

## Request for Decision

**Darlene & Nathan Nicholson – Application for rezoning in order to permit a kennel having a reduced buffer distance to nearest residential building, 15 Kalio Road, Lively**

Presented To:	Planning Committee
Presented:	Monday, Jun 24, 2019
Report Date	Monday, Jun 03, 2019
Type:	Referred and Deferred Matters
File Number:	751-8/17-6

### Resolution

THAT the City of Greater Sudbury denies the application by Darlene and Nathan Nicholson to amend Zoning By-law 2010-100Z to change the zoning classification from “RU”, Rural to “RU(S)”, Rural Special on those lands described as Part of PIN 73373-0100, Parcel 5579, Lot 1, Concession 4, Township of Waters as outlined in the report entitled "Darlene & Nathan Nicholson" from the General Manager of Growth and Infrastructure presented at the Planning Committee meeting of November 19, 2018.

### Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding.

### Report Summary

This report reviews a rezoning application that would permit a kennel having a reduced buffer distance to the nearest residential building. The Planning Services Division does not support the application and is recommending that the rezoning request be denied.

### Financial Implications

This report has no financial implications as staff recommends that this rezoning request be denied.

#### Signed By

**Report Prepared By**

Glen Ferguson  
Senior Planner  
*Digitally Signed Jun 3, 19*

**Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Jun 3, 19*

**Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Jun 3, 19*

**Financial Implications**

Jim Lister  
Manager of Financial Planning and Budgeting  
*Digitally Signed Jun 5, 19*

**Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Jun 9, 19*

**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jun 9, 19*

# Interoffice Correspondence

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May 29, 2019

File #: 751-8/17-6

**TO:** Planning Committee

**FROM:** J. Ferrigan

**RE:** Application for Zoning By-law Amendment – Nathan & Darlene Nicholson – Part of PIN 73373-0100, Parcel 5579, Lot 1, Concession 4, Township of Waters (15 Kalio Road, Lively)

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This memo is intended to update the Planning Committee on the above referenced application, which has been scheduled for a decision at the Planning Committee Meeting of June 24, 2019.

For the benefit of the Planning Committee and the public, the City retained RWDI to provide acoustical expertise and to complete a peer review of a Noise Study that was first submitted by the owner to the City on September 21, 2017. RWDI identified several areas of concern through their peer review with respect to the methodology used to complete the Noise Study that was submitted by the owner. Staff has since been informed by the applicants that no further submissions with respect to their Noise Study will be provided for consideration.

In the absence of an updated peer reviewed Noise Study, staff requested RWDI to consider two important questions for the benefit of staff and Planning Committee:

1. Based on the information we have, or in general, could noise be feasibly and economically mitigated with respect to the kennel?; and,
2. If so, what are some typical methods, or examples, that could be utilized to mitigate noise related to a kennel?

RWDI has advised that, in general, noise from a free-run dog kennel can be successfully mitigated with technically and economically feasible solutions, however in the absence of an updated Noise Study it is not possible to determine the appropriate extent and feasibility of noise mitigation as it relates to the kennel located at 15 Kalio Road in Lively. Further, RWDI noted that mitigation may not even be required if the Noise Study demonstrated that predicted noise levels from the kennel are within applicable exclusionary limits as set out and described in Environmental Noise Guideline – Stationary and Transportation Sources - NPC-300.

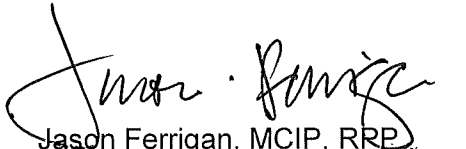
In general, the following mitigation options are typically considered for a kennel when there is a Noise Study demonstrating that mitigation (and to what degree) is required:

1. Establishing required setback and buffer distances between a kennel and sensitive land uses (e.g. 300 metres as set out in the City's current in-force Zoning By-law);
2. Orientation and placement of kennel buildings and dog pens in a manner whereby the buildings and dog pens provide a physical noise barrier between a kennel and nearby sensitive land uses;

3. Installation of physical noise barriers (e.g. acoustic blankets, hay bales, permanent walls, etc.); and,
4. Administrative controls (e.g. limiting outdoor play to daytime hours only, limiting the number of dogs are outside at the same time, separating highly-interactive dogs, etc.)

In the absence of an updated, methodologically acceptable and peer reviewed Noise Study, staff remains unable to support the rezoning to permit a kennel in this particular location and would recommend that the application be denied.

GF/JF/kh



Jason Ferrigan, MCIP, RRP.  
Director of Planning Services

cc: A. Kosnick  
B. Adair  
E. Labelle

## Memorandum

March 21, 2019

File #: 751-8/17-6

**TO:** Planning Committee

**FROM:** J. Ferrigan

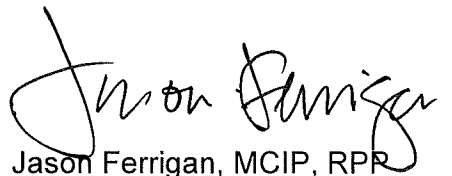
**RE:** Application for Zoning By-law Amendment – Nathan & Darlene Nicholson  
– Part of PIN 73373-0100, Parcel 5579, Lot 1, Concession 4, Township of  
Waters (15 Kalio Road, Lively)

This memo updates Planning Committee on the above referenced application, which was deferred to the April 8, 2019 Planning Committee Meeting. This matter was deferred to allow the applicant's noise consultant and City's peer review consultant to discuss the noise study results and peer review comments and, if necessary, consider site specific noise mitigating measures.

Staff did meet with the applicants on December 6, 2018, to exchange perspectives and discuss next steps. At this meeting, it was agreed that the applicants and their noise consultant would meet with City staff and their peer review consultant, per Planning Committee's direction. These discussions are ongoing. It is currently anticipated that this meeting will be facilitated in April 2019, which will allow staff to report back to Planning Committee on this matter in May 2019. Depending upon the timing and nature of the discussions, it is anticipated that this matter will be brought back for consideration at the May 27, 2019 Planning Committee Meeting.

I look forward to discussing this matter further with Planning Committee at the April 8, 2019 meeting, should it have any questions.

GF/JF/cr



Jason Ferrigan, MCIP, RPP

Director of Planning Services

cc: A. Kosnick  
B. Adair  
E. Labelle



# MEMORANDUM

October 22, 2018

Files: 751-8/17-6

**TO:** Planning Committee

**FROM:** Jason Ferrigan, Director of Planning Services

**RE:** Application for Rezoning – Darlene and John Nathan Nicholson  
Part of PIN 733730-0100, Parcel 5579, Lot 1, Concession 4, Township of Waters(15  
Kalio Road)

The request to rezone the subject lands to permit a kennel having a reduced buffer distance to the nearest residential building was deferred by the Planning Committee on September 25, 2017 in order for new information in the form of a noise study recently submitted by the applicant, to be reviewed and considered. The motion to defer was approved by the Committee prior to the public hearing on the application being opened.

The noise study dated September 21, 2017, prepared by ProSonics was submitted to the City on September 22, 2017, after the staff report to the September 25, 2017 Planning Committee had been prepared. Staff had the ProSonics noise study peer reviewed by RWDI who provided a memorandum to the City dated November 23, 2017 which was subsequently provided to the applicant.

In response to the RWDI memorandum, the applicant provided an updated noise study by ProSonics dated April 4, 2018 to the City on April 10, 2018, which was also peer reviewed by RWDI. Planning Staff provided the comments from RWDI dated July 13, 2018 to the applicant on July 19, 2018 with a request that the applicant advise as to their intentions going forward. The applicant advised on August 7, 2018 that they were ready to proceed with the application. Staff's understanding from this response was that there would be no more noise report submissions in response to the peer review comments provided to the applicant on July 19, 2018. Planning staff advise that to date there have been no further noise report submissions from the applicant.

Copies of the two ProSonics noise studies and the peer review comments from RWDI are provided to the Committee with this memorandum.

Below is a summary of the reports, findings and conclusions.

## ProSonics September 21, 2017 Report

The September 21, 2017 ProSonics report outlines that they attended at the site and took acoustical measurements of the background noise and the kennel with 27 dogs present for the duration of the measurement. The full conclusion of the report is set out in the attached ProSonics report.

A summary of the conclusions are as follows:

1. That the noise generated by the dogs was within the Ontario Ministry of the Environment and Climate Change Guideline Environmental Noise Guideline: Stationary and Transportation Sources - Approval and Planning NPC-300, August 2013;
2. The noise was essentially inaudible at the measurement locations and did not impose an objectionable level of noise on adjoining properties in front of which the measurements were made; and
3. That there is no adverse noise impact from the facility on properties adjoining along Kalio Road and Moxam Landing Road.

#### RWDI November 23, 2017 Peer Review

The RWDI peer review identified several issues with the ProSonics Report, which are set out in detail within it. These included along with other matters the following:

- the points of reception, including the absence of addressing the closest residential receptor to the south approximately 47 m to the south of the kennel fencing in the analysis;
- the lack of reference as to whether the barking was assessed as a steady, quasi-steady or impulsive type of noise source, which is necessary to define the assessment and measurement procedure;
- lacking detail as to whether the procedures under NPC-300 were followed such as in the establishment of background sound levels and the reports development of alternative assessment criterion that are not derived from NPC-300;
- clarification on the actual distance from each of the barking locations to the measurement location;
- absence of any statement about assumptions made for atmospheric conditions, intervening ground cover and topography that influence sound travel; and
- no recommendations respecting mitigation measures were identified.

The RWDI report concluded that:

1. The ProSonics conclusion that the noise is within the NPC-33 guideline has not been sufficiently demonstrated;
2. The second ProSonics conclusion that the noise was essentially inaudible is an observation of what occurred at that specific time and place. The continuity of this observation is not assured in seasons when leaves and crickets are not present or under other atmospheric conditions; and
3. The third ProSonics conclusion that there is no adverse impact, appears to be an unlimited blanket statement and such a statement might be supported in the absence of complaints from the facility.

In this regard, staff notes that there have been complaints which the City has received from residents in the area with respect to noise from the kennel.

#### ProSonics April 4, 2018 Report

In response to the RWDI peer review, ProSonics submitted a new noise report to the City based on acoustical measurements taken on January 19 and 20, 2018. The full conclusion of the report is set out in the attached ProSonics report.

