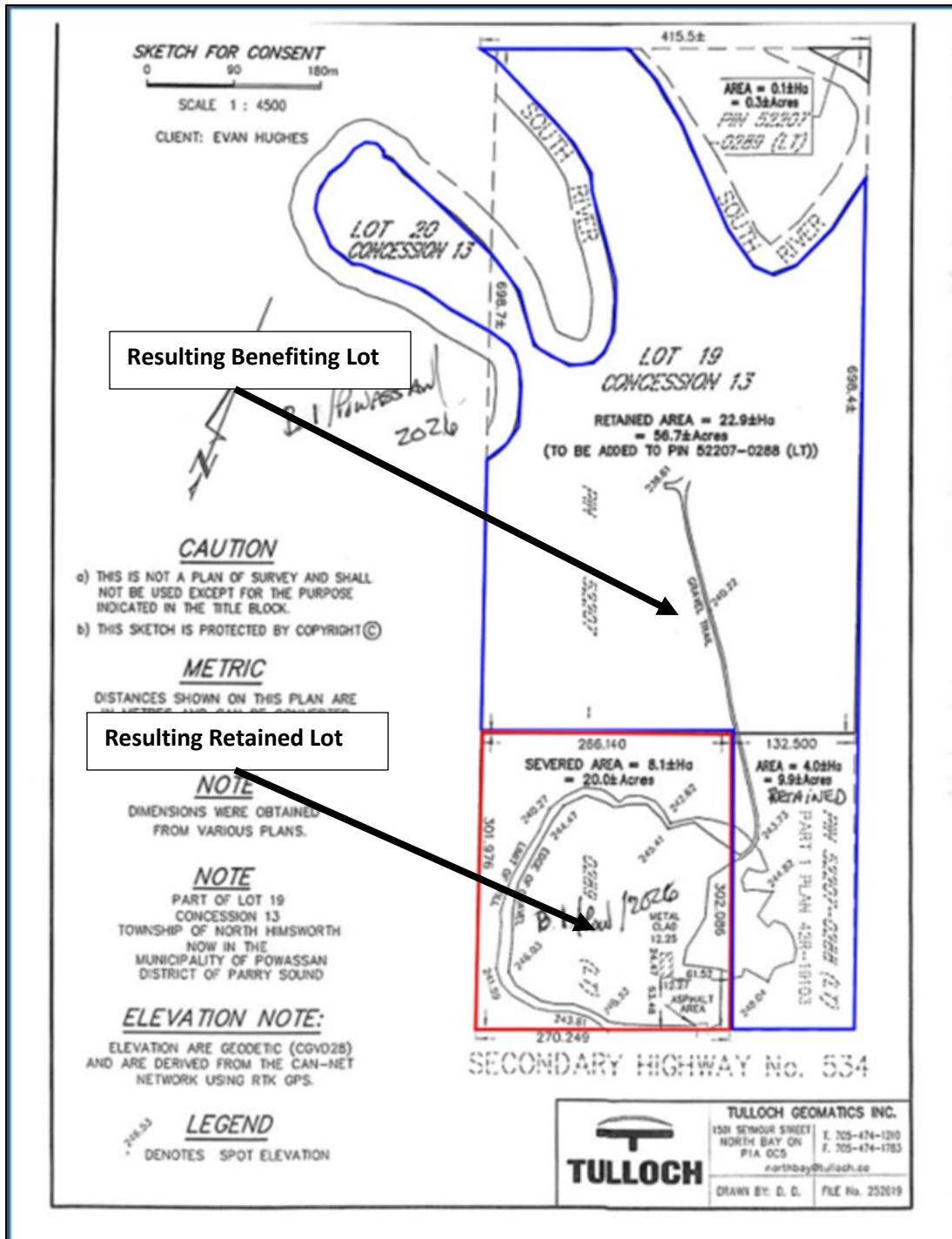
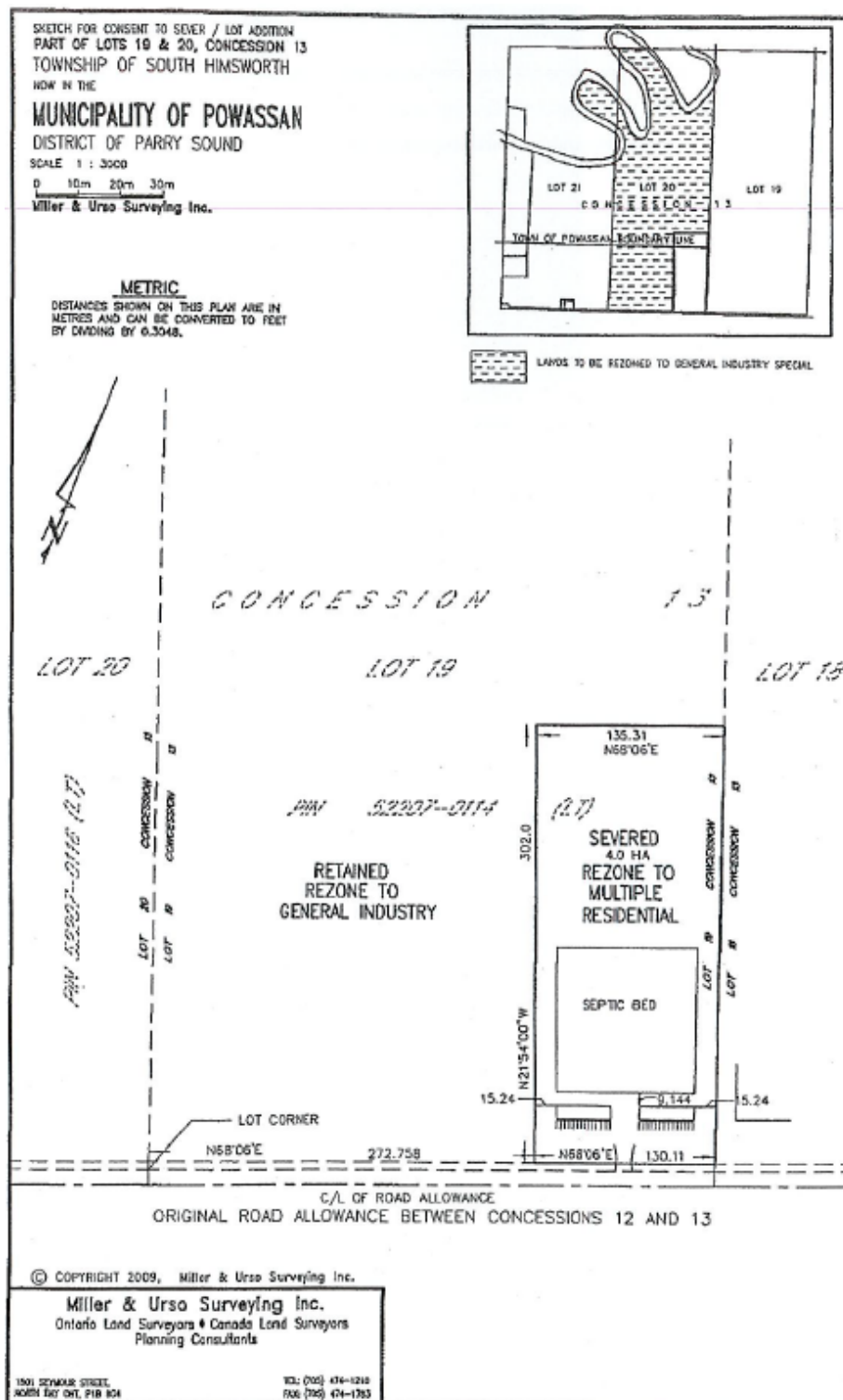


Figure 4: Potential By-law 2009-44 Schedule (provided by Agent)



Policy Analysis

Provincial Planning Statement, 2024

The subject property is located in the Rural Area according to the PPS. Using the 2003 Powassan Official Plan, the subject lands would be further considered Rural Lands, the adopted Powassan Official Plan (2025) now recognizes the subject lands as Agricultural Area. The most relevant policies have been provided.

Lot creation in the Rural Lands is permitted in Section 2.6.1 and this would include lot additions. No new lot creation or new uses are being proposed as part of this application and Minimum Distance Separation Formulae (MDS) would not be a requirement.

Section 4.1 of the policies refer to Natural Heritage, noting that natural features shall generally be protected and 4.1.2 states:

The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Lot adjustments are permitted in Agricultural Areas where section 4.3.3. 2 states:

Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

According to the PPS, legal or technical reasons mean:

...severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

No new uses are being proposed, and no new lot creation will result in the proposed lot line adjustment. The proposed lot addition has been reviewed against the relevant policies of the PPS. Provided that no development or site alteration takes place on natural heritage features, the proposed lot addition application is found to be consistent with the PPS.

Growth Plan for Northern Ontario, 2011

The Municipality of Powassan is located within the Growth Plan for Northern Ontario Area and thus decisions are required to conform with this Plan. The purpose and guiding principles of the plan provides a 25-year vision of growth for the northern economy, people, communities, infrastructure, environment, and aboriginal peoples. The application has been reviewed against the applicable policies of this document and has been found to conform to the intent and purpose.

Municipality of Powassan Official Plan, October 2003

The Subject property is designated Rural Area and Open Space Area on Schedule 'A'. Schedule 'B' of the Plan further identifies portions of the property as being Primary Sand and Gravel Resource Area and wetland and floodplain features; both schedules illustrate the South River and small creeks.

