

THE CORPORATION OF THE TOWN OF GEORGINA

SPECIAL COUNCIL AGENDA

Thursday, March 22, 2018
7:00 PM

1. CALL TO ORDER - MOMENT OF MEDITATION

"We would like to begin today's meeting by acknowledging that the Town of Georgina is located over lands originally used and occupied by the First Peoples of the Williams Treaties First Nations and other Indigenous Peoples and thank them for sharing this land. We would also like to acknowledge the Chippewas of Georgina Island First Nation as our close neighbour and friend, one with which we strive to build a cooperative and respectful relationship."

2. ROLL CALL

3. COMMUNITY ANNOUNCEMENTS

4. INTRODUCTION OF ADDENDUM ITEM(S)

5. APPROVAL OF AGENDA

6. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

7. ADOPTION OF MINUTES *None.*

8. SPEAKERS

9. DELEGATIONS/PETITIONS *None.*

10. PRESENTATIONS *None.*

11. PUBLIC MEETINGS *None.*

(1) STATUTORY MEETING(S) UNDER THE PLANNING ACT OR MEETINGS PERTAINING TO THE CONTINUATION OF PLANNING MATTERS

(2) STATUTORY MEETING(S) UNDER OTHER LEGISLATION

(3) OTHER PUBLIC MEETINGS

12. REPORTS *None.*

(1) ADOPTION OF REPORTS NOT REQUIRING SEPARATE DISCUSSION

(2) REPORTS REQUIRING SEPARATE DISCUSSION

13. DISPOSITIONS/PROCLAMATIONS, GENERAL INFORMATION ITEMS AND COMMITTEE OF ADJUSTMENT
 - (1) Dispositions/Proclamations
 - Pages 1-12**
 - (A) Lake Simcoe Region Conservation Authority Report No. 10-18-BOD, Maple Lake Estates (DG Group) Permit Application and Proposed Land Transfer, scheduled on the LSRCA Board of Directors Meeting Agenda of March 23rd.
 - (B) General Information Items *None*.
 - (C) Committee of Adjustment Planning Matters *None*.
 - (A) Under Review
 - (B) Recommendations
 - (C) Decisions
14. MOTIONS/NOTICES OF MOTION
15. REGIONAL BUSINESS *None*.
16. OTHER BUSINESS
17. BY-LAWS *None*.
18. CLOSED SESSION *None*.
 - (1) Motion to move into closed session of Council
 - (2) Motion to reconvene into open session of Council and report on matters discussed in closed session.
19. CONFIRMING BY-LAW
 - Pages 13-16**
 - (1) By-law No. 2018-0024 (COU-2), a by-law to confirm the proceedings of Special Council on March 22, 2018.
20. MOTION TO ADJOURN



Staff Report No. 10-18-BOD
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 Agenda Item No: 2 BOD-03-18

TO: Board of Directors

FROM: Rob Baldwin
 General Manager, Planning & Development

DATE: March 16, 2018

SUBJECT: Maple Lake Estates Inc. (represented by DG Group) Permit Application and Proposed Land Transfer

RECOMMENDATION: THAT Staff Report No. 10-18-BOD regarding Maple Lake Estates (DG Group) Permit Application and Proposed Land Transfer be received; and

FURTHER THAT LSRCA be authorized to enter into an agreement that binds Maple Lake Estates Inc. and Stag Hollow Country Homes Ltd. (represented by DG Group) to the transfer of lands abutting and adjacent to the Maple Lake Estates property to public ownership; and

FURTHER THAT the Permit Application from Maple Lake Estates Inc., dated and received May 21, 2015, for the Maple Lake Estates development be approved with the following condition:

- *This permit will only be valid upon the transfer of the lands (identified in Attachments 2 and 3) into escrow to be transferred into public ownership (Regional Municipality of York or Town of Georgina).*

Purpose of this Staff Report:

The purpose of this Staff Report No. 10-18-BOD is to seek Board approval to approve the Maple Lake Estates Inc. application under O.Reg.179/06 and enter into an agreement binding the Maple Lake Estates Inc. and Stag Hollow Country Homes Ltd., represented by DG Group, to the transfer of lands abutting and adjacent to Maple Lake Estates into escrow to be transferred into public ownership to the local or regional municipality.

