

From: Jim Shea
To: Glen Ferguson <Glen.Ferguson@greatersudbury.ca>, <eric.taylor@greatersud...>
CC:
Date: 8/12/2017 9:28 AM
Subject: Proposed Rezoning 15 Kalio Road
Attachments: Objections From RU to RU Special - 28Kalio Road in Lively.docx

Eric, Glen,

Attached you will find a document outlining my objections to the proposed rezoning of 15 Kalio Road in Lively.

Please keep me posted with all new developments in this matter and in particular when the hearing with the Planning Committee is scheduled.

Thanks,

Jim Shea/Anne Bouffard, 28 Kalio Road, Lively, Ontario

Glen,

Thanks for meeting me on August 11, 2017 regarding the application from Darlene and Nathan Nicholson to rezone their property at 15 Kalio Road in Lively from RU (Rural) to RU Special.

I live at 28 Kalio Road in Lively. Our home is within the 300 meter buffer from the Nicholson's current kennel operations.

* My wife and I strongly object to this proposed reclassification. Our rationale is as follows:

- Despite the best attempts from the Nicholson's, this kennel is noisy and intrusive. Over the last few years, we have experienced the following:
 - Every time a dog is dropped off or picked up, there is loud barking from multiple animals. This occurs whether the animals are housed in the kennel or are outdoors in the 'free range' yard.
 - This can occur as early as 7:15 in the morning or after 5 o'clock in the evening even though the posted hours of operation are from 7:30 AM to 5 PM (1:30 to 6PM on Saturday).
 - Hourly we can hear the trainers yelling at the animals to behave or quite down. There is rarely a 2 hour window of peace and quiet.
 - Friends Fur Ever is branded as a free range kennel. As a result, the daily and overnight borders are outside regularly. The noise from the barking, fighting and screaming from the dogs and kennel staff occurs daily and is extremely disruptive and bothersome to our family.
 - Much of the enjoyment of our property is reduced as we simply cannot be outside regularly because of the activity as outlined above.
- Buffer Distance – The proposed structure (Super Kennel) that the Nicholson's intend to build is not within the 300 meter setback to multiple residential properties. In my opinion, we will experience even more noise as the kennel operations expand. Clearly the nuances associated with the proposed reduced buffer setbacks will have a negative impact to the surrounding neighborhood.
- My wife and I have lived in multiple cities (Edmonton, Ottawa, Toronto, Montreal). We have always resided right in the heart of downtown. We specifically bought on Kalio Road because of the RU designation where it was our understanding there would be no opportunity for commercial development. We also understood that any commercial activity in our area would not be tolerated as part of the City of Sudbury's Official Plan. Clearly, the proposed kennel expansion does not meet the City's Official Plan nor is it consistent with the intent of current by laws that are in place to protect residences from development of this sort.

- I am not a planner or a lawyer but it seems to me that regardless of the zoning, there is still a minimum set back for a kennel operation. Even if the property housing the kennel is zoned appropriately, the kennel structure need to be 300 meters away from a residential dwelling or a property zoned residential. Hence, 15 Kalio Road can be zoned any which way they want. They still need to be 300 meters away from from any residential buildings.

- PART 4: GENERAL PROVISIONS

4.37.3 Kennels

Notwithstanding any other provision of this By-law to the contrary, a kennel shall be located a minimum of 300.0 metres from any residential building or Residential (R) Zone boundary excluding a residential building located on the same lot as the kennel. (By-law 2011-49Z)

Will rezoning to RU (S) absolve the Nicholson's from following section 4.37.3 as above? The answer is clearly NO.

That's it ... please keep me posted with any new development and in particular when the hearing is scheduled.

From: **Matthew Wiecha**
Date: Fri, Jul 28, 2017 at 8:58 AM
Subject: Nicholson Re-Zoning Application
To: eric.taylor@greatersudbury.ca

Hi, my name is Matthew Wiecha, I've lived at 88 Moxam Landing Road for 30 years. I am almost a kilometre from the kennel, yet the noise emanating from there has negatively impacted my life from the first day they opened. This only goes to prove the far reaching negative impact of their free range kennel. For those who live closer, well you can only imagine. The strategy has been to phone Animal Control, turn up your music, go back in the house, bring your dog in because the barking gets them excited etc. etc. This all should have ended January 25th. The adjudicators denied their request, your own planning department said the variance wasn't minor and this land use certainly was not compatible for this area. So they went to the media with their plight, that plan backfired, as they received almost zero support. If they had applied for a building permit, as required by law, it would have been denied since it fell well short of the 300m. buffer. So a business licence was mistakenly issued, assuming they were in compliance. It is a simple fact from their numerous infractions that they don't believe in building permits until they are caught. They were caught and to our frustration that seems not to matter. So, it's 3 years and counting for them to run an illegal but very lucrative business at the expense of this entire rural area. I have talked to Nathan Nicholson, he has very grandiose plans for his business, thinking about that, just makes me shudder. So what would justify a "special rural designation" for him?? I've seen his preliminary revised plans, a minimal manipulation that solves nothing. I could go on, but the bottom line from their viewpoint is this, "yes, the vast majority of our neighbours are very upset, but each day we stall and stay open, we're making a ton of money and so it makes sense to manipulate the system and do everything we can to stay open". I urge you to uphold the 300m. as promised rural residents in the by-law, keeping in mind that a open air free range operation provides zero muffling/buffering and finally, what a dangerous precedent it would be to reward people guilty of so many violations and permit a land use that obviously doesn't belong on such a relatively small parcel of land. It is not an exaggeration to end by stating that the quality of life, for this entire area, is at stake. Thanks.

Attention-

Eric Taylor- City of Greater Sudbury, Manager of Development Approvals

Planning Services Division

Box 5000, Station A

Sudbury, Ontario

P3A 5P3

We are writing to express our disapproval of the proposed re-zoning at 15 Kalio Road, Lively, Ontario. (File 751-8/17-6) RU Rural to RU(S) Rural Special- to permit a kennel on the subject lands.

We own the property known as 191 Moxam Landing Road, directly across the road from the subject property, and within the 300m bylaw boundary of the present illegal kennel.

The Nicholson's are running this kennel as a free range kennel. We are unable to peacefully enjoy our property with the constant barking and dog fights, while the dogs are out free ranging. We can also hear the constant barking originating from the kennel.

It's a shame that the Nicholson's are using the system to continuously delay a final outcome to the situation. We are also very disappointed concerning the City of Greater Sudbury's lack of enforcement of bylaws at the subject property. Showing little empathy for the other tax paying neighbors surrounding the illegal kennel.

Dog owners are dropping their dogs off at all times during the day and evening – every time a car enters the property – the dogs in the kennel commence barking. The Free Ranging is even worse and it's our opinion that the City of Greater Sudbury should amend the current bylaw to include Free Range Kennels – with the proposed set back being at least 1 km.

Please keep us informed when the application is scheduled for a public meeting – at which hopefully, we are able to further express our disapproval.

Sincerely Richard and Claudette McKay

From: "Chiasson, Stephane"
To: "eric.taylor@greatersudbury.ca" <eric.taylor@greatersudbury.ca>
Date: 7/26/2017 5:04 PM
Subject: File: 751-8/17-6, Nicholson re-zoning application
Cc: Glen Ferguson <Glen.Ferguson@greatersudbury.ca>
Attachments: 15 Kalio Road Decision.pdf; Variance Request-A0161_2016 Dog Kennel 15 Kalio Road.pdf

Good afternoon Eric,

I'm writing to express my disapproval of the proposed re-zoning at 15 Kalio Road, Lively.

I own the property known as 222 Moxam landing road, within earshot and within the 300m boundary of the exterior, free range kennel. I also own the adjacent property to the south of 222 Moxam landing road.

I, along with numerous residents have attended the by-law variance hearing to express our disapproval of the Kennel being located within 300m of other houses. The hearing also listed numerous infractions currently taking place at 15 Kalio, including (but not limited to) structures built without a building permit, shipping containers on site, improper use of a storage shed as a kennel, etc.

That night, January 25 2017 the application was rejected. An appeal to the OMB was immediately filed. An adjournment was immediately sought due to a "re-zoning application". Now, 6 months later, a re-zoning application has been filed. The Nicholson's are purposefully delaying proceedings as much as possible.

Please see the attached email "Variance request." where I've previously expressed my concern for the Kennel.

Whether it's a re-zoning or a variance application, it's for the same purpose of operating a free range kennel. The term Free Range is important, because unlike most kennels where the dogs are housed inside a building, the Nicholson's business model of "free range" allows the dogs to run in the fenced yard freely. This allows the excited dogs bark freely with no attempt at masking sound. The by-law and it's 300m buffer is intended for traditional, enclosed structure type kennels.

Since the dogs run freely, right up to the fence on the property line, I would argue that the 300m buffer extends much further than the currently steel shed (the building which houses the kennel)

The Nicholson's have also applied to build *another* structure, approximately 4800 square feet, in order to expand their already noisy operation. Please refer to the first PDF "15 Kalio rd Decision" for a summary of the proposed mega kennel, and a list of the current by-law infractions on their land.

You guys have your hands full because a business license was issued in error to the Nicholson's in 2013 for the original 800sq ft Kennel. Now they want to expand. I believe the city has a responsibility towards their citizens to protect our interests.

Re-zoning is a work-around tactic to the previously denied variance request. It's also a stall tactic with the OMB application - this entire time it's business (and noise) as usually from 15 Kalio.

I bought acreage in an area zoned "RU". I read up on the allowable types of structures and home occupations. I was satisfied that this area would provide peace and quiet.

We look forward to further expressing our disapproval in person at the public hearing. Please keep me posted on a date.

Regards,

Stéphane Chiasson, *P.Eng.*

Electrical Engineer

Infrastructure Engineering - Eastern Canada



COMMITTEE OF ADJUSTMENT

January 25, 2017

SUBMISSION NO. A0161/2016

OWNER(S): DARLENE NICHOLSON, 15 Kalio Road, Lively, ON, P3Y 1N8
JOHN NATHAN NICHOLSON, 15 Kalio Road, Lively, ON, P3Y 1N8

AGENT(S):

LOCATION: PIN 73373 0060, Parcel 5579, Lot 1, Concession 4, Township of Waters, 15 Kalio Road, Lively, CITY OF GREATER SUDBURY

SUMMARY:

Zoning: The property is zoned RU (Rural) according to the City of Greater Sudbury Zoning By-law 2010-100Z, as amended.

Application: Approval to permit an existing structure and proposed structure, both associated to a kennel, to be located closer to residential buildings than permitted, both at variance to the By-Law.

PREVIOUSLY SUBJECT TO: B42/74 (MARCH 4/1974), B366/77 (JUNE 13, 1977), B676/77 (OCTOBER 11/77), B168/06 (NOVEMBER 27/06), B169/06 (NOVEMBER 27/06)

Comments concerning this application were submitted as follows:

CGS: Building Services Section, January 23, 2017

We have reviewed the above noted application for Minor Variance and can advise that Building Services has the following comments:

1. Neither of the proposed non-residential buildings (kennel) meet the set back requirements to residential buildings at 191 Moxam Landing Road, located west of the subject property, nor 12 Kallio Road which is north of the subject property.
2. The original 20' x 40' accessory building, Building Permit 07-2447, that was converted into a kennel, does not meet the 300m distance requirement in CGS Zoning By-law 2010-100Z. This building was converted without benefit of a building permit for the change of use from a storage shed to a kennel. A building permit will be required in order to meet Ontario Building Code requirements as well as construction requirements for kennels in the Business License By-law.
3. There are several shipping containers located on the property however Zoning By-law 2010-100Z does not permit shipping containers to be placed or used unless they are an accessory structure used in conjunction with a permitted agricultural, extractive, transport terminal or warehouse use.
4. There are several other structures on the property that are greater than 10m² which have been constructed without benefit of a building permit.
5. In the event a minor variance is granted, a condition of the minor variance should include the requirement for the owner to obtain building permits for all structures greater than 10m² to the satisfaction of the Chief Building Official.

SUBMISSION NO. A0161/2016 Continued.

CGS: Development Approvals Section, January 23, 2017

This application was previously deferred by the owner from the January 11, 2017, meeting in order to allow for the historical use of the lands as a kennel to be further investigated as it appeared that the original kennel use did not comply with the required 300 m (984.25 ft) setbacks to abutting residential uses. The application has since been amended to include a variance request for the original kennel building that was established on the lands in 2013 following the conversion of a shed building which existed on the lands at the time. Staff has attended the lands twice including on January 20, 2017, and have concerns about the reduced buffer distances to nearby residential uses. At the time the kennel was established in 2013, the nearest residential use was located to the north at a setback of approximately 155 m (507.53 ft) on Kalio Road. The original kennel would have required a variance as the 300 m (984.25 ft) buffer distance to the residential use to the north was not satisfied. The proposed new building would result in a maximum setback of approximately 76 m (249.34 ft) to a single-detached dwelling which is under construction to the south. Staff is concerned that the nuisances associated with a kennel at the proposed reduced buffer setbacks will have a negative impact on the surrounding area. The reduced buffer distances are also not minor and do not meet the intent of the Zoning By-law with respect to creating acceptable and tolerable buffers between rural residential land uses and kennels. Staff therefore cannot support the variances as they are not minor, not appropriate development for the area and the intent of the Zoning By-law is not maintained.

