Will similar DCE by-law violations occur at the McClung development?

by Gary McHale - The Regional

November 23, 2011

One of the best kept secrets in Haldimand County is the fact that even without the occupation on DCE there were numerous by-law violations occurring as the County rarely demands that well-known families comply with the rules.

While I would be the first to encourage new development in Haldimand, I believe most people agree that everyone should be subject to the same laws. In Haldimand, if you are part of the good-old-boys club then certain laws are overlooked. Sometimes these violations are just cutting corners, sometimes the whole development will come to a stop until the owner complies to the rules and sometimes the taxpayers in Haldimand pay the price for the County being willing to let people violate the law.

The Planning Act and Haldimand by-laws requires all developers of sub-divisions to enter into an agreement with the County prior to any work starting. Regarding DCE this agreement was signed by the County on Nov. 29, 2005 - two days later 72 lots were registered along with the roads, hydro and water system. Quite amazing that in two days the company was able to build these on DCE. I doubt anyone believes that no work occurred on DCE until after Nov. 29, 2005 - thus numerous by-laws were violated because no agreement was signed. This also means that for all the months that the roads, hydro and water systems were being built on DCE the county refused to enforce a single by-law.

On May 8, 2006 Councillor Ashbaugh made a motion, seconded by Tony Dalimonte and passed unanimously by council, that Haldimand taxpayers pay the developer $256,687 for the cost of over sizing the water system on DCE - a cost the county had no obligation to pay. In fact, documents filed with Haldimand County dated Dec. 22, 2004 states that the developer would pay all fees for the water system, road system, lighting and signage on DCE and hold Haldimand County and Haldimand Hydro harmless and indemnify them for all expenses arising from the development. On April 13, 2004 the county passed a resolution that included the following statement:

"That prior to final approval, the owner [of DCE] shall agree in writing to satisfy all the requirements, financial or otherwise, of Haldimand County concerning the provision and installation of roads, services, drainage and fencing including but not limited to: cost for improving Argyle Street, Oneida 6th Line; costs for water and sewer over sizing and improvements to the Paisley Pumping Station."

One of the reasons the water system was over sized was because another developer wanted to build another sub-division across from DCE on the south side of 6th Line known as the Farrel farm - a development that to this day isn't approved by the County Official plan. However, on Oct. 27, 2005 (months before any occupation started on DCE) the developer told council he wanted "all sewers and water mains
now being installed at Douglas Creek over sized to include his site." In 2007 the
county attempted to add in this new sub-division into the County's Official plan but
the Province rejected it due to the fact the County had put no effort into studying the
impact of such a development.

However, this isn't the only cost that taxpayers had to cover. In a report filed with
Council on March 5, 2009, Haldimand Hydro complained about hydro systems being
'energized' in subdivisions in Haldimand without Haldimand Hydro's approval. The
report states, "The Fisherville Estates and Empire Corners cases provide two
examples where the premature energization of the street lights resulted in the County
paying the hydro for street lights in subdivisions that had not been registered."

The report is clear that these are not the only examples of the problem. The County
has refused to provide any proof that DCE was ever registered as a sub-division but
the hydro was activated at taxpayer's expense. For months Haldimand taxpayers'
covered the cost of hydro due to wilful errors by the county.

According the Ministry of Municipal Affairs and Housing in their guide to
Subdivisions it states, "When all conditions of the draft approval have been met, final
approval is given and the plan of subdivision is registered in the provincial land titles
or registry system. The developer may then go ahead with the sale of lots in the
subdivision."

The County never issued a letter of clearance stating that all conditions had been met
and therefore DCE was never registered as a subdivision. However, numerous lots
were sold before the law allowed them to be sold.

A total of 71 lots on DCE were severed and 15 were sold without the subdivision
being registered. Prior to the occupation starting on Feb. 28, 2006 the developer sold
two lots on Dec. 19, 2005 for $140,000. On April 18, 2006, two days before the OPP
raid on DCE the developer sold 9 lots for $933,933. On May 12, 2006 another 5 lots
were sold for $310,000. The McGuinty Government bought out these properties for
$349,000, $1,339,000 and $555,000 respectively - netting a $400,000 profit for the
company that bought on April 18, 2006 and held the property for a mere 3.5 months.
Furthermore, the land transfer deeds I have reviewed show that no land transfer taxes
were paid.

Since no lots can be sold until after the subdivision is registered, steps were taken to
back date documents in order to make it appear as if things were done correctly. One
land transfer deed registered on May 31, 2006 was back dated in attempts to make it
look like it was done on Dec. 30, 2005. Even the lawyer involved refused to sign this
document but it was filed anyways.

With the McClung Rd. development about to start the public should be asking just
how many laws will be violated and whether the Mayor and Councillors will bring an
end to two tier law enforcement in Haldimand county where well-known families are
exempted from the law?

1. Hal 44 & Hal 45 & Douglas Creek Estates Lands

<table>
<thead>
<tr>
<th>Province’s Position</th>
<th>Issue(s)</th>
<th>Importance</th>
<th>County’s Response</th>
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<tbody>
<tr>
<td>Hal. 44 (Corrado lands – also referred to as “Farrell Lands”)</td>
<td>If amended out, this results in the elimination of approximately 60 acres of urban designated land. Planning Staff did not support inclusion of lands in urban boundary based on DCE lands being considered part of the land budget and functional piece of appropriately designated lands – with DCE lands in question, Staff may need to reassess its position.</td>
<td>While the inclusion of Hal. 44 within urban boundary was in part to facilitate the County’s Master Servicing Strategy for water, waste-water, storm water management and transportation, the unlikely development of the intervening DCE lands and the new County Servicing Strategy has required a re-evaluation of this.</td>
<td>If Hal. 44 is amended out of the Plan it should be exchanged for Hal. 45 being included in the Plan on the basis that the DCE lands are being ‘sterilized’ or ‘netted out’ of the County urban land supply/land budget. DCE was always part of the Caledonia land budget and part of the approved urban boundary in the Official Plan. Thus HAL 45 will allow the extension of services and the implementation of the ring road system as well as land capacity, and should be approved to off-set this loss to meet 20 year supply requirements set out in Provincial Policy Statement.</td>
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| Hal. 45 (Coscorp lands)       | If amended out, this results in the elimination of approximately 250 acres of urban designated land. Staff did not support inclusion of lands in urban boundary based on DCE lands being considered | Inclusion of Hal. 45 within urban boundary is fundamental to facilitate the County's Master Servicing Strategy for water, waste-water, storm water management and transportation. If DCE lands are not usable for development, inclusion of all or part of these lands would be | Hal. 45 is included as part of the urban area and is designated for residential, commercial, recreational, tourist, waterfront commercial, institutional and open space uses as proposed in the Council adopted site specific special policy. |

Council in Committee
Date of Meeting: February 9, 2009
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<td>part of land budget and functional piece of appropriately designated lands - with DCE lands in question, staff's position is now different.</td>
<td>Hal. 45 is imperative to ensure that there is ample appropriately designated urban land (i.e. residential) to meet 20 year supply requirements set out in Provincial Policy Statement.</td>
<td>subject to secondary plan exercise.</td>
<td></td>
</tr>
<tr>
<td>Douglas Creek Estates Lands</td>
<td>Lands are currently included in County's Caledonia land budget; however, Province has remained silent on DCE and has not given definitive answers on future usability of lands. The Province's non-committal essentially represents a 'freeze' or 'moratorium' on approximately 104 acres of appropriately designated and fully serviced developable land.</td>
<td>Functional use of DCE lands is fundamental to facilitate the County's Master Servicing Strategy for water, waste-water, storm water management and transportation. Functional use of DCE lands is imperative to ensure that there is ample appropriately designated urban land (i.e. residential) to meet 20 year supply requirements set out in Provincial Policy Statement.</td>
<td>The Province needs to provide clear direction about its intentions for DCE lands. If DCE lands are not available for development then the community of Caledonia will not have a 20 year supply for urban growth as required under the Provincial Policy Statement.</td>
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Summary from Report PED-PD-63-2008

MMAH is indicating that Hal 44 will be modified out of the Plan on the basis that these additional lands have not been assessed and justified through a comprehensive review under the Provincial Growth Plan and also the proximity of these lands to Douglas Creek Estates. MMAH is also indicating that Hal 45 will not be included as part of the Plan (Hal 45 was endorsed by Council after Council had adopted the OP) since these additional lands have not been assessed and justified through a comprehensive review under the Provincial Growth Plan.