Section 4.1 addresses Aggregate and Mineral Resources where:

4.1.1 Areas having high mineral potential are identified as Bedrock Resources and Primary Sand and Gravel Resource Areas on Schedule "B". These areas shall be protected for long term use for resource extraction. Development of these areas for purposes other than resource extraction will not be permitted except where it can be demonstrated that the proposed development has a greater long term public interest than the extraction of the resource and will not hinder or preclude the establishment of future extractive activities and issues of public health, public safety and environmental impact are addressed, or that the extraction of the resource is not feasible due to surrounding land uses or other physical or human-made features. Proponents of non-extractive land uses in these areas will be required to provide a justification to the satisfaction of the appropriate approval authority to support alternate land use proposals. Technical reports may be required as part of the justification."

Using a mapping and desktop review, it appears that the aggregate potential will remain with the retained (referred to as the severed in the application) lot and the land currently being operated as the Hughes' Contractor's Yard.

Portions of the property to the back half of the property and along the South River are depicted as wetland features and/or floodplains where Section 4.13 Natural Hazards states:

4.13.1 Development will generally be directed to areas outside of hazardous land adjacent to river and stream systems which are impacted by flooding and/or erosion hazards, and hazardous sites. Hazardous sites may consist of steep slopes, unstable soils, organic soils, and unstable bedrock. Where development is proposed within or partly within these features, the development proponent shall submit a technical study prepared by a qualified professional to the satisfaction of the appropriate approval authority which demonstrates the following:

- a) the hazard can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures;*
- b) new hazards are not created and existing hazards are not aggravated;*
- c) no adverse environmental impacts will result;*

d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;

e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances. Recommendations made in the technical report(s) will be implemented through the planning process. Where the technical report indicates that development within a particular hazard is not feasible, the development shall not proceed.

4.13.2 Development and site alteration will not be permitted within a floodplain. Floodplains and wetland features are identified on Schedule "B" to this Plan. Where development is proposed within a floodplain, the development shall not proceed, unless the development proposal is for a use or structure which, by its very nature, needs to be located within the floodplain, such as floodproofing features.

Any future development on or near the existing wetland or floodplain areas would be subject to policies of 4.22 where:

4.22.1 Locally significant wetlands are shown on Schedule B. Wherever possible these areas should be left in their natural state. Where it can be demonstrated to the satisfaction of Council that there is no reasonable alternative for the logical development of lands, other than to develop a portion of a locally significant wetland, the Municipality may permit the development and may impose site plan control to ensure that the appropriate mitigation measures are employed to minimize the impact on the wetland.

4.22.2 Areas that are subject to flooding under regional flooding conditions or are covered with water during significant portions of the year shall be considered as Environmental Protection Areas despite being otherwise designated on Schedule A. When lands within the Municipality are developed, additional Environmental Protection Areas may be identified in the Zoning By-law without amending this Plan.

4.22.3 Prior to approving any development that is within 60 metres of a wetland feature, the proponent shall submit an Environmental Impact Assessment to the satisfaction of the Municipality in consultation with the Ministry of Natural Resources. Any development permitted in these areas shall incorporate the recommendations of the Environmental Impact Assessment

Any development within or partially within any natural hazard areas would require a technical study by a qualified professional. The retained lot has existing development, and no additional development has been indicated with this application. The severed portion will be added to the abutting lot to the south. It is our understanding that a building permit has been obtained for a

detached residential dwelling and adequate area on the resulting benefiting lot is available to build with sufficient setbacks to the natural heritage features and outside of the flood plain.

Section 4.15 of the Plan addresses concerns related to land use compatibility where:

4.15.1 Whenever a change in land use is proposed, through any application made under the Planning Act, consideration shall be given to the effect of the proposed use on existing land uses. Where there are potential compatibility concerns, Council will only approve the development when it is satisfied that compatibility issues have been adequately addressed.

4.15.2 Incompatible land uses are to be protected from one another. While buffers between incompatible land uses may be used to prevent or minimized adverse effects, distance is often the only effective buffer, and therefore adequate separation distance, based on a major facility's influence area, is the preferred method of mitigating adverse effects. The separation distance should be sufficient to permit the functioning of the incompatible land uses without adverse effect occurring. Separation of incompatible land uses should not result in the sterilization of intervening land usage.

Section 4.18 of the plan speaks to Private Sewage Disposal and Water Systems. The application has included comments from the North Bay Mattawa Conservation Authority concluding that both existing and resulting lots are adequately sized to accommodate private on-site services.

Section 5.7 of the Official Plan would permit low density residential uses in the Rural Area and Section 5.8 are policies of Open Space Area that generally discourage development and would not permit residential uses. As previously stated, the resulting benefiting lot is large enough to accommodate development outside of lands designated as Open Space. Again, it is our understanding that a building permit has been granted for a dwelling.

Section 8.1.2 of the Official Plan refers to the policies of Land Division and Technical Consents where this application is supported by:

Notwithstanding the policies of this section, consents may be granted for the following technical purposes, provided that the retained and severed portions conform with the Zoning By-law:

- i) boundary corrections or adjustments;*
- ii) lot enlargements;*
- iii) re-creation of original 40 ha (100 acre lots)*
- iv) discharge of mortgage;*
- v) road widening and road allowances; and*
- vi) easements.*

Section 8.1.4 refer to consent application in Open Space Areas, where:

Open Space Areas and Hazard Lands Consents shall not be permitted in areas designated as Open Space or in any area that could be unsafe as a result of naturally occurring or man-made hazards. Consent may be granted for the creation of a lot that encompasses lands designated Open Space, provided that there are sufficient lands not designated Open Space for the purpose for which the lot is being proposed.

As this is considered a technical severance (lot line adjustment), no new lot is being created, no development is being proposed in or near the identified Open Space, and sufficient area appears to exist outside of the Open Space Area for potential residential development, a technical study would not be recommended for this application.

Provided the existing and proposed uses are compatible and no development is permitted within the natural heritage features of the property, the proposal meets the general intentions of the Municipality of Powassan's 2003 Official Plan.

Municipality of Powassan Official Plan, August 2025

The Official Plan review and update was adopted by Powassan Council, in September 2025. The subject lands are now designated as Agricultural Area and Open Space on Schedule 'A' of the plan and Schedule 'B1' illustrates areas as floodplains along the South River and Schedule 'B2' identifies areas of Sand and Gravel Resources consistent with the 2003 schedule. Appendix 1 illustrates Wildland Fire risk areas from moderate to extreme, where pockets exist along the South River where areas of forest exist and are outside any potential areas of development.

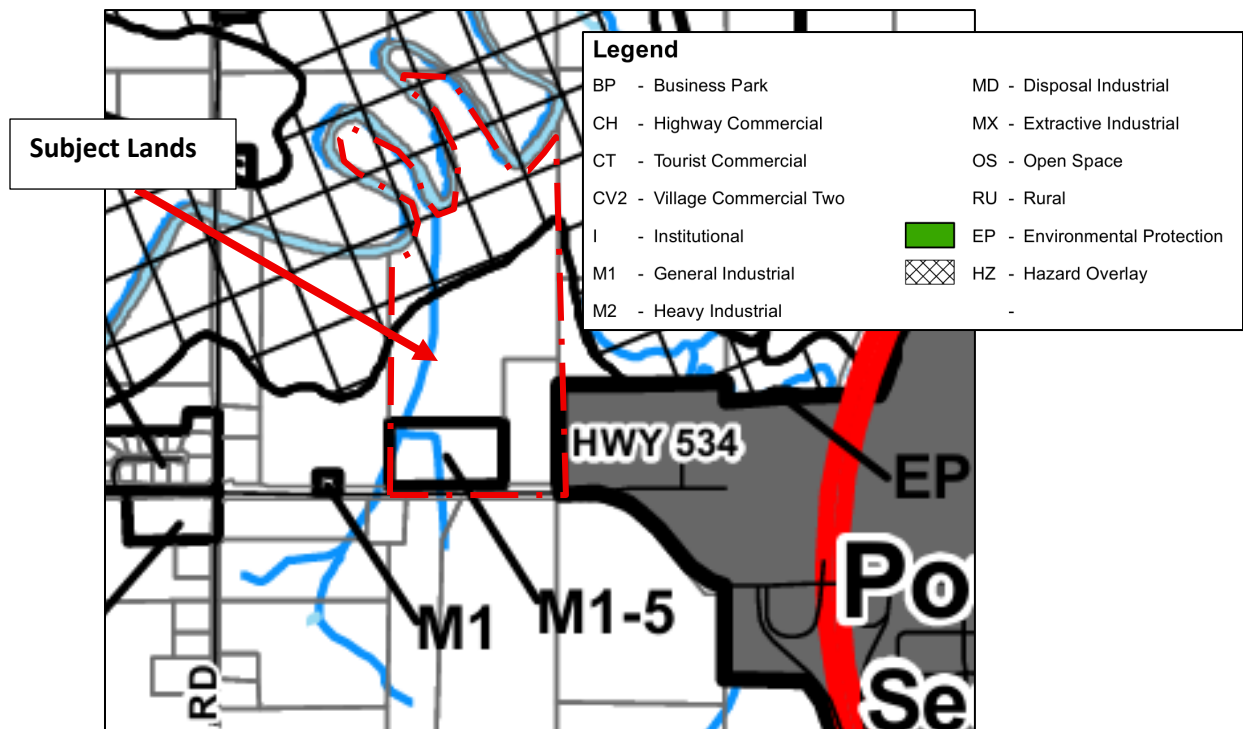
The two main changes in the adopted Official Plan include the property designation change to Agricultural Area and the Open Space Area is recognized as floodplain rather than wetland and/or floodplain. Development within or in proximity to floodplains continues to be regulated and appropriate setbacks will apply. Policies for Agricultural Areas including permitted uses, generally refer to new uses or new lots. The result of the application will not create a new lot, and no new uses are being proposed through this application. Section 8.1.2 continue to permit "boundary adjustments" and "lot enlargements." Given the nature of the application, the proposal generally meets the intention of the adopted 2025 Official Plan.