A summary of the conclusions are as follows:

1. The noise generated on January 19 and 20, 2018 during normal kennel operations were within the NPC-300 Noise Guideline; and
2. Since the noise was within the guideline at a location approximately 25 m from the exercise yard, the noise level would simultaneously be within the guideline at the property line towards the other three closest residences a minimum of 6.25 times the distance (156m) from the exercise yard with intervening trees and bush acting as an acoustical diffuser.

#### RWDI July 13 2018 Peer Review

The RWDI report noted that several significant items in their November 23, 2017 peer review memorandum had not been clarified, corrected or supplemented and that a conversation occurred between Peter VanDelden of RWDI and David Peters of ProSonics on May 22, 2018.

The following is a summary of the outstanding issues and conclusions:

- The ProSonics report does not follow the NPC-300 requirement to evaluate vacant lots to allow for future sensitive use and suggests the NPC-300 places responsibility for compliance on parties responsible for introducing the sensitive use such as a residence. RWDI have noted that this is an incorrect interpretation of NPC-300. The report should have considered a point of reception for the abutting property to the south;
- A 10 db penalty for quasi-steady impulsive noise sources should have been applied as provided in the Model Municipal By-law's NPC-104;
- Questions remain regarding the assessment methodology, assessment location, source characterization, measurement and procedure validity used by ProSonics;
- Applying the 10 db penalty specified in NPC-104, to the noise levels observed in the ProSonics report, results in source levels of 46 dBA, 49 dBA and 48 dBA, all exceeding the exclusion limits of 45 dBA for daytime and 40 dBA for evening provided in NPC-300; and
- RWDI has concluded that based on their review and discussion with ProSonics, compliance with NPC-300 has not been sufficiently demonstrated.

## Growth Plan for Northern Ontario 2011

The Staff report to the September 25, 2017 Planning Committee did not include any comment with respect to whether the application conforms or does not conflict with the Growth Plan for Northern Ontario. Staff have reviewed the Growth Plan and advise that the application does not conflict with any matters included in the Growth Plan.

### Summary

Planning Staff have considered the two noise reports prepared by ProSonics on behalf of the applicant and the comments provided by the City's peer review consultant on both reports, which indicate that compliance with NPC-300 has not been demonstrated. As set out in the staff report, the Official Plan in Sections 5.1, 5.2.3.4 and 5.2.5.3 set out policies respecting the provision of adequate separation distances between rural industrial/commercial uses from residential areas and minimizing land use conflicts. Staff are of the opinion that the applicant has not adequately demonstrated that the kennel use as currently located on the subject lands has addressed the Official Plan policies respecting these matters.

As a result, Planning Staff remain of the opinion that the recommendation set out in the report to the September 25, 2017 Planning Committee to deny the application continues to be appropriate.

ET/ba

  
Jason Ferrigan, M.C.I.P., R.P.P.  
Director of Planning Services

cc. E. Archer  
T. Cecutti  
E. Labelle

### Attachments

1. ProSonics Noise Assessment, Friends Fur-Ever Pet Resort, September 21, 2017
2. RWDI Noise Study Peer Review Memorandum, November 23, 2017
3. ProSonics Noise Assessment, Friends Fur-Ever Pet Resort, April 4, 2018
4. RWDI Noise Study Peer Review Memorandum, July 13, 2018



13 pages  
professional  
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test



Project Report to  
Friends Fur-Ever Pet Resort


For  
Noise Assessment  
Sudbury, Ontario

#  
Rev. 0 Sept 21, 2017

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Friends Fur-Ever Pet Resort  
Noise Assessment

Prepared by:

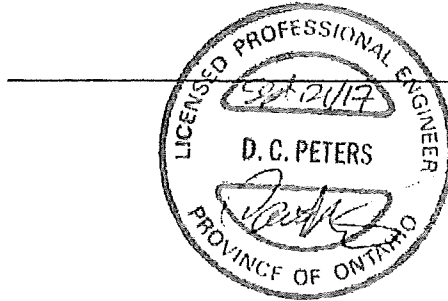
  
David Peters

September 21, 2017  
Date

Approvals

ProSonics

Approved by:



Date

Distribution List



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*This report contains confidential information intended only for the person(s) to whom it is addressed. The information in this report may not be disclosed to, or used by, any other person without ProSonics' prior written consent.*

## 1 Introduction

This document is the ProSonics Ltd. report for the Ambient Kennel-Related Noise Issues. ProSonics believes this report to be accurate based on the measurements and analysis undertaken, and the understanding of the project scope.

## 2 Background

ProSonics Ltd. was retained by Friends Fur-Ever Pet Resort to perform a noise assessment around their property at 15 Kalio Rd to determine what noise impact the kennel operations may be having on the surrounding properties.

The property in question is largely treed, with public roads on two sides.

The noise assessment was carried out in accordance with industry accepted practices and following the guidelines included in the Model Municipal Noise Control By-Law - Final Report, August 1978, Ontario Ministry of the Environment, and the Ontario Ministry of the Environment and Climate Change Environmental Noise Guideline: Stationary and Transportation Sources - Approval and Planning (NPC-300) August 2013.

Based on these references, the following definitions were established for the assessment:

- The commercial use of the property as a dog kennel operation classifies as a "Stationary Source" under the MOECC guidelines.
- The exemption from consideration as a stationary source of "noise produced by animals kept as domestic pets such as dogs barking" does not apply because the dogs kept at the kennel do not all belong to the property owner.
- The site is classified as a "Class 3 area", which means "a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic".

A noise source is considered measurable if it is 6 dB(A) above the background noise level in a space. An increase in volume of 3 dB(A) is a doubling of sound energy, and perceived as a doubling of loudness. So, a measurement grade signal is present when it is four times louder than the background noise, and it is considered potentially intelligible if it is twice the loudness of the background noise.



### 3 Facility Description

The facility houses domestic dogs on a temporary basis, mostly in a 'daycare' setting. The current facility contains 24 cages, with a normal maximum number of dogs kept being thirty (30) or fewer. Noise sources at the facility are the dogs themselves and a nearby chicken coop containing just under one hundred (100) chickens. No significant mechanical noise sources (e.g. air conditioner) are present.

The site plan below shows the site general arrangement and identifies the areas where the dogs are located during operation.



Imagery ©2017 DigitalGlobe, Map data ©2017 Google Canada 20 m

### 4 Scope Of Work

ProSonics was retained by Friends Fur-Ever Pet Resort to perform a noise assessment utilizing noise measurements taken at four (4) locations. These measurements are to be done utilizing Equivalent Sound Level ( $L_{eq}$ ), and are to be performed outdoors adjacent to the kennel outdoor yard and at three locations on the perimeter of the property. Equivalent Sound level is a time-integrated measurement that accounts for non-continuous noise or varying sound power levels and results in a value of an equivalent continuous sound level for the time period of the measurement.

Measurements were made on September 08, 2017. This report presents the results of these measurements.

## 5 Methodology And Measurements

### 5.1 Setup and Methodology

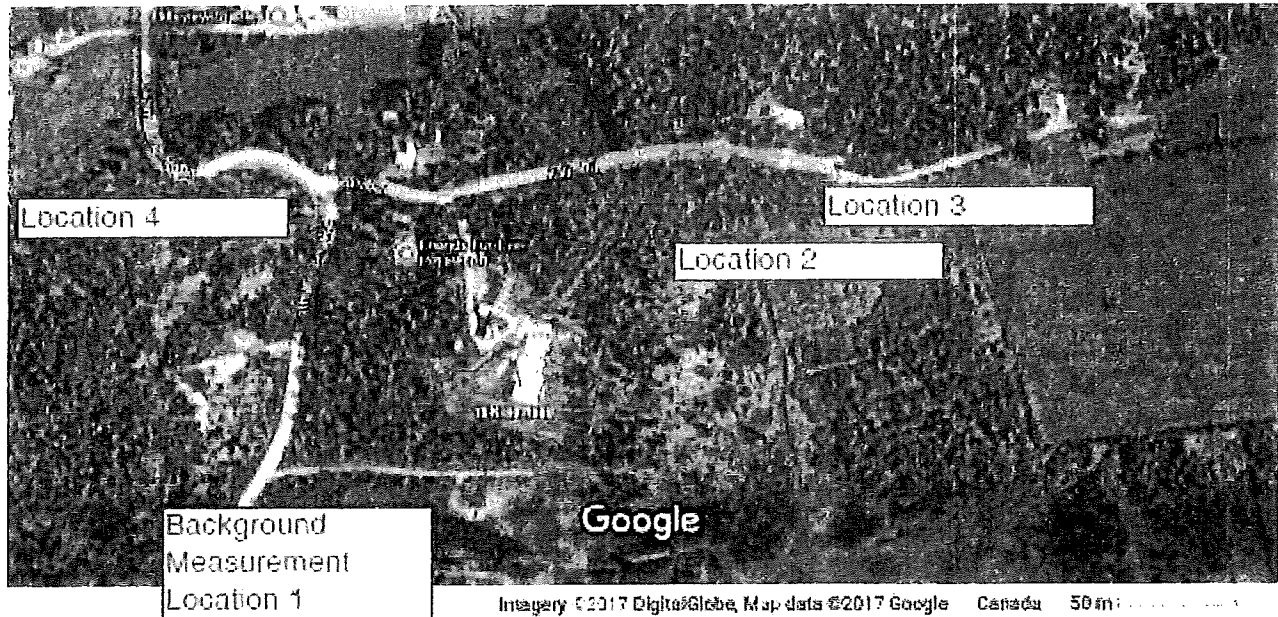
On September 08, 2017, ProSonics Ltd. attended 15 Kalio Rd. to perform acoustic measurements of the background noise and of a full kennel of dogs. The client had arranged for as many dogs as could be accommodated to be present for the measurements. Twenty seven (27) dogs were present for the duration of the measurements. During the measurement period, the dogs were kept "excited" by the kennel staff and no quieting methods were used, i.e. the dogs were allowed to bark without restriction, and the staff actively encouraged the dogs to bark as much as possible.