CGS: Roads and Transportation, January 13, 2017

Roads
No Concern.

Traffic and Transportation
No Concern.

Active Transportation
No Concern.

The Nickel District Conservation Authority, January 12, 2017

No objection.

The Nickel District Conservation Authority, January 9, 2017

No objection.

CGS: Roads and Transportation, January 6, 2017

Roads:
No Concerns.

Traffic and Transportation:
No Concerns.

Active Transportation:
No Concerns.

CGS: Building Services Section, January 6, 2017

We have reviewed the above noted application for Minor Variance for permission of the location of a proposed non-residential building directly associated to a kennel, to be located a minimum 54 m (177 ft.) from a residential building, where the proposed structure cannot be located closer than 300 m (984 ft.) from a residential building.

SUBMISSION NO. A0161/2016 Continued.

Building Services has the following additional concerns with this application:

- i) The proposed non-residential building (kennel) does not meet set back requirements to residential building at 191 Moxam Landing Road, located west of the subject property nor 12 Kalio Road which is north of the subject property.
- ii) The original 20 ft. x 40 ft. accessory building, Permit # 07-2447, that was converted into a kennel does not meet the 300 m distance requirement in CGS Zoning By-law 2010-100Z and also requires a Minor Variance. The Business By-law Requirements for kennels requires specific construction of floors, lighting system, heating & ventilation, doors and windows. This was constructed without benefit of a building permit therefore a building permit is required to convert the storage shed into a kennel.

CGS: Development Approvals Section, January 6, 2017

The variance being sought would allow for the construction of a 447m² (4800 ft²) kennel building located within 54 m (177.17 ft) of the nearest residential building (212 Moxam Landing Road) to the south. The subject lands front Kalio Road while the residential dwelling to the south is accessed from Moxam Landing Road. The owner provided two locations on the subject lands as options for the new building with distances of 54 m (177.17 ft) and 100 m (328.08 ft) from the nearest residential dwelling to the south. Based on the applicant's sketch, a 6 m by 12 m kennel structure is currently located on the property at what would appear to be over 100 m from the nearest dwelling to the south at 212 Moxam Landing Road. Planning staff understand that a licence for the kennel was issued in 2013. Planning Staff note however, that the existing kennel structure appears to be located less than the minimum required 300 metres from at least 3 residential dwellings that existed in 2013 (dwellings at 191 Moxam Landing Road, 12 Kalio Road and 28 Kalio Road). It is also noted that no variance or zoning by-law amendment to the 300 m minimum setback was granted for the existing kennel structure. As such, it is recommended that the Committee defer the application in order that it can be amended to also address the existing kennel structure.

CGS: Development Engineering, January 3, 2017

No objection.

In consideration of the comments provided by staff, the application was deferred in order to allow the applicants the opportunity to revise their proposal and provide notice to the public. The meeting is now scheduled for January 25th, 2017

The applicants attended this evening's Committee meeting and advised that the variance is to approve the location of the existing dog kennel and proposed new structure associated to a kennel use, both to be located within a 300m distance to residential dwellings. The applicant advised the existing kennel was constructed as an accessory structure in 2007, with the benefit of a building permit, and was converted to a kennel in 2013, without benefit of a building permit. A business license was incorrectly issued by the City for the kennel use in 2013, with inspections being completed yearly. The applicant also advised that she was not aware that a change of use permit for the accessory structure to a kennel use was required. The applicant provided Committee with a copy of the Code of Practice for Canadian Kennel Operations, marked as Exhibit "A" to the application. An information package consisting of various documents including sketches of the interior of the existing kennel, the proposed structure, aerial photo of homes in the vicinity and the number of dogs per home, list of clients and emails in support of the business, a letter in support by the residents at 144, 248 and 275 Moxam Landing Road, Lively, marked as Exhibit "B" to the application. The applicant explained the kennel provides a unique service to the community, employees 7 full time and 2 part time employees, has received a Heritage Fund Grant, and has a client base of approximately 1,000 customers. The new structure would provide an indoor play area, hydrotherapy pool, grooming facility, and an area for dogs that must be

SUBMISSION NO. A0161/2016 Continued.

kept separate from others. The applicants also advised the dogs are allowed outside in the fenced yards at certain times of day and various strategies to alleviate barking are used. Staff reviewed the Rural zoning in relation to kennel permissions and explained the history of the property as to building permits, business license and the variances requested. Neighbors that reside at 88, 147, 191 and 222 Moxam Landing Road were in attendance to voice their concerns with the application. The concerns expressed by the neighbors were the noise associated with the group of dogs in the outdoor yards, how the noise effects the enjoyment of their properties in a rural area and the number of dogs that could be kept on the property. The concerned residents advised that they had contacted animal control over the time period the existing kennel has been in operation to complain of the noise. Correspondence from the residents of 28 Kalio Road, 88, 147, 191, 212, 222 Moxam Landing Road, the previous owner of 28 & 36 Kalio Road were provided to Committee for their information, marked as Exhibit "C", "D", "E", "F", "G", "H" and "I" to the application. Committee discussed the application with the concerned residents, staff and the applicants and advised they could not support the variance as the proposal is not compatible or desirable for the area and not considered minor.

The following decision was reached:

DECISION:

THAT the application by:

DARLENE NICHOLSON

JOHN NATHAN NICHOLSON


the owner(s) of PIN 73373 0060, Parcel 5579, Lot 1, Concession 4, Township of Waters, 15 Kalio Road, Lively, CITY OF GREATER SUDBURY

For approval of the location of the existing non-residential building directly associated to a kennel on the subject property located a minimum 107.0m from a residential building, and also, approval of a proposed approximate 450.0 m² building directly associated to a kennel to be located a minimum 54.0m from a residential building, where a kennel and any non-residential building directly associated to a kennel cannot be located closer than 300.0m from a residential building, be denied.

Consideration was given to Section 45(1) of the Planning Act. R.S.O.1990, cP13 as amended including written and oral submissions related to the application, it is our opinion the variances are not minor in nature and are not desirable for the appropriate development and use of the land and Building. The general intent and purpose of the By-Law and the Official Plan are not maintained.

Public comment has been received and considered and has effected Committee of Adjustment's decision in the following manner: not minor in nature and not desirable for the appropriate development.

<i>Member</i>	<i>Status</i>
Carol Ann Coupal	Concurring
Cathy Castanza	Concurring
Derrick Chartrand	Concurring
Denise Clement	Non-concurring
Diane McFarlane	Concurring


Box 5000, Station 'A'
200 Brady St
Sudbury, Ontario P3A 5P3
(705) 671-2489 Ext. 4376 or 4346
(705) 673-2200 FAX

NOTICE OF DECISION

Planning Act, R.S.O. 1990, c.P.13, Section 45, as amended.

Reference: Application for Minor Variance or Permission No. A0161/2016.

Date of Decision January 25, 2017.

If within twenty days of the making of this decision, no appeal to the Ontario Municipal Board is filed, the decision of the Committee becomes final and binding and the Secretary-Treasurer will forward notification to this effect.

Twenty day "Period of Appeal" ends February 14, 2017.

Appeal Process: Any person, corporation or public body may, not later than twenty (20) days after the making of the decision, appeal the decision to the Ontario Municipal Board by filing an appeal with the Secretary-Treasurer of the Committee, accompanied by a certified cheque or money order made payable to the MINISTER OF FINANCE. A copy of the appeal form is available from the Ontario Municipal Board at www.omb.gov.on.ca or at the Committee of Adjustment Office, 3rd Floor, 200 Brady Street, Sudbury, Ontario.

Appeal Fees: Primary Minor Variance Appeal \$300
Related Minor Variance \$25


An appeal may not be filed by an unincorporated association or group, but may be filed in the name of an individual who is a member of the association or group.

CERTIFICATION

Planning Act, Section 45 (10).

I, Kathy Lessard, Secretary-Treasurer of the Committee of Adjustment of the City of Greater Sudbury, certify that the attached is a true copy of the decision of the Committee with respect to the application recorded therein.

Dated this 27th day of
January, 2017.



Secretary-Treasurer
Committee of Adjustment

Good afternoon Eric,

With regards to the subject meeting I hope this email is not too late to advise of my wife and I's opinion. We live at 147 Moxam Landing Road in Lively, very close to the property in question.

We fully expect the city to enforce all by laws as they currently stand, if that means the kennel needs to close it's unfortunate but we are against any variance being granted in this case.

If you have any questions feel free to contact me at your convenience. I also ask you to confirm our view point has been received and noted.

Thank you and regards,

Steve Fava

RECEIVED

SEP 21 2017

PLANNING SERVICES

From:
To: <Adam.Kosnick@greatersudbury.ca>, <Eric.Taylor@greatersudbury.ca>
Date: 9/13/2017 5:03 PM
Subject: Question Regarding Property De-Valuation due to a Supper Kennel built closer than the 300 m City Bylaw

Good day Adam and Eric -

Please review the email below regarding diminution in value of my property due to the kennel. Mr. Lansink is a qualified and well respected Real Estate Appraiser & Consultant. Please feel free to add this to my objection of rezoning and also add to the public record.

It is clear - that there will be a diminution in value of my property.

Thanks

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

From: Ben Lansink
To: mckayrcmm
Sent: Tue, Sep 12, 2017 6:31 pm
Subject: RE: Question Regarding Property De-Valuation due to a Supper Kennel built closer than the 300 m City Bylaw

Richard and Claudette,

Good to hear from you again.

Depending on proximity to the kennel, a property will suffer diminution in value.

Ben Lansink, AACI, P.App, MRICS
Real Estate Appraiser & Consultant
Telephone - voice or text: 519-645-0750
Email: ben@lansink.ca Internet: www.lansinkappraisals.com
Mail / Courier: 507 Colborne Street, London, ON N6B 2T6
This confidential privileged message is intended only for the use of the individual or entity to which it is addressed.

It does not matter how slowly you go as long as you do not stop. Confucius
Het maakt niet uit hoe langzaam je gaat zolang je niet stopt. Confucius

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

From: I
Sent: Tuesday, September 12 2017 5:17 PM
To: Ben Lansink
Subject: Question Regarding Property De-Valuation due to a Supper Kennel built closer than the 300 m City Bylaw

Ben - Sorry to bother you, you represented us several years ago with Stephen regarding the

expropriation of our property. We are now faced with another situation - and I can not find anyone local to help out. A kennel was opened directly across the road approx. 3 years ago - the license to the kennel was issued in error. At the time and still the City of Greater Sudbury has a 300 m zone restricting kennels any closer than 300 meters to residential buildings.

The kennel operators then applied for a minor variance. Myself and several neighbours attended the hearing - and the minor variance was dismissed - reasons given were wrong area and in violation of 300 m zone city bylaw and not a Minor Variance.

Now the kennel owners are applying for rezoning - RU Rural - RU (S) Rural Special - if this goes thru - there plan is to build a super kennel. And the kennel is a free range kennel making the situation worse - with many barking dogs.

Are you in a position to provide an opinion as to property devaluation if the kennel goes ahead. I feel, I will have many issues selling in the future if the kennel gets approval. Have you ever dealt with other cases like this. What would be the approx. cost of your evaluation? There are at least 4 neighbours presently in the 300 meter zone that are opposed to the kennel.

Any assistance you could provide would be appreciated. I would need this evaluation performed before the Sept. 25, 2017 Zoning meeting.