Municipality of Powassan Zoning By-law No. 2003-38

Following the policy review and analysis, there appears to be a discrepancy in property zoning. Available zone maps including the GIS zoning available depict the subject lands as Rural (RU) and General Industrial Exception Zone Five (M1-5) and with a Hazard Overlay (HZ). The zone mapping available is shown below in [Figure 5](#). As previously mentioned, existing By-law 2009-44 applies

to the subject lands that suggest the lands are zoned General Industrial Exception Zone Five (M1-5) and Multiple Residential (RM). The Schedule as previously shown in [Figure 4](#) would suggest that the entire subject lands are zoned M1-5 and the benefiting lot is zoned RM. It is our understanding that the 4.0 ha lot was severed from the original parcel following the rezoning application in the year 2010.

Figure 5: Zoning By-law No. 2003-38 (Schedule 'A' Excerpt)



The lot line adjustment and reconfiguration would continue to meet any of the three zoning regulations for lot area and frontage, but the permitted uses become difficult to confirm. [Figures 6 to 8](#) explain the various uses permitted by each associated zone.

Figure 6: RU Zoning Uses and Regulations

4.4

RURAL (RU) ZONE

No person shall within any Rural (RU) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.4.1

Permitted Uses

Column A Uses

- i) farm
- ii) farm produce sales outlet
- iii) fire hall
- iv) hunt camp
- v) kennel
- vi) lodge or boarding house
- vii) municipal or provincial offices or works garage
- viii) resource management activities
- ix) riding school or boarding stables
- x) an accessory farm dwelling on one lot of at least 30 hectares (75 acres)

Column B Uses

- i) single detached dwelling
- ii) duplex dwelling
- iii) semi-detached dwelling
- iv) bed and breakfast
- v) home occupation
- vi) home industry
- vii) hobby farm
- viii) group home
- ix) public park
- x) veterinary hospital
- xi) observatory

4.4.2

Regulations for Permitted Uses

Column A Uses

Column B Uses

i) Minimum Lot Area	10 ha	1.0 ha
ii) Minimum Lot Frontage	135 m	50 m
iii) Minimum Front Yard	30.0 m	30 m
iv) Minimum Interior Side Yard	15.0 m	15.0 m
v) Minimum Exterior Side Yard	15.0 m	15.0 m
vi) Minimum Rear Yard	15.0 m	15.0 m
vii) Maximum Lot Coverage	25%	25%
viii) Maximum Height	10.5 m	10.5 m
ix) No kennel shall be located within 120 metres (400 ft) of a residential dwelling on another lot.		

Minimum Lot Area for a hobby farm

2.0 ha

Figure 7: RM Zoning Uses and Regulations

4.3

MULTIPLE RESIDENTIAL (RM) ZONE

No person shall within any Multiple Residential (RM) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

4.3.1

Permitted Uses

i)

single detached dwelling

ii)

duplex dwelling

iii)

semi-detached dwelling

iv)

townhouse dwelling

v)

multi-unit dwelling

4.3.2

Regulations for Permitted Uses

	Metric	Imperial
i) Minimum Lot Area	- 0.1 ha per unit plus 0.01 over 2 units	25 acres
ii) Minimum Lot Frontage	- 30 m	100 ft
iii) Minimum Front Yard	- 15.0 m	50 ft
iv) Minimum Interior Side Yard	- 7.5 m	25 ft
v) Minimum Exterior Side Yard	- 7.5 m	25 ft
vi) Minimum Rear Yard	- 7.5 m	25 ft
vii) Maximum Lot Coverage	- 30%	30%
viii) Maximum Height	- 10.5 m	35 ft

Figure 8: M1-5 Zoning Uses

4.10.4.5	General Industrial Exception Five (M1-5) Zone (2009-44)
	On lands located in Part Lot 19, 20 Concession 13 and located in the M1-5 zone, the following uses shall be permitted:
	<ul style="list-style-type: none">ii) Contractor's Yardiii) Lumber Yardiv) Retail outlet or wholesale outlet or business office accessory to a permitted use provided that it does not exceed 25% of the gross floor area of the principle use.v) Warehousevi) Wood products or planning millvii) Accessory single detached dwellingviii) Open storage of goods or materials if accessory to a permitted use.

Additional to the zoning provisions, the following general provisions of Section 3 also apply to the proposed consent applications:

3.29 Setback from Watercourses No building or structure except marine facilities, gazebos, boathouses and pump houses shall be located within 10 metres (33 feet) of the normal or maintained high water mark of any river, stream or other watercourse.

Zoning provisions would require a minimum 10 m setback from a watercourse. The Retained Lot is already developed with nothing being proposed. The resulting Benefiting Lot has sufficient size and area to meet the required setback.

3.38 Hazard Overlay Lands shown on the attached schedules to this By-law as Hazard Overlay may be susceptible to flooding. The construction of buildings and structures is discouraged in these areas, but may be permitted subject to confirmation that the location proposed for development has no history of flooding. Lands located in the Hazard Overlay Zone shall be subject to the use permissions and regulations of the underlying zone category.

Development within the Hazard Overlay Lands is discouraged unless it is determined the location of any proposed development is outside areas of flooding.

Due to the discrepancies of the available zoning, and By-law 2009-44, the lot line adjustment would continue to permit the existing Contractor's Yard on the retained lot and could also continue to permit an additional Contractor's Yard on the new benefiting lot, along with a detached dwelling and potentially other residential uses as permitted in the RM Zone. In an effort to clarify and correct the zoning, it is recommended that as a condition of consent, By-law 2009-44 be rescinded and the resulting lots be rezoned to recognize the existing or proposed uses. It is also recommended that a residential use is not permitted on the retained lot unless the applicant can justify the use is compatible with the current operation.

Recommendation

The proposed lot line adjustment will comply with the minimum lot size requirements and have frontage on a public road. Provided that any future development is appropriately setback from the natural heritage features and floodplains on the subject land, the proposed Consent Application generally meets the intentions of the 2024 Provincial Planning Statement and the Growth Plan for Northern Ontario, would conform to both the current and updated Municipal Official Plans.

It is our recommendation that Council include a condition requiring the applicants to:

- Submit a zoning amendment application to rescind By-law 2009-44 and rezone the resulting lots to appropriately recognize the existing uses;
- That an agreement be registered on title pursuant to Section 51 (26) of the Planning Act on the resulting benefiting lot recognizing the general industrial use of the adjacent lot;
- That the lands subject to this Consent be legally merged on title with the abutting lot described as Part of Lot 19, Concession 13 (Himsworth); Plan 42R-19103, Part 1; PIN 52207-0288; and
- That the other standard conditions of consent are met.

Respectfully Submitted,

PLANSCAPE INC.



Stefan Szczerbak, M.Sc, MCIP, RPP
Planning Consultant



Ryan Lloyd, MCIP, RPP
Planning Consultant

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BY-LAW NO. 2009-44

Being a by-law to amend Zoning By-law no. 2003-38
In reference to property known as Part of Lot 19,20 Concession 13. PIN 52207-0114.

Whereas the Planning Act, R.S.O. 1990, as amended, c.P.13, pursuant to Section 34, provides for adoption of Zoning By-Laws and amendments thereto; and

WHEREAS the property owners have made application to amend zoning of the property from rural to General Industrial Special Zone (MI SP) and Multiple Residential (RM) Zone. And

WHEREAS property owners within prescribed areas were provided notice by mail and a notice was posted in the North Bay Nugget; and

WHEREAS the provisions of this application and by-law conform to the Official Plan for the Municipality of Powassan;

NOW THEREFORE the Council of the Corporation of the Municipality of Powassan hereby enacts as follows:

1. That By-law 2003-38 be amended to change the property known as PIN 52207-0114 from Rural to General Industrial Special and Multiple Residential.
2. That this by-law shall come into force and take effect on the date of passing thereof, subject to the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended.
3. General Zone Requirements;

General Industrial Zone	M1
Bulk fuel depot	
Cartage, express truck, transport or bus terminal or yard	
Contractors yard	*
Lumber yard	*
Manufacturing, processing, assembling and / or fabricating plant	
Retail outlet or wholesale outlet or business office accessory to a permitted use provided that it does not exceed 25% of the gross floor area of the principal use	*
Sawmill	
Warehouse	*
Wood products or planing mill	*
Workshop	*
Accessory single detached dwelling	*
Open storage use of goods or materials if accessory to another permitted uses.	*

Adopted ⁵¹Sept. 1 2009.

Mayor

CAO-Clerk

PLANNING REPORT

Date: August 7, 2009

Subject: Planning Report

**Re: Evan Hughes Application for Rezoning
Pt. Lot 19,20 Concession 13 (PIN 52207-0114)**

Application Proposal and Background

An application to rezone the above property was submitted in April 2009. The application was requesting permission to amend the zoning bylaw from Rural to General Industry (M1) special Zone and to Multiple Residential (RM) to accommodate two low density townhouse units and a light industrial use by the owner. The proposal was received favourably by Council and the community at a statutory public meeting. A condition of the rezoning was that the owner required approval by the Ministry of the Environment by virtue of the Official Plan Section 4.18.3. whereby new developments greater than five units requires a servicing report to the satisfaction of the Ministry of The Environment.

Subsequent to the public meeting, the proponent discovered the conditions outlined by the MOE dictated standards making the proposal almost impossible to attain. This revised application is in recognition of the restriction imposed in Section 4.18.3. The proponent is proposing a limit of five residential units.

Planning Opinion

The original proposal was reviewed and appeared to be consistent with the Provincial Policy Statement and the Official Plan. This proposal is in keeping with the policies outlined in both the Official Plan and the Provincial Policy Statement.

In discussing this application with the planner for the applicant, it is my opinion the application should reflect the ability of the owner to provide "up to" twelve units as originally proposed. This allows the owner to build up to twelve units subject to satisfying agency concerns. The current proposal of building five units can be done upon successfully obtaining a request for rezoning and should the applicant wish to build more units up to a total of twelve, he would be allowed to build without having to go through another request for rezoning.