Measurements were made with a calibrated noise measurement system consisting of an Earthworks M30 measurement microphone with self noise of 17 dB(A). This microphone was connected through a PreSonus digital preamplifier to a PC running SIA SmaartLive acoustical analysis software. The microphone and system were calibrated using a Cirrus model D537 acoustical calibrator accurate to  $\pm 0.1$  dB at 1000 Hz,  $\pm 10$  Hz. Calibration was made at 94 dB and checked at 104 dB. Measurements were all made with a microphone height of 1.5m, with the microphone pointed towards the kennel exercise yard. Calibration was rechecked after the series of measurements and found to be 94.1dB, within acceptable tolerance. The equipment was powered from a 120V UPS system mounted inside a vehicle and was not powered down or adjusted between measurements. The vehicle was not operating during the measurements.

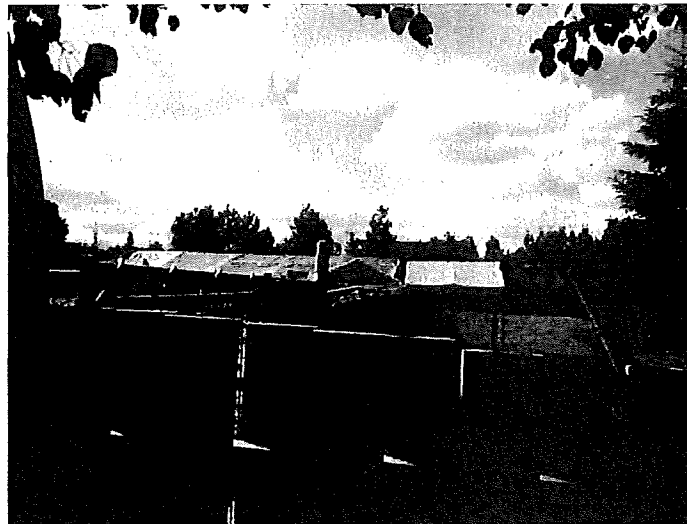
Weather conditions at the time of the measurements were clear skies with a temperature of 16C and light winds. Winds were not constant, ranging from zero to approximately 10 kph. Measurements were made after 10:30am. No local road traffic was present during measurements except as noted below.

## 5.2 Measurements

Measurements were made at the locations indicated below.



Initial instantaneous background noise measurements were made at Location 1 with no dogs barking. Location 1 was 1m from the corner of the kennel structure. With no wind blowing, background noise was instantaneously observed to be 39 dB(A). With the light wind blowing, and from a location within 3m of a birch tree, the instantaneous background noise level was observed to be up to 79 dB(A).



Without relocating the microphone, an Leq measurement was initiated and a baseline background Leq was measured. The Leq measurement was observed to read 59.9dB(A) until a helicopter flew nearby, raising the final Leq to 65.1dB(A).

Again without relocating the microphone, an Leq measurement was initiated and all of the dogs were released into the exercise area and allowed to bark freely as described above. This measurement yielded a minimum reading of 39.1dB(A), peak maximum of 90.9 dB(A), and an Leq of 62.6dB(A). It should be noted that the dogs were actively barking for a period of 3 minutes then they naturally quieted despite efforts to continue their barking.

A second measurement was then taken at the same location which yielded a minimum reading of 35.4 dB(A), maximum of 99.9 dB(A), and an Leq of 68.5 dB(A). The 99.9 dB(A) peak reading resulted from a single dog coming close to the measurement location and barking one time at the engineer.



At Location 2 (end of the driveway), the measurement microphone was again set up, pointed towards the exercise area at 1.5m above the ground, and the dogs were again released into the exercise area. This measurement location is approximately 135m from the exercise yard. Minimum instantaneous SPL was 35.0 dB(A), max 66.1 dB(A), and Leq was 45.8dB(A). It should be noted that the dogs were audible to the engineer, but the crickets in the grass nearby were actually louder. Dogs essentially stopped barking after approximately four(4) minutes into the measurement. Wind was calm but present during this measurement.



At location 3 (under power line, across from #28 Kalio Rd.), the measurement microphone was again set up, pointed towards the exercise area at 1.5m above the ground, and the dogs were again released into the exercise area. This measurement location is approximately 220m from the exercise yard. Minimum instantaneous SPL was 37.4 dB(A), max 80.3 dB(A), and Leq was 53.8dB(A). It should be noted that the dogs and people's voices were sometimes audible to the engineer, and the light wind was blowing from the kennel towards the measurement location. Horses from the nearby stable were louder than the noises from the kennel. The noise of rustling leaves in the light breeze completely obscured the sounds of the dogs during the measurement period. One car passed by twice during the measurement period, creating the peak noise level of 80.3 dB(A). The wind picked up towards the last 30% of the measurement period, and the Leq (which is displayed continuously by

the measurement software) increased from 46 dB(A) to the final measurement of 53.8 dB. Wind was otherwise calm during this measurement.



At location 4 (across from #191 Moxam Landing Rd., adjacent to the mailbox), the measurement microphone was again set up, pointed towards the exercise area at 1.5m above the ground, and the dogs were again released into the exercise area. This measurement location is approximately 166m from the exercise yard. After approximately 4 minutes into this measurement, no noise from the dogs could be heard. Minimum instantaneous SPL was 36.6 dB(A), max 70.6 dB(A), and Leq was 50.6dB. It should be noted that the dogs and people's voices were audible to the engineer when there was no wind blowing. The light wind when present was blowing from the kennel towards the measurement location. The noise of rustling leaves in the light breeze, when it occurred, completely obscured the sounds of the dogs during the measurement period. Wind was occasional during this measurement.

The table below summarizes these findings.

	Background	Location 1a	Location 1b	Location 2	Location 3	Location 4
Instantaneous Minimum (dBA)	39	39.1	35.4	35.0	37.4	36.6
Instantaneous Maximum (dBA)	79	90.9	99.9	66.1	80.3	70.6
Leq (dBA)	(59.9) 65.1	62.6	68.5	45.8	(46.0) 53.8	50.6

## 6 Analysis

From reviewing the data, several things become apparent.

First, the naturally occurring background noise Leq is above the Class 3 Area daytime Leq guideline of 45 dB(A). This is noise naturally occurring in the area due to the simple rustling of leaves in the light breeze on the day of measurement. Since the background noise level is higher than the guideline, the guideline value cannot be used as a determining factor for compliance with the intent of the guideline. The intent of the guideline is that stationary noise sources do not impose an objectionable level of noise on adjacent properties. "Objectionable", however, is a subjective thing, however a conservative approach would be to consider "measurable difference" for guidance. As mentioned above, a measured audio signal must be a minimum of 6dB louder than the background noise to be considered measurable. It may be audible at a lower level, but to be considered measurable the minimum signal-to-noise ratio for accurate audio measurement is generally taken as 6dB.

With reference to the baseline Leq measurement, all of the measurements with dogs barking were +3.4 to -19.3 dB(A) from the reference background noise level at the kennel building. Given the very small difference between the final Leq values measured above the baseline, the impact of the dogs barking on the Leq value is insignificant, with the natural noise from the trees being dominant.

Second, other ambient sounds easily obscured the noise of the dogs such that the dogs were inaudible. Reference the crickets and horses were louder, and the rustling leaves completely obscured the sound of the dogs. Since the sound of the dogs was rendered indistinguishable from the background noise, and was overpowered by small insect noises, again the determination is that the noise from the barking dogs is insignificant.

Third, given the Leq measurement taken at 1m with the dogs barking, and calculating the predicted sound pressure level (SPL) at the closest measurement point (135m)), the mathematically predicted SPL at the end of the driveway solely due to the noise at the corner of the kennel itself is 22.5 dB(A). (Note that typically a doubling of distance from the source will have an attenuation of approximately 3dB(A), however the relationship of sound level to distance from a source is non-linear). Given the two orders of magnitude difference in the source measurement distance (1m) and the test location (135m), this non-linearity becomes significant. In any case, a predicted Leq of 22.5 dB(A) would be considered audible. The dogs were audible at this location. But at an SPL of 22.5 dB(A), the rustling leaves at 45 dB(A) would totally obscure the dog noises, and this is consistent with what the engineer observed during the measurements. The modeled attenuation of Leq at the property line of 22.5 dB(A) is one half of the published guideline of 45 dB(A) and therefore in compliance with the guideline. The subject dog noise at the property line calculated at 22.5 dB(A), and the background noise instantaneous minimum value of 35.0 dB(A) puts the dog noise at approximately 13 dB(A) below the background noise, and therefore the dog noise is not separably measurable at this location and is considered indistinguishable from the background noise.

Note that the measurements performed in front of #28 Kalio Rd. and #191 Moxam Landing Rd. were further from the noise source than the sample attenuation calculation above, so the resultant noise attenuation of the dog noise would be even greater at those locations, and even more difficult to distinguish from the background noise, so no further calculations were performed to specifically model these locations.

## 7 Conclusions

As a result of the measurements, observations and analysis above, the following conclusions are made:

- It is concluded that the noise generated by the dogs at the Friends Fur-Ever Pet Resort on September 08, 2017, even with the dogs in an unusually excited state and without the use of quieting methods normally employed, was within the published guidelines for a Class 3 Area as described in the Ontario Ministry of the Environment and Climate Change Environmental Noise Guideline: Stationary and Transportation Sources - Approval and Planning (NPC-300) August 2013
- The noise was essentially inaudible at the measurement locations to the trained human ear, and did not in any way impose an objectionable level of noise on adjoining properties in front of which the measurements were made



- There is no adverse noise impact from the Friends Fur-Ever Pet Resort facility on properties adjoining along Kalio Rd and Moxam Landing Rd.

## 8 Closing

We trust that we have properly understood the scope and deliverables in preparing our report, and the methodology, results, analysis and conclusions have been presented in a clear manner. If this is not the case, we are ready to update our report to ensure that our methodology and analysis is presented clearly and unambiguously.