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Rationale and justification for the staff recommendation of approval are outlined in this staff report. The Board has delegated approval authority to staff to grant permits consistent with Authority guidelines and requirements of O.Reg.179/06. In this instance, Board approval is required to grant a permit due to the requirement to enter into an agreement to transfer lands.

Background:

Maple Lake Estates is a registered plan of subdivision for a 1,073 unit recreational residential retirement community that is proposed to be constructed on approximately 202 ha of land located north of Deer Park Road in the Town of Georgina.

There are planning approvals for Maple Lake Estates dating back over three decades. On October 19, 1984, the Town of Georgina Council approved the Maple Leaf Estates development proposal (now called Maple Lake Estates or MLE) by adopting Official Plan Amendment (OPA) No. 10 into the Town of Georgina Official Plan. The Town of Georgina's decision to adopt OPA 10 was subsequently appealed to the Ontario Municipal Board (OMB).

In 1987, the OMB issued its decision to approve the Maple Lake Estates proposal with certain modifications. This approval was reaffirmed by the Provincial Cabinet in January 1988 through an Order-in-Council. The subdivision plan was registered in 1992.

The zoning and planning status of the Maple Lake Estates development has been recognized in all provincial planning legislation and policies approved to date including the following:

- *Greenbelt Act & Plan*
- *Lake Simcoe Protection Plan (LSPP)*
- *Provincial Policy Statement (PPS)*

The zoning and planning status of the Maple Lake Estates development is recognized in both the Town of Georgina and York Region Official Plans.

The Maple Lake Estates development was granted a Certificate of Approval for all stormwater management facilities and appurtenances by the Ministry of the Environment (MOE) in 1989. Therefore no further approvals are required for stormwater management.

Both the Town of Georgina and York Region have participated in cost sharing and/or pre-servicing agreements allowing for the extension of wastewater collection sewers to be installed along Metro Rd., which would service the Maple Lake Estates site and existing and new residents along the service route, as well as a water tower to provide drinking water to the local area.

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In 2003 the majority of the Maple Lake Estates property and part of the Paradise Beach – Island Grove Wetland Complex were identified to be Provincially Significant Wetland (PSW) by the Ministry of Natural Resources (MNR) (now known as the Ministry of Natural Resources & Forestry). In a letter dated October 18, 2004 (Attachment 1), the MNR concluded that “...existing Registered Plan of Subdivision predates the Ministry’s recent wetland work and recognizes the legal status of the Plan to be implemented as proposed, without due regard to the wetland complex”. This letter clearly articulates that the Province has no interest in the protection of the wetland.

Currently, the LSRCA, Regional Municipality of York, Town of Georgina and the landowners represented by DG Group would prefer to see the existing development permissions assigned to the Maple Lake Estate Lands transferred to nearby lands that are not designated as PSW. A number of requests have been made to the province to amend the Greenbelt Plan to allow for the transfer. The transfer would result in significantly growing the Greenbelt as the total new developable land area would be greatly reduced. Despite the substantial benefits of the transfer, the province has been unresponsive to the opportunity and as a result has left LSRCA in the position of having to process the permit application as submitted.

Relevance to Authority Policy:

The permit application being considered in this staff report was received by the LSRCA on May 21, 2015 and therefore is subject to the *Lake Simcoe Region Conservation Authority Watershed Development Policies* approved by the LSRCA Board March 23, 2012. This set of policies was in place at the date of application.

This set of policies contains a specific policy that was approved by the Board to allow for the recognition and transition of previously approved and registered plans of subdivision. The provisions contained within the Policies read as follows:

11.4.1 *Development and Interference within Provincially Significant Wetlands*

11.4.1.1 New development and/or interference in any way shall be prohibited within all Provincially Significant Wetlands.

11.4.1.2 **Notwithstanding Policy 11.4.1.1, the LSRCA will grant approval for development on lots within registered Plans of Subdivision.**

Section 11.4.1.2 was created and approved to recognize existing registered plans of subdivision within LSRCA’s jurisdiction as these properties have existing development rights. The Maple Lake Estates development as described earlier has those indisputable development rights.