This does not jeopardize the application and allows for future expansion of the residential component when the owner wishes to satisfy the requirements by the Ministry of The Environment. Approval of the application would be subject to Site Plan Control Agreement for the both properties.

This application is in keeping with the Provincial Policy Statement, the Official Plan and is reflective of the policies within the Powassan Housing Study.

It is my opinion the application should proceed accordingly.

Keith E. Harriman



31/POWASSAN/2026

NORTH ALMAGUIN PLANNING BOARD

250 Clark Street, Suite 126

P.O. Box 57, Powassan Ontario P0H 1Z0

705-724-6758

Email: northalmaguinplanningboard2018@gmail.com

Website: <http://napb.ca>

AN APPLICATION FOR CONSENT UNDER SECTION 53 OF THE PLANNING ACT, R.S.O. 1990 c.P.13

PLEASE PRINT OR TYPE AND COMPLETE ALL APPROPRIATE BOXES.

1. APPLICANT INFORMATION

1.1 Applicant(s):

Name(s) of Property Owner(s): Evan Hughes & Shawn Hughes

Day Time Phone #s: Home: 705-724-5602 Mobile: 705-499-2649 Business: _____

Mailing Address: 118 Highway 534, Powassan, Ontario

Postal Code: P0H 1Z0 Email Address shawn_hughes86@outlook.com

1.2 Agent for the Applicant

The property owner(s) may appoint a person or a professional firm to act on their behalf for processing this application and attending the meeting at which it will be considered, or a person who is to be contacted about the application for communication. This may be a person or firm acting on behalf of the property owner(s). Owner authorization is required in Section 11 of this form if the applicant is an agent appointed by the owner.

Name of Contact Person/Agent: Tulloch Engineering (c/o Steve McArthur, Senior Planner)

Phone #s: Home: _____ Mobile: 705-492-8587 Business: 705-474-1210 x.561 Fax: _____

Address: 621 Main Street West, North Bay, Ontario

Postal Code: P1B 2V6 Email Address steve.mcarthur@tulloch.ca

2. LOCATION OF THE SUBJECT LAND

2.1 District of Parry Sound: **(mandatory)** Tax Roll Number: 49590100014670000000

Municipality / Unincorporated Township: Municipality of Powassan

Municipal Address (Civic Address): 118 Highway 534, Concession 13, Part Lots 19 & 20, Himsworth

Legal Description: Concession: 13 Lot Number: 19&20 Registered Plan: _____ Lot(s): _____ Reference Plan: _____ Part(s): _____

Parcel Number: _____ PIN: 5220-70289(LT)

2.2 **IMPORTANT:** If there are **existing easements or restrictive covenants** affecting the subject land, provide the legal description and its effect to the subject land. Attach a copy of the relevant documentation.



3. PURPOSE OF THE APPLICATION:

3.1 Type and Purpose of proposed transaction(s) that requires the Consent:

____ Create a new lot (or re-establish an existing parcel) / X Lot Addition / ____ Easement

Other: Charge ____ / Release a Mortgage ____ Lease ____

3.2 Name of party(s), if known, to whom the land or interest in land is to be transferred, leased or charged:

Evan Hughes & Shawn Hughes

3.3 If a lot addition, identify the lands to which the parcel will be added? Lands will be added to Part 1, 42R-19103, PIN 52207-0288

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

(Fully complete each Section in order that your application can be process. Incomplete applications will be delayed until they are complete.)

(If 2 new lots are proposed, split the SEVERED section and apply appropriate dimensions and information through Sections 4.1 through

4.1 Description / Size <i>Metric and Imperial</i>	SEVERED	RETAINED
Frontage	+/-270 metres feet	+/-118 metres feet
Depth	+/-302 metres feet	+/-1000 metres feet
Area	+/-8.1 hectare <u>20</u> acres	+/-27 hectare acres
4.2 Existing Use of Property:	Contractor's Yard	Vacant & Undeveloped
4.3 Existing Building or Structures and date of construction	Metal clad Industrial Building	None
4.4 Proposed Use of the Severed and Retained Parcels	No change	Rural / Residential
4.5 Road Access: Provincial highway <i>MANDATORY: Provide written comments from MTO North Bay. 705-497-5401</i>	<u>see mto letter</u>	
Municipal road, maintained all year	Highway 534	Highway 534
Municipal Road, seasonally maintained		
Other Public Road (e.g. Local Roads Board)		
Right of Way / Easement* (IF ACCESS TO THE SUBJECT LAND IS BY PRIVATE ROAD OR OTHER PUBLIC ROAD OR RIGHT OF WAY advise the status of the easement (permanent registered or prescriptive), name who owns the land or road, who is responsible for its maintenance and whether it is seasonal or year round.		
MNRF Road Allowance <i>[Written report from the MNRF if an MNRF road allowance is used for access to the subject land. North Bay Office: 705-475-5550]</i>		
4.6 Water Access Lots: Documented proof of on-shore parking and docking facilities is mandatory. (e.g. lease with an existing marina or dedication of a portion of the retained parcel provided the retained parcel provided it is accessible by land.) Also provide the approximate distance of these facilities from the subject land and the nearest public road.		

(Page 2 of 7)

Ministry of Transportation

Highway Corridor Management Section - North Bay Office
447 MCKEOWN AVE
NORTH BAY, ON
P1B 9S9



November 17, 2025

Shawn Hughes
118 HWY 534
POWASSAN, ON
POH 1Z0

PO 1 / POWASSAN / 20 26

Dear Shawn:

Re: EN-2025-54N-00000038 V1

Please find attached your Entrance Permit, which has been issued in accordance with the ***PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT, R.S.O. 1990, P50.***

It is the responsibility of the permit holder to ensure that all employed/contracted personnel performing the work are aware of and adhere to all conditions of the permit.

If you have any questions or require further assistance, please contact the undersigned.

Sincerely,

A handwritten signature in blue ink that reads "Diane Villneff".

Diane Villneff
Corridor Management Officer

447 MCKEOWN AVE
NORTH BAY, ON
P1B 9S9

Attach.

Highway Corridor Management Permit Conditions

Permit Number: EN-2025-54N-00000038

Permit Version: 1

Date Approved: November 17, 2025

The permit is subject to the following conditions:

14. If this permit expires, all works constructed, maintained or operated under this permit, if the Ministry so requests, shall be removed at no cost to the Ministry and the right-of-way shall be restored to its original condition.
15. The location, design and specifications of an approved entrance may not be changed without the approval of the Ministry.
16. The registered property owner of the property served by this entrance shall maintain the entrance in accordance with the requirements of the Ministry.
17. This permit is not transferable from one registered property owner to another, and a new permit is required when a new registered property owner acquires the property. If the registered property changes ownership, then the new registered property owner must apply for a new entrance permit. Each new permit is subject to the conditions in effect at the time of applying.
18. The use of an entrance shall only be for the use stated on the permit. The use of an entrance for any other purposes may result in the cancellation of this permit. A change in the use of an entrance requires a new permit.
19. The entrance authorized by this permit shall be designed, constructed and maintained in a manner that prevents surface water from being discharged onto the highway. Failure to maintain the entrance in a satisfactory condition may result in the cancellation of this permit.
20. The registered property owner or applicant/tenant must provide basic uniform requirements for traffic control during roadway and utility work on or adjacent to the ministry's highway right-of-way in accordance with the Ontario Traffic Manual (OTM) Book 7 – Temporary Conditions.
21. The Applicant/Tenant or their representative is responsible to obtain all utility locates and confirm requirements for working around/under utilities prior to working within the ministry highway right-of-way. Locates are available through Ontario One Call and by contacting owners of infrastructure who are not members. The Applicant/Tenant is responsible to contact MTO to request locates for MTO owned infrastructure a minimum of five (5) business days prior to working within the highway right-of-way.
22. The applicant shall contact Nick Brillion, MTO Maintenance Coordinator, at (705) 491-6254 two (2) working days prior to any onsite activities.
23. The Applicant shall submit the Right-Of-Way Form to the Sudbury Traffic Operations Centre (toc.ner@ontario.ca) at least 48 hours before commencing any work on the highway right-of-way.
24. Property owner is responsible to maintain the entrance to the surface of the highway

Highway Corridor Management Permit Conditions

Permit Number: EN-2025-54N-00000038

Permit Version: 1

Date Approved: November 17, 2025

The permit is subject to the following conditions:

1. In addition to the conditions of this permit, the registered property owner must meet all of the requirements of the local municipality and any other agency having jurisdiction.
2. The work for which this permit is issued must commence within 6 months of the date that the permit is issued, or the permit shall be void and cancelled by the Ministry.
3. All work authorized by this permit shall be carried out in accordance with the approved plans, specifications and agreements and subject to the approval of the Ministry. The registered property owner must bear all expenses related thereto.
4. Vegetation on the right of way must not be cut or trimmed without the written permission of the Ministry. Any cutting or trimming permitted must only be done under the supervision of the Ministry or its authorized agent at the expense of the registered property owner. Any cutting or trimming of vegetation adjacent to the highway right-of-way requires the permission of the land owner.
5. The registered property owner shall ensure that the operation of the highway is not interfered with, and that the right-of-way remains free of debris, earth or other materials.
6. If there is an expiry date on this permit and a further term is required, a request shall be made to the Ministry before the expiry date. An extension may be approved, approved with additional conditions, or denied by the Ministry.
7. If during the life of this permit any Acts are passed or regulations adopted which affect the rights herein granted, the said Acts and regulations shall be applicable to this permit from the date on which they come into force.
8. The registered property owner holds harmless the Ministry for all damages and liabilities caused as a result of the works undertaken pursuant to this permit.
9. This permit may be cancelled at any time for breach of the regulations or conditions of this permit, or for such other reasons as the Ministry at its sole discretion deems proper. When a permit is cancelled for any reason, the registered property owner shall not be entitled to any compensation or damages by reason of or arising from the cancellation of the permit.
10. An entrance permit to a highway may be cancelled at any time upon the Ministry providing an alternative entrance either to the highway or to a local road, or such other means of access as the Ministry deems proper and thereupon the entrance authorized by this permit shall be closed.
11. The Ministry shall be notified 48 hours prior to the commencement of construction.
12. The registered property owner shall protect all survey markers and monuments in the vicinity of the work, and will replace any markers or monuments that are damaged.
13. The registered property owner is responsible for the construction, marking and maintenance of any detours required and maintaining the applicable safety measures for the protection of the public during the construction of any works in respect of this permit.