Thanks

Richard and Claudette McKay
191 Lively, Ontario

FEB - 1 2018

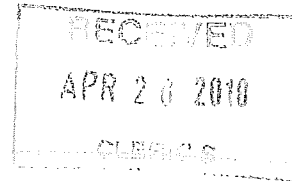
PLANNING SERVICES

Eric Taylor - Friends Fur Ever Kennel-Hopefully The Last Anniversary

From: Matthew Wiecha <
To: <eric.taylor@greatersudbury.ca>, Deb McIntosh <deb.mcintosh@greatersudbu...
Date: 1/24/2018 10:28 AM
Subject: Friends Fur Ever Kennel-Hopefully The Last Anniversary

Please include this in the file regarding submissions for the rezoning application of Friends Fur Ever Kennel, 15 Kallio Road. Tomorrow marks the one year anniversary Of The Nicholson's Minor Variance Hearing. No one in the neighbourhood is celebrating. At that hearing, of course, they were denied and I would invite everyone to re-read the reasons for the decision. Absolutely nothing has changed since that hearing. They continue to operate and the area continues to suffer. After they lost the decision, they put their property up for sale and the neighbourhood was hopeful, but a visit to the Kuula Real Estate web site and seeing the inflated asking price, dampened any hope for a quick resolution. So our hopes rested on the June OMB hearing, very confident that any objective review of the facts would finally end this 4 year nightmare. We were all aware that a rezoning bid would again further delay any final resolution and as has been the pattern, at the very last minute, the rezoning was applied for and the OMB hearing postponed. So now we proceed to the September City Council Rezoning Hearing. We had our 5 minute presentations prepared. Those not used to speaking were almost sick to their stomachs in anticipation but the future of their very reason to move here was at stake. Then the bombshell regarding that last minute supposed noise study was introduced and all our preparation etc. was all for naught. Any serious scrutiny of that noise study would leave anyone shaking their heads, especially with the conclusion that rustling leaves and crickets were the real culprits and that packs of dogs outside, just don't make noise. Now another delay till December 11. Of course, that date has come and gone. In our frustration, we made signs on our property, "Move The Illegal Kennel", no exclamation mark, one of mine even said "Please" After discussing many options, we felt this message was relatively mild, fair, and of course, accurate. So what has our life been like since September? (Just want to make clear that what is to follow can be verified with pictures and saved emails) Well, people have trespassed on our property several times, our signs have been repeatedly defaced, one of mine was stolen, 7, in all were placed in the neighbourhood, only one of mine was spared the middle of the night spray can. When I inform their customers that the Nicholson's never bothered to check the by-laws before starting their business or apply for any building permits, I was repeatedly confronted with "don't tell me you never broke the law" "building permits? they're more trouble than they're worth" So that's the attitude we're confronted with. For those customers who drop off their dogs and leave the area, it's all about their convenience, while I can understand that, for me, I would never sacrifice an entire neighbourhood for my convenience. On facebook, several customers have stated, if we don't like it, we should move. I've lived here over 30 years. It has even come to the point where one of the neighbours was challenged to a fight by one of the customers. He may speak of that in a future submission. I, myself, have been threatened. Several of us were visited by Canada Post with a registered letter (saved) threatening civil action if we did not stop stating their business was illegal. That was months ago. This is how emboldened they've become with all their successful delays coupled with their very selective memory. So, we've almost had it. This is not why we moved here, to have this horror show stuck in our midst. A business that, had they done the right thing in the first place, ie. simply check the by laws (I've said this before, a simple 2 minute check on-line about opening a kennel, virtually every site states-check the by laws, get the building permits) and apply for the building permits, we all

know you should get first, then, none of this happens, no business licence issued and no years of complaining, suffering, going to meetings, typing long emails with one finger. It's all about an illegal business making a ton of money at the expense of their neighbours, doing everything possible to stay open and customers now used to the convenience versus a neighbourhood who sacrificed a great deal to escape the very situation they find themselves in and who count on the law and council to protect them. No supposed noise study, when they know they are being scrutinized, is going to negate all the complaints or our almost daily experience or what the future would hold if they were allowed to continue or expand. The lot is too close, it's too small, half of the property is swamp (Nicholson's would agree). Finally, again, the proper solution, find an appropriate parcel of land, compliant with the law, apply for the proper permits, do it properly, as you should have in the first place, make it the best free range kennel in the world, make your customers happy and with that, we would wish them all the best.



Re: illegal dog kennel at 15 Kalio Rd, Lively.

Please see the attached report which outlines the negative impact that the illegal kennel located at 15 Kalio continues to have.

By-law and building services are both aware of the ongoing illegal business. Consider the attached during decision making processes.

A handwritten signature in black ink, appearing to read "Stéphane Chiasson", with a long horizontal flourish extending to the right.

Stéphane Chiasson

222 Moxam Landing Rd.



507 Colborne Street, London, ON N6B 2T6
www.lansinkappraisals.com ben@lansink.ca 519-645-0750

February 6, 2018

Richard & Claudette McKay
191 Moxam Landing Road, Lively, ON, P3Y 1N7

Jim Shea and Anne Bouffard
28 Kalio Road, Lively, ON, P3Y 1N8

Stéphane Chiasson, P.Eng.
222 Moxam Landing Rd, Lively, ON, P3Y 1N5

Matthew Wiecha
88 Moxam Landing Road, Lively, ON, P3Y 1N6

MJay Rousselle
212 Moxam Landing Road, Lively, ON, P3Y 1N5

Dear Sirs and Madams,

Re: External Obsolescence (EO), a neighbourhood operating free range dog kennel, Reduction / Diminution in Market Value, Stigma

On June 1, 2005, 15 Kalio Road, Lively, City of Greater Sudbury, was purchased by Darlene Nicholson and Nathan Nicholson. The land was severed and the Nicholson's sold severed land. The portion owned by the Nicolson's today, subject to a current survey, consists of 16.27 acres with 725.07 feet frontage on Kalio Road.

In 2013 the City of Greater Sudbury issued a Business Permit to operate a dog kennel at 15 Kalio Road, Lively. It is reported that a dog kennel business called "Friends Fur-Ever Pet Resort", marketed as "Sudbury's Only Free Range Kennel", commenced operation in 2013. Portions of a September 25, 2017 City of Greater Sudbury STAFF REPORT follow:

"The existing 74.3 m² (800 sq. ft.) building in which the kennel is located was constructed in 2007 as a shed accessory to the dwelling on the lot. A building permit (Permit # 07-2447) was issued for the accessory structure. In 2013 the shed was converted by the owner to a kennel without benefit of a required building permit. A business licence for a kennel was first issued in 2013. While the Rural zoning on the property permitted a kennel at that time, the permission is subject to all structures associated with the kennel use being located a minimum of 300 m from the closest residential building. At the time the kennel use was established in 2013, the nearest residential use was located to the north at a distance of approximately 155 m at 12

Kalio Road. In 2013 two other dwellings located at 28 Kalio Road and 191 Moxam Landing Road were located at distances less than 300 m from the building converted to a kennel. Given the existence of the three dwellings closer than 300 m to the kennel, the kennel did not comply with the By-law at that time."

"In 2016 the owner submitted a minor variance application (File A0161/2016) to permit the construction of a 447 m² (4800 sq. ft.) kennel building to be located 54 m (177.17 ft) from the nearest residential building located at 212 Moxam Landing Road and to also recognize the location of the previously converted shed currently being used as a kennel. The dwelling at 212 Moxam Landing Road was not in existence in 2013 having been issued a building permit in 2016. The new building was to include a hydrotherapy pool for injured dogs, an indoor play and training area."

"The minor variance application was denied by the Committee of Adjustment on January 25, 2017. The Committee concluded that the variance was not minor in nature, was not desirable for the appropriate development and use of the land and building and that the general intent and purpose of the By-law and Official Plan are not maintained. The owners appealed the decision of the Committee of Adjustment to the Ontario Municipal Board (OMB) on February 13, 2017 (OMB File # PL170132). The OMB scheduled a hearing for June 21, 2017, however at the request of the owner on May 1, 2017, the OMB granted an adjournment. Staff understands that the adjournment was granted on the basis that the owner would be proceeding with an application for rezoning rather than immediately pursuing the appeal relating to the denied application for minor variance. Staff did not support the application for minor variance and noted concerns with respect to the potential nuisances associated with a kennel use in close proximity to rural residential uses. On June 26, 2017 the owners submitted the rezoning application which the subject of this staff report."

"Summary:"

"Staff has reviewed the application and is satisfied that no matters of provincial interest are impacted. Staff is of the opinion that the reduced buffer distance being requested by the owner is inappropriate and would not provide an adequate separation distance to minimize nuisance conflicts impacting the rural residential land uses in the surrounding area. Staff cannot support the rezoning request and the Planning Services Division recommends that the application be denied."

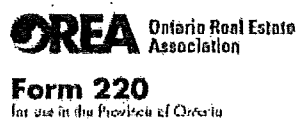
Notwithstanding the existence of dwellings closer than 300m to the kennel and that the kennel did not comply with the By-law in 2013 nor does it today, it is reasonable to assume the City of Greater Sudbury erred in providing a business licence. It is not known why the City of Greater Sudbury has neglected to rescind the Business Licence.

- 1 In order to determine a residential property's possible 'Reduction in Market Value' or 'Diminution in Value' due to External Obsolescence (EO), in this case a neighbourhood operating free range dog kennel, with real or perceived noise and / or odour issues, questions that arise are:
 - A Has a residential neighbourhood property been harmed or injured by the EO, a neighbourhood operating free range dog kennel? Is there EO (incurable by the residential neighbourhood property owner)?

- B Is there a reduction in market value to a residential neighbourhood property due to EO, a neighbourhood operating free range dog kennel?
- C Is the EO curable?
- D If the EO is curable or has been cured, will there still be a 'diminution in value' due to 'stigma'?
- 2 EO addresses factors that influence a property and are normally beyond the control of the real property owner. The Appraisal Institute of Canada defines external obsolescence as:
- A temporary or permanent impairment of the utility or saleability of an improvement or property due to negative influences outside the property.*¹
- 3 EO may involve a property being located next to or close to:
- i) a land fill site (smell, water contamination, perceived to be un-healthy);
 - ii) steel towers and electrical wires (visual, perceived to be un-healthy);
 - iii) wind generators (noise, visual, perceived to be un-healthy);
 - iv) an airport (noise, safety);
 - v) a fire station (noise, safety);
 - vi) road works (that result in increased traffic, noise/air pollution, vandalism, theft, trespassing, safety, and litter);
 - vii) a railway corridor (noise, safety);
 - viii) an industrial building next to single dwellings (noise, pollution);
 - ix) a neighbourhood operating free range dog kennel (noise and / or odour); and
 - x) many others.
- 4 Diminution in value can result from a real or from a perceived issue. For example, there does not appear to be any medical evidence that a person's health will be affected by living in a home insulated with Urea Formaldehyde Foam Insulation (UFFI), however many perceive there will be a health effect, hence there is buyer resistance unless price discounting occurs.
- 5 Stigma is defined as '*a mark or token of infamy, disgrace or reproach*'. Should the EO be cured, there may be a stigma to the neighbouring properties.
- 6 Is the EO curable? No, not by a neighbourhood residential property owner. Yes, it is curable by the kennel owner and / or by the City of Greater Sudbury and / or a Court of Law. As stated previously, the EO is beyond the control of the neighbouring real property owners. In this situation, the residential neighbours affected by the dog kennel at 15 Kalio Road have no control over the removal or continuance of the kennel.

¹ The Appraisal of Real Estate, Third Canadian Edition, page 17.15, © 2010 Appraisal Institute of Canada
Page 3 of 12

- 7 Residential properties that have been subject to EO, such as a neighbourhood operating free range dog kennel with real or perceived noise and / or odour issues, can carry a mark of infamy, resulting in a diminution of property value even after the EO, an operating dog kennel is removed.
- 8 A real property dwelling buyer will pay fair market value for a property; however, in a market of normal supply he will buy a property not subject to EO, a neighbourhood operating free range dog kennel with real or perceived noise and / or odour issues. If he buys the EO property, he will only buy if price discounting is available.
- 9 Compensation for a loss to the property value as a result of EO, in this case a neighbourhood operating free range dog kennel with real or perceived noise and / or odour issues, is best measured by considering the actions of willing sellers and willing buyers functioning in the open market place. An appraiser conducted analyses can consider various types of external obsolescence, some of which may differ from the subject situation.
- 10 Noise and / or odour issues may be real or perceived and may be different for each property; however, market place examples may illustrate some type of harm that can be caused to a real property as a result of EO, in this case a neighbourhood operating free range dog kennel with real or perceived noise and / or odour issues. To determine the EO, the percentage change of the sold price of the real property before and after the diminution in value took place should be considered. If required, an adjustment must be made for the passage of time.
- 11 A prudent owner of property will advise a seller of EO. Ontario Realtors™ can use Form 220 when listing residential property for sale. Portions of Form 220 follow.



Seller Property Information Statement

Residential

ANSWERS MUST BE COMPLETE AND ACCURATE This statement is designed in part to protect Sellers by establishing that correct information concerning the property is being provided to buyers. All of the information contained herein is provided by the Sellers to the brokerage/broker/salesperson. Any person who is in receipt of and utilizes this Statement acknowledges and agrees that **the information is being provided for information purposes only and is not a warranty as to the matters recited hereinafter even if attached to an Agreement of Purchase and Sale.** The brokerage/broker/salesperson shall not be held responsible for the accuracy of any information contained herein.

BUYERS MUST STILL MAKE THEIR OWN ENQUIRIES Buyers must still make their own enquiries notwithstanding the information contained on this statement. Each question and answer must be considered and where necessary, keeping in mind that the Sellers' knowledge of the property may be inaccurate or incomplete, additional information can be requested from the Sellers or from an independent source such as the municipality. Buyers can hire an independent inspector to examine the property to determine whether defects exist and to provide an estimate of the cost of repairing problems that have been identified. **This statement does not provide information on psychological stigmas that may be associated with a property.**

9. Are you aware of any non-compliance with zoning regulations?

10. Are you aware of any pending developments, projects or rezoning applications in the neighbourhood?

12. It is reasonable to conclude that a prudent Seller, being an owner of a property subject to EO, in this case a neighbourhood operating free range dog kennel with real or perceived noise and / or odour issues, would advise a Buyer of the operating free range dog kennel and its location.

Conclusion

13. It is reasonable to assume that if the EO is cured, a stigma would remain; hence there may be a diminution in value.
14. I conclude that there is a diminution in value resulting from neighbouring EO, an operating dog kennel, which one can't quantify unless the following work is carried out:
- a) A valuation estimate of each of the real properties neighbouring the operating free range dog kennel located at 15 Kalio Road, Lively, ON properties be undertaken resulting in a \$ Canadian valuation estimate.
 - b) The \$ Canadian valuation estimate minus the percent % estimated diminution results in the \$ Canadian estimated diminution. An example follows:
 - c) $\$500,000 \text{ value} - 25\% = \$125,000$, $\$500,000 - \$125,000 = \$375,000$.
15. It would run counter to common sense to assume that an informed buyer will pay fair market value for a property subject to EO, a neighbourhood operating free range dog kennel with real or perceived noise and / or odour issues. A property corrected of the EO problem may still face buyer resistance.