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Issues:

Permit applications submitted to the LSRCA under O.Reg.179/06 are reviewed against the specific LSRCA policies as described and the requirements of Sec. 28 of the *Conservation Authorities Act (CAA)*. The specific section of the CAA that is applicable with respect to the Maple Lake Estates permit application is as follows:

Section 28 of the *Conservation Authorities Act* gives the Authority power to pass regulations in the area of its jurisdiction regarding the following:

- (c) Prohibiting or regulating or requiring the permission of the Authority for development if, in the opinion of the Authority, the ***control of flooding, erosion, dynamic beaches or pollution or the conservation of land*** may be affected by development;

This clause refers to what is known as the “five tests”. These tests are to be satisfied or satisfied with conditions for a permit to be granted by the Authority. Of the “five tests” the one being under review is the test for ***conservation of land***.

The ***conservation of land*** test is not defined in the *Conservation Authorities Act* as such there is little guidance. What little guidance or definition there is has come from decisions by the Mining and Lands Commissioner who hears appeals under the CAA. These decisions have provided a context that the ***conservation of land*** is intended to preserve the ecological and/or physical function of a regulated area of land.

Conservation authorities, including LSRCA, are able to establish policies and/or guidelines for the implementation of O.Reg.179/06 under Sec. 28 of the *Conservation Authorities Act*. LSRCA’s Watershed Development Policies of March 23, 2012 provide the guidance on what may be permitted in the LSRCA jurisdiction.

LSRCA reviews any proposal for development within a regulated area and works on the principle of “planning first”. This principle is to ensure that any permit if/when issued is in accordance with provincial and municipal planning law and requirements. The Background section of this report clearly documents and establishes that the appropriate and existing planning approvals are secured. The Relevance to Authority Policy section of this report clearly defines the policy guidance established by the Board that LSRCA will grant permits for previously registered plans of subdivision.

Conservation of Land:

The ***conservation of land*** test as noted previously is unclearly defined. When reviewing any application against the five tests, LSRCA looks to avoidance as the first option (i.e. moving a

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building out of the floodplain). The second option is to mitigate the impacts or risk associated with a proposal (i.e. cut/fill balance in the floodplain).

The proposed Maple Lake Estates development requires the removal of forest and wetland to facilitate construction of the development. This area will be developed for the roads and homes established as part of the approved development. The Environmental Impact Study (Dillon Consulting, April 2017) prepared in support of the permit application clearly establishes that there will be impacts including forest fragmentation, tree and vegetation removal and loss and/or disturbance to wildlife and their habitat. These impacts cannot be avoided in the instance the development is constructed.

The following table provides an overview of the approximate area of impacts associated with the Maple Lake Estates development:

Feature	Approximate Area (ha)
Maple Lake Estates Property	200
Upland Area Impacted	12.26
Wetland Area Impacted	59.92
Total Area Impacted	72.18
Net Area Preserved	127.82

The areas described in the table clearly illustrate that there will be direct impacts to 38% of the Maple Lake Estates property, while the remaining 64% will remain intact. Of the 72.18 ha that will be impacted, approximately 32.1 ha have previously been cleared or altered to some degree.

The planning status established the legal right for the Maple Lake Estates development. LSRCA's policies clearly state that the Authority will issue a permit for previously registered plans of subdivision. The Maple Lake Estates development as approved cannot avoid impact/s on the ecological function of the regulated wetland. Therefore, the **conservation of land** test can only be satisfied through mitigation and offsetting approaches.

To mitigate/offset for the impacts associated with the Maple Lake Estates development, the proponents (represented by DG Group) have agreed to the transfer of lands that abut and are adjacent to the Maple Lake Estates to public ownership in addition to the implementation of an Edge Management Plan (Dillon Consulting, March 2013). These lands contain wetland, forest, agricultural lands and other lands that offer various options for restoration and mitigation. The lands to be transferred (shown on Attachment 2: Figure 1, and described in Attachment 3) include parcels labelled 2, 3 and 4. The total combined area of the three parcels is approximately 161 ha. The following table describes the land area comparison and mitigation ratio.