MINISTRY OF TRANSPORTATION



**Highway Corridor Management
Entrance Permit
EN-2025-54N-00000038 V1**

ISSUED TO

PROPERTY OWNER: SHAWN HUGHES, 118 HWY 534, POWASSAN, ON, POH 1Z0
APPLICANT/TENANT:

LOCATION OF WORK

HIGHWAY: 534

STREET ADDRESS: N/A

GPS CO-ORDINATES: Start: 46.080242, -79.378152 End: N/A

LOT/SECTION: N/A CON: N/A GEOGRAPHIC TOWNSHIP: HIMSWORTH LOT/BLOCK: Concession 13, Part Lots 19 & 20 PLAN NO:
none MUNICIPALITY: MUNICIPALITY OF POWASSAN REFERENCE PLAN PART: N/A REFERENCE PLAN NO: N/A

PERMIT DETAILS

TYPE OF ENTRANCE: Residential Entrance PURPOSE OF APPLICATION: New entrance

TYPE OF SURFACE FINISH FROM PRIVATE PROPERTY LIMIT TO EDGE OF HIGHWAY PAVEMENT: Unpaved

DESCRIPTION: This permit is being issued for a new single use residential entrance to be located on the north side of Hwy 534, 330m west of Fairview Lane. Entrance shall be built to OPSD 301.020 with a 500mm x 10m culvert. Bedding backfill and driving surface shall be Granular A. The maximum driving platform width shall be 5m.

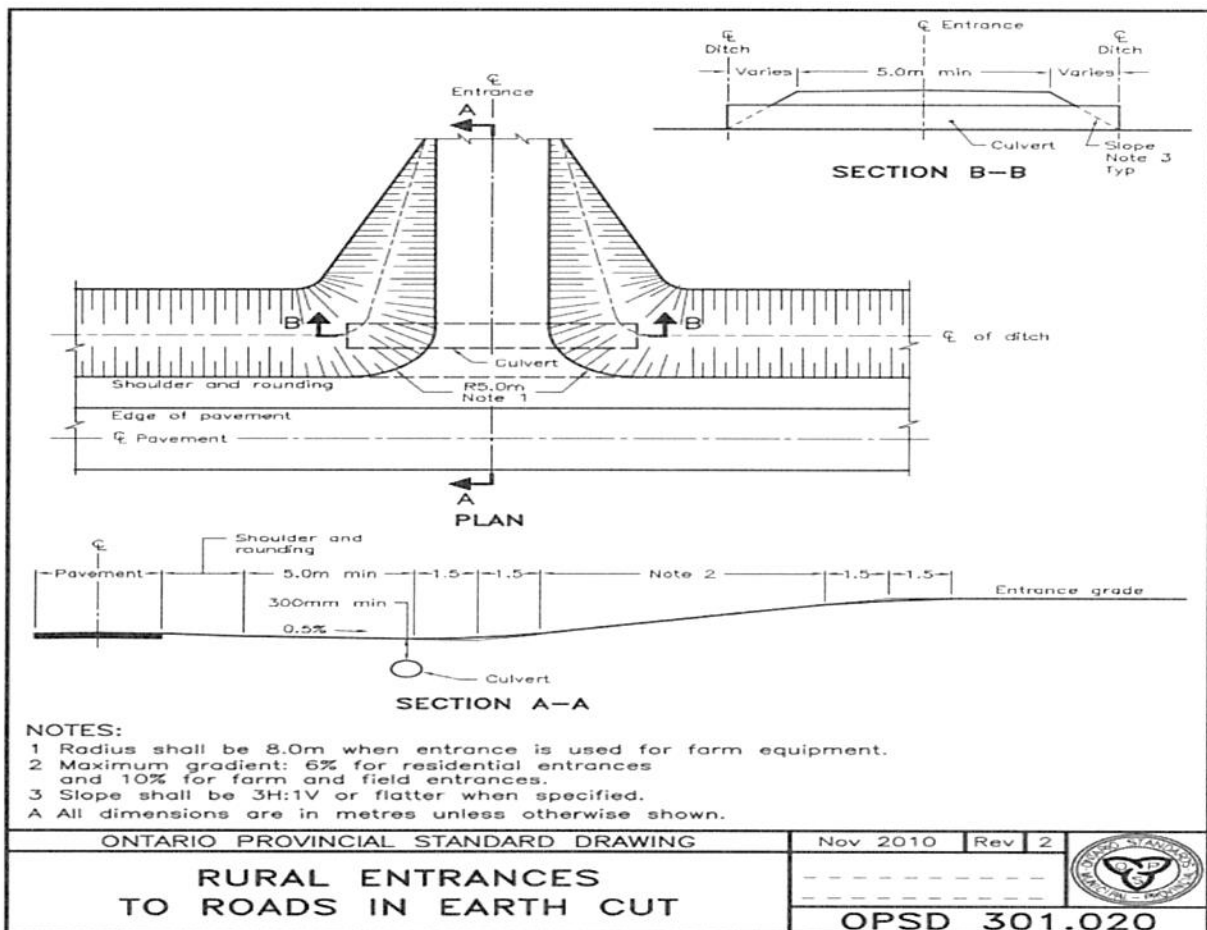
EFFECTIVE DATE: November 17, 2025

EXPIRY DATE: N/A

A handwritten signature in blue ink, appearing to be "K", enclosed within an oval shape.

Authorized Signatory

THIS PERMIT IS ISSUED UNDER THE AUTHORITY VESTED IN THE MINISTER BY THE PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT AND THE REGULATIONS PURSUANT THERETO AND IN SUBJECT TO THE CONDITIONS ATTACHED TO THE PERMIT, INCLUDING ANY AGREEMENT APPLICABLE TO THE SIGN AUTHORIZED BY THE PERMIT





Bl / PwAssan / 2026

NAPB - 252619 – Evan Hughes – Highway 534: MTO Highway Corridor Management Response to Pre-consultation Request 2025-54N-000853 Submitted on October 31, 2025

1 message

Steve McArthur <steve.mcarthur@tulloch.ca>

Mon., Nov. 17, 2025 at 15:1

To: Administrator NAPB <northalmaguinplanningboard2018@gmail.com>

Cc: Shawn Hughes <shawn_hughes86@outlook.com>

FYI, no objections from the MTO.

Cheers,

Steve



Steve McArthur, RPP, MCIP
Project Manager | Senior
Planner

Phone: 705-474-1210 ext 561

Mobile: 705-492-8587

North Bay Office | www.TULLOCH.ca



From: HCMS-Do-Not-Reply <HCMS@ontario.ca>

Sent: November 17, 2025 1:26 PM

To: Steve McArthur <steve.mcarthur@tulloch.ca>

Subject: [EXTERNAL] MTO Highway Corridor Management Response to Pre-consultation Request 2025-54N-000853 Submitted on October 31, 2025/Réponse à la demande de consultation préalable au Bureau de gestion des couloirs routiers du MTO no 2025-54N-000853 soumise le...

Please see the response below to the Pre-consultation request you submitted on October 31, 2025.

RE: Proposed Severance on Highway 534, Township of Patterson
PIN 52225-0593, Roll # 49991000050275000000

Hi Steve,

Thank you for submitting a pre-consultation for a proposed severance at the subject property. The site is within the MTO's permit control area. Any site development or construction within 45m of the property line will require a MTO Building and Land Use permit. Any new entrance and change of ownership or use at an existing entrance will require a MTO Entrance permit. Removal of an existing entrance requires a no-fee MTO Encroachment permit. Further information is available on the MTO Highway Corridor Management Website.

I have no objections to the severance subject to my comments below.

The proposed retained lot currently appears to have two existing entrances. As per MTO policy, a single lot is only permitted a single entrance. The westerly entrance (46.0240857, -79.6960977) must be closed as it does not meet current MTO requirements for required sight distance. There appears to be another existing entrance (46.0241830, -79.6946515) to the proposed retained lot which is overgrown with vegetation. This would be an acceptable entrance location for the proposed retained lot.

The proposed severed lot has an existing gated entrance (46.0242159, -79.6986214). The owner may be required to complete light brushing along the highway to improve the visibility of the entrance to motorists.

For any permit related inquiries for the required entrance and encroachment permit applications, please contact Diane Villneff, Corridor Management Officer at diane.villneff@ontario.ca.

Please kindly forward our comments to the Planning Board.

If you have any questions or concerns, do not hesitate to contact me.

Usman Akhtar

If you have any questions, please contact:

Employee to whom the Pre-consultation has been assigned to for review:

Usman Akhtar

Phone: 416-276-0704

Email: Usman.Akhtar@ontario.ca

Ministry of Transportation
Highway Corridor Management Section - North Bay Office
[447 McKeown Ave](#)
[North Bay, ON](#)
[P1B 9S9](#)

Please retain this email for your records.