It is my understanding that at common law, a property owner may take legal action against a neighbour, where that neighbour's activities cause a substantial and unreasonable interference with the use and enjoyment of that property, i.e., a "nuisance". However, I do not offer legal advice.

Reduction

Based on my experience, the reduction in the market value, diminution in value, to the real properties neighbouring an operating free range dog kennel located at 15 Kalio Road, Lively, Ontario could potentially be estimated at:

-20% to -30%

Diminution in Value is not intended to be a mathematical calculation, mathematics should not control the appraiser's judgment. An appraiser uses logical calculations to conclude a Diminution in Value estimate. Judgment has been exercised in selecting the potential conservative range of -20% to -30% and, based on all qualitative factors considered, 25% may be reasonable and appropriate.

This is not formal opinion of value nor is it an act or process of analysis of data. It is not within the scope of this letter to complete a valuation / diminution of each of the real properties neighbouring the operating free range dog kennel located at 15 Kalio Road, Lively, Ontario properties.

This letter is not a valuation nor is it a consulting report and it does not meet section 6 or 10, Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP), Appraisal Institute of Canada.

Please contact the writer should you require valuation or consulting services.
Respectfully submitted,

A handwritten signature in black ink that reads "Ben Lansink". The signature is written in a cursive, flowing style.

Ben Lansink, AACI, P. App, MRICS

February 6, 2018

Curriculum Vitae

Ben Lansink, AACI, P.App, MRICS, Real Estate Appraiser and Consultant

Telephone: (519) 645-0750 Email: ben@lansink.ca

Summary – 2018: Ben Lansink is an experienced professional real estate appraiser and consultant. He has completed assignments to assist in mortgage financing, power of sale, deemed dispositions, taxation/capital gains issues involving Canada Revenue Agency (CRA), expropriation, insurance matters such as fire destruction, family law, environmental issues, assessment appeals, First Nation issues, and litigation support.

Case Studies pertaining to Price Diminution resulting in Value Diminution, Injurious Affection, have been carried out. These included proximity to Airports, Hydro Corridors, Land Fill Sites, Wind Turbines, Roads and Road Works, as well as contaminated land and buildings including urea formaldehyde foam insulation.

Lansink Appraisals and Consulting is a division of Wellington Realty Group Incorporated, brokerage, Ben Lansink, Broker of Record. Wellington Realty Group Incorporated is not an active brokerage and does not list or sell real estate. It maintains Realtor® board memberships solely to obtain legal access to various real estate board MLS® willing buyer willing seller open marketing systems.

PROFESSIONAL QUALIFICATIONS

MRICS Member, The Royal Institution of Chartered Surveyors, Member #1293804; awarded use of this professional designation on November 16, 2009.

AACI, P.App Accredited Appraiser Canadian Institute, Certificate #2180.
Awarded use of the AACI professional designation on May 18, 1982 by the Appraisal Institute of Canada.

CRA Canadian Residential Appraiser, January 1976; relinquished May 18, 1982.

FRI Fellow, Real Estate Institute of Canada, 1986; relinquished June 1995.

CLP Certified Land Planner, Real Estate Institute of Canada, 1990; relinquished June 1995.

Completed the Ecogift Training Workshop, July 2001, for the valuation of Ecological Gifts as has been established by Environment Canada.

Successfully completed the "Certificate Program" in real estate as presented by The Ontario Real Estate Association.

Licensed under the Ontario Real Estate and Business Brokers Act in 1968 and as a Broker, November 17, 1986, Registration No. 1914433.

EXPERIENCE

- 1974 – Present Fee Appraiser and Consultant
- 1970 - 1974 Mortgage Manager, The Royal Trust Company
- client and real estate mortgage loan approvals

Appraisal assignments have included:

- airports; harbours; cemeteries; funeral homes;
- institutional buildings; hospitals; police stations; schools; and churches;
- office towers; industrial properties;
- apartment buildings; senior care facilities; single family residences;
- retail commercial properties; hotels; motels;
- mobile home/trailer parks; marinas; golf courses;
- farms and farm land; intensive farms (e.g. pork; dairy; chicken; mushroom)
- land;
 - ecologically sensitive; parks and conservation; aggregate resource;
 - commercial/industrial/residential land;
 - building lots - on water and not on water;
 - landfill sites;
 - First Nation reserve lands;
- rights-of-way; easements; market rent studies; rail corridors; pipelines; and
- other property types.

Assignments have been carried out in Ontario, British Columbia, Quebec, Manitoba, Saskatchewan, the Caribbean, the State of Utah, and New Zealand.

MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS

Appraisal Institute of Canada since 1972:

AACI, P.App: Accredited Appraiser Canadian Institute, May 1982

Royal Institution of Chartered Surveyors since November 2009:

MRICS: Member Royal Institution of Chartered Surveyors, November 2009

Member: London and St. Thomas Association of Realtors®;
Ontario Real Estate Association;
Canadian Real Estate Association;
National Commercial Council of the Canadian Real Estate Association;
Ontario Expropriation Association; and
The Toronto Real Estate Board.

PARTICIPATION IN PROFESSIONAL ASSOCIATIONS

London and St. Thomas Association of Realtors®, Member, Education Committee 1987, 1988, and 1989 (Chairperson 1988); Board Director 1989 and 1990; Member, Ethics Committee 1989; Member, Ethics Appeal Committee 1990.

Member of the Investigating Committee (1989 - 1992) and the Adjudicating Committee (1992 - 1995) of the Appraisal Institute of Canada, Ontario Association. These committees addressed public complaints against members of the Appraisal Institute of Canada, Ontario Association.

Local Architectural Conservation Advisory Committee (LACAC) 1990-1992, appointed by London City Council to serve as a member at large.

Assessment Review Board of Ontario, a Land Tribunal: Member May 14, 1992 to May 14, 1998. Appointed by an Order in Council, as recommended by the Attorney General, approved and ordered May 14, 1992 and again on May 14, 1995 by the Lieutenant Governor of Ontario.

PUBLICATIONS AND STUDIES by Ben Lansink

Market Study Pit or Quarry January 2014

Diminution in Price (if any)

Market Study Roadway Analysis November 2013

Diminution in Price (Injurious Affection if Partial Taking)

Market Study Power Corridors April 2013

Diminution in Price (Injurious Affection if Partial Taking)

Wind Turbines Melancthon Clear Creek MPAC November 2012

Diminution in Price / Current Value

Effects of the Visible Transmission Corridor June 2011

Winner, 'Call for Papers', Appraisal Institute of Canada.

Lansink authored and presented a paper to appraiser delegates at the Annual Conference, Appraisal Institute of Canada, Moncton, June 2011.

Market Study Non-Visible Easement May 2010

Diminution in Price

Lazar v. Hydro One – OMB, Injurious Affection June 2005

A case study paper based on a precedent setting case decided by the Ontario Municipal Board in June of 2002. Lansink presented the case study to appraiser delegates at the Appraisal Institute of Canada's June 2005 Conference, Edmonton, Canada.

Adjusting for Conditions of Sale 1998

The Canadian Appraiser, Summer 1998

Highest and Best Use/Land Use Controls 1998

Appraisal Institute of Canada, Ontario Association.

Assessment, Taxation, and the Fee Appraiser 1997

Appraisal Institute of Canada, Ontario Association.

UFFI and Market Value Spring 1985

The Canadian Appraiser, Volume 29, Book 1.

TEACHING

Taught the Assessment Program at Fanshawe College, London, 1980s.

Certified instructor, Courses 1101 and 1102, Appraisal Institute of Canada, 1980s until the end of the 1990s.

Note: Appraisal Institute of Canada and the University of British Columbia's Sauder School of Business are now partners in offering a program designed for people seeking to join the real property valuation profession—and for valuation practitioners already employed in the industry who want to upgrade their education. The University of Guelph, Athabasca University, L'Université du Québec à Montréal; Seneca College and Langara College also offer courses recognized by the Appraisal Institute of Canada.

Certified instructor for the subject "The Principles of Mortgage Financing" for Ontario colleges as administered by The Ontario Real Estate Association, 1975-1985.

Course instructor, Introduction to Appraisals, 1995-1996, Indian and Northern Affairs Canada.

CONTINUING EDUCATION, CONFERENCES

AIC: Since the early 1990s, the Appraisal Institute of Canada (AIC) has had a mandatory Continuing Professional Development (CPD) Program designed to ensure that Designated Members maintain and enhance their knowledge and skills in their area of practice throughout their career.

RECO: Since 2000 the Real Estate Council of Ontario (RECO) has had a mandatory continuing education program that provides significant benefits to registrants, and the open market real estate buyers and sellers who look to them for guidance.

Ben Lansink has continually exceeded the credits required for both AIC and RECO.

OEA: The Ontario Expropriation Association (the "OEA") is made up of individuals from professions involved in the acquisition of land for public purposes. Expropriation occurs when public bodies such as the federal and provincial governments, municipalities or school boards, acquire land for public purposes under compulsion of law. In the majority of cases, expropriation involves a complicated process that must be carried out in strict accordance with legislation (in Ontario the *Expropriations Act, R.S.O. 1990, CHAPTER E.26*).

Ben Lansink is a member of the OEA and participates in its Seminars / Conferences.

Ben Lansink attends most of the yearly conferences of the Appraisal Institute of Canada and its Annual General Meetings.

EXPERT WITNESS EXPERIENCE

The Superior Court of Justice has jurisdiction over criminal, civil, and family cases, and is the largest superior trial court in Canada. The Divisional Court, Small Claims Court, and Family Court are all branches of the Superior Court of Justice.

Environment and Land Tribunals Ontario brings together five Ontario tribunals and boards which adjudicate matters related to land use planning, environmental and heritage protection, property assessment, land valuation and other matters. The land tribunals are the **Assessment Review Board**, the **Board of Negotiation**, and the **Ontario Municipal Board**.

The **Federal Court** is Canada's national trial court which hears and decides legal disputes arising in the federal domain, including claims against the Government of Canada, civil suits in federally-regulated areas and challenges to the decisions of federal tribunals.

Over the years Mr. Lansink has been accepted as an expert witness to assist the **Superior Court of Justice**, the **Land Tribunals**, and the **Federal Court**.

CLIENTS

- a) Federal Government, Justice Canada;
- b) Provincial Government;
- c) Municipal Governments and Counties;
- d) Banks, Credit Unions, Mortgage Brokers / Lenders / Borrowers;
- e) Insurance Companies;
- f) Lawyers and Law Firms representing:

Corporate, institutional, and individual clients;
The Insurer of Members of the Law Society of Upper Canada;
The Insurer of Realtors®;
The Insurer of Members of the Appraisal Institute of Canada;
The Insurers of Real Property (Damage / Fire Insurance);

- g) First Nations:

Agency 1 First Nation, PWI-DI-GOO-ZING NE-YAA-ZING;
Beausoleil First Nation;
Cape Croker First Nation;
Chippewas of Georgina First Nation;
Chippewas of Rama (Mnjikaning) First Nation;
Chippewas of the Thames Land Claim Trust;
Mohawks of the Bay of Quinte First Nation;
NeyashiiNigmiing First Nation;
Nicickousemenecaning First Nation;
O'BASH'KAAN'DA'GAANG (Indian Reserve 38A);
Saugeen First Nation IR 28 and 29;
Walpole Island First Nation, Wapekeka First Nation, Reserve #1 and #2; and
Sachigo Lake Indian Reserve #1;

Assignments have involved both reserve land and non-reserve land that is under effective ownership of a First Nation; and

- h) Others

Superior Court of Justice, the Honourable Mr. Justice Colin L. Campbell;
Conservation Authorities, Nature Conservancy of Canada;
Private Corporations and Private Individuals (Canadian and International);
Universities; Colleges; School Boards; Hospitals; and others.

33 letters
of support

To whom it may concern,

I have been bringing my dog, Einstein, to Friends Fur-ever Pet Resort (FFPR) for two years now. He is a high energy breed and can be anxious around strangers. He has never had any anxiety going to FFPR.

I utilize the daycare mostly and it is a great and unique service. Einstein is able to have a day of socialization and play in a supervised environment. The staff work with his anxiety and he is always excited to arrive. If I have the need for an overnight facility, it is the only place I feel comfortable leaving him.

Sudbury is fortunate to have a facility like this for our dogs to go and be dogs. The staff is friendly and attentive. They treat the dogs as if they were their own. Any expansion to FFPR would only be a greater service to the community.

Sincerely,



Dr. Courtney Andrews
Bachelor of Veterinary Medicine and Surgery.

From: Jim Gordon
Subject: Minor variance
Date: Jan 11, 2017, 1:42:01 PM
To:

When Robin at Furry Paws changed his business over to a Pound for the City, we asked him who he would recommend, as we required a new home for hunter, our yellow lab, when we travelled. He pointed us to Friends Fur Ever.

We were delighted when we visited and left Hunter with them a couple of months ago. It is a full service kennel, new, providing spacious areas for dogs to mingle and play.

What I like about it, is, it's conveniently accessible to the dense part of Sudbury, yet has a rural location. As well considering it's size, it is a welcoming place to leave a dog. No jail atmosphere here.

Friends Fur Ever is a class one kennel . I recommend that these facts are taken into consideration.

Jim Gordon C.M.