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NOV 23 2017

PLANNING SERVICES

## MEMORANDUM

FILE COPY

**DATE:** 2017-11-23 **RWDI REFERENCE #:** 1801684

**TO:** Glen Ferguson **EMAIL:** [glen.ferguson@greatersudbury.ca](mailto:glen.ferguson@greatersudbury.ca)

**FROM:** Greg Conley **EMAIL:** [greg.conley@rwdi.com](mailto:greg.conley@rwdi.com)  
Peter VanDelden **EMAIL:** [peter.vandelden@rwdi.com](mailto:peter.vandelden@rwdi.com)

**RE:** **Noise Study Peer Review**  
**Friends Fur-Ever Noise Assessment Peer Review**  
**Sudbury, Ontario**

Dear Mr. Ferguson,

The City of Greater Sudbury has retained RWDI to complete a peer review of a report prepared by ProSonics Ltd. titled Friends Fur-Ever Pet Resort Noise Assessment, dated September 21, 2017. The noise assessment was presented to the City of Greater Sudbury in respect of a proposed expansion of the facility. The city has requested an opinion of whether or not the methodology and conclusions are sound, specifically addressing

- adequacy of the documentation to demonstrate that the study findings are appropriate for demonstrating that the proposed land use will not adversely impact the nearby uses, including sensitive land uses;
- whether mitigation options for noise should be implemented and in doing so what best practice standards exist within the kennel industry - commenting on the practicality of the application from an operational prospective of the intended land use;
- adequacy of the proposed mitigation measures to limit any future adverse impacts on surrounding properties;
- enforceability, from the City perspective, of the proposed mitigation options during ongoing operation of the proposed kennel use; and,
- any errors, gaps or shortcomings.

These are addressed under the subsequent headings titled documentation and mitigation.



## Documentation

### Guideline Selection

Assessment of separation distance to minimize adverse interaction between facility emissions and sensitive spaces is provided in the Ministry of Environment and Climate Change (MOECC) D-series guidelines. Resulting setback distances can be refined through assessment of the specific emissions. For noise emissions, the MOECC Model Municipal Noise Control By-law is generally the most appropriate guidance. Specific numerical limits and assessment approach can be taken from the part of the Model Municipal Noise Control By-law most recently updated as Environmental Noise Guideline NPC-300. Additional details are found in other sections of the Model Municipal Noise Control By-law.

The ProSonics assessment references the Model Municipal Noise Control By-law and proceeds directly to the use of NPC-300. In cases where noise is known to be the only emission of interest a D-series guideline assessment would not be necessary. We concur with the use of the Model Municipal Noise Control By-law, including NPC-300 as the best-available guidance.

### Site, Surroundings and Points of Reception

The report provides a brief description of the site. Barking from up to 30 domestic dogs housed at the Friends Fur-Ever Pet Resort is the noise source of interest for this assessment. Characterization of the topography between the site and surroundings is missing.

The ProSonics report mentions points of reception north and west of the site. These and others are confirmed by aerial photography. City staff indicated to RWDI that there is a residence approximately 47 m to the south of the kennel fencing. The report does not appear to address this location. This location would be closer to the facility than others and should therefore be the key receptor. This location is also within the 300 m setback from any residential building as required by the City of Greater Sudbury Zoning By-law 2010-100Z.

The area is characterized as a rural area in the report. Highway 17 is the nearest major roadway, at over 1 km to the north. Industrial, commercial and more densely populated areas are located beyond this distance. We concur with the ProSonics assessment of this area as a rural environment.



## Assessment

The ProSonics report references the Model Municipal Noise Control Bylaw and NPC-300 guideline to address commercial use of the property, potential exemption and the area classification. While there is some ambiguity concerning the applicability of NPC-300 to this type of source, we concur with its use as the best available guidance and limits. The ProSonics area classification as a Class 3 (i.e., rural) area can be supported by the description and aerial photography.

The ProSonics report shows measurements at the perimeter of the site and refers to calculations from measurements in close proximity to the source. It is unclear how these are developed into specific sound levels that can be assessed at the exiting points of reception and any vacant lots. The methodology to determine facility compliance is therefore unclear.

A mixture of average equivalent sound level ( $L_{EQ}$ ), minimum level and maximum peak level are used to describe the measured sound levels in the report. No reference is made to whether the barking is assessed as a steady, quasi-steady or impulsive type of source. The description as steady, quasi-steady or impulsive is necessary to defining the assessment and measurement procedure. The use of a mixture of level descriptors and the absence of other elements of the methods in the report make the characterization uncertain.

The assessment appears to be based on measurements at the perimeter of the site and in close proximity to the source. The high degree of variation in sound level measured at the site perimeter is somewhat unusual. It is unclear if an environmental windscreen was used with the measurement equipment.

## Analysis

The ProSonics analysis of the data begins by discounting use of the NPC-300 guideline limit on the basis of measured background sound levels. The Model Municipal Noise Control Bylaw sets out procedures to establish background sound levels that are higher than the default limits. For example, Section B5 of NPC-300 requires a minimum of 48 hrs of monitoring to be conducted during times when the background sound level is at its lowest. The report does not provide indication that the procedures under NPC-300 were followed. In the absence of a suitable demonstration of elevated background, the default limits are applicable under NPC-300. The report proceeds to develop an alternative assessment criterion. It should be clear that this alternative criterion is not derived from NPC-300.

In the second place the analysis section compares the dog noise with sounds of nature occurring at the time of the observations. This can be used to illustrate audibility at that moment and at the specific observation location. The sounds of nature vary by time of day,



by location and seasonally. A short-term description of audibility therefore does not necessarily address predictable worst-case impact, as required in NPC-300. The NPC-300 assessment approach is on the basis of a predictable worst-case one-hour period. The predictable worst-case approach looks at the highest predictable sound level from the source against the lowest limit that would apply.

The third section of the ProSonics analysis is based on sound propagation calculations. The calculations reference measurement of barking taken at 1 m from the corner of the kennel structure. It seems unreasonable that with 27 dogs present, they could all be located at 1 m from the measurement location. Use of an incorrect distance as input to the calculations will produce incorrect results. The actual distance from each of the barking locations to the measurement location is a key piece of information not provided in the report.

The report makes reference to mathematical prediction of sound pressure level to the measurement locations. No statement is provided about assumptions made for atmospheric conditions, intervening ground cover and topography that influence how well travels. We have not been able to duplicate the results presented. Sample calculations would be necessary to support the results provided.

### Conclusions

The ProSonics report draws three conclusions. The first conclusion is that the noise was within the NPC-300 guideline. Based on the review comments provided above it is clear that this has not been sufficiently demonstrated. The second conclusion that the noise was essentially inaudible is an observation of what occurred at that specific time and place. The continuity of this observation is not assured in seasons when leaves and crickets are not present or under other atmospheric conditions. In the third place the ProSonics report concluded that there is no adverse noise impact. This appears to be an unlimited blanket statement. Such a statement might be supported in the absence of complaints from the facility.

### Mitigation

The ProSonics report does not make any recommendations for mitigation measures. A mention is made of "quieting methods normally employed", however no further description is provided. In the absence of this description, no comment can be provided about the adequacy or practical enforceability of the measure.

In addition to methods that reduce the amount of barking, sound can be controlled by administrative means and noise control equipment. An administrative control would be keeping the dogs indoors during the quieter evening and nighttime (7 pm – 7 am) periods. This would require a building that suitably encloses the sound from the dogs. A noise



barrier is another noise control measure that could be applied in a limited number of situations. Selection of the appropriate combination of measures should be made once sound levels are better understood.

## Summary

The ProSonics report provides measurements and analysis of sound levels relating to the Friends Fur-Ever Pet Resort. Our review of the report and analysis indicates that several significant items need to be clarified, corrected, or supplemented as detailed above. No mitigation measures are explicitly stated in the ProSonics report. Additional information will allow comment on the applicability, adequacy, practicality and enforceability of any mitigation measures that may be needed. The resulting assessment update should be reviewed to ensure that the items have been appropriately addressed.

Should you have any questions, please contact the undersigned.

Yours truly,

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

Peter VanDelden, P. Phys., INCE  
Technical Director / Associate

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

Greg Conley, M.Eng., P.Eng.  
Senior Project Manager/Principal

GC/PV/klm

**RECEIVED**

**APR 10 2018**

**PLANNING SERVICES**



Project Report to

**Friends Fur-Ever Pet Resort**

For

**Noise Assessment  
Sudbury, Ontario**

#  
Rev. 1 April 04, 2018

1395 Paquette Street  
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Tel 705 566 6916 ♦ Fax 705 566 6916 ♦ [www.prosonics.ca](http://www.prosonics.ca)

## Friends Fur-Ever Pet Resort

### Noise Assessment

Prepared by:

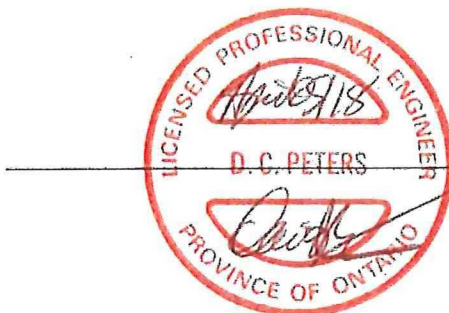
  
David Peters

April 04, 2018  
Date

### Approvals

ProSonics

Approved by:



Date

Distribution List



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## 1 Introduction

This document is the ProSonics Ltd. report for the Noise Assessment of Friends Fur-Ever Pet Resort. ProSonics believes this report to be accurate based on the measurements and analysis undertaken, and the understanding of the project scope.

## 2 Background

ProSonics Ltd. was retained by Friends Fur-Ever Pet Resort to perform a noise assessment around their property at 15 Kalio Rd to determine what noise impact the kennel operations may be having on the surrounding properties.

The property in question is largely treed, with public roads on two sides.

The noise assessment was carried out in accordance with industry accepted practices and following the guidelines included in the Model Municipal Noise Control By-Law - Final Report, August 1978, Ontario Ministry of the Environment, and the Ontario Ministry of the Environment and Climate Change Environmental Noise Guideline: Stationary and Transportation Sources - Approval and Planning (NPC-300) August 2013.

Based on these references, the following definitions were established for the assessment:

- The commercial use of the property as a dog kennel operation classifies as a "Stationary Source" under the MOECC guidelines.
- The exemption from consideration as a stationary source of "noise produced by animals kept as domestic pets such as dogs barking" does not apply because the dogs kept at the kennel do not all belong to the property owner.
- The site is classified as a "Class 3 area", which means "a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic".
- Guideline limits are 45 dBA from 7am to 7pm, and 40 dBA from 7pm to 7am.