Thank You,
Highway Corridor Management
Ministry of Transportation of Ontario

Steve McArthur

B. 1 / POWASSAN / 2026

From: Villneff, Diane (MTO) <Diane.Villneff@ontario.ca>
Sent: October 30, 2025 1:03 PM
To: Steve McArthur; Shawn Hughes
Cc: Rick Miller; northalmaguinplanningboard2018; Kim Bester
Subject: [EXTERNAL] RE: NAPB - 252619 – Evan Hughes – Highway 534

Good afternoon

There is currently no entrance permit for PIN 52207-0288.

Based on the proposed use and current zoning, a single use residential entrance permit could be issued.

The application can be submitted through our online portal at the following link

<https://www.hcms.mto.gov.on.ca/>

Thank you

Diane Villneff
Corridor Management Officer | North Region, Area East Ministry of Transportation | Ontario Public Service
705-498-4458 | diane.villneff@ontario.ca

Taking pride in strengthening Ontario, its places and its people

-----Original Message-----

From: Steve McArthur <steve.mcarthur@tulloch.ca>
Sent: October 23, 2025 9:44 AM
To: Shawn Hughes <shawn_hughes86@outlook.com>; Villneff, Diane (MTO) <Diane.Villneff@ontario.ca>
Cc: Rick Miller <rick.miller@tulloch.ca>; northalmaguinplanningboard2018 <northalmaguinplanningboard2018@gmail.com>; Kim Bester <kbester@powassan.net>
Subject: NAPB - 252619 – Evan Hughes – Highway 534

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good Morning Shawn,

I am copying in Diane Villneff from the MTO on this response, as well as the NAPB and the Municipality of Powassan. You may already have a valid permit for this, but Diane can confirm.

Diane, if you recall, some time ago Evan and Shawn Hughes proposed a rezoning on the attached property for a multi-res build. This proposal was not supported and they abandoned that proposal. We are in the process of applying to the North Almaguin Planning Board to simply do a lot addition as shown on the attached. The effect of this will be the residential use on the proposed retained. Basically, Shawn is proposing to create one very large building lot (+/-27 hectares) and wishes to construct a single detached dwelling on it for himself. The proposed severed and retained

would each need an entrance onto Highway 534. The contractor's yard existing on the proposed severed has an entrance. I am unclear if the proposed retained does.

Rick (copied) mentioned that you were familiar with this file. Can you confirm if a residential entrance permit exists? And if not, we can apply for one on Shawn's behalf ASAP. We are aiming to meet the November 6th submission deadline to the NAPB for a December meeting date.

Available in the office all day if you need to discuss at all.

Thanks in advance.

Cheers,

Steve

Steve McArthur, RPP, MCIP

Project Manager | Senior Planner

Phone: 705-474-1210 ext 561

Mobile: 705-492-8587

North Bay Office | <http://www.tulloch.ca/> -----Original Message-----

From: Shawn Hughes <shawn_hughes86@outlook.com>

Sent: October 23, 2025 7:25 AM

To: Steve McArthur <steve.mcarthur@tulloch.ca>

Subject: Re: [EXTERNAL] 118 highway 534

Ok thanks! I dropped the papers off but I didn't get there before you left. What's the timeline for an entrance permit ? Is it possible to get one asap ?

Thanks

Sent from my iPhone



4.7 Water Supply	SEVERED	RETAINED
Publicly owned and operated piped water system		
Privately owned and operated individual well	X	X
Privately owned and operated communal well		
Lake or other water body		
Other means		
Does your property abut a lake? <i>[Is the lake deemed by the Ministry of the Environment Conservation and Parks (MOECP) to be at capacity for phosphorus load ? **1-800-461-6290 for enquiries]</i>		

4.8 Sewage Disposal	SEVERED	RETAINED
Publicly owned and operated sanitary sewage system		
Privately owned and operated individual septic tank <i>[MANDATORY: Attach documentation of the results of the Planning Act proposal review by the North Bay Mattawa Conservation Authority 705-474-5420]</i>	X see NBMC letter	X
Privately owned and operated communal septic tank		
Privy		
Other Means (e.g. Advanced Treatment System) <i>** (Septic System over 10,000 litre requires Ministry of the Environment Conservation and Parks study and permit. 1-800-461-6290 for enquiries)</i>		

4.9 Other Services (indicate which service(s) are available)	SEVERED	RETAINED
Electricity	X	X
School Bussing	X	X
Garbage Collection	X	X

October 31, 2025

Evan & Shawn Hughes
118 Highway 534
Powassan, ON
P0H 1Z0
shawn_hughes86@outlook.com

c/o Steve McArthur
steve.mcarthur@tulloch.ca

B1 / Powassan / 2026

Dear Evan & Shawn:

**Re: Review of Planning Act Proposal, Application # PC01-PO-25
Lot 19 & 20 Concession 13, PIN no 5220-70289 (LT)
118 Highway 534
Roll # 4959-010-001-46700-00000
Municipality of Powassan, District of Parry Sound**

The Conservation Authority has received and reviewed your Review of Planning Act Proposal Application and have no objections to the granting of consent as described in your application.

Since the proposed retained and severed lots are all greater than 4 hectares (10 acres) and do not appear to have any further constraints, our office is satisfied that two sewage system locations exist on all lots.

The Severed Lot, 8.1ha (20.0 acres), currently has an office building serviced by an existing sewage system (Permit # 06-PO-15) on the property. There appeared to be adequate space on the retained portion for a replacement sewage system. The newly created lot lines do not appear to encroach on the existing system setbacks.

All comments are based on Ontario Regulation 203/24 of the Ontario Building Code for a 3-bedroom dwelling (less than 20 fixture units and less than 200 m², 4F filter bed of 21.3 m² and a 3600 L tank), soil percolation of T-50 min/cm, and a daily design sewage flow of 1600 L/day.

Please be advised that prior to any development on the above-mentioned properties a Sewage System Permit is required. Should you have any questions or require further information please contact Derek Airdrie of our office at 15 Janey Avenue, North Bay, Ontario P1C 1N1 or by telephone at (705) 474-5420.

Yours truly,



Kris Rivard
CBO - Manager, On-Site Sewage System Program
cc. Municipality of Powassan



5. LAND USE

5.1 What is the existing Official Plan designation(s)? (Please contact the Municipality of Powassan for this information.)

Rural

5.2 What is the Zoning, if any, on the subject land? (Please contact the Municipality of Powassan for this information.)

Rural and M1-5 on proposed severed

If the subject land covered by a Minister's Zoning Order, what is the Plan and registration number? N/A

5.3 Are any of the following uses or features on the subject land or within 500 meters of the subject land, unless otherwise specified? Please check the boxes that apply.

Use or Feature	On the Subject Land	Within 500 meters of subject land, unless otherwise specified by the applicable agency, then indicate approximate distance.
An agricultural operation including livestock facility or stockyard <i>[MANDATORY: Attach MDS work sheets from OMAFRA (Ontario Ministry of Food Agriculture and Rural Affairs)]</i>	No	Yes
A landfill	No	No
A sewage treatment plant or waste stabilization plant	No	No - Treatment lagoons are +/-625m
A provincially significant wetland <i>[North Bay Mattawa Conservation Authority or the Ministry of the Environment Conservation and Parks]</i>	No	No
A provincially significant wetland within 120 meters of the subject land <i>[North Bay Mattawa Conservation Authority or the Ministry of the Environment Conservation and Parks]</i>	No	No - Unevaluated wetland on abutting parcel to the east around Genesee Creek
Flood Plain	Yes. South River	Yes. Genesee Creek
A rehabilitated mine site	No	No
A non-operating mine site within one kilometer of the subject land	No	No
An active mine site	No	No
An industrial or commercial use, and specify the use (eg gravel pit)	Yes. Contractor's Yard	Yes. Contractor's Yard
An active railway line	No	Yes
Utility corridors (Natural Gas / Hydro Corridor)	No	No



6. HISTORY OF SUBJECT LAND

6.1 Has the subject land ever been the subject of an application for approval of a Plan of Subdivision or Consent under the Planning Act? ☐ NO ☒ YES ☐ UNKNOWN

If yes, and if known, please provide the application file number and the decision made on the application.

Plan 42R-19103 was deposited on May 12, 2010

Do you know the year the property was created? 2010

6.2 If this application is a re-submission of a previous consent application, what is the original consent application number and how has it been changed from the original application?

7. CURRENT APPLICATION

7.1 Is the subject land currently the subject land of a proposed Official Plan or Official Plan Amendment that has been submitted to the Ministry of Municipal Affairs and Housing for approval?

☒ NO ☐ YES ☐ UNKNOWN

If yes and if known, specify the file number and status of the application

7.2 Is the subject land the subjection of an application for a Zoning By-law Amendment, Minister's Zoning Order amendment, Minor Variance, Consent or approval of a Plan of Subdivision?

☒ NO ☐ YES ☐ UNKNOWN

If yes and if known, specify the file number and status of the application.



B-1 / Powassan / 2026

PLANNING JUSTIFICATION BRIEFING

118 Highway 534, Municipality of Powassan
Consent to Sever for the purpose of a Lot Addition

November 2025

Prepared by: Steve McArthur, MCIP., RPP.
Senior Planner – Project Manager

Prepared for: Evan & Shawn Hughes
252619

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1.0 INTRODUCTION

TULLOCH has been retained by Evan Hughes and Shawn Hughes to represent their property interests in the Municipality of Powassan. We have prepared this planning justification briefing as part of a complete application package submitted to the Municipality of Powassan's Council, and to the North Almaguin Planning Board (NAPB).

The application is for a Consent to Sever for the purpose of a lot addition from a property with frontage on Highway 534 to a adjoining property with frontage on Highway 534 in the Municipality of Powassan. This briefing reviews the consistency and conformity of the application in the context of the applicable policies and direction found within the following documents and plans:

- *2024 Provincial Planning Statement (PPS)*
- *Municipality of Powassan Official Plan (OP)*
- *Municipality of Powassan Zoning By-Law No. 2003-38*

Overall, the author finds that the proposed Consent to Sever for the purpose of a lot addition is consistent with the above noted policies and represents good planning.