Sent from my iPad

From: Darlene Nicholson
Subject: Letter
Date: Jan 17, 2017, 12:44:08 PM
To: Darlene Nicholson

Furever Furbaby Rescue

Lynne Regimbal



To whom it may concern,

My relationship with Darlene at Friends Fur-ever Pet Resort began in the late summer of 2016. She had 2 small dogs that had been abandoned at her kennel. We arranged to have them seen by a veterinarian and discovered that they badly needed dental work. Darlene was willing to provide transportation to Espanola and assist in the financial burden of getting their teeth fixed. The 2 were adopted together shortly after, by a loving family.

She also has assisted us at Furever Furbaby Rescue with another small dog who was very scared of all dogs until Darlene socializing her with the kennel pack. She was only with Darlene a short period of time but her social skills increased immensely. She too, has been adopted by a family who love her very much and she is doing well.

After hearing about the dog attack in Lively recently, I would recommend that the city allow this kennel to continue growing and assisting the entire community to shape the personalities of our dogs into friendly, social canines.

Thank you

A handwritten signature in black ink, appearing to read 'Lynne'.

From: Alessandro Ielpi
Subject: Letter of support
Date: Today at 9:36 AM
To: Darlene Nicholson

Hi Darlene,

feel free to use the message below:

Cheers, Alessandro

To whom it may concern,

I am writing to express my support for Friends Fur-Ever pet resort in Lively, ON. I moved to Greater Sudbury in January 2016, where I am employed as Professor of Geology at Laurentian University. My job entails frequent travel across the country and abroad, frequently in remote areas away from phone/email contact and for prolonged periods, i.e. up to several weeks. I am the owner of a female husky-cross, Shila, a remarkably energetic dog who ideally requires a minimum of two daily hours of exercise.

During my first year in Greater Sudbury, Friends Fur-Ever pet resort went several times above and beyond to accommodate my schedule and logistical needs. Their facility is what can be considered state of the art, and I always left town knowing that Shila was in good and safe hands. The staff is clearly expert and knowledgeable about canine training and behavior, to an extent that I have rarely seen in any other pet boarding facility I have visited in the past.

Feel free to contact me in the future if more information is needed.

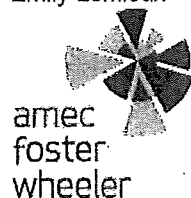
All the best,
Dr. Alessandro Ielpi

From: Lemieux, Emily
Subject: Support for Variance Hearing
Date: Jan 19, 2017, 12:57:51 PM
To: Friends Fur-Ever

To Whom It May Concern,

It has come to my attention that a local business, Friends Fur-Ever Pet Resort, has applied for a permit to construct a second building to facilitate the expansion of their operations and widen the range of services they offer, and requires a hearing in order to determine whether a variance will be granted in order for the construction to proceed. I have been a client of Friends Fur-Ever for a number of years, and have watched the business grow with much success. I feel that the services offered by Friends Fur-Ever are an asset to not only our local community in Lively, but to the City of Greater Sudbury as a whole. Despite the successful business development to date achieved by owners Darlene and Nathan, this is an up and coming business that has much more to offer, should they be given the opportunity to expand. Friends Fur-Ever was the first kennel of its kind to open in the Sudbury area, and has been followed by the development of other, competing businesses attempting to offer a similar range of services. This business line is somewhat new locally, but is expanding at a significant pace, during an economic downturn when other businesses in the City are struggling. To restrict the expansion of a local business based on the denial of a minor variance would be a mistake in my opinion. I support the expansion of Friends Fur-Ever and hope to see their variance approved so that I am able to take advantage of the even greater range of services they plan to offer in the near future.

Thank you for your consideration,
Emily Lemieux



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January 18, 2016

Re: Friends Fur-Ever Pet Resort

To Whom It May Concern:

I have been bringing Gunnar, my 1 1/2 yr old Rottweiler, on a regular basis, to FFPR for 6 months now. I am truly grateful for the progress that he has made during his time there.

Gunnar was very nervous and hesitant at first. The first times that I brought him there, he had trouble socializing with other dogs. A muzzle had to be put on him. The owners and staff worked with Gunnar, one on one, to make him feel comfortable. Within a few stays, his behaviour improved, the muzzle was removed, and he was socializing and playing with all the other dogs.

Gunnar gets excited when he knows he is going to FFPR. He absolutely loves going there. I know that he is well looked after, and my mind is at ease knowing that they provide excellent care. I know that he is getting fresh air, exercise, and social skills, and having fun. I am able to periodically check on him while I'm away, via video cam, one of the specialty services that they provide.

I am under the understanding that FFPR would like to expand, and have a second building to house an indoor play area, an office, a grooming station and a hydrotherapy pool.

This expansion would definitely enhance the care of Gunnar and other furry friends. Especially on days when the weather is too uncomfortable for the dogs to be outdoors. An indoor facility for them to socialize and get exercise would provide that continued excellent care that FFPR gives.

I feel that the owners and staff of FFPR go above and beyond what kennels provide, in the care of the dogs. This building will enable them to offer our community, a unique quality of care, unlike any other.

The benefits of this expansion will definitely enhance our community, and bring forth continued quality care for our dogs and families.

Regards,

Lynn Laplante
Whitefish, ON



Dear Darlene and Nathan,

Just wanted to take a minute to say thanks. Thanks for giving me peace of mind when I leave my baby girl, Delta Dawn, with you.

It's so nice to know that she enjoys the outdoors in a safe, open environment at your facility. It's hard to find a facility like yours that offers large fenced yards for pets, swimming pools, shaded areas, sunny areas, playgrounds, and friendly staff to care for the pets.

Having moved north from Southern Ontario, I researched boarding facilities here and yours is the only one I would trust to take care of my pet. I do not want my dog caged, I want her cared for like I do at home. Your facility is one-of-a-kind for the Sudbury area and when asked, I don't refer to it as a kennel but a free-range pet resort. Your location, space, and caring is what sets you apart from the rest.

So thank you and we will be seeing you soon.

~ Kristine Cameron and Delta Dawn ~

From: Keokee Maloney
Subject: Friends Fur-Ever Kennel
Date: Jan 20, 2017, 11:47:24 AM
To: Friends Fur-Ever

To: City of Greater Sudbury,

We live on Manitoulin Island and we can say, without hesitation, that Friends Fur-Ever is the best kennel we have ever used in Canada and the United States.

Our dog (older one has passed on) were/are rescue dogs with problems which this kennel takes in stride. Island kennels would not.

Friends Fur-Ever is a free-range kennel that our dog(s) thoroughly enjoy!

It is very convenient for us to drop the dog(s) off on the way to Sudbury for doctors appointments and shopping. But it is even worth the extra two hours travel to have Friends Fur-Ever kennel them when we go to the States through the Soo.

Richard and Keokee Maloney

From: eileen plnylr
Subject: No Subject
Date: Today at 2:07 PM
To: darlene@

Hi Darlene

Just to tell you that Friends Fur-Ever Pet Resort (FFPR) has been and continues to be the best facility, that our dog Summer has been boarded at. We have visited and experienced other facilities in the city and other areas, which do not compare with your free range kennel. We can say from experience " FFPR is by far the BEST & EXCEPTIONAL and HIGHLY RECOMMENDED "!! We have been boarding our dog Summer (female yellow lab) since she was 1yr and for several years now when we travel, at least 2x/yr. We have been very privileged to have such a facility in our area and we are very pleased with the attention and slow introduction to the others, that she receives during her stay. We would like to thank you and your wonderful experienced trained staff for welcoming Summer each time and accommodating her special needs to make her stay most comfortable while she is a guest and also her visit most memorable. It has been very beneficial to Us and to Summer, we hope she will never need to find other accommodations. I hope that you will always have a space available if needed and in case of an emergency or a short notice. It is a good feeling and of comfort to know that her care and comfort is well taken care of. FFPR has done a great job in providing us and our community with a responsible, respectable, professional facility and knowledgeable selected attendants to care for our dogs.

I would like to mention a few of the spectacular items that FFPR provides; a super environment, continuous upgrades, play areas and pools, security and communication devices, accommodates non scheduled pick up and drop times, superior attention towards needs, love, care, play, attention and nurturing. I am very appreciative for the services and staff and also entrust the resort with our dog Summer! We are looking forward to visiting FFPR soon this January.

Thank You!

Sincerely,

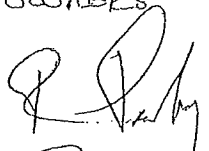
Mr & Mrs Kalliomaki

From: Lynda Roberts
Subject: Friends For Ever
Date: Today at 9:19 PM
To: darlene

I have known Darlene at Friends Fur-Ever Pet Resort for many years. It had been highly recommended by a neighbour who had frequented Friends Fur-Ever. We first brought our 6 month old Lab, Husky, Sheppard, Chow mix, Lightning their for socialization, to become comfortable around other dogs of all sizes and breeds. He enjoyed his visits so much that we could not deny him is Wednesday visits. Lightning gets so excited when he knows he is going we can hardly contain him. Darlene and her staff are caring and devoted to the animals in their care. They are very knowledgable and responsible ensuring that the dogs are well cared for and safe. There was an occasion when Lightning needed the care of a Vet during his stay and they transported him to our Vet and cared for him as we would have. The facility is very clean and very well maintained and the animals are kept in a safe and secure environment. The staff forms a bond with the animals like they are family, this can be seen by the way they interact with the animals. Lightning has stayed at Friends Fur-Ever on many occasions. Friends Fur-Ever has provided a safe and secure place for Lightning to stay when we needed it. I would highly recommend Friends Fur-Ever as a safe and and comfortable place for pets. This is a place that allows you to feel your animals are in the best care possible, and they are happy. I have taken Lightning to other places to stay and the service that we receive at Friends Fur-Ever is by far the best, and I know many people who feel the same way.

To Who It May Concern

My dog Daisy has been boarded at Friends For-Ever a number of times since their facility has opened. I'm impressed with the cleanliness of the facility AND the way the dogs are treated. Daisy had fear issues with other dogs after she was attacked by a German Shepard when she was pup, but being put in an open concept area she regained her confidence with other dogs when she came home. Any further improvement to Friends Fur-Ever would be a benefit to the dogs and their owners.


Ron Podorozny

From: Koop Alkema
Subject: Your services
Date: Jan 24, 2017, 2:12:43 PM
To: darleneni

Hello Darlene,

I am writing this note to acknowledge the great care our two dogs have received at Friends Fur Ever over the years. It is great for the dogs to have as much space as you have, they love to run around and play with the other dogs. Our dogs have always been very well looked after by you , your husband and your professional staff.

There is no other dog kennel in Sudbury that provides the dogs with as much outdoor and play time as your kennel and with this it is understandable to you are expanding your services.

Sincerely,

Koop Alkema

From: Villeneuve, Diane (GE Healthcare)

Subject: Benefits provided by Friends Fur Ever Pet Resort

Date: Jan 23, 2017, 12:09:20 PM

To: darlenen

Hello,

As you know Koda has been going to your daycare since he was 10 weeks old, hard to believe he will turn 2 yrs. in a couple of weeks. We depend on Friends Fur Ever for Koda's care and well-being just as we would a caregiver for our children. When I leave town each week for work I never give a second thought to Koda's care while he is at daycare, I don't worry about him. We feel good knowing he is getting lots of exercise outside and socializing with other dogs at the same time, both physical and mental care are important to us and he gets lots of both. I believe the reason Koda is such a well behaved/mannered dog is largely due because his dog needs (his husky needs) are provided to him whenever he is at daycare.

I look forward to your service expansions, especially the grooming service since he goes regularly to the groomers, what a plus it will be for us to have him groomed while he is already at daycare. The in-door play area will also greatly benefit us, I know the dogs don't mind playing outside in the rain but it does bring home a certain wet dog fur odor.

We love Friends Fur Ever and would be at a loss without such a great establishment to care for our Koda.

Thanks for everything you do.

Diane and Dan Ethier

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January 23, 2017

RE: Friends Furever Pet Resort, Lively, ON

To Whom It May Concern,

I have had the pleasure of being a customer at Friends Furever Pet Resort for approximately two years. I have a two year old Chocolate Labrador Retriever, named Bentley, who frequents the resort while I'm away on vacation, and also regularly for 'puppy daycare'.

When planning my first vacation since becoming a pet owner, I was faced with a difficult decision as to where to leave Bentley where I could ensure he would be in safe and in-loving hands. I instantly reached out to friends for recommendations and it's with no surprise, the first three recommendations were for Friends Furever Pet Resort.

When visiting the resort for the required "meet and greet" to ensure that it would be a mutual fit for both parties, I instantly felt at ease. Not only was Bentley happy to be interacting and playing with other animals, the facilities are clean and well-kept, both indoors and outdoors, the staff are friendly and they treat each animal like their own. Within the first few minutes I knew Bentley would be in good hands.

There is no other facility like this in the Sudbury area. The dogs are closely monitored while being able to interact outdoors with each other for the majority of their stay, while the pet owners are able to login to the camera system and see their pets from anywhere in the world. This service is unique to Friends Furever and such a benefit for the animals and their owners.

As a pet owner, it's comforting to know that your animal is in the best possible hands while you're away from them. Over the past two years, Bentley has visited the resort on many occasions -- he now knows the route! When we're within 1km of our arrival, he starts to whine with excitement and it gives me comfort knowing he'll be happy and in loving care.