A noise source is considered measurable if it is 6 dB(A) above the background noise level in a space. An increase in volume of 3 dB(A) is a doubling of sound energy, and perceived as a doubling of loudness. So, a measurement grade signal is present when it is four times louder than the background noise, and it is considered potentially intelligible if it is twice the loudness of the background noise.

The noise of a dog barking is considered an impulsive noise source. Multiple dogs barking (i.e. a collection of impulsive noises) may, in the event the impulses are frequent enough, be considered a Quasi-Steady Impulsive Sound. NPC-300 section B7.1 Table B-1 concurs that an  $L_{eq}$  of 45 dBA is the Exclusion Limit Value for a Class 3 Area.

### 3 Facility Description

The facility houses domestic dogs on a temporary basis, mostly in a 'daycare' setting, while some dogs are kept overnight on a temporary basis in a 'boarding' arrangement. The current facility contains 24 cages, with a normal maximum number of dogs kept being thirty (30), with an average population of under twenty five (25). Noise sources at the facility are the dogs themselves and a nearby chicken coop containing just under one hundred (100) chickens. No significant mechanical noise sources (e.g. air conditioner) are present.

The site plan below shows the site general arrangement and identifies the areas where the dogs are located during operation.



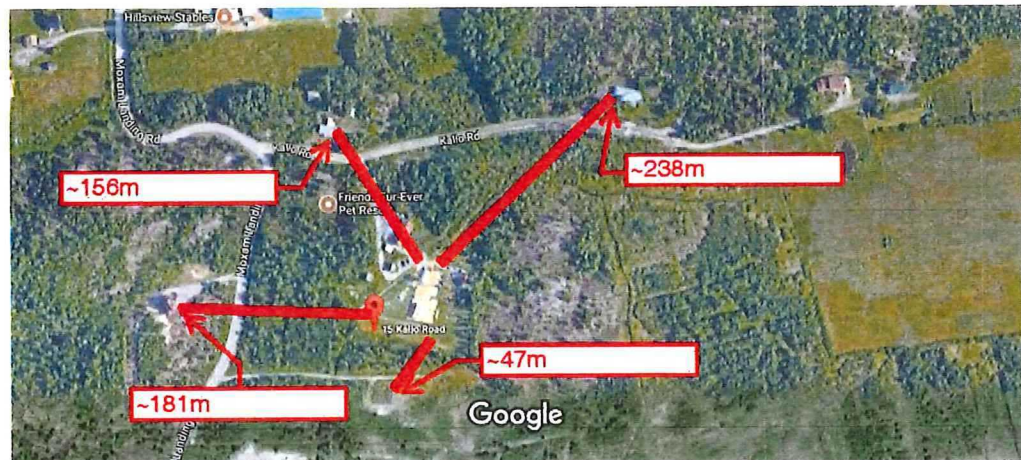
Imagery ©2017 DigitalGlobe, Map data ©2017 Google Canada 20 m

The area between where the dogs are kept and the property line is generally flat and forested in all directions, with the growth being mature trees (both deciduous and evergreen) and underbrush. With the exception of the South side of the property where a neighbour has built (since the establishment of the kennel) close to the property line, the main building and exercise yard are not visible from the surrounding properties or adjacent public roadways due to the trees and underbrush.



The dogs are normally outside, weather permitting, between the hours of 7:30am and 6:00pm. After 7pm only overnighting dogs are present, and they are only taken outside one time between 7pm and 8pm to relieve themselves and then they are returned to the kennel cages.

The closest residence to the fenced dog exercise area is the new residence to the south of the kennel, constructed almost three years after the kennel was in operation. The builder/owner of that residence was fully aware of the presence of the kennel prior to constructing the residence. This residence is approximately 47m from the closest point of the fenced exercise yard. All other residences are further away from their respective closest points to the exercise yard, with the next three closest residences being approximately 156m to the north, 181m to the west, and 238m to the north-east respectively.



Imagery ©2017 DigitalGlobe, Map data ©2017 Google Canada 50 m

It should be noted that NPC-300, Section B11 Development of Adjacent Lands states "When a site in proximity to a stationary source is in process of being developed...for noise sensitive land use (such as residential), it is considered the responsibility of the proponent/developer of the noise sensitive land use to ensure compliance with the applicable sound level limits and for this responsibility to be reflected in the land use planning decisions." In other words, it is the responsibility of the developer of the noise sensitive land to make plans for the implementation of noise mitigation if required as the noise is a pre-existing condition, and the guidelines describe noise at the receptor location, such as a window of a residence, not at a property line. With no residence present, and no noise sensitive use in place at the time the kennel was constructed, noise at this particular residence should not be considered when determining whether the kennel operation is in compliance with the noise guidelines.

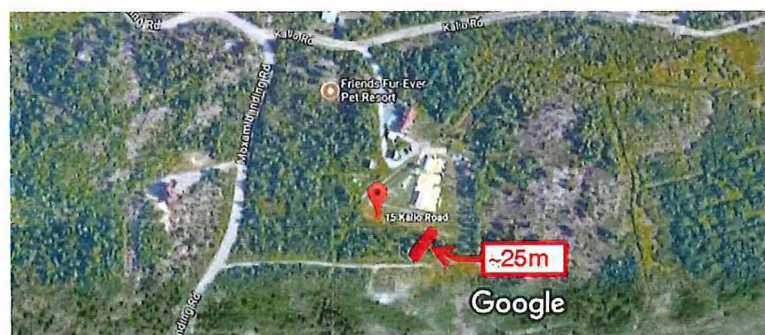
## 4 Scope Of Work, Points of Reception

ProSonics was retained by Friends Fur-Ever Pet Resort to perform a noise assessment. These measurements are to be done utilizing Equivalent Sound Level (Leq), and are to be performed outdoors at the owner's property line. The property line is to be used as the measurement location in order to develop a conservative noise measurement, and to not have issues with trespassing onto private property while making the measurements. Equivalent Sound level is a time-integrated measurement that accounts for non-continuous noise or varying sound power levels and results in a value of an equivalent continuous sound level for the time period of the measurement. Measurements were initially made on September 08, 2017. These measurements were assessed by a third party review to be inconclusive due to high levels of background noise from the surrounding flora and fauna. The background noise level measured during these initial measurements were above the recommended noise limit of 45 dBA without the presence of the subject kennel noise.

Due to the high background noise condition (determined to be from the light wind rustling the leaves of the trees), a second set of noise measurements were required. These second measurements would either have to be made when the background noise was below the 45dBA threshold, or a continuous 48 hour measurement would be required to establish an elevated background noise level specific to this site.

Since the elevated background noise was determined to be largely due to the tree leaves, it was decided to repeat the measurements during winter when there were no leaves on the trees and therefore the minimum background noise level would be present. The ground was snow covered. Specific environmental conditions during each test are described later in this report.

With the ground frozen, the property line towards the closest residence (south side) was now accessible to perform the measurements. The property line in this direction is approximately 25m from the closest point of the exercise yard. The measurement was made at the property line, directly between the exercise yard and the residence. For all measurements the measurement microphone was pointed towards the exercise yard.





## 5 Methodology And Measurements

### 5.1 Setup and Methodology

On January 19 and 20, 2018, ProSonics Ltd. attended 15 Kalio Rd. to perform acoustic measurements of the property line noise level due to the dog kennel. During the measurement period, the dogs were kept in the exercise yard and the kennel staff handled and worked with the dogs as they would during any normal work day with no special activities performed just for the purposes of the noise measurements. All normal procedures for managing the dogs, dog playing, and any administrative measures normally employed by staff in the event that specific dogs were disorderly were followed.

All measurements were made with a calibrated noise measurement system consisting of an Earthworks M30 Type 1 measurement microphone with self noise of < 17 dBA, frequency response 5 Hz-30 kHz,  $\pm 1/3$  dB, operating temperature range of -20C-+60C, and equipped with a Cirrus environmental windscreen. This microphone was connected through a PreSonus digital preamplifier to a PC running SIA SmaartLive acoustical analysis software. The microphone and system were calibrated using a Cirrus model D537 acoustical calibrator accurate to  $\pm 0.1$  dB at 1000 Hz,  $\pm 10$  Hz. Calibration was made at 94 dB and checked at 104 dB. Measurements were all made with a microphone height of 1.5m, with the microphone pointed towards the kennel exercise yard. After each measurement, the calibration was rechecked and was found to be within 0.5 dB of the initial calibration in all cases, therefore the measurement is within accepted accuracy. The equipment was powered from a 120V UPS system mounted inside a vehicle and was not powered down or adjusted between measurements. The vehicle was not operated during the measurements.

The noise measurements made using SIA SmaartLive software were data logged on one second intervals. The software performs a real-time LEQ calculation from the time of measurement initiation until the specified measurement interval expires. So, an LEQ60 measurement runs for 60 minutes, so the software display at the end of the 60 minute measurement is the LEQ60. The data file records the calculated LEQ60 on a second by second basis, so the value shown in the data file is the LEQ from measurement initiation until that time. The measurement graph shows how the LEQ value changed over time during the measurement, with the final value at 60 minutes being the LEQ60.

Weather conditions during the measurements were measured and recorded by an Accu-Rite 5 in 1 weather station mounted on the vehicle, and the weather data was logged by a laptop at 12 minute intervals (the shortest logging interval available).



## 5.2 Measurements

Measurements were made at the locations indicated below.



On January 19, 2018, Measurement 1 was made at the south measurement location, and started at 1:50pm. Twenty-five dogs were in the exercise yard, and were in the yard continuously throughout the measurement. Weather conditions during the measurement were cloudy, with a temperature of 3C, with south west wind of an average wind speed during the measurement of 7 km/h. Since the average wind speed was below 15 km/h, and a windscreens was employed on the microphone, no adjustment to the measurement was required per NPC-102 Table 102-3.



Unfortunately, during the course of this measurement, a gust of wind (18 km/h) blew the windscreen off the microphone at the 20 minute mark.

At the time that the windscreen blew off, the LEQ was 36.33dBA. Weather and measurement data is shown in Appendix A.



In the above photo you can see the fence of the exercise yard in the background. Mic location is at the fence line, as shown in the below photo.





Measurement 2 was made at the west measurement location, at the roadside, and started at 3:22 pm. Twenty-five dogs were in the exercise yard, and were in the yard continuously throughout the measurement. Weather conditions during the measurement were cloudy with sunny breaks, with a temperature of 0C, with west wind of an average wind speed during the measurement of 9 km/h. Since the average wind speed was below 15 km/h, and a windscreen was employed on the microphone, no adjustment to the measurement was required per NPC-102 Table 102-3.

This measurement recorded an  $Leq(60)$  of 54.1dBA. The high LEQ was due to traffic noise on Moxam Landing Road. During the period of the test, 24 vehicles passed the measurement location, each taking approximately 5 to 8 seconds to pass. Some of the vehicles passed the measurement location several times. Section 3 of NPC-104 describes the adjustment to be applied to the  $Leq$  measurement due to an intermittent sound not under study - in this case the traffic noise. The adjustment is listed in table 104-1. With 24 vehicle passes of 8 seconds each, 3.2 minutes is the total duration of the intermittence. Therefore a conservative adjustment of -12dBA to the  $Leq$  measurement can be made, resulting in an adjusted  $Leq$  of 42.1dBA. Using 5 seconds, 2.0 minutes is the total duration of the intermittence. Table 104-1 shows an adjustment of -15dBA, resulting in an adjusted  $Leq$  of 39.1dBA

Weather and measurement data is shown in Appendix A.



Measurement 3 was made at the same south location as measurement 1, on January 20, 2018, 10:08AM. During this measurement, 20 dogs were in the exercise yard, Weather conditions were sunny, -2C, with southwest winds at an average of 8km/hr. Since the average wind speed was below 15 km/h, and a windscreen was employed on the microphone, no adjustment to the measurement was required per NPC-102 Table 102-3.

No interruptions nor any abnormal conditions occurred during this test.

During this test an LEQ(60) of 38.4 dBA was measured. Weather and measurement data is shown in Appendix A.

## 6 Conclusions

As a result of the measurements, observations and analysis above, the following conclusions are made:

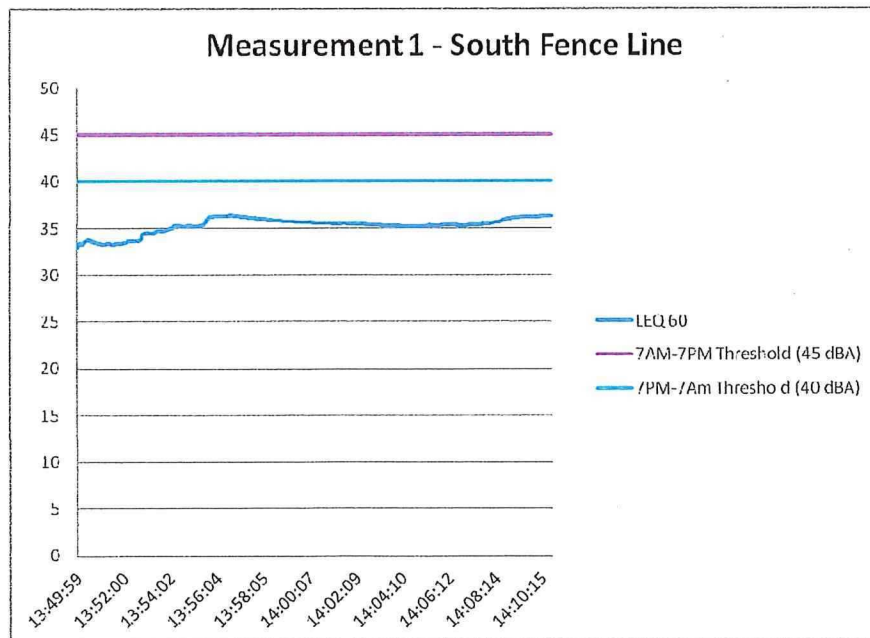
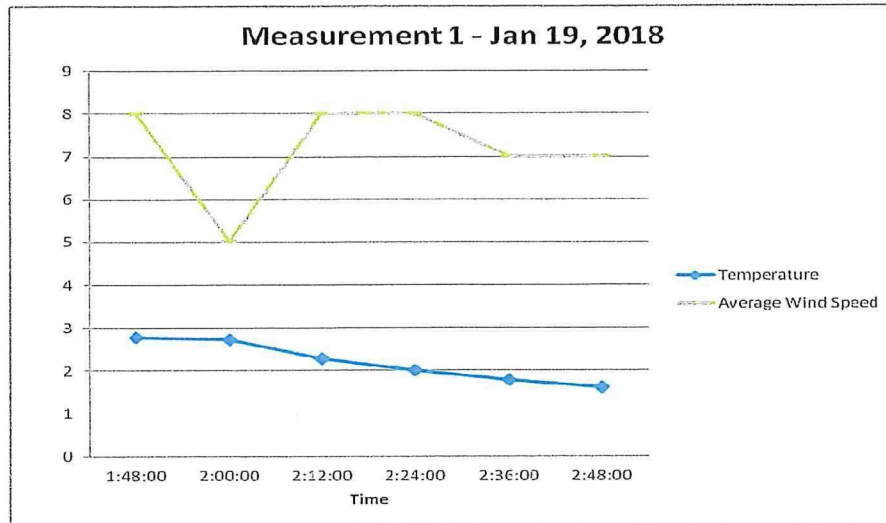
- It is concluded that the noise generated by the dogs at the Friends Fur-Ever Pet Resort on January 19, 2018 and January 20, 2018, during normal kennel operations with all housed dogs outdoors in the exercise yard, during the measured time intervals, as measured at the closest property line to the dog exercise area, was within the published guidelines for a Class 3 Area as described in the Ontario Ministry of the Environment and Climate Change Environmental Noise Guideline: Stationary and Transportation Sources - Approval and Planning (NPC-300) August 2013.
- Since the noise was within guidelines at a location approximately 25m from the exercise yard, in direct sight of the yard with no intervening trees or other obstructions, the noise level would simultaneously be within guidelines at the property line towards the three other closest residences a minimum of 6.25 times the distance (156m) from the exercise yard with intervening trees and brush acting as an acoustical diffuser.

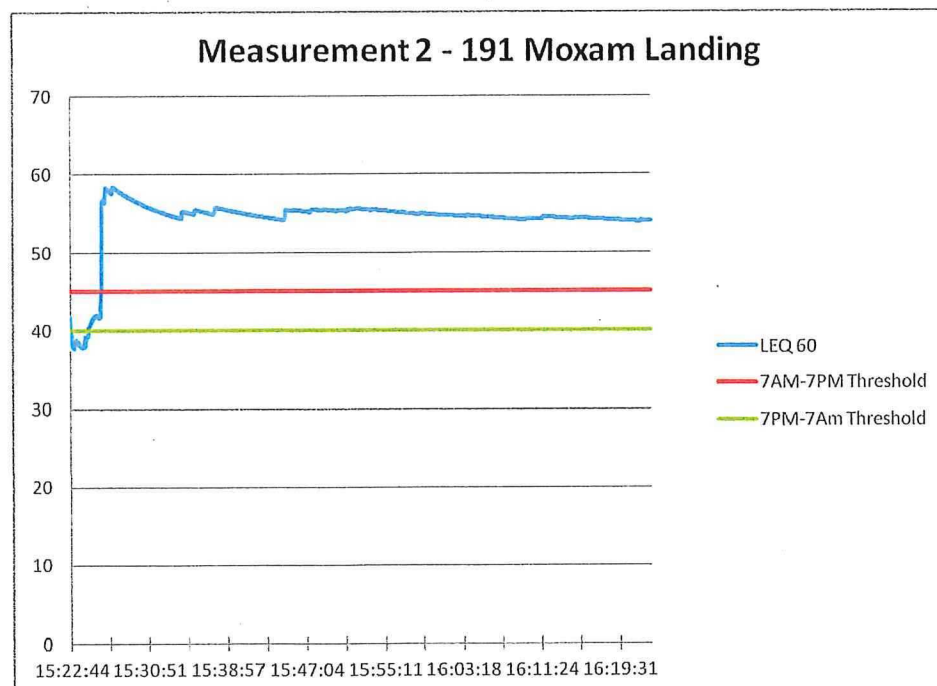
## 7 Closing

We trust that we have properly understood the scope and deliverables in preparing our report, and the methodology, results, analysis and conclusions have been presented in a clear manner. If this is not the case, we are ready to update our report to ensure that our methodology and analysis is presented clearly and unambiguously.