2.0 SUBJECT PROPERTY & SURROUNDING CONTEXT

The subject property is due west of the core of the Powassan urban service area, across the highway interchange and adjacent to St. Gregory's School with frontage on Highway 534. The landholding subject to this application is approximately 35 hectares with +/-388 metres of frontage on Highway 534, and a depth of +/-1000 metres at it's deepest point. The property can be legally described as follows:

PT LTS 19 & 20, CONCESSION 13 HIMSWORTH PT 1 42R19103; MUNICIPALITY OF POWASSAN

Overall, the lot is relatively level in terms of its topography. The subject lands are mostly vacant, and most vegetation has been cleared, with the exception of lands abutting the South River in the north part of the property. North, west and south of the subject property land uses are characterized primarily by rural residential uses. East of the property is St. Gregory's School. An existing contractor's yard under the same ownership exists on the proposed severed in an M1-5 zone.



Figure 1: Subject properties (outlined in yellow and blue) and surrounding context.

3.0 PROPOSED DEVELOPMENT

A Consent to Sever application is being made by Evan Hughes and Shawn Hughes for the purpose of a lot addition from a property with frontage on Highway 534 to an abutting property with frontage on Highway 534 in the Municipality of Powassan. The lot addition will follow the existing edge of the South River and will be added to Part 1 on Plan 42R-19103 (PIN #52207-0288(LT)) as per the attached Sketch for Consent.

The intent of the lot addition is to permit the construction of a new single detached dwelling at the rear of the property in the proposed Retained Area (+/-22.9Ha) for the owner to occupy.

4.0 POLICY OVERVIEW & ANALYSIS

The following section sets out the relevant planning policy framework to assess the appropriateness of the proposed application in the context of Provincial and Municipal policies and regulations. Each sub-section will outline relevant policies and provide a planning analysis with respect to how the consent applications are consistent with or conform to such policy.

4.1 PROVINCIAL PLANNING STATEMENT, 2024 (PPS)

The following section sets out the relevant planning policy framework to assess the appropriateness of the proposed application in the context of Provincial policies and regulations. Each sub-section will outline relevant policies and provide a planning analysis with respect to how the application is consistent with or conforms to such policy.

The Provincial Planning Statement, 2024 (PPS) provides high-level provincial policy direction for planning approval authorities making decisions on Planning Act applications. Policies applicable to the proposal are outlined and analyzed below:

Section 2.5 Rural Areas in Municipalities of the PPS provides policies that apply to rural lands located in municipalities. The subject property is located in the Rural area of the Municipality of Powassan. Section 2.5 states that:

“1. Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;*
- b) promoting regeneration, including the redevelopment of brownfield sites;*
- c) accommodating an appropriate range and mix of housing in rural settlement areas;*
- d) using rural infrastructure and public service facilities efficiently...”*

Per Section 2.5, in Rural areas of Municipalities, new development must align with available infrastructure and avoid unnecessary expansion. The application would facilitate the creation of one new lot and leave a retained parcel with frontage on a year-round, publicly maintained highway. Thus, no new road creation or servicing would be required, representing appropriate development.

2.6 Rural Lands in Municipalities, speaks more specifically to Rural lands in Municipalities that are not in identified Settlement Areas and offers the following:

“1. On rural lands located in municipalities, permitted uses are:

- the management or use of resources;*

- *resource-based recreational uses (including recreational dwellings not intended as permanent residences);*
 - *residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services...*
2. ***Development that can be sustained by rural service levels should be promoted.***
 3. *Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.*
 4. *Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.*
 5. *New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae."*

The proposed lot addition will result in a property that will be almost 27 hectares in land area. It is level, cleared, accessible and offers a very large building area to accommodate the construction of a new single detached dwelling. There is no need to extend any roads or other infrastructure and the North Bay-Mattawa Conservation Authority (NBMCA) has confirmed that a new septic system can be accommodated on the subject lands, thereby avoiding the *uneconomical expansion of this infrastructure* as per Section 2.6(4). There are no agricultural lands or operations that will be impacted by this application, as per Section 2.6(4)(5).

The PPS has been reviewed in its entirety. No other matters of provincial significance were identified through this review. Overall, I believe that the proposal is consistent with the policies of the 2024 PPS.

4.2 MUNICIPALITY OF POWASSAN OFFICIAL PLAN (OP)

The *Municipality of Powassan Official Plan (OP)* is the principal land use planning policy document for the Municipality. The OP establishes objectives and policies that guide both public and private development/decision-making.

Section 2.0 of the OP establishes the basis of the Plan and identifies the factors that have been considered in the preparation of the policy document. **Section 2.1** states that population data was used to project and determine household and lot creation demands. At the time the OP was written, in 2003, it was determined that to achieve housing targets, approximately 9 new homes per year would need to be constructed in the municipality. At that time, there were approximately 275 vacant buildable lots which presented more than enough lots to meet anticipated growth projections. Given these growth projections, the OP states that *"the creation of new building lots in the municipality will be discouraged outside of the Powassan Urban Area"*. Further, *"that for the long-term economic health of the Municipality and its residents, new development will be encouraged to locate appropriately within the fully serviced Powassan Urban Service Area, so as to take advantage of existing hard and soft services"*.

Although no new lots are being created, the lot addition will be outside the Powassan Urban Area. In recent years there have been a lack of viable building opportunities in the Powassan Urban Area as existing subdivision approvals have been slow to develop and come to market. The construction of one (1) new dwelling on a large rural property in close proximity to the Urban Area will not have a significant impact.

Section 5.7 RURAL AREA, of the OP provides policies for Powassan's Rural Areas including those policies for a variety of agricultural, residential, industrial and open space uses.

Section 5.7.1 states that: **"Permitted uses in the Rural Areas include low density residential uses, tourist establishments, open space, resource management activities and agricultural uses..."**

Section 5.7.2, Servicing, adds: “New residential lots will be of a size which is appropriate to sustain private sewage and water systems which will have no on- or off-site impacts. To determine the appropriate size for development lots, hydrogeological investigations may be necessary to demonstrate the appropriateness of the development proposal. Outside of existing residential clusters, hydrogeological investigations will be required for new lots which are proposed to be smaller than 1 hectare...”

The proposed lot addition will result in a property that will be almost 27 hectares in land area. It is level, cleared, accessible and offers a very large building area to accommodate the construction of a new single detached dwelling. The North Bay-Mattawa Conservation Authority (NBMCA) has confirmed that a new septic system can be accommodated on the subject lands and a professional well driller has been hired to install a new well for potable water, pending approval.

Overall, this proposal has been reviewed in the context of the policies contained in the Municipality of Powassan Official Plan, specifically those policies under Section 5.7 and has been found in the authors opinion, to be in conformity with the OP.

5.0 MUNICIPALITY OF POWASSAN ZONING BY-LAW 2003-38

The property is zoned “RURAL (RU)” in the Municipality of Powassan’s Zoning By-law. Provisions for properties zoned RU are found in **Section 4.4**. The permitted uses in this zone include a single detached dwelling, semi-detached dwelling, duplex dwelling and home occupation.

As per **Subsection 4.4.2, Regulations for Permitted Uses**, the proposed lot addition will result in a land parcel that exceeds all requirements, including

- i) Minimum Lot Area of 1.0 ha – Proposed +/-27 ha
- ii) Minimum Lot Frontage 50 m – Proposed +/-118 m

The proposed single detached dwelling on the consolidated lots will meet all setbacks, lot coverage and height regulations, including:

- iii) Minimum Front Yard of 30 m
- iv) Minimum Interior Side Yard of 15.0 m
- v) Minimum Exterior Side Yard of 15.0 m
- vi) Minimum Rear Yard of 15.0 m
- vii) Maximum Lot Coverage of 25%
- viii) Maximum Height of 10.5 m.

6.0 CONCLUSION

The subject consent application for the purpose of a lot addition from a property with frontage on Highway 534 to an adjoining property with frontage on Highway 534 in the Municipality of Powassan is consistent with the 2024 Provincial Planning Statement (PPS), is in conformity with the Municipality of Powassan Official Plan (OP), and the resulting construction of one (1) new single detached dwelling on the consolidation parcel will meet all the rules and regulations of the Municipality of Powassan Zoning By-Law No. 2003-38.

The application and subsequent construction represents a minor form residential intensification in the Municipality of Powassan, while making efficient use of existing municipal infrastructure by fronting on an existing, municipally-maintained road. In my professional opinion, the proposed lot addition is in an appropriate location with no impact to any natural heritage features or other land uses in the area.

Given the analysis provided herein, it is the authors opinion that the proposed Consent to Sever application for the purpose of a lot addition should be approved and represents good planning.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Steve McArthur', written in a cursive style.

Steve McArthur, MCIP., RPP.

Senior Planner | Project Manager. (705) 474-1210

(705) 474-1210 x.561

steve.mcarthur@tulloch.ca



NORTH ALMAGUIN PLANNING BOARD

250 Clark Street P.O. Box 57 Powassan ON P0H 1Z0

Phone: 705-724-6758 Email: northalmaguinplanningboard2018@gmail.com Website: <https://napb.ca>

PERMISSION TO ENTER

B1 Powassan/2026

DATE: OCT - 30 - 2025

North Almaguin Planning Board (NAPBoard)
Suite 126 250 Clark Street
P.O. Box #57
Powassan, ON P0H 1Z0

Reason for Site Visit: CONSENT FOR THE PURPOSE OF A LOT ADDITION
(e.g. Consent application, enquiry to determine viability of severance, etc)

Location: Hwy 11 South to Exit 316 to Hwy 534,
Property is beside St. Gregory School
(civic address [911 number] / other locational information and/or driving directions)

I hereby authorize a Member(s) of the North Almaguin Planning Board and/or its staff to enter onto the above-noted property for the limited purpose of evaluating the merits of an application for Consent under Section 53 of the Planning Act of the *Planning Act, R.S.O. 1990 c.P.13*, or an application for a Plan of Subdivision under *Section 51 of the Planning Act of the Planning Act, R.S.O. 1990 c.P.13*.