Warmest Regards,



Rebecca (& Bentley) Theberge
3168 Herve Ave.
Val Caron, ON P3N 1C1

From: John Huggins
Subject: Kennel Review
Date: Yesterday at 4:42 PM
To: darlene

Hi Darlene: Please find attached the review you requested.

Carmen Huggins

A review of Friends Fur Ever Pet Resort

I have boarded my dog "Buddy" at this kennel for over 3 years off and on. There have even been stays of a month or so while on extended holidays and times of medical emergencies for myself that I have made use of this kennel. My dog is active and loves nothing more than to play all day. I had previously checked all my options and found that other kennels did not allow dogs to intermingle and play: they are either kept in a dog crate or a small dog run alone. As a previous owner (19 years) of a kennel, I know that a place is clean and treats all their charge with kindness and even more...individually. Dogs need both human and animal interactions, they get both there. The staff knows Buddy by sight and by name; he is always eager to go there and renew friendships while playing.

I can also always check and view his status 24/7 on my cell phone. I love that kind of accountability and the fact that there is always a staff member there to watch over him. They will also feed him his special diet that has to be refrigerated and sometimes (when needed) will give him any medication I instruct them to give him.

Buddy loves best to play in the water and would you believe they have not one but 3 doggie pools for them in the summer. How awesome is that! When Buddy comes home he is exhausted from play and will rest for the whole day.

If I were to ask for the perfect Shangri-La, I would ask for an indoor place for the dogs to play in during foul weather days and maybe even a grooming place. But I hear that they share the same dream and more, so keep in touch...they are always growing and listening to their customers' needs.

Respectfully

Carmen Huggins

January 23, 2017

Re: Friends-Fur-Ever Pet Resort

To Whom It May Concern,

We are the owners of a long and lanky dog named Ben. Ben showed up on our rural doorstep as a starving 4-month old puppy with signs of abuse. We believed that he had been abused by other dogs as he was initially terrified of every dog he came in contact with even though he towered over them. Finding the right place for Ben when we were going to be away from our house for an extended time was very important to us. We heard of the Friends-Fur-Ever Pet Resort through highly positive word of mouth reviews and brought Ben to check it out.

From the moment Ben was greeted by Darlene and her hard-working staff, to the gentle care they showed him during his initial visit and understanding Ben's special needs right away, we knew we had found a special place for Ben to spend time when he's not at home.

We have been bringing Ben there for three years now. The time that Ben spends with the other dogs, from our experience, has made Ben a better dog. He has learned to be a dog. Putting Ben in a social pack has given Ben the positive experiences he needed to help him grow and mature.

Our experience at another local kennel wasn't good for Ben. The space, care and time spent socializing with other dogs through the service provided by the good people of the Friends-Fur-Ever Pet Resort has made our dog a happier dog and our home a happier home as Ben has matured. We look forward to continuing to use their service at every opportunity.

Sincerely

Dave Gallant and family

January 23rd 2017

Re: Friends Fur-Ever Minor Variance Application

To Whom it May Concern,

Please accept this letter as an expression of our support for Friends Fur Ever Pet Resort. We have been made aware of their application for a Minor Variance and would like to offer our support for the maintenance and expansion of their valuable services.

Our family are long-time patrons of this establishment where we bring our dog to play and socialize with other dogs. The services this facility provides are unmatched in Sudbury, let alone Northern Ontario, and directly align with the tenets of responsible pet ownership that are espoused in the City's new animal control by-law.

Both my wife and I work full-time, and are pleased to be able to bring our dog to Friends Fur Ever Pet Resort for doggy daycare a few days a week. This keeps her from being home alone all day and provides her with the socialization and activity she needs to behave well with people and dogs. Because of the time she spends with the staff and dogs at Friends FurEver we can say we have a happy, well-exercised and well-socialized dog. Because of the unique services they supply, Friends FurEver has been a lifesaver for our family, particularly when my wife suffered from with medical issues. I travel extensively for work, which left my wife home alone with the dog. When she was ill and weak we were able to ensure that our dog continued getting the exercise and socialization she needed by bringing her to play with her pack at Friends Fur Ever daycare. We have also been able to board her there when travelling out of town for medical appointments, and are relieved that we can leave her with staff who love her, in a facility where she can run outside with other dogs and is not confined to a kennel all day. We continue to bring her there because she has grown attached to the staff and her canine companions. This has allowed our puppy to grow into

a healthy, well-adjusted dog who thrives in the company of humans and animals.

We see a great deal of value in their services and the care that they give our dog. Our dog is a family member to us, and we feel that these services have been invaluable to her and us alike. The staff at the facility cares greatly for the dogs, and we feel that any interruption or diminishment of these services would have a negative impact on the immense community of people and dogs who have benefitted greatly from their service.

Sincerely,

Stephen and Tanya Gravel

From: Linda Hebert
Subject: FriendsFur Ever
Date: Jan 23, 2017, 9:05:36 PM
To: Friends Fur-Ever

To whom it may concern,

We have used Friends fur ever resort at several occasions. We have been a customer for several years. They have cared for our two huskies at different occasions. Missy and Chance love to go there. They have been well cared for. It is just not anywhere that you can leave your pets know that they will go outside most of the day. My dogs learn to be with other dogs while they are there. They are constantly supervised. I have even used the camera systems at time and seen the caregiver throw toys for the dogs so they can run. I know they will not be kept in a small enclosure all day and left to go outside for a limited time. That is one of the main reason that I love that pet resort. My dogs are used to being outside and love to run as they please. I would not be able to enjoy my holidays without having a place like Friends fur ever pet resort. It is very important to us to have such a place that we can bring our dogs to.

Yours truly,
Linda and Mike Hebert
230 Manninen RoadWorthington Ontario

From: Tina Wilson
Subject: Thank you!
Date: Yesterday at 6:43 PM
To: darlene

Dear Darlene and Nathan,

I just wanted to let you know how much Graham and I appreciate all your hard work with Rocky. We have used 2 other boarding kennels in the Sudbury area and nothing has compared to your facility. Leaving a golden retriever in a cage for any length of time is not what we envisioned for our pet's care. So when we found your facility we were elated. Rocky obviously loves it. He leaps out of the car with great anticipation and excitement and can't wait to see all the dogs and of course, you and your staff. It is so great to be able to watch how he is doing via online videostreaming. We can clearly see that there is always someone watching and playing with the dogs. You and your staff are amazing in the time spent doing your job and the passion you have for the animals. It is a tremendous job and your hard work and dedication are so evident. There is truly a need for kennels like yours. One of the main reasons we love "Friends Forever" is because of the wide open outside areas. The dogs get lots of attention, interaction and activity. Rocky sleeps like a log afterwards. The indoor kennels keep the dogs safe and warm during feeding times and at night and they are always kept very clean. We can't thank you enough Darlene!

With much appreciation, Tina and Graham Wilson

From: Bookings Friends Fur Ever ...
Subject: Vacancy
Date: Jun 22, 2016, 9:11:19 AM
To: darlenen

If you can't see this message [View it in your browser.](#)



New Mail

I went and fetched your emails from the website and you have mail! The details are below.

Woof,

Max

Subject: Vacancy

Name: Steve Holt

Email: stephen.holt@greatersudbury.ca

Message: Hi folks, Steve from by-law. I just left a phone message but am anxious to hear back. I have inspected your kennel several times and have always been impressed, we need a spot for our Roxy next week from Thursday June 30 until the Monday...do you have room?

To whom it may concern:

I am writing this letter in support of Friends Fur-Ever Pet Resort. We have been using the facilities provided by Darlene and her staff for the past two years for both daycare and longer term overnight stays for our dog Scout.

The operation offers opportunities for our dog that no other kennel in Sudbury offers. Scout is well supervised as she plays outdoors with the other dogs every Friday and the care she has received for her dietary and physical activity needs has been exemplary. The plans for expansion that the owners have put forward will only make a good operation better. Please grant the minor variance that is being sought.

Sincerely,

D'Arcy Young & Lynne Lamothe

From: Tom S
Subject: Easement note
Date: Jan 17, 2017, 12:23:45 PM
To: Friends Fur-Ever

To Whom it May Concern,

I understand Friends Furr Ever Pet Resort (FFPR) has an application in process for an easement to extend their offering. This note is a personal recommendation in this regard, though based on a short relationship with the company to-date.

FFPR's facilities have been consistently clean and well maintained. Their service enables me to ensure our pet is properly socialized and cared for, versus being locked in a kennel while my wife and I work.

Any additional capabilities would serve to improve animal care in the Sudbury area with FFPR's unique offering.

Yours,

Tom Snyder

From: darby massimiliano
Subject: Letter
Date: Jan 23, 2017, 12:32:22 PM
To: darlenen@

To whom it may concern:

I am writing this in support of friends fur-ever pet resort. I have been working at the resort for about 3 months. I enjoy being able to care and supervise the animals and seeing how being in a dog pack effects the dogs individually and how much they learn from it. It is an experience that humans cannot teach their pet, and in turn have the pet returned as a happier dog.

As regarding the new building I support 100% I am excited to see the therapy pool to help injured and arthritic dogs, a grooming station and the indoor play areas will deplete the noise issue.

Sincerely Darby Massimiliano

From: Sue BERTRAND
Subject: Support for your project
Date: Yesterday at 2:22 PM
To: darlene@

To whom it may concern

I would like to express my support for Darlene and her husband in their proposed project at their facility. As far as I know it is the only kennel of its kind in the area. Being allowed to expand would be an asset to their business and those clients who value their services. I have always found them to be professional and courteous and am certain that their plan will be carried out with the minimum of disruption in the area.

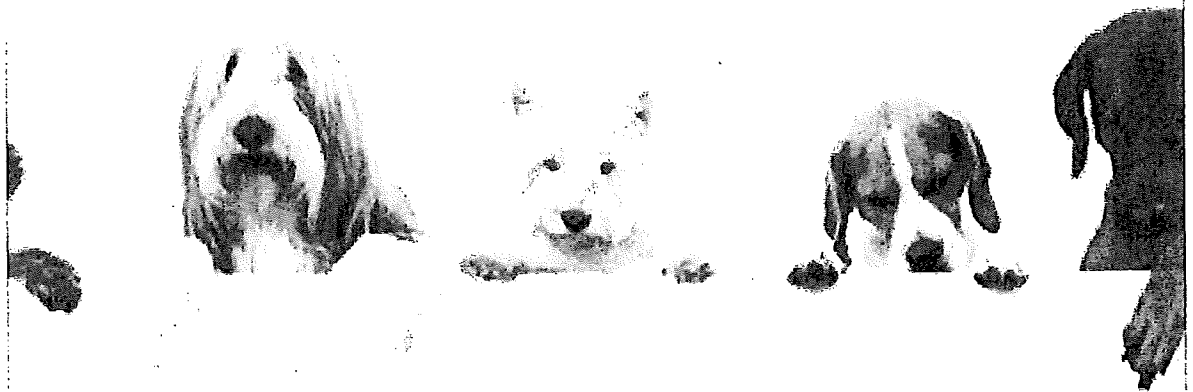
Sincerely,
Sue Bertrand
304 Black Lk. Rd.
Lively, Ont.
P3Y1G6



Friends Fur-Ever Pet Resort — 5★

October 18 · 🌐

Highly recommend this kennel. My dogs run in and don't look back when I come here. The facility is large and the added feature of security monitoring is amazing. I will never go anywhere else!



Friends Fur-Ever Pet Resort

Pet Sitter

326 likes



Like



Comment



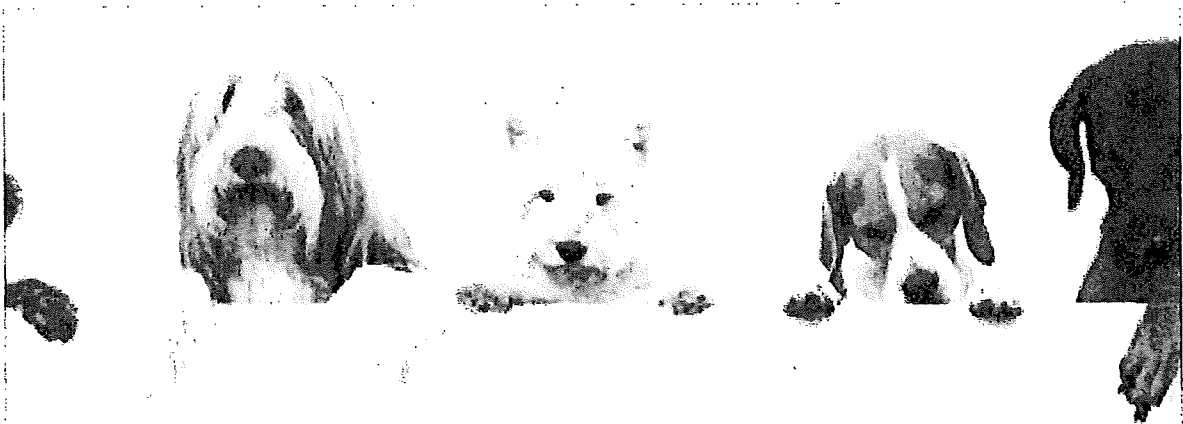
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Ever Pet Resort — 5★

June 27, 2016 · 🌐

This is one of the only places I trust leaving my dog. The facility is clean and includes large spaces for the dogs to run around and play in. The staff are professional and knowledgeable in dog behaviour and safety. I mainly use Friends Fur-Ever for day-care and my dog always comes home happy, healthy and tired from all the play.