Planning Staff's concern is that with the future of DCE lands not being determined at this time, Caledonia will be left without a sufficient supply of residentially and commercially designated land for the 20 year time frame of the Plan. MMAH staff response has been that an expansion of the Caledonia urban boundary will require a comprehensive review under the Provincial Growth Plan. Although the County is undertaking a study to address the requirements of the Provincial...
RE: McClung Properties Ltd
Official Plan Amendment - PLOP-HA-2013-157
Zoning By-law Amendment - PLZ-HA-2013-156

In regards to your request for copies of the subdivision and zoning amendment/official plan applications; the planning applications are available for public viewing in the Hagersville Satellite Office. I would happy be sit down with you and discuss the files and the overall development. Copies of the applications and other documents that make up the public file, are also available for a cost.

To set-up a meeting time, I may be contacted at 905.318.5932 ext. 6202 or svandalen@haldimandcounty.on.ca.

Kind Regards,

Shannon VanDalen
Planner – Planning and Development Division
Planning and Economic Development Department
1 Main Street South, Hagersville ON N0A 1H0
Application for Amendment of Official Plan or Combined Official Plan and Zoning By-law

A. APPLICANT INFORMATION

1. Owner(s)  MCCLUNG PROPERTIES LTD
   Address  C/O EMPIRE COMMUNITIES
             125 VILLARBOIT CRESCENT
             VAUGHAN, ON

2. Agent  ARMSTRONG PLANNING
   Address  156 DUNCAN MILL ROAD, STE 6A
             TORONTO ON

Phone No.  905 307 8102
Fax No.  905 307 8103
Postal Code  L4K 4K2
E-Mail  
Phone No.  416 444 3300 EXT 3002
Fax No.  416 444 3315
Postal Code  M3B 3N2
E-Mail  michael@armstrongplan.ca

Please specify to whom all communications should be sent:  □ Owner  □ Agent

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

4. Are there any easements or restrictive covenants affecting the property?
   □ Yes  □ No

If Yes, please describe the easement or covenant and its effect:

HYDRO EASEMENTS; DRIVEWAY/ACCESS EASEMENT

B. LOCATION/LEGAL DESCRIPTION OF PROPERTY

Geographic Township  SENECA
Concession Number  
Registered Plan Number  
Reference Plan Number  
Property Address  

Urban Area/Hamlet  CALEDONIA
Lot Number  
Lot(s) Block(s)  
Part Numbers  

Please see attached legal description
A. APPLICANT INFORMATION
1. Owner(s)  MCCLUNG PROPERTIES LTD
   Address  C/O EMPIRE COMMUNITIES
            125 VILLARBOIT CRESCENT
            VAUGHAN, ON
2. Agent  ARMSTRONG PLANNING
   Address  156 DUNCAN MILL ROAD, STE 6A
            TORONTO, ON

Phone No.  905 307 8102
Fax No.  905 307 8103
Postal Code  L4K 4K2
E-Mail
Phone No.  416 444 3300 EXT 3002
Fax No.  416 444 3515
Postal Code  M3E 3N2
E-Mail  michael@armstrongplan.ca

Please specify to whom all communications should be sent:

☐ Owner  ☒ Agent

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

4. Are there any easements or restrictive covenants affecting the property?
   ☒ Yes  ☐ No

If yes, please describe the easement or covenant and its effect:

HYDRO EASEMENTS; ACCESS/DRIVEWAY EASEMENT AT SOUTH LIMIT, EAST OF MCCLUNG

B. LOCATION/LEGAL DESCRIPTION OF PROPERTY

Geographic Township  SENECA  Urban Area/Hamlet  CALEDONIA
Concession Number
Registered Plan Number
Reference Plan Number
Property Address
### Application/Exemption for Subdivision and Condominium

**Note:**
This application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application may not be accepted and could result in processing delays.

### A. APPLICANT INFORMATION

1. **Owner(s):** MCCLUNG PROPERTIES LTD  
   **Address:** C/O EMPIRE COMMUNITIES  
   125 VILLARBOIT CRESCENT  
   VAUGHAN, ON  

2. **Agent:** ARMSTRONG PLANNING  
   **Address:** 156 DUNCAN MILL ROAD, STE 6A  
   TORONTO, ON  

Phone No. 905 307 8102  
Fax No. 905 307 8103  
Postal Code L4K 4K2  
E-Mail michael@armstrongplan.ca

Please specify to whom all communications should be sent:  
☐ Owner  ☒ Agent

3. **Names and addresses of any mortgagees, holders of charges or other encumbrances:**

4. Are there any easements or restrictive covenants affecting the property?  
☐ Yes  ☐ No

If yes, please describe the easement or covenant and its effect:  
HYDRO EASEMENTS; ACCESS/DRIVeway EASEMENT AT SOUTH LIMIT, EAST OF MCCLUNG

### B. LOCATION/LEGAL DESCRIPTION OF PROPERTY

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<tr>
<td>Reference Plan Number</td>
<td></td>
<td>Part Numbers</td>
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</table>

Property Address

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Application for Subdivision and Condominium Exemption  
Page 1
Date: 2014/07/10

Paid by: RON HUBERT

Miscellaneous Items

Clarks Department Recoveries
CLERKREC G.132.1110.2200.2266 18.00

Cash Received $18.00
Cheque Received $0.00
Other $0.00

TOTAL RECEIVED $18.00
CHANGE GIVEN $0.00
TOTAL PAYMENT $18.00

Comments
36 PHOTOCOPIES
(MCCLUNG PROPERTIES)
ZONING & OP APPLICATION,
SUBDIVISION APPLICATION

Cashier ID: LMCMILLA

This receipt is not valid until cheque/payment clears bank.
September 3, 2009

Mr. Ron Hubert
729 Highway 6 North
Caledonia, ON N3W 1M4

Dear Mr. Hubert

Re: File B12/2009 HA

In response to your letter of August 17, 2009 to Mayor Trainer the following comments address the list of documents you have referred to:

1) I would like a letter stating that Form 1 was available or not available when the application B12/2009 HA was submitted, that Form 3 is not required, and that schedule A either forms or does not form part of the application. I will need this to be sealed.

Staff has confirmed that Form 1 was submitted at the time of the application, as was Schedule A.

On August 6, 2009 Laurie Fledderus, Secretary-Treasurer to the Committee of Adjustment responded to your inquiry regarding the requirement for submission of Forms 1, 2, and 3 with respect to this application. She indicated that Forms 2 and 3 were not required.

Form 1 to this application indicated “see attached Schedule A”, which formed part of the application.

2) I require a sealed copy of file B12/2009 HA, complete with everything included. This has already been paid for, but was not sealed.

As noted in my letter of August 10th to you, based upon your written request of July 3, 2009, the entire file was provided save and except those sections of documents that were
not provided in accordance with the Freedom of Information and Privacy (FOI) legislation.

With respect to sealed copies of the file, as I have previously explained, to “seal” is a reference to certify a document to be a “true copy” of the original. In order for me to provide you with certified copies I would require the original of all documents in the file. The file does contain a number of originals and I am providing you with a certified copy of the following:

1) Application for Consent by Peter Ronald Mitchell
2) Building Division comments, dated March 17, 2009
3) Plan Review Report, dated March 18, 2009 from the Grand River Conservation Authority
4) Comment Reply Form, dated April 1, 2009 from Engineering and Infrastructure Division
5) Planner’s submission to the Committee of Adjustment for April 16, 2009 Meeting
6) Committee of Adjustment Motion of Consent, dated April 16, 2009
7) Decision of Committee of Adjustment, dated April 16, 2009
8) Motion for Consent, dated May 12, 2009
9) Decision of Committee of Adjustment, dated May 12, 2009
10) Drawing received by Haldimand County Planning Department on June 18, 2009
11) Letter from Peter Woolcott, dated June 14, 2009
12) Motion for Consent, dated July 14, 2009
13) Decision of Committee of Adjustment, dated July 14, 2009

However the remainder of the file basically consists of copies or form letters from the Ontario Municipal Board, of which you have a copy.

Although the Municipal Act provides for an administration fee for certified copies, to date the County has not established such a fee. At this time there will be no additional charge for these certified copies. The fee you have paid to date was for photocopying costs only.

3) A letter stating addresses of Robert and Thomas Misener as of the date the application was received by the town, and the list of their former farm properties that accompanies Form 1, with NO information blocked out. This Must be sealed.

At the time of your original request for a copy of file B12/2009 HA dated July 3, 2009 the mailing addresses of the other land holdings was deleted as this information contained 3rd party personal information. As the 3rd parties did not sign the FOI release clause in the application the names and mailing addresses were deleted in accordance with the FOI legislation. Once an appeal has been filed with the OMB, the application becomes public information. Therefore at this time, I am in a position to provide you with a certified copy of the entire application which includes Form 1, Schedule A.
And I would also like to request a sealed copy of the May 12 Committee of Adjustment Minutes, and also a copy of the April and July 14 Committee of Adjustment Minutes, adopted or not.

These minutes have all been adopted by the Committee. I will be providing you with a certified copy of these minutes along with the certified copy of the resolution adopting these minutes, upon my receipt of this information. I believe that you have received an electronic copy of these documents.

We would appreciate if this is supplied to us within a reasonable time, as per the Municipal Act. Most of this information was requested over 25 days ago. It is unacceptable to have to write to the Mayor to receive certified sealed copies.

It would appear that there has been some undue delay in providing the documentation you requested. Staff has looked into this matter and will be making some processing changes to alleviate this in the future.

All new applications will require all landowners listed on Form 1 to sign the FOI clause. In this way the application will be a public document which can be provided by the Secretary-Treasurer of the Committee of Adjustment. All requests for copies of files must be processed through the FOI legislation and will be forwarded to the Clerk or Deputy Clerk for processing.

I trust this has adequately addressed your concerns.

Yours truly,

Janis Lankester, AMCT Clerk

Encl.

cc: Mayor Trainer
    Karen General
    Craig Manley
    Elaine Brunn Shaw
    Laurie Fledderus

Obtained from Defendant's Book of Documents (Haldimand County)
Court file SC11 171
Friday, August 1st 2014

Haldimand County Deputy Clerk/ F.O.I Coordinator - Jennifer Shaw
RE: Request for Committee of Adjustment Information

I am writing this in response to your letter of June 25 2014, Haldimand County’s response to my letter sent to the Committee of Adjustment Secretary Treasurer for Committee records, which is, according to Haldimand County’s Statement of Defence for Court file SC11-171 filed by Solicitor Woody McKaig, a separate entity from Haldimand County.

Please find attached the following letters:

1. Letter dated June 25 2014 from Deputy Clerk Jennifer Shaw - Stating Minutes and reports considered at a public meeting can be routinely disclosed, unless future requests from myself.

2. Letter dated March 4, 2010 From CAO Don Boyle - Stating requests for information and documents have been referred to the County solicitor, Freedom of Information Legislation applies to ALL requests for Committee of Adjustment records.

3. Letter dated May 16, 2011 from Solicitor Woody McKaig - Stating my assertion that Freedom of Information legislation does not apply to Committee of Adjustment records is incorrect. Mr. McKaig refuses to quote relevant applicable sections supporting his assumption Freedom of Information in fact applies to all planning documents I request.

4. Letter dated 23 June 2014 from Haldimand Planner Shannon VanDalen - States Planning Applications are available for public viewing and copies of the applications and other documents that make up the Public file, are also available for a cost.

5. Email dated Sept. 22 2012 from Solicitor Woody McKaig - Stating he refuses to provide disclosure information for Court File SC11-171. Requested disclosure was for Committee of Adjustment members in 1983, Councillors in 1995, Public Planning information specific to land severed for Judge Thomas David Marshall, Judge Peter Ronald Mitchell and the Caledonia Public Library sold to a numbered company where G. Bruce Macdonald(former COA member and Council member) was president.

These letters show there seems to be many discrepancies among responses from County staff regarding production of Public Planning information. As it seems Haldimand changes policies and decisions regarding what I am allowed to ask for, I am requesting one final and detailed response from Haldimand County on what Public Planning information below I will be allowed to receive, and what will be refused through your "policies". All Information I request has been/will be considered before a meeting open to the public.

1. Planning Applications - Including Applications for Consent (COA), and subdivisions(Council), and any application considered in a meeting open to the public.
2. Planning Reports - Any report considered in a meeting open to the public
3. Planning Decisions - Any decision considered in a meeting open to the public.
4. Copies of By-laws - Any By-law considered in a meeting open to the public. Including the whole by-law and all supporting information. (ie. complete 5 year agreements with Thomas David Marshall)
In respect to your letter of June 25th, I wish to know which public planning documents in my previous requests you claim are subject to Haldimand County's Freedom of Information process. I require an answer to this.

The letter from Planner Shannon VanDalen confirms my initial request in 2009 and my statements over the last 5 years, regarding Planning information being public, including applications and other records which form the Public record that are available to the public and can be copied for a fee. Her letter is in keeping with the requirements of the Planning Act S.1.0.1, but interestingly contrary to what I have been told for many years by the Haldimand County Clerk, Deputy Clerk, CAO, Solicitor, and COA Secretary Treasurer, among others, as for years I have been refused ALL Public Planning documents which have been considered in a meeting open to the public. I have finally been provided with copies of the applications for McClung Properties Ltd (Empire Communities) I believe this change in policy resulted from a possible inability to explain to the Ontario Municipal Board why public planning information may be/has been withheld from the appellant.

As F.O.I Coordinator, can you tell me if the letter from Planner Shannon VanDalen regarding Planning documents (applications, etc) being available to the public is correct or incorrect? A simple "YES" or "NO" will suffice.

If Haldimand County provided Public planning information in accordance with Shannon VanDalen's letter, the Planning Act and Municipal Act requirements in the first place, it would have avoided Haldimand 5 years of writing letters, extensive defence of improper actions and incorrect statements, the SC11-171 court case regarding hiding information would never have been filed, and I would have also had the enjoyment of living my life free of continuous hassle, aggravation, time spent organizing, extensively researching, collecting and writing letters in addition to constant fees to appeal knowingly improper decisions for Judges and others. I cannot begin to imagine how much taxpayers money has been spent on the County Solicitor when staff routinely sends my requests for public information to the solicitor to respond to. This is an addition to extensive public funds spent on developers and private enterprise that isn't justified. For example the $257,000 given to Henco Industries in a "front end agreement" created after the occupation and development company previously agreed to pay all costs for over sizing.

If I do not receive a response to my questions regarding your policy and Shannon VanDalen's letter in 15 days, it will be understood that Haldimand County has been providing false statements to improperly hide public planning information.

Thank You,

[Signature]

PS. Please be advised that I will be forwarding all correspondence and documents received from your offices to my friend, Mr. Richard Deschenes, to his E-mailbox at ezvmail@gmail.com
June 25, 2014

Ron Hubert
729 Highway #6 North
Caledonia, ON N3W 1M4

Dear Mr. Hubert:

Subject: Request for Committee of Adjustment Information

We are in receipt of your letter of June 13, 2014 to Laurie Fledderus requesting Committee of Adjustment minutes and planning reports from 2011. Specifically, you have requested the following items:

- Copy of the Committee minutes from October 13, 2011; and
- Planning reports for the Consents for Larry Ince and Ruby Ince (County file references: PLB-2011-116 and PLB-2011-103).

Minutes and staff reports that were considered in a meeting open to the public are records that can be provided, upon request, through the County's routine disclosure practices. Unlike past requests received from you, a formal Freedom of Information request is not required for the above noted records.

Please note that per the County's User Fee By-law, a photocopying charge of $0.50 per page applies to the requested records.

I have forwarded the requested records to the Caledonia office for your pick up. Upon payment of the associated photocopying fee the documents can be provided to you.

If you have any questions or concerns in this regard, please contact me directly at 905-318-5932, ext. 6362 or at jshaw@haldimandcounty.on.ca.

Regards,

[Signature]

Jennifer Shaw
Deputy Clerk/F.O.I. Coordinator
March 4, 2010

Mr. R. Hubert  
729 Highway #6 North  
Caledonia ON  N5W 1M4  

Dear Sir:  

We have considered your various requests for information and documents, and have sought and obtained advice from the County Solicitor respecting issues relevant to those requests. Our Solicitor advises that the Municipal Freedom of Information and Protection of Privacy Act (referred to as "the Act" in this letter) applies to all requests for Committee of Adjustment records. This application includes appeal rights of requesters who are not satisfied with a municipality's response to records requests. Appeals are made to the Office of the Information and Privacy Commissioner.  

Based on our Solicitor's advice, we advise you as follows:  

1. The municipality will consider all requests for municipal records, including Committee of Adjustment records, in the context of the Act.  
2. Charges for the records produced will be levied in accordance with the Act.  
3. Sealed records will be provided upon request, but please be advised that this will not include the sealing of every page of every document. In accordance with well established practices, one page-per-record will be sealed.  
4. Absent a formal appeal of any decision respecting the production of any record, the County will assume that the issue in respect of the request is at an end. The County will not respond to further emails or correspondence concerning requests that have not been appealed through proper channels, and if an appeal is filed, the County's response will be through the Office of the Information and Privacy Commissioner.

............./2
5. Continued correspondence, emails or other contact respecting prior records requests which have not been appealed will be referred to our Solicitor to determine if they meet the threshold of frivolous and vexatious requests as contemplated by the Act and regulations enacted pursuant to the Act.

6. Requests for information or for justification of positions taken in respect of completed files, including your letter dated January 14, 2010 to Mike Evers, will not be the subject of a response. With respect to that letter, given the fact that the appeal was withdrawn so the matter was ultimately resolved in your favour, our Solicitor considers these requests made by you of Mr. Evers to be frivolous, vexatious, and likely made in bad faith.

7. Our Solicitor has reviewed much of the material that you have forwarded and has advised that, in his view, some comments you have made about County staff and/or past and present Committee of Adjustment members may constitute actionable libel. If those comments persist, he recommends that all communication that you have sent to the County be referred to an expert in libel and slander law with whom his firm maintains a relationship for appropriate action.

Please govern yourself accordingly.

Yours truly,

Don Boyle
Chief Administrative Officer

Obtained from Defendant’s Book of Documents (Haldimand County)
Court file SCII 171

Karen General, General Manager of Corporate Services
Janis Lanekester, Clerk
Woody McKaig, Solicitor
May 16, 2011

Please Reply to St. Catharines Office

Ron Hubert
729 Highway 6 North
Caledonia, ON
N3W 1M4

Dear Mr. Hubert:

Re: Haldimand County Records

We represent Haldimand County and have been asked to respond to your most recent letter directed to Laurie Fleiderers, dated April 15, 2011.

Your assertion that the Municipal Freedom of Information and Protection of Privacy Act ("the Act") does not apply to Committee of Adjustment records is incorrect. I suggest you either read all relevant provisions of the legislation, or ask a lawyer to do so on your behalf.

Your repeated refusal to follow County policy respecting the production of County records leads to the conclusion that the requests are frivolous and vexatious, and are made in bad faith for the purpose of harassing County staff.

Further, comments in some of your past letters contain actionable defamatory comments about County staff. Your most recent letter of April 15th implies that County staff have committed criminal offences.

These comments are completely unacceptable, and I am writing this letter to make certain that you understand the following two points:

First, the County policies respecting production of records are clear, and comply with relevant legislation. Any further requests for records will be returned unanswered unless the requests are made in accordance with County policies.