PRINT NAMES OF PROPERTY OWNER(S):

EVAN & SHAWN HUGHES

STEVE MCARTHUR

SIGNED:

(property owner)

(property owner) / (authorized agent)

Signed this 30th day of OCT 2025
(date) (month) (year)

IMPORTANT

The North Almaguin Planning Board (NAPBoard) requires that the location of a property subject in a Consent application(s) [or Subdivision application on lands in the Municipality of Powassan] must be identified with a municipal address (or civic address or 911 number) or directional signage clearly visible from the road from which access is taken.

Failure to accommodate inspection access to the subject location to be reviewed will result in delay in processing the application.

CLIENT: EVAN HUGHES



B.1/Powassan
2026

LOT 20
CONCESSION 13

LOT 19
CONCESSION 13

RETAINED AREA = 22.9±Ho
= 56.7±Acres
(TO BE ADDED TO PIN 52207-0288 (LT))

CAUTION

- a) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- b) THIS SKETCH IS PROTECTED BY COPYRIGHT ©

METRIC

DISTANCES SHOWN ON THIS PLAN ARE
IN METRES AND CAN BE CONVERTED
TO FEET BY DIVIDING BY 0.3048.

NOTE

DIMENSIONS WERE OBTAINED
FROM VARIOUS PLANS.

NOTE

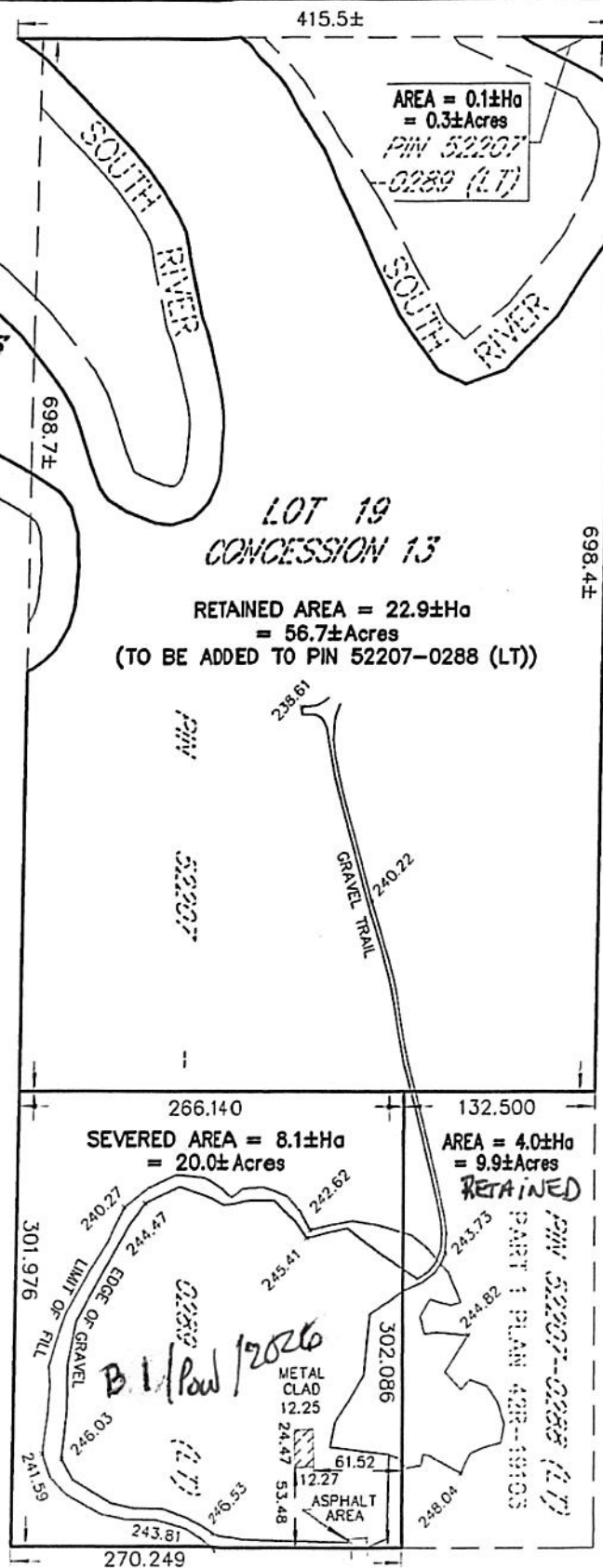
PART OF LOT 19
CONCESSION 13
TOWNSHIP OF NORTH HIMSWORTH
NOW IN THE
MUNICIPALITY OF POWASSAN
DISTRICT OF PARRY SOUND

ELEVATION NOTE:

ELEVATION ARE GEODETIC (CGVD28)
AND ARE DERIVED FROM THE CAN-NET
NETWORK USING RTK GPS.

LEGEND

DENOTES SPOT ELEVATION



SECONDARY HIGHWAY No. 534



TULLOCH GEOMATICS INC.

1501 SEYMOUR STREET
NORTH BAY ON
P1A OC5

OUR STREET T. 705-474-1210
BAY ON F. 705-474-1783
005

northbay@tulloch.ca

DRAWN BY: D. D.

FILE No. 252619

DONATION REQUEST APPLICATION

Group/Organization Applying:

Powassan & District Foodbank

Address:

250 Clark St.

Contact Person(s):

Diane Cole

Position(s):

Coordinator

Telephone or Email:

admin@powassanfoodbank.ca (705) 492-3958

What type of donation is being requested?

Monetary Donation

"In-Kind" Donation

Donation value being requested:

Rental of the mapleroom fee January 13, 2026

How Will Funds Be Used?

To hold a foodbank conference
for foodbank in our extended area.

Callandar down to Burke's falls

Is Your Group Based in the Municipality of Powassan?

Yes

No

If no, how does your group support the residents of the Municipality of Powassan?

WE feed the members of our community
that need assistance

Is Your Group Not-For-Profit organization?

Yes

No

How Many Years Has Your Group/Organization Been in Operation?



What other sources of funding are used by your organization to provide its services?

DASSP

If successful, describe how the Municipality of Powassan will be given recognition for this donation:

yes, we will certainly let the other foodbank know this space was donated by Powassan municipality

Any additional information which you consider necessary for Council to make an informed decision?

We will collaborate together as a group to see how we can help members of our community that are struggling with food insecurity.

Applicant Name (Print):

Diane Cole (Powassan & District Food bank)

Applicant Signature:

Diane J Cole

Date of Application:

Nov 7/25

FOR INTERNAL USE ONLY:

Date application received by the Municipality:

Does this application meet all criteria as outline in Donation Policy?

Yes No

If successful, has the Municipality received written letter after the event: Yes No

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto (Ontario) M7A 2J3
Tél.: 416 585-7000



Ontario

234-2025-4982

November 25, 2025

Dear Head of Council:

Through the *Protect Ontario by Building Faster and Smarter Act, 2025* ([Bill 17](#)), which received Royal Assent on June 5, 2025, changes were made to the *Planning Act* that will help streamline and standardize municipal development processes.

This includes changes that enable the Minister of Municipal Affairs and Housing, by regulation, to permit variation from a zoning by-law “as of right” if a proposal is within a prescribed percentage of the required setback (the minimum distance a building or structure must be from a property line) on specified lands. This new authority was intended to reduce planning applications for minor variances.

Today, our government announced further action to streamline planning approvals by exercising my authority established under Bill 17 to amend Ontario Regulation 545/06 ([Zoning By-laws, Holding By-laws and Interim Control By-laws](#)) to allow variations to be permitted “as-of-right” if a proposal is within 10% of setback requirements applicable to specified lands. Specified lands include any parcel of urban residential lands outside of the Greenbelt Area, and exclude areas such as hazardous lands, and lands near shorelines and railways. These changes in [Ontario Regulation 257/25](#) were filed on November 21, 2025 and took effect upon filing.

Any variances sought beyond the prescribed percentage of the setback requirement would be subject to the usual minor variance or rezoning approval process and other zoning standards (e.g., height limits, etc.) would continue to apply, helping to mitigate potential land use compatibility issues.

This “as-of-right” permission is intended to remove the need for certain variances that are the most minor in nature, resulting in fewer applications submitted and fewer hearings for minor variances before a municipal committee of adjustment for these proposals.

The proposed regulation works with the [Additional Residential Units regulation](#) (Ontario Regulation 299/19) to help create additional residential units, such as basement suites, by eliminating additional barriers related to setbacks.

We look forward to continued collaboration with our municipal partners as we work together to achieve our goal of building the homes that Ontarians need.

Sincerely,

A handwritten signature in blue ink that reads "Robert J. Flack". The signature is fluid and cursive, with a long horizontal stroke at the end.

Hon. Robert J. Flack
Minister of Municipal Affairs and Housing

- c. Robert Dodd, Chief of Staff, Municipal Affairs and Housing (MMAH)
Martha Greenberg, Deputy Minister, MMAH
David McLean, Assistant Deputy Minister, Housing Planning and Policy Division,
MMAH
Municipal Chief Administrative Officer

January 2026

January 2026							February 2026						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31							

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Dec 28	29	30	31	Jan 1, 26 Office Closed	2 Office Closed	3
4	5	6 Council	7	8 DSSAB	9	10
11	12	13	14 NBMCA	15	16	17
18	19	20 Council	21 Golden Sunshine Housing Copr.	22	23	24
25	26	27	28	29	30	31