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Summary	Approximate Area (ha)
MLE Total Area Impacted	72.2
Land Transfer Total Area	161
Mitigation / Compensation Ratio	2.2:1

The following table provides an overview of the impacted lands, preserved lands and lands agreed to be transferred as a whole to provide context of the overall scenario.

Feature / Land	Approximate Area (ha)	Percentage (%)
Total Acreage of All Lands	356.3	100
Total Acreage of Lands to be Transferred	161	45
Total Acreage of Lands to be Preserved in MLE	123.18	34
Total Acreage of Lands to be Impacted in MLE	72.18	21

The lands that will be transferred to public ownership to either the local or regional municipality are significant in size and will represent the largest mitigation/offset opportunity considered by LSRCA to satisfy the *conservation of land* requirements. The restoration and enhancement opportunities that are possible for the transferred lands are extensive and may include: wetland creation, tree planting, woodland creation, grass or prairie land restoration and other elements of natural heritage feature creation or restoration.

The LSRCA will enter into discussions with the ultimate land transfer recipient on establishing restoration and management strategies and options for these lands. These lands when transferred to public ownership will create one of the largest public tracts of land in northern York Region. The management strategies would also include options for public access and passive use that will be determined through the development of management plans based on sound science.

Impact on Authority Finances:

The direct impact to Authority Finances has been the cost of staff involvement to date and expenses for legal advice. The Board is aware that the matter of the Maple Lake Estates development has been ongoing for several years and the staff time expended has been significant.

If the Board chooses not approve the permit application, the impact on Authority Finances while difficult to predict may be significant with the likelihood of a hearing before the Mining and Lands Commission and/or direct litigation from the proponent.

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Summary and Recommendations:

The Maple Lake Estates development has a long and complex past. The LSRCA in collaboration with the Town of Georgina, the Regional Municipality of York and the proponent, have worked hard to seek an alternate solution with a formal development permissions transfer. This transfer would have protected the Maple Lake Estates property and significantly grown the Greenbelt, which is a well-known desire of the Province. For reasons they have yet to clearly articulate, the current Provincial government has shown no interest in working with all the parties to facilitate such a winning solution. Therefore, after a very lengthy evaluation, it is staff's recommendation to approve the permit application.

The granting of a permit for the Maple Lake Estates development is required to meet three primary tests as follows:

Test 1: Planning Approvals

The Maple Lake Estates development is a registered plan of subdivision recognized by Order-in-Council and reaffirmed in the *Greenbelt Act and Plan*, *Lake Simcoe Protection Plan* and both the upper and lower tier official Plans. All planning approvals are in place.

Test 2: Adherence to LSRCA Policies

The LSRCA Watershed Development Policies applicable to the May 21, 2015 application by Maple Lake Estates clearly state that "... the LSRCA will grant approval for development on lots within registered Plans of Subdivision". The policy is quite clear.

Test 3: Conservation of Land

The remaining test is whether the application for Maple Lake Estates can satisfy the ***conservation of land*** test. The first option always considered is avoidance, which is not possible under the registered plan of subdivision. The second option is to mitigate/offset for impacts associated with development and the ***conservation of land***. The proponent is willing to transfer approximately 161 ha of land adjacent to the MLE property in addition to edge management mitigation measures. This land transfer represents an approximate 2.2:1 ratio of lands to mitigate the 72.18 ha of land being impacted by development.

These transferred lands offer significant restoration and enhancement options that will mitigate the impacts of the MLE development. These lands will also be held in public ownership. It is the opinion of staff that this clearly satisfies the ***conservation of land*** requirement through direct mitigation.

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In summary, the three tests that are required to be satisfied have been met. The recommendation of staff is that the permit under O.Reg.179/06 for the Maple Lake Estates development be approved in accordance with the recommendations:

It is therefore RECOMMENDED THAT Staff Report No. 10-18-BOD regarding Maple Lake Estates (DG Group) Permit Application and Proposed Land Transfer be received; and FURTHER THAT LSRCA be authorized to enter into an agreement that binds Maple Lake Estates Inc. and Stag Hollow Country Homes Ltd. (represented by DG Group) to the transfer of lands abutting and adjacent to the Maple Lake Estates property to public ownership; and FURTHER THAT the Permit Application from Maple Lake Estates Inc., dated and received May 21, 2015, for the Maple Lake Estates development be approved with the following condition:

- This permit will only be valid upon the transfer of the lands (identified in Attachments 2 and 3) into escrow to be transferred into public ownership (Regional Municipality of York or Town of Georgina).

