



Rural Municipality of Whitehead

Meeting Minutes

Special Meeting of Council Hearing August 22, 2023 - 05:00 PM (Municipal Office)

In attendance: Reeve Trevor Tuttosi, Councillor Dennis Foerster, Councillor Kevin Klassen, Councillor Kaley Mykula, Councillor Jeff Owens, Councillor Chris Semeschuk and Councillor Curtis Storey

1 Call to Order

It was noted that all Council members were available and agreed to the date, time, and location.

2 Adoption of The Agenda

2023-175 Reeve Tuttosi - Councillor Mykula

Resolved that the Agenda be adopted as presented. **CARRIED UNANIMOUSLY**

3 Appeal to a Municipal Order Hearing

2023-176 Reeve Tuttosi - Councillor Klassen

Be It Resolved that an appeal to a Municipal Order Hearing be conducted to hear from the Appellant Zachary McDermot-Fouts with respect to the following Remedy of Contraventions issued to Zachary & Nicole McDermot-Fouts for the following:

THEREFORE, pursuant to Sections 242(1)-(2) of *The Municipal Act* and Sections 178(1)-(2) of *The Planning Act*, the Rural Municipality of Whitehead **DOES HEREBY ORDER THAT** the Registered Owner, **SHALL WITHIN THIRTY (30) DAYS OF SERVICE** of the within Order upon the Registered Owner:

Regarding Zoning By-law No. 2123, Building By-law No. 2057, Section 242 of *The Municipal Act* and Section 178 of *The Planning Act*:

1. Remove the mobile home from the Property which is not permitted under the designation for the Property as set out in Zoning By-law No. 2123 of the Rural Municipality of Whitehead, for which no conditional use order has been obtained, and is further not Manitoba Building Code compliant, and in violation of Building By-law No. 2057 of the Rural Municipality of Whitehead; AND
2. Remove the garage from the Property which is not permitted under the designation for the Property as set out in Zoning By-law No. 2123 of the Rural Municipality of Whitehead, for which no required permits were obtained, and is further not Manitoba Building Code compliant, and in violation of Building By-law No. 2057 of the Rural Municipality of Whitehead;

Regarding Development Plan By-Law No. 2018-08, Rural Municipality of Whitehead Policy & Procedures Manual Index nos. PW-04 and PW-05, and Sections 242 and 243 of *The Municipal Act*:

3. Remediate the Property by restoring it to its prior condition such that the existing non-compliant driveway and access road are removed.

IT IS FURTHER ORDERED that, should the Registered Owner initially comply with the Remedies within the time stipulated above, the Registered Owner must not thereafter place a mobile home without having obtained conditional use or permits and shall not establish a new development without access to an existing all-weather road or approved road upgrading. Any further placement of a mobile home or other structure without a conditional use or permits, or establishment of a new development without access to an existing all-weather road or approved road upgrading will constitute a continuing Contravention under this Order.

IT IS FURTHER ORDERED that, pursuant to Section 242(2)(d) of *The Municipal Act* and Section 178(2)(d) of *The Planning Act*, in the event the Registered Owner does not comply with the provisions of this Order within the time specified herein, the Designated Officer is hereby directed, empowered, authorized and instructed to carry out, or cause to be carried out, the terms of this Order at the sole cost and expense of the Registered Owner.

CARRIED UNANIMOUSLY

- 2023-177 **3.1 Close Hearing**
Reeve Tuttosi - Councillor Owens
- That the Appeal to the Municipal Order issued to Zachary & Nicole McDermot-Fouts be concluded. **CARRIED UNANIMOUSLY**
- 2023-178 **4 In Camera**
Reeve Tuttosi - Councillor Storey
- BE IT RESOLVED THAT this regular meeting now adjourns to an “in camera” meeting to discuss matters in the preliminary stages as per Subsection 152(3)(b)(iii) of The Municipal Act and all matters discussed in-camera are confidential until discussed in an open meeting as per Section 83(1)(d) of The Municipal Act. **CARRIED UNANIMOUSLY**
- 2023-179 **4.1 Out of Camera**
Reeve Tuttosi - Councillor Owens
- BE IT RESOLVED THAT this ‘in camera’ meeting does now resume back to a special Meeting of Council. **CARRIED UNANIMOUSLY**
- 2023-180 **5 Appeal Decision & Contract with Prairie By-law Enforcement**
Reeve Tuttosi - Councillor Foerster
- WHEREAS** the Property Owners for the property described as the South ½ of Section 19-9-20 WPM, Roll Number 7950 000 in the Rural Municipality of Whitehead, was served on August 11, 2023, with an Order to Remedy a Contravention by the Rural Municipality of Whitehead pursuant to Zoning By-law No. 2123, Building By-law No. 2057, Development Plan By-Law No. 2018-08, Policy & Procedures Manual – Index PW-05 (Driveway/Approach and Culvert Policy), *The Municipal Act*, and *The Planning Act*.
- AND WHEREAS** the Rural Municipality of Whitehead received a Notice of Appeal from the Property Owners on August 21, 2023;
- AND WHEREAS** the Appeal Hearing date was scheduled for August 22, 2023 where the Property Owner presented their Appeal to Council;
- AND WHEREAS** as the Property Owners have not complied with the Order to Remedy to remove the mobile home from the Property which is not permitted under the designation for the Property as set out in Zoning By-law No. 2123 of the Rural Municipality of Whitehead, for which no conditional use order has been obtained, and is further not Manitoba Building Code compliant, and in violation of Building By-law No. 2057 of the Rural Municipality of Whitehead and remove the garage from the Property which is not permitted under the designation for the Property as set out in Zoning By-law No. 2123 of the Rural Municipality of Whitehead, for which no required permits were obtained, and is further not Manitoba Building Code compliant, and in violation of Building By-law No. 2057 of the Rural Municipality of Whitehead.
- THEREFORE, BE IT RESOLVED** that after careful consideration and a review of all documentation provided, Council hereby CONFIRMS the Order to Remedy;
- AND FURTHER, BE IT RESOLVED** that pursuant to Sections 245(1), (2), & (3) of *The Municipal Act* and Sections 179(1) & (2) of *The Planning Act*, the Council of the Rural Municipality of Whitehead may cause this Order to be enforced, and all costs, including legal costs, of any action or measure taken by the Rural Municipality of Whitehead to enforce the Order and its by-laws, policies, procedures, or any Acts it is authorized to enforce, will be charged to the Property Owners and collected in the same manner as if the costs were tax arrears owing to the Rural Municipality of Whitehead, in further accordance with *The Municipal Act*, *The Planning Act*, and the Rural Municipality of Whitehead General Enforcement By-law No. 2022-13;

AND FURTHER, BE IT RESOLVED that the Council of the Rural Municipality of Whitehead authorizes Prairie By-Law Enforcement to enter the Property described as the South ½ of Section 19-9-20 WPM, Roll Number 7950 000 in the Rural Municipality of Whitehead to remedy the contraventions identified in the Order to Remedy and bring the property into compliance with the order;

AND FURTHER, BE IT RESOLVED that the costs relating to the removal and detention of any materials relating to the mobile home, garage, animals, and any other goods, materials or items removed from the Property by the Rural Municipality of Whitehead, including the legal costs and costs of storage of items removed, shall be charged to the Property Owners pursuant to Section 245(3) of *The Municipal Act*, Section 179(2) of *The Planning Act* and the Rural Municipality of Whitehead General Enforcement By-Law 2022-13

CARRIED

6

Adjournment

Councillor Storey - Councillor Mykula

Resolved that we now adjourn at 6:34 pm. **CARRIED UNANIMOUSLY**

2023-181

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