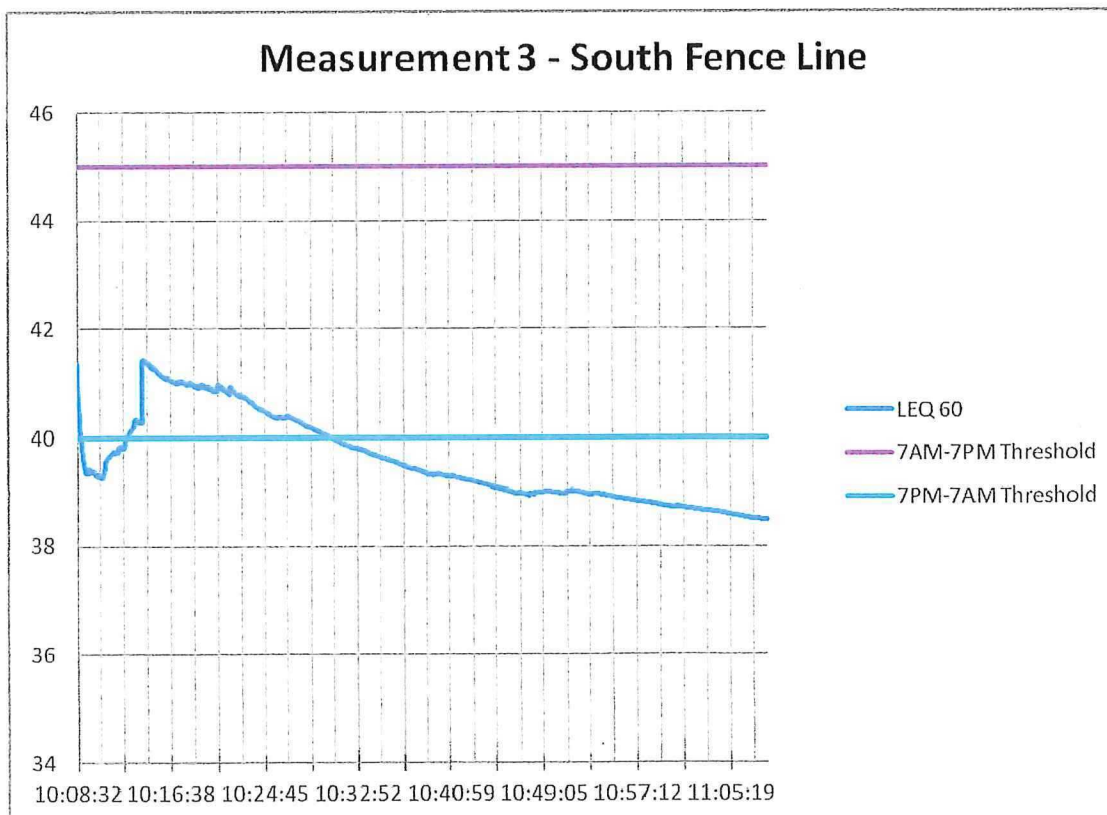
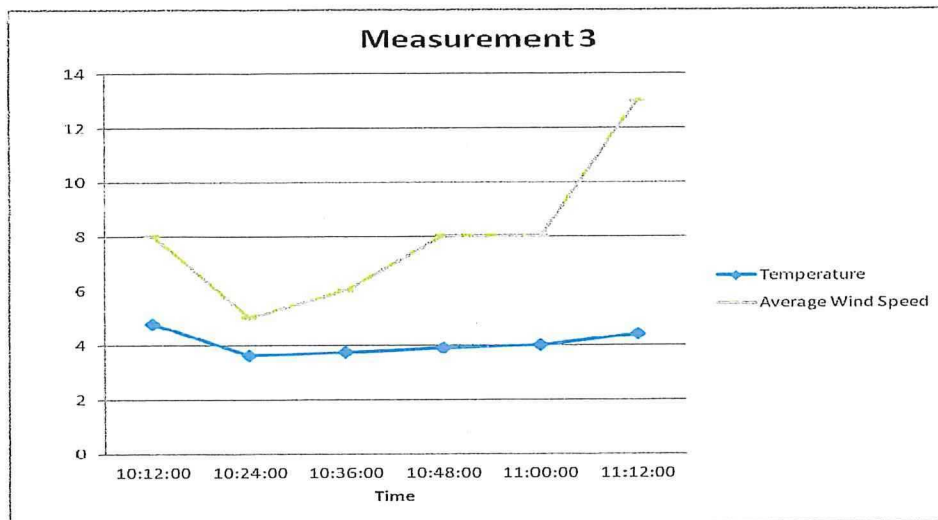
# Appendix A

## Measurements









# Appendix B

## Measurement Microphone Specifications



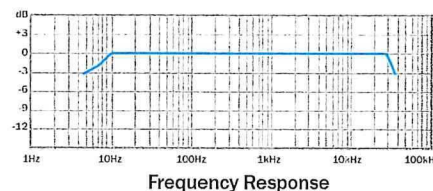
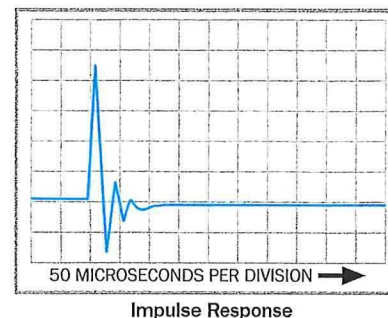
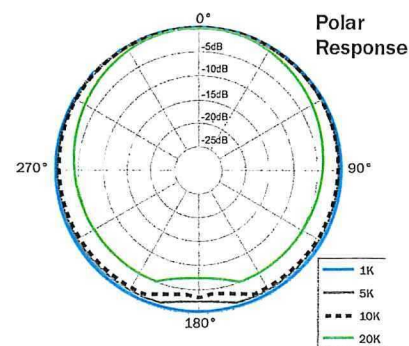
## SPECIFICATIONS

Frequency Response: 5Hz to 30kHz  $\pm 1/-3$ dB  
Polar Pattern: Omnidirectional  
Sensitivity: 34mV/Pa (Typical)  
Power Requirements: 24-48V Phantom, 10mA  
Max Acoustic Input: 138dB SPL  
Output: XLR-3 (pin 2+)  
Min. Output Load: 600 ohms between pins 2 & 3  
Noise: 20dB SPL (A weighted)  
Temp. Operating Range: -4° to 140°F (-20° to +60°C)  
Dimensions L x D: 9 x .860 in. (229 x 22 mm)  
Weight: 0.5 lb. (227g)

## ELECTRONIC CALIBRATION FILES

Electronic Calibration files are available for all models of Earthworks measurement microphones, so your specific microphone can be calibrated to your measurement software or system. For you to obtain your electronic calibration files (ECF), you must first register your microphone online at [earthworksaudio.com/register](http://earthworksaudio.com/register) and afterwards go to [earthworksaudio.com/ecf](http://earthworksaudio.com/ecf) to request your ECF file, which will be sent to you as an email attachment. If you have any questions, please call 603-654-2433, ext 114 or email: [sales@earthworksaudio.com](mailto:sales@earthworksaudio.com)

- One of the Industry's Most Popular Measurement Microphones
- 30kHz Free-Field Frequency Response
- Meets or Exceeds Type 1 Specifications
- 138dB SPL Max Acoustic Input
- Used by Research Laboratories and Acousticians Throughout the World
- Ideal for SMAART™, MLSSA™, Spectrafoo™, TEF™, RTA and all "Audio Band" Measurements
- Requires 24-48V Phantom Power
- Multiple Measurement Microphones can be matched for a nominal fee
- Electronic Calibration Files are available online after completing product registration at no cost



Earthworks M Series measurement microphones have become the accepted standard for reliable measurement and reference. They are accurate in the time and frequency domain and have exceptionally uniform polar response. They feature flat free-field frequency response, fast impulse response, and are remarkably stable with respect to temperature changes, meeting or exceeding Type 1 specifications. Our M Series measurement microphones are used and recommended by SMAART™, MLSSA™, Spectrafoo™, TEF™, RTA in addition to acoustic measurement systems manufactured by dbx, Rational Acoustics, DEQX and others.

The M30 is one of the most respected, accurate and reliable measurement microphones on the market. Consultants and Acousticians throughout the world rely on the M30 in performing their measurements and acoustical analysis. In addition, they have great respect for the near-perfect polar response of this microphone. The M30 provides an impressive frequency response of 5Hz to 30kHz, near-perfect polar response and it will handle 138dB SPL. For those looking for an extremely accurate and reliable measurement microphone, the Earthworks M30 is it.

The Earthworks line of measurement microphones (with exception to the M30BX, which is battery operated) require standard 24-48V phantom power and up to 10mA of current (which is within the industry

phantom power standard). 10mA of current is required to supply our high current, bipolar Class A amplifier within the microphone that is made with all discrete components, with no capacitors in the signal path providing excellent phase response. This also allows the microphone(s) to feed long signal lines up to 300 feet (91m) and maintain the full frequency response of the microphone at the other end of the line, without any loss in high frequencies.

The M30 comes in a protective carton with a custom die-cut foam insert and its own individual calibration chart. For those who desire calibration files to interface with their software, these are available at no cost. In addition, any number of microphones can be matched for a nominal fee. The M30 requires standard 24-48V phantom power for operation.

The M30 is robust and can be used in a wide variety of environments from the most elegant of research laboratories to making measurements in the outdoors and tropics. In making acoustic measurements, the M30 will be your most trusted, accurate and reliable measurement instrument.







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FILE COPY

## MEMORANDUM

**DATE:** 2018-07-13 **RWDI REFERENCE #:** 1801684

**TO:** Glen Ferguson **EMAIL:** [glen.ferguson@greatersudbury.ca](mailto:glen.ferguson@greatersudbury.ca)

**FROM:** Greg Conley **EMAIL:** [greg.conley@rwdi.com](mailto:greg.conley@rwdi.com)  
Peter VanDelden **EMAIL:** [peter.vandelden@rwdi.com](mailto:peter.vandelden@rwdi.com)

**RE:** **Noise Study Peer Review**  
**Friends Fur-Ever Noise Assessment Peer Review**  
**Sudbury, Ontario**

Dear Mr. Ferguson,

RWDI has completed its peer review of a report prepared by ProSonics Ltd. titled Friends Fur-Ever Pet Resort Noise Assessment, dated April 4, 2018. This report was prepared in response to comments included in our Memorandum dated November 23, 2017 on ProSonics first noise assessment report dated September 21, 2017. The City of Sudbury has requested an opinion of whether the methodology and conclusions of this second report addresses the comments included in our November 23, 2017 Memorandum.

Our review of the 2018 report and analysis indicates that several significant items in our November 23, 2017 Memorandum still need to be clarified, corrected, or supplemented. Instead of providing another Memorandum highlighting items that are still outstanding, a telephone conversation occurred between Mr. Peter VanDelden of RWDI and Mr. David Peters of ProSonics on May 22, 2018 to review the methodology and findings of his study. The following highlights the specific key areas of discussion:

- The report does not follow the NPC-300 requirement to evaluate vacant lots that are zoned to allow future sensitive use. The report suggests that NPC-300 places the responsibility for compliance on the person responsible for introducing a sensitive use such as a residence. This is an incorrect interpretation of NPC-300. The land south of the kennel was already zoned to allow a future sensitive use therefore the report should have considered a point of reception on this property.
- The report refers to the source of noise as quasi-steady and follows an assessment method that is more consistent with quasi-steady impulsive sources. Although we



don't disagree with this characterization, the report does not refer to the NPC-104 specification which requires a 10 dB penalty for quasi-steady impulsive sources.

- The report indicates that the source was not audible at the measurement location but refers to background sound such as sounds of nature obscuring the source. If at other times the source can be heard and can be characterized as quasi-steady at the point of reception, the penalty of NPC-104 would apply. During conversation with Mr. VanDelden, Mr. Peters discussed that complaints had been received. The presence of complaints appears to show that the source can be heard at the point of reception.
- The report presents levels of 36 dBA, 39 dBA and 38 dBA as the source contribution at the points of reception. Mr. Peters confirmed that the results presented do not have the quasi-steady penalty applied.

For those not otherwise versed in acoustic assessment, NPC-300 and the Model Municipal By-Law (MOE, 1978), which includes supporting NPC documents, we offer the following background information.

- NPC-300 requires assessment at points of reception. The "Point of reception" specifically includes a "noise sensitive zoned lot". Among other things, the definition of a noise sensitive zoned lot means a lot that has been zoned to permit a dwelling and is currently vacant. Section B11 of NPC-300 refers to the land use planning process for a new noise sensitive land use. This process would include zoning by-law amendment, which would make the land available for noise sensitive uses. Once the zoning is in place, the owner of the source needs to consider the type of noise-sensitive use that could be constructed. Thus, there was obligation to assess noise at the lot once the zoning permitted it and already prior to the construction of a dwelling on it.
- Model Municipal By-Law to which NPC-300 refers includes the definition of a Quasi-Steady Impulsive Sound in NPC-101. The sound of barking dogs has the potential to be described as Quasi-Steady Impulsive Sound. If the source were described as quasi-steady impulsive, the 10 dB penalty provided in the Model Municipal By-Law's NPC-104 would apply. If an alternate description such as impulsive were applied, a measurement and assessment approach would apply which is completely different from the one used in the Prosonics report.



The information provided in the Prosonics report, together with clarification provided by Mr. Peters, can be used to develop a better understanding of the current situation. Many questions remain regarding the assessment methodology, assessment location, source characterization, measurement procedure and validity. However, we would use the levels of 36 dBA, 39 dBA and 38 dBA presented as the existing source contributions in the absence of a more extensive and lengthy clarification. Applying the 10 dB penalty specified in NPC-104, these source levels would be 46 dBA, 49 dBA and 48 dBA, respectively. All three levels would then exceed the exclusion limits of 45 dBA for daytime and 40 dBA for evening provided in NPC-300. In other words, Friends Fur-Ever is not currently shown to be in compliance with the NPC-300 limits.

Based on the review comments and our discussion with ProSonics, compliance with NPC-300 has not been sufficiently demonstrated.

Should you have any questions, please contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read 'P. VanDelden', written over a horizontal line.

Peter VanDelden, P. Phys., INCE  
Technical Director / Associate

A handwritten signature in black ink, appearing to read 'G. Conley', written over a horizontal line.

Greg Conley, M.Eng., P.Eng.  
Senior Project Manager/Principal

GC/PV/klm

**Title: Darlene & Nathan Nicholson**

**Date: September 25, 2017**

## **STAFF REPORT**

### **Applicant:**

Darlene & Nathan Nicholson

### **Location:**

Part of PIN 73373-0100, Parcel 5579, Lot 1, Concession 4, Township of Waters (15 Kalio Road, Lively)

### **Official Plan and Zoning By-law:**

#### Official Plan

The subject lands are designated Rural in the [Official Plan](#) for the City of Greater Sudbury. Permitted uses within the Rural land use designation include residential uses, agricultural uses, conservation, open space and natural resource management activities, mineral exploration, rural industrial/commercial uses, resort and shoreline commercial uses and public uses including hydro-electric generation and associated facilities. Rural industrial/commercial uses are to be located with adequate separation distances to residential areas.

#### Zoning By-law

The subject lands are presently zoned "RU", Rural under [By-law 2010-100Z](#) being the Zoning By-Law for the City of Greater Sudbury. The "RU" Zone permits a kennel subject to a special provision that no non-residential building or structure directly associated with a kennel is permitted to be established or erected closer than 300 m (984.25 ft) to a residential building or zone. The proposed kennel use does not meet the buffer distance provision of the "RU" Zone.

### **Site Description & Surrounding Land Uses:**

The subject lands are located at the intersection of Moxam Landing Road and Kalio Road in the community of Lively. The lands have a total lot area of approximately 6.58 ha (16.27 acres) with approximately 221 m (725.07 ft) of lot frontage along Kalio Road and 179 m (587.27 ft) of lot frontage along Moxam Landing Road. The lands presently contain a single-detached dwelling along with an operating kennel use which includes a converted accessory building along with several outdoor fenced areas providing outdoor access for dogs at the kennel. There are also several storage containers on the lands.

Surrounding uses are primarily rural residential in nature with the predominant built-form being single-detached dwellings along with accessory buildings and structures. There are also several rural-agricultural uses in the area.

### **Application:**

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "RU", Rural to "RU(S)", Rural Special.

**Title: Darlene & Nathan Nicholson**

**Date: September 25, 2017**

**Proposal:**

The application is intended to permit a kennel on the subject lands having a setback of less than 300 metres between those non-residential buildings and structures directly associated with the kennel and the nearest residential building.

A kennel currently operates on the property located within a 74.3 m<sup>2</sup> (800 sq.ft.) building located 84 m from the southerly lot line. A fenced yard in which the dogs are permitted to access is located to the south of the building which at its closest is 21 m from the southerly lot line. The owner is also proposing to construct a 337 m<sup>2</sup> (4800 sq. ft.) building to be used as part of the kennel operations, located 63 m from the southerly lot line. The owner had indicated on the plans that a grooming station, indoor dog play yard, hydrotherapy pool and 6 luxury suites are to be located in the new building.

The plan includes an open fenced yard in which the dogs are permitted to access. The fence enclosing the open yard is considered to be a structure directly associated with the kennel. As such the setback from the nearest residential dwelling is to be measured to the nearest point of the fence enclosure. The closest residential dwelling is located on the abutting property to the south at 212 Moxam Landing Road which is located approximately 20.7 m from its northerly lot line. Planning staff estimate the distance separation between the fence enclosure and the dwelling at Moxam Landing Road is approximately 47 m (154.20 ft).

**Departmental/Agency Circulation:**

Drainage, Operations, Roads, Traffic and Transportation have each advised that they no concerns from respective areas of interest.

Building Services has noted there are shipping containers located on the lands which are not permitted. There are also several other structures on the lands which have a floor area of more than 10m<sup>2</sup> (107.64 ft<sup>2</sup>) which have been constructed without the benefit of a building permit. The owner would also be required to obtain a change of use permit for the conversion of the storage shed to a kennel.

Development Engineering has noted that the subject lands are not presently serviced with municipal water or sanitary sewer.

**Neighbourhood Consultation:**

The statutory notice of the public hearing was provided by newspaper along with an initial courtesy mail-out to landowners and tenants within a minimum of 240 m (800 ft) of the subject lands. The owner was advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the application prior to the public hearing. Staff understands that the owner has previously spoken to a number of area residents about the existing kennel located on the subject lands. At the time of writing this report, several phone calls and four written submissions, (copies attached to this report) in opposition to this application have been received by the Planning Services Division.

The concerns noted by residents relate to the noise of dogs barking at the existing kennel operation impacting residents' enjoyment of their property.

**Title: Darlene & Nathan Nicholson**

**Date: September 25, 2017**

## **Planning Considerations:**

### Background

The existing 74.3 m<sup>2</sup> ( 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 m<sup>2</sup> (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.

### Provincial Policy Statement

Municipalities in the Province of Ontario are required under Section 3 of the [Planning Act](#) to ensure that decisions affecting land use planning matters are consistent with the [Provincial Policy Statement \(PPS\)](#). Staff has reviewed the PPS 2014 and is satisfied that no matters of provincial interest are impacted should the rezoning be approved.

### Official Plan

With respect to Section 5.2.5 of the Official Plan, it is noted that the Rural designation is supportive of and permits limited rural industrial/commercial uses and further that dog kennels are permitted in the implementing zoning by-law subject to a minimum 300 separation distance between residential dwellings and kennels.

**Date: September 25, 2017**

Section 5.1 of the Official Plan includes that, "the objective of the Rural Area policies is to provide an efficient and orderly pattern of land use in the Rural Areas reducing land use conflicts." Section 5.2.5.3 provides that, "rural industrial/commercial sites are to be located with adequate separation distances from residential areas and provide proper buffering". Section 5.2.3.4 also provides that, "rural industrial/commercial uses must ....minimize land use conflicts." In this regard the minimum 300 m setback provided in the Zoning By-law for kennels from existing residential dwellings is intended to minimize potential conflicts between these uses in a rural setting.

#### Compatibility/Minimizing Land Use Conflicts

The primary issue involved with the application is that of compatibility and minimizing the conflict between a kennel and residential uses in the surrounding area. Comments (attached to this report), have been received from the public which outline concerns with the existing kennel operation respecting matters of noise, in particular from dogs barking impacting residents enjoyment of their property. Similar comments were received from the public on the minor variance application (file A0161/2016).

When Planning staff visited the property on August 18, 2017, twenty two dogs were observed.

It is noted that the existing kennel operation includes a fenced outdoor area within which the dogs are permitted to access. The plans submitted by the owner include that this would continue to be part of the kennel operation. It is expected that noise from the outdoor area would be audible at greater distances than that generated from inside the kennel buildings. However, it is not clear that eliminating the outdoor yard would eliminate noise issues with the immediate neighbours as the complaints appear to relate to noise generated from inside the existing building as well as from the yard.

The owner is proposing to expand and intensify an existing use where residents are currently experiencing nuisance issues relating primarily to noise. The owner has not identified measures to address the issue such that it can be mitigated.

The proposed distance from the kennel fence to the closest lot line would be approximately 21 m (68.90 ft) as indicated on the submitted sketch. The distance separation in the Rural Zone provisions requires 300 m (984.25 ft) to the closest residential building, which is further to the south. Staff estimates the separation distance between the kennel fence and the dwelling at 212 Moxam Landing Road to be approximately 47 m (154.20 ft). Staff is of the opinion that this is a significant reduction to the by-law standard and are concerned that this separation distance will have negative impacts on the residents in the area and will not minimize potential conflicts resulting from the kennel. Staff remains concerned with land use conflicts due to the potential noise generated by the kennel as noted by the residents in their comments on the existing use on the site.

#### **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.

# Appendix 1

## Departmental & Agency Comments

**File: 751-8/17-6**

**RE: Application for Rezoning – Darlene & Nathan Nicholson – Part of PIN 73373-0100, Parcel 5579, Lot 1, Concession 4, Township of Waters (15 Kalio Road, Lively)**

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### Building Services