Pre-Submission Review:

This Staff Report has been reviewed by the Chief Administrative Officer.

Original signed by:

 Rob Baldwin
 General Manager, Planning & Development

Original signed by:

 Michael Walters
 Chief Administrative Officer

Attachments

1. Letter dated October 18, 2004 from the Ministry of Natural Resources
2. Figure 1 – Map illustrating Maple Lake Estates and associated lands to be transferred
3. Legal Description of Lands to be transferred

OCT-27-2004 13:30

MIN. OF NATURAL RESOURCES

P. 02/03

Ministry of
Natural ResourcesMinistère des
Richesses naturelles50 Bloomington Road West
Aurora ON L4N 3G8

FR
SS

October 18, 2004

Mr. Fraser Nelson
Metrus Developments Inc.
1700 Langstaff Road Suite 2003
Concord ON L4K 3S3

Dear Mr. Nelson:

Re: Maple Leaf Estates – 65M-2903
Part of Lots 23, 24, 25, 26 and 27, Concession 3 (NG).
Paradise Beach – Island Grove Wetland Complex
Town of Georgina, Region of York

Paradise Beach-Island Grove Wetland Complex was updated in 2003 using the Ontario Wetland Evaluation System, 3rd Edition. Based on additional information and field work, this feature was determined to be provincially significant.

It is the understanding of the Ministry of Natural Resources (MNR) that the area is designated as Urban Residential in the Town of Georgina Official Plan and that these lands are the future site for a planned retirement community, known as Maple Leaf Estates. The Official Plan contains specific policies that provide detailed direction for the development of this retirement community. Further, it has been brought to the attention of the Ministry that the proposed retirement community has in place, a Registered Plan of Subdivision for the area bounded by Deer Park Drive, Woodbine Avenue, Metro Road and Varney Road.

Therefore, please be advised that the MNR recognizes that the existing Registered Plan of Subdivision predates the Ministry's recent wetland work and recognizes the legal status of the Plan to be implemented as proposed, without due regard to the wetland complex.

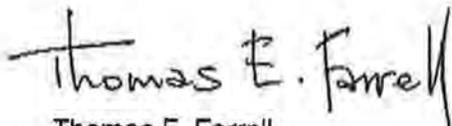
This Ministry would also take this opportunity to highlight Section 3.20.2.14 of the Town's Official Plan. This section indicates that any official plan amendment to revise the provisions specific to the Maple Leaf Estates community would be required to consider the significant natural features identified through Town studies. For such a situation, the Ministry would request the Town of Georgina to also include consideration of the provincially significant Paradise Beach-Island Grove Wetland Complex, by extension.

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Mr. Fraser Nelson

I trust the foregoing clarifies the Ministry's position on this matter. Should you have any questions, I can be contacted at (905) 713-7367.

Sincerely,



Thomas E. Farrell
Coordinator, Strategic Planning
Aurora District

Cc: Velvet Ross – Senior Planner – Town of Georgina
Kevin Kennedy - Manager, Planning & Watershed Management
Lake Simcoe Region Conservation Authority

MAPLE LAKE ESTATES¹¹ ADULT-LIFESTYLE COMMUNITY

TOWN OF GEORGINA - LAND TRANSFER CONCEPT



	SUBJECT LANDS	
	PROPERTY 2 OWNED BY MAPLE LAKE ESTATES	= 96.927 Ha. (239.511 Acs.)
	PROPERTY 3 OWNED BY MAPLE LAKE ESTATES	= 23.927 Ha. (59.125 Acs.)
	PROPERTY 4 OWNED BY STAG HOLLOW COUNTRY HOMES LTD.	= 40.858 Ha. (100.962 Acs.)
	TOTAL	= 161.712 Ha. (399.598 Acs.)