Second, if there are any further comments made by you which defame County Council or staff, we will seek instructions from the County to commence legal proceedings asking for damages and an Injunction restraining you from having further contact with County staff.
Please govern yourself accordingly.

Yours very truly,

Sullivan, Mahoney LLP
Per:

Woodward B. Mc Kaig
WBM*tls
23 June 2014

Ron Hubert
729 Highway 6
Caledonia, ON
N3W 1M4

RE: McClung Properties Ltd
                Official Plan Amendment - PLOP-HA-2013-157
                Zoning By-law Amendment - PLZ-HA-2013-156

In regards to your request for copies of the subdivision and zoning amendment/official plan applications; the planning applications are available for public viewing in the Hagersville Satellite Office. I would happy be sit down with you and discuss the files and the overall development. Copies of the applications and other documents that make up the public file, are also available for a cost.

To set-up a meeting time, I may be contacted at 905.318.5932 ext. 6202 or svandalen@haldimandcounty.on.ca.

Kind Regards,

[Signature]
Shannon VanDalen
Planner – Planning and Development Division
Planning and Economic Development Department
1 Main Street South, Hagersville ON N0A 1H0

Hagersville Office, 1 Main Street South, Hagersville, Ontario N0A 1H0
Phone: (905) 318-5932 Fax: (905) 768-7328
www.HaldimandCounty.on.ca
RE: Court Case

Woody McKaig  Add to contacts  22/09/2012
To Ron Hubert, Tammy Shanahan, Karen General

Mr. Hubert,
I do not agree that you are entitled to disclosure as requested. You have sued the County for damages for failing to produce what you say is public information. The legislation is clear that the release of the information is subject to the privacy legislation. You apparently disagree, and refuse to comply with the legislation. The pre-trial judge agreed with our position.
You do not need the documents to proceed with your case, and I do not intend to produce them. If you disagree, you can take whatever steps you feel are appropriate in the proceeding.
In view of the above, please advise if you are still prepared to consent to adjourning the current trial date and setting a new one. If you do not agree, I will bring a motion to adjourn the court date.
Please let me know your current intentions respecting the trial date. If I do not hear from you by Sept 28th, I will simply bring a motion to set a new trial date.

Woody McKaig.

From: Ron Hubert [mailto:ronhubert@hotmail.com]
Sent: Saturday, September 22, 2012 10:00 AM
To: Tammy Shanahan; Woody McKaig
Subject: Court Case

Hello, As you are aware I require the information I requested disclosed by Haldimand County, I have requested simple public information which is readily available, I need time to review the documents, I have received nothing this far, and would like to ask the status of this information, and I would hope to receive it soon, thank-you Ron Hubert

July 31, 2014

Please Reply to St. Catharines Office

Mr. Ron Hubert
729 Highway 6
Caledonia, ON N3W 1M4

Dear Sir:

Re: Your letter of July 23, 2014

I act for Haldimand County. Your letter of July 23, 2014 has been directed to me for a response.

With respect to your requests concerning the McLung Properties Subdivision Applications, I refer you to Ms. Van Dalen’s letters dated June 23, 2014 and July 21, 2014. As your requests and her responses relate to an active file in which a decision is pending, you are entitled to attend the Hagersville Satellite office, view the files and receive copies of the applications and other documents in the public file upon payment of the fee set by the County. Further, we understand that you have been placed on the notification list for this application, and that you are therefore entitled to make presentations during the public meeting(s) on the issue.

With respect to your other requests contained in your July 23rd letter, you have been advised repeatedly in the past that your requests for records respecting matters already decided and closed by the municipality must be made pursuant to the Municipal Freedom of Information and Protection of Privacy Act (the “Act”). You continue to refuse to make appropriate applications under that Act.

In the future, all requests for records which do not comply with the Act will be returned to you unanswered.

Please govern yourself accordingly.

Yours very truly
Sullivan, Mahoney LLP

Per:

Woodward B. McKaig
WBM:bj

cc—Mr. Don Boyle
cc—Ms. Karen General
cc—Mr. Craig Manley
cc—Ms. Evelyn Eichenbaum