Friends Fur-Ever Pet Resort

Pet Sitter

326 likes





Like



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**Kristen Whissell reviewed Friends
Fur-Ever Pet Resort — 5★**

March 29, 2016 · 🌐

Our dog loves it here and she always comes back home happy and tired. We know she loves going to Friends Fur-ever because as soon as we turn off the highway she gets so excited and can't wait to jump out of the car to play with all her friends. Darlene and all her staff are great with our dog. We feel safe and comfortable leaving our dog with them for any length of time.



2



Like



Comment



Share





Like



Comment



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**Andrew Alexander reviewed Friends
Fur-Ever Pet Resort — 5★**

June 27, 2016 • 🌐

First time my pup has ever gotten excited going to a kennel! When I pick him up he never shows signs of stress. Definitely makes me comfortable when I'm away for work! I would recommend this place to anyone who wants to give their dog a mini vacation !

1 Comment



Like



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**Sheena Alexander reviewed Friends
Fur-Ever Pet Resort — 5★**

April 4, 2016 • 🌐

I have been leaving my dog Chloe with FFPR



**Sheena Alexander reviewed Friends
Fur-Ever Pet Resort — 5★**

April 4, 2016 • 🌐

I have been leaving my dog Chloe with FFPR regularly for more than 2 years now. My dog has always been very anxious and nervous away from home and around strangers but has been comfortable and happy at FFPR since she spent time with the owners and staff on her first visit. Now Chloe realizes where we are going when we turn off the highway and whines excitedly until I let her out of the vehicle. I regularly use the camera system app on my phone and can see Chloe playing with other dogs and the owners and staff and she is always h... See More



Like

Comment

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Like



Comment



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Sarah Jane Isaac reviewed Friends Fur-Ever Pet Resort — 5★

March 29, 2016 · 🌐

Great and accommodating resort! It was obvious they got to know our dog and his personality! They made sure he got lots of fun pool time and hose play on those hot summer days ;). The staff were sooo friendly, patient and caring. Great, safe, fun place for your dog - big or small.



1



Like



Comment



Share



Brad Loewen reviewed Friends Fur-Ever Pet Resort — 5★

March 28, 2016 · 🌐



Brad Loewen reviewed Friends Fur-Ever Pet Resort — 5★

March 28, 2016 • 🌐

Our dog comes home happy after every visit. It is great to have a kennel like this in Sudbury. It is great to see all the dogs having so much fun, fresh air and exercise. Thanks Darlene for the great service. See you again soon.



Like



Comment



Share



Stasia Elana Carr reviewed Friends Fur-Ever Pet Resort — 5★

March 27, 2016 • 🌐

Fantastic kennel. My fur baby loves to spend time here. He comes home healthy happy and worn out from all the fun he had.



**Andrea Benoit reviewed Friends Fur-
Ever Pet Resort — 5★**

March 28, 2016 • 🌐

I trust my furbabies here, and the happy doggy
smiles on their faces when they come home
says it all!



Like



Comment



Share



**Marnie Ayers reviewed Friends Fur-
Ever Pet Resort — 5★**

March 21, 2016 • 🌐

The only place I'd ever leave my Dexter when i
go away. Thank you FFPR... you're the BEST!



Like



Comment



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Other Issues

10 pages.

Also brought to the attention of the public by the City of Greater Sudbury staff are 2 issues that have no bearing on the Friends Fur-Ever Pet Resort operations.

#1. Shipping Containers on the property.

We are OMFRA members with a Farm Class # 4250692

This entitles us to have shipping containers on the property of 15 Kalio Road since we do have an approved agricultural use. We have had horses, goats, bees, chickens and turkeys on this property. We currently are raising turkeys for meat and chickens for eggs.

Attached is a copy of our OFA card bearing our names. Also attached is the Zoning Bylaw 4.34 "Shipping and Storage Containers" and the description of an approved agricultural use as described in the zoning bylaw. These documents prove that we can indeed have shipping containers on the property described as 15 Kalio Road, Lively, Ontario.

#2. Two wooden sheds built without a building permit.

We currently have a building permit for the two sheds in question (attached) as well as a Engineers report (received September 21, 2017) showing that they were built following the standards of the Ontario Building Code as well as a number of other documents. The 2 shed do pass all requirements needed in the Building Code.



Ontario Federation of Agriculture

Ontario AgriCentre
100 Stone Road West, Suite 206, Guelph, ON N1G 5L3
1-800-668-3276 Fax: (519) 821-8810
www.ofa.on.ca

"Farmers working for farmers" since 1935.

J Nathan Nicholson and Darlene Nicholson
15 Kalio Road
Lively, ON P3Y 1N8

MEMBER FEE	\$195.00
H.S.T. (R107797730)	\$25.35
TOTAL PAID	\$220.35

THIS IS YOUR RECEIPT FOR 2017

OFA MEMBERSHIP [REDACTED]

No further payment is required.

Dear OFA Member,

Thank you for choosing the Ontario Federation of Agriculture, serving Ontario farmers for 80 years. We value your membership and appreciate the commitment you've made by choosing OFA as your general farm organization. As your membership is a renewed commitment to us, we renew our commitment to working together with you to grow Ontario agriculture.

We will continue to work diligently to advocate on your behalf and ensure the priorities and issues of all Ontario farmers are heard. We are a grassroots organization that values input and feedback from our members. Without your support, and the support of all of our 36,000 Ontario farm families, we would not be able to continue our work advocating for your concerns and the issues affecting our industry.

We also strive to build extra value into your OFA membership by offering a wide range of services and promotions exclusively to OFA members. The OFA Benefit Program delivers savings unique to all OFA members from financial services, communications and publications to transportation, farm supply, hardware and clothing. We hope you are able to take advantage of these valuable benefits. The enclosed OFA Benefit Program brochure includes additional information on exclusive offers available to OFA members, or visit www.ofa.on.ca and click on "Benefit Program" to learn more.

As an OFA member you have the opportunity to make a difference. The OFA Board of Directors consists of 18 elected Directors across the province, with one representative for every 800 OFA members.

OFA is the only general farm organization to offer a team of experts across Ontario who assist members with issues affecting their farm. Visit www.ofa.on.ca/join-ofa/MSR.

Thanks again for choosing to support OFA as your farm organization. We value the role you play in serving your farm business. We value the role you play in serving your community.

J Nathan Nicholson and Darlene Nicholson
SUDBURY WEST

Expiry Date 04/30/2018

Sincerely,

SERVICES REQUIRED

No person shall erect or use a building or structure for a residential use on any lands unless approved sewage disposal and water supply services are available to the lot.

4.34 SHIPPING AND STORAGE CONTAINERS

Shipping and storage containers shall not be placed or used on any lot in a Residential (R), Commercial (C), Mixed Light Industrial/Service Commercial (M1) or Business Industrial (M1-1) Zone and shall only be located on a lot:

- a) As an accessory structure used in conjunction with a permitted agricultural, extractive, transport terminal or warehouse use;
- b) For the purposes of rental, sale or distribution in a Light Industrial (M2) or Heavy Industrial (M3) Zone for use off site; and,
- c) In accordance with Sections 4.40.5 and 4.40.7 of this By-law.

4.35 SIGHT TRIANGLES

4.35.1 Application

Notwithstanding any other provision of this By-law, a sight triangle shall be required at an at-grade intersection of two or more streets or of a road and a railway right-of-way, except that no sight triangle shall be required on a lot where this By-law does not require an exterior yard.

For the purposes of calculating the extent of a sight triangle as defined herein, the following distances shall apply as follows:

Table 4.2

Roads	Sight Triangle Distance
Local	7.5 m
Arterial	9.0 m
Provincial Highways	9.0 m
Railway Right-of-Way	7.5 m

	Term	Definition
		"topless", "bottomless", "sexy" or any other word or picture, symbol or representation having like meaning or implication is used in any advertisement.
6.	Aggregate Transfer Site	Any <i>premises</i> used for the sorting, storing and distribution of aggregate materials including topsoil and peat.
7.	Agricultural Use	An area of land used for: <ul style="list-style-type: none"> a) The cultivation or tillage of soil; b) The growing and harvesting of vegetables, fruits, grains, seed crops, mushrooms, berries, trees, sod, flowers or landscaping materials; c) The erection and use of greenhouses; d) The grazing, breeding, raising, boarding or training of <i>livestock</i> of all kinds, including, without limiting the generality of the foregoing, cattle, swine, sheep, <u>goats</u>, rabbits, <u>poultry</u>, fish, <u>horses</u>, ponies, donkeys, mules and fur-bearing animals, including a <i>commercial riding school</i> but not including a <i>stockyard</i>; e) Dairying; f) Syrup collecting; g) <u>Beekeeping</u>; or, h) Any other operation normally associated with farming, with or without <i>accessory buildings</i>, structures or uses including, without limiting the generality of the foregoing, a <i>farm sales outlet</i>.
8.	Airport	The use of lands, <i>buildings</i> or structures for the purposes of air transportation services and regulated by Transport Canada.

requiring a *building permit* is erected with any such use except where specifically permitted by this By-law.

4.40.4 Home Occupations

Home occupations accessory to permitted *dwelling units* shall be permitted in any zone, other than an SLS Zone, subject to the provisions of Subsection 4.14.

4.40.5 Temporary Construction Uses

Nothing in this By-law shall apply to prevent the use of any part of any *lot* for, a tool shed, construction trailer, shipping or storage container, scaffold or other *building* or *structure* incidental to construction and the temporary storage of construction supplies and equipment in all *Zones* within the *City* on the same *lot* on which the construction work is in progress or in relation to a road or *public utility*, so long as it is necessary for the work in progress and until the work is completed or abandoned.

For the purposes of this section, abandoned shall mean the discontinuation of work for more than 90 consecutive days or the failure to maintain a current *building permit*.
(By-law 2011-49Z)

4.40.6 Temporary Sales Office

A temporary sales *office* for the sale of residential *dwelling units*, and industrial or commercial *suites*, shall be permitted in any zone, provided that:

- a) The temporary sales *office* is located on the same *lot* as the *dwelling units* or *suites* to be sold; or
- b) The sales *office* is located within the boundaries of the same draft plan of subdivision approved under Section 51 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

4.40.7 Temporary Shipping or Storage Containers

Nothing in this By-law shall apply to prevent the use of any part of any *lot* for the placement and use of not more than a total of one shipping or storage container shall be permitted on a *residential lot* or a *lot* within a Commercial (C) or Institutional (I) Zone for a maximum of 14 consecutive days for the purposes of being loaded



BUILDING PERMIT NUMBER: **B17-0095**

ISSUED: February 14, 2017

STATUS: **Issued**

Permission is Hereby Granted to: **Const Anc Structure TO SINGLE DETACHED
Single Family
2 STORAGE SHEDS**

Property Location: **15 KALIO RD Walden**

Zoned: **RU Rural**

Legal Description: **WATERS, Con 4, Lot PART OF 1, Pcl 5579**

Owner(s): **NICHOLSON, DARLENE
NICHOLSON, NATHAN
15 KALIO LIVELY ON P3Y 1N8
Home: 705 692 3647**

Cell: 705 692 3647

Contractor:

Units of Measure: (Imperial or Metric)

Length: 24
Front: 300

Width: 16
Rear: 400

Height:
Side-D: 400

No. of New Units:
Side-O: 700
Gross Floor Area: 544

Ground Floor Area: 544

Permit Customer Service Clerk: Rossignol, Troy

UNDER THE AUTHORITY OF THE BUILDING ACT, SECTION 8(10)(b), REVOCATION OF PERMITS. YOUR PERMIT WILL BE REVOKED **October 31, 2017** IF AFTER SIX CONSTRUCTION MONTHS AFTER ITS ISSUANCE, THE CONSTRUCTION OR DEMOLITION IN RESPECT OF WHICH IT WAS ISSUED HAS NOT BEEN SERIOUSLY COMMENCED.

Authorized by **Guido A. Mazza, P.Eng.**
Chief Building Official/Director of Building Services

POST THIS CARD SO IT IS VISIBLE FROM THE STREET

BUILDING INSPECTION APPROVALS

1. Footing Inspection

a. House b. Other

2. Weeping Tile / Foundation Inspection

3. Framing Inspection

a. House b. Other

4. Insulation Inspection

a. Above Ground
b. Below Ground
c. Air Barrier

5.a. Inspection for Occupancy

5.b. Final Inspection

PLUMBING INSPECTION APPROVALS

6. Ground Work

7. RIP (above ground)

8. Final

**HEATING, VENTILATION & AIR CONDITIONING (HVAC)
INSPECTION APPROVALS**

9. HVAC - Rough-In

10. HVAC - Final

Approved plans must be retained on job and this card must be kept posted until final inspection has been made. Approval must be obtained before occupancy. Minimum of five (5) inspections required for all construction work (except for accessory buildings). Work shall not proceed until the Inspector has approved the various stages of construction. Separate permits are required for plumbing, heating and electrical installation. Inspections indicated on this card can be arranged by telephone, written notification or on-line. 705-674-4455, ext. 4278, 3-1-1 or can be booked on-line at inspections.greatersudbury.ca.

September 21, 2017
Our File: A-PRO-SD

VIA E-MAIL

Ms. Darlene Nicholson
Friend Fur-Ever
15 Kalio Road
Lively, ON P3Y 1N8

Dear Ms. Nicholson:

Re: Structural Review of Wood Kennels – REV. 00

This letter has been prepared by J.L. Richards & Associates Limited (JLR) to present the findings of a desktop structural review of two kennel structures located at 15 Kalio Road in Lively, Ontario. The desktop structural review was completed based on sketches of two kennel structures (Shed 'A' and Shed 'B') received from the City of Greater Sudbury Building Services Department and are appended to this letter for reference. The sketches indicated the general layout, size and the structural framing system for each kennel structure.

The structural review verified the capacity of the existing structural systems and was completed in accordance with the following standards and guidelines:

- 2012 Ontario Building Code;
- 2010 National Building Code Structural Commentaries;
- National Farm Code of Canada 1995;
- CSA O86-09 Engineering Design in Wood.

The two kennel structures were considered as *Farm Buildings* which are buildings or part thereof that do not contain a residential occupancy and is used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds.

For each kennel structure, the following parameters were assumed:

- Wood Material: Spruce-Pine-Fir (SPF) No. 1/2;
- Wet Service Condition;
- Low Importance Category;
- Climatic Data for Sudbury, Ontario.

September 21, 2017
Our File: A-PRO-SD

Ms. Darlene Nicholson, Friend Fur-Ever

Based on the parameters noted above and the codes, standards and guidelines referenced above, it was determined that the roof supporting joists, rafters and posts for both Shed 'A' and Shed 'B' have adequate capacity to support the imposed dead, wind and snow loads. The shed structures also have adequate dead weight to resist the effects of global overturning due to imposed lateral wind loads.

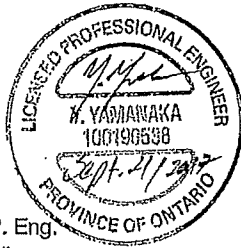
We trust the review presented above meets with your current requirements. If you have any further questions or require any additional information, please contact the undersigned at your convenience.

Yours very truly,

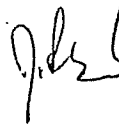
J.L. RICHARDS & ASSOCIATES LIMITED



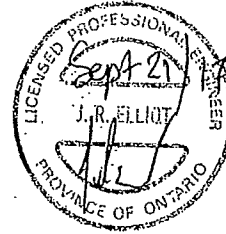
Yuki Yamanaka, P. Eng.
Structural Engineer



Reviewed by:

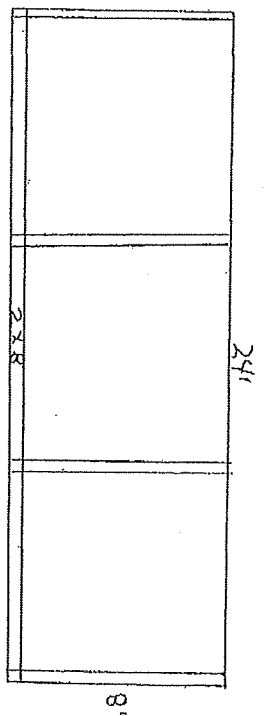
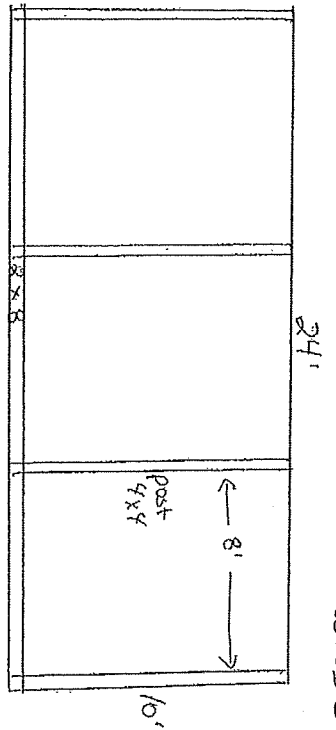


John Elliot, P. Eng.
Executive Director
Chief Structural Engineer



YY:nf

WOOD SHED 'A'



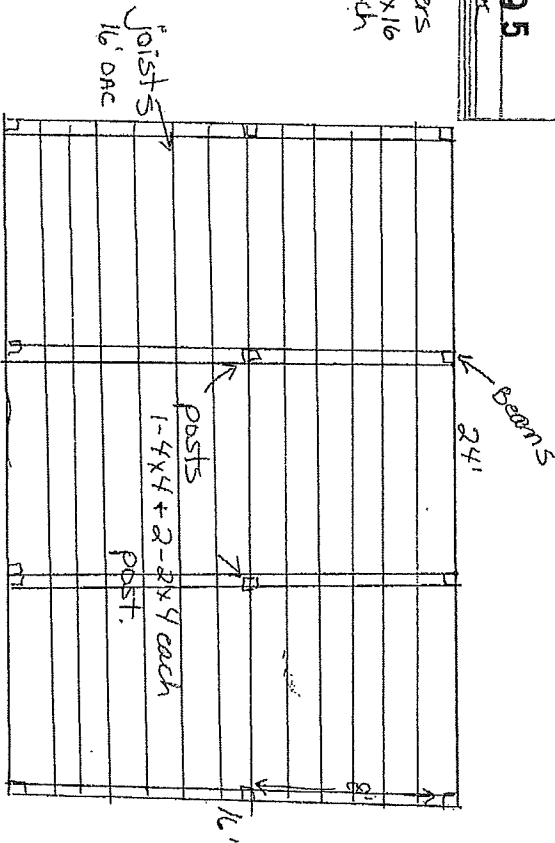
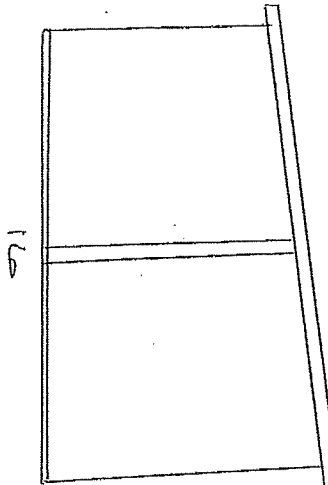
City of Greater Sudbury
BUILDING SERVICES DEPT.
These drawings/plans/specifications have been reviewed
for the purpose of obtaining a Building Permit.
FEB 02 2017
B.P. # 17-0095
SIGNED *M. Gaudin*

Roof: metal

RECEIVED
FEB 02 2017
Building Services

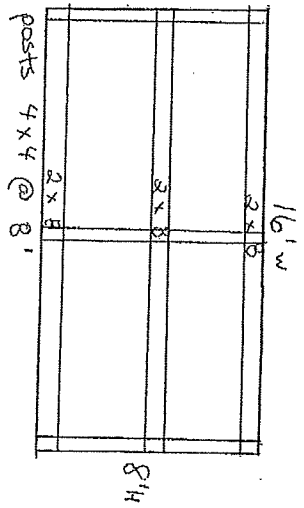
Sides (2)

4-rafters
4-2x6x16
each



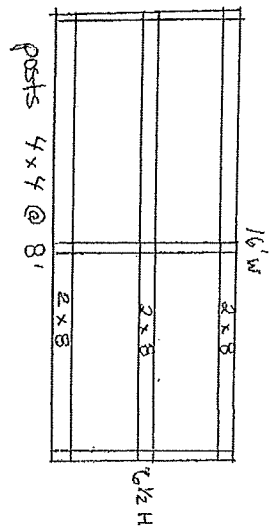
4 corners anchored down 2'

FRONT



SHED B

BACK



RECEIVED

FEB 02 2017

Building Services
Sides (x2)

City of Greater Sudbury
BUILDING SERVICES DEPT.
These drawings have been reviewed
for the purpose of issuing a building permit.

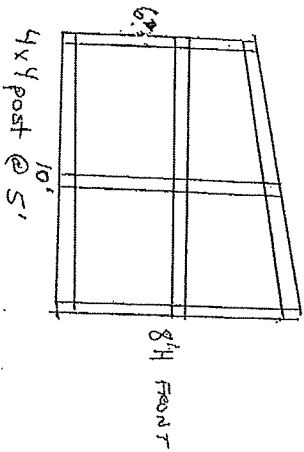
FEB 02 2017

B.P. # 17-0095

SIGNED *[Signature]*

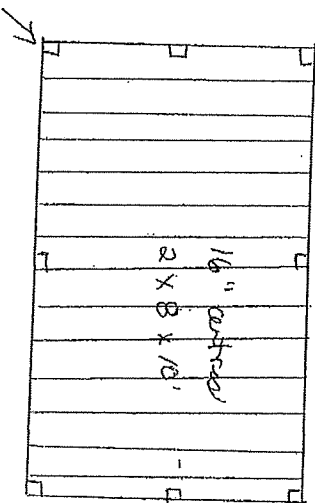
Exterior: plywood.
Roof: shingles on 7/8" OSB Board

BACK

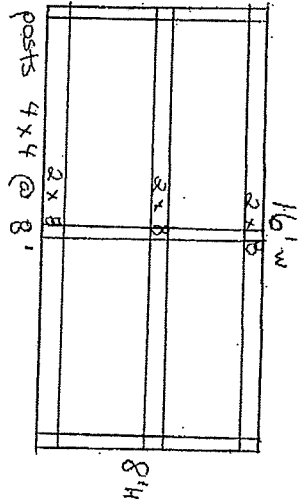


Slope greater than 2/12

4 corners anchored down 2'

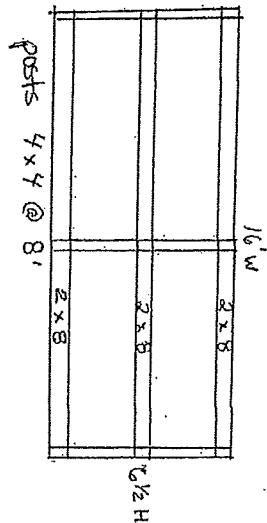


FRONT



SHED B

BACK



RECEIVED

FEB 02 2017

Building Services
Sides (x2)

CITY of Greater Sudbury
BUILDING SERVICES DEPT.
These drawings/requirements have been reviewed
for the purpose of obtaining a Building Permit.

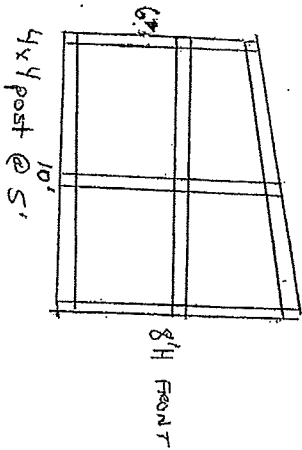
FEB 02 2017

B.P. # 17-0095

SIGNED *[Signature]*

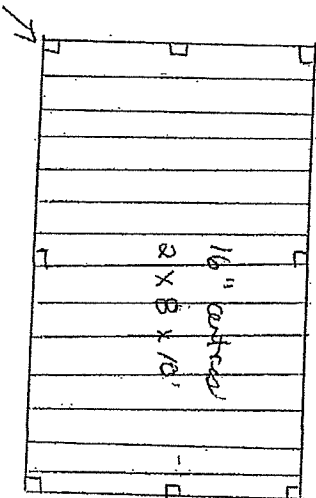
Exterior: plywood.
Roof: shingles on 7/8 OSB board

BACK



Slope greater than 2/12

4 corners anchored down 2'



For City of Greater Sudbury Use Only

Total Number of Signatories: 114

9 pages

PETITION

We, the

Owner of Friends Fur-ever Pet Resort @ 15 Kalio Rd, Lively

(Please identify the petitioners in general terms. For example, residents of Ward #, residents of Street Name, residents of Community Name, residents of the City of Greater Sudbury)

Briefly state the matter or argument in support of your petition. (This statement must appear at the top of each page on which you collect signatures.)

are asking for the City of Greater Sudbury to change our
zoning from "Rural" to "Rural special" to allow for a free-range
Kennel closer to neighbours than 300m (current bylaw). Provincial
State the specific request for action you wish Council to undertake. standard is 30m.

- to change the zoning of 15 Kalio Rd, Lively,
to from "Rural" to "Rural-Special" to
allow for a free-range boarding and
daycare Kennel for dogs. Also for a
new 60' x 80' building to house 6 luxury
Suites, an inside playyard / training facility,
an office, a hydrotherapy pool for dogs
and a full grooming station.

Name and contact information of the Petition Spokesperson or Principal Petitioner.

Name (please print) Darlene Nicholson

Residential Address 15 Kalio Road Lively, ON P3Y 1W8

Mailing Address (if separate) _____

Daytime Telephone Number _____

Email (optional) _____

Fax (optional) _____

PETITION SIGNED BY 100 PEOPLE

Petition Statement (Title): ask for zoning change from Rural to Rural special
to allow for a dog kennel less than 300m from neighbours
Name of Petition Spokesperson or Principal Petitioner: Darlene Nicholson (provincial standard 30m)
Here follows the Signatures

Signatures	Addresses
(Only original signatures are permitted. If signing on behalf of a business or organization, you should indicate if you are the owner, president, secretary, treasurer, etc.)	(Your residential address in the City of Greater Sudbury)