2018 LAND TRANSFER CONCEPT

MAR 9, 2018



Attachment 3**LEGAL DESCRIPTION OF THE AREA 2 LANDS****PIN 03499-0025**

Part of Lot 21, Concession 3, Geographic Township of North Gwillimbury, as in Instrument No. R269833 (Schedule B) and Part of the East Part of Lot 22, Concession 3, Geographic Township of North Gwillimbury, as in Instrument No. R269833 (Schedule J), save and except Part 1, on Plan 65R-3920, Town of Georgina, Regional Municipality of York; s/t an easement as in Instrument No. YR1004725.

PIN 03499-0005

Parcel 22-1, Section G3 (Geographic Township of North Gwillimbury, East of Yonge Street), being Part of Lots 22, 23, Concession 3, designated as Part 1, on Plan 65R-3920, Town of Georgina, Regional Municipality of York; s/t an easement as in Instrument No. YR1004725.

LEGAL DESCRIPTION OF THE AREA 3 LANDS**PIN 03499-0004**

Part of the East Part of Lot 22, Concession 3, Geographic Township of North Gwillimbury; Part of the East Half of Lot 23, Concession 3, Geographic Township of North Gwillimbury; and Part of the East part of the West Half of Lot 23, Concession 3, Geographic Township of North Gwillimbury, designated as Part 2, on Plan 65R-14638; Town of Georgina, Regional Municipality of York; s/t an easement as in Instrument No. R751988;

LEGAL DESCRIPTION OF THE AREA 4 LANDS**PIN 03496-0190**

Part of Lot 21 and the West $\frac{1}{4}$ of Lot 22, Concession 3, Geographic Township of North Gwillimbury, designated as Part 2, on Plan 65R-29665, Town of Georgina, Regional Municipality of York; s/t an easement as in YR1004725.

PIN 03496-0189

Part of Lots 21 and 22, Concession 2, Geographic Township of North Gwillimbury, designated as Part 1, on Plan 65R-29665, Town of Georgina, Regional Municipality of York; s/t an easement as in YR1004725.

CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW NO. 2018-0024 (COU-2)

BEING A BY-LAW TO CONFIRM THE PROCEEDINGS
OF THE COUNCIL MEETING HELD ON THE 22nd DAY
OF MARCH, 2018

WHEREAS under subsection 5(3) of the *Municipal Act, S.O. 2001, c. 25*, as amended, the powers of a council of a municipal corporation shall be exercised by by-law;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Corporation of the Town of Georgina at its meeting held on the 22nd day of March, 2018 be confirmed and adopted by by-law.

NOW THEREFORE, the Council of the Town of Georgina, in the Regional Municipality of York, hereby enacts as follows:

1. The proceedings and actions of Council as contained in the Reports and Additional Business referred to in Schedule 'A' at the end of this by-law are adopted and confirmed as if each proceeding and action were expressly adopted and confirmed by by-law. As if all such proceedings were expressly embodied in this by-law.
2. Subject to section 3, the Mayor, any other appropriate member of Council and the proper Town officials be authorized and directed to undertake all actions necessary to give effect to the proceedings and directions of Council referred to in section 1.
3. Where a proceeding or action requires an additional approval to that of Council before a particular action can be done in order to give full effect to it, the Mayor, any other appropriate member of Council and the proper Town officials before taking the particular action under the authorization of section 2, shall seek and obtain the necessary additional approval and are authorized to do so.
4. A document required to be signed on behalf of the Town shall be signed by the Mayor or Deputy Mayor, Town Clerk or Deputy Clerk.

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5. A Member of Council, whose name is set out in Column 1 of Schedule 'B', Conflict of Interest, at the end of this by-law, has declared an interest with respect to any item in Column 2 set out opposite the member's name, and the Member has declared an interest in this confirmatory by-law as it relates to the confirmation of the proceedings and actions on the item.
6. This by-law shall be signed by the Mayor and Clerk, affixed with the seal of the Corporation and engrossed in the By-law book.

READ and enacted this 22nd day of March, 2018.

Margaret Quirk, Mayor

John Espinosa, Town Clerk

Schedule 'A' to By-law No. 2018-0024 (COU-2)

MINUTES

Special Council Meeting of March 22, 2018

Schedule 'B' to By-law No. 2018-0024 (COU-2)

CONFLICTS OF INTEREST

Column 1

n/a

Column 2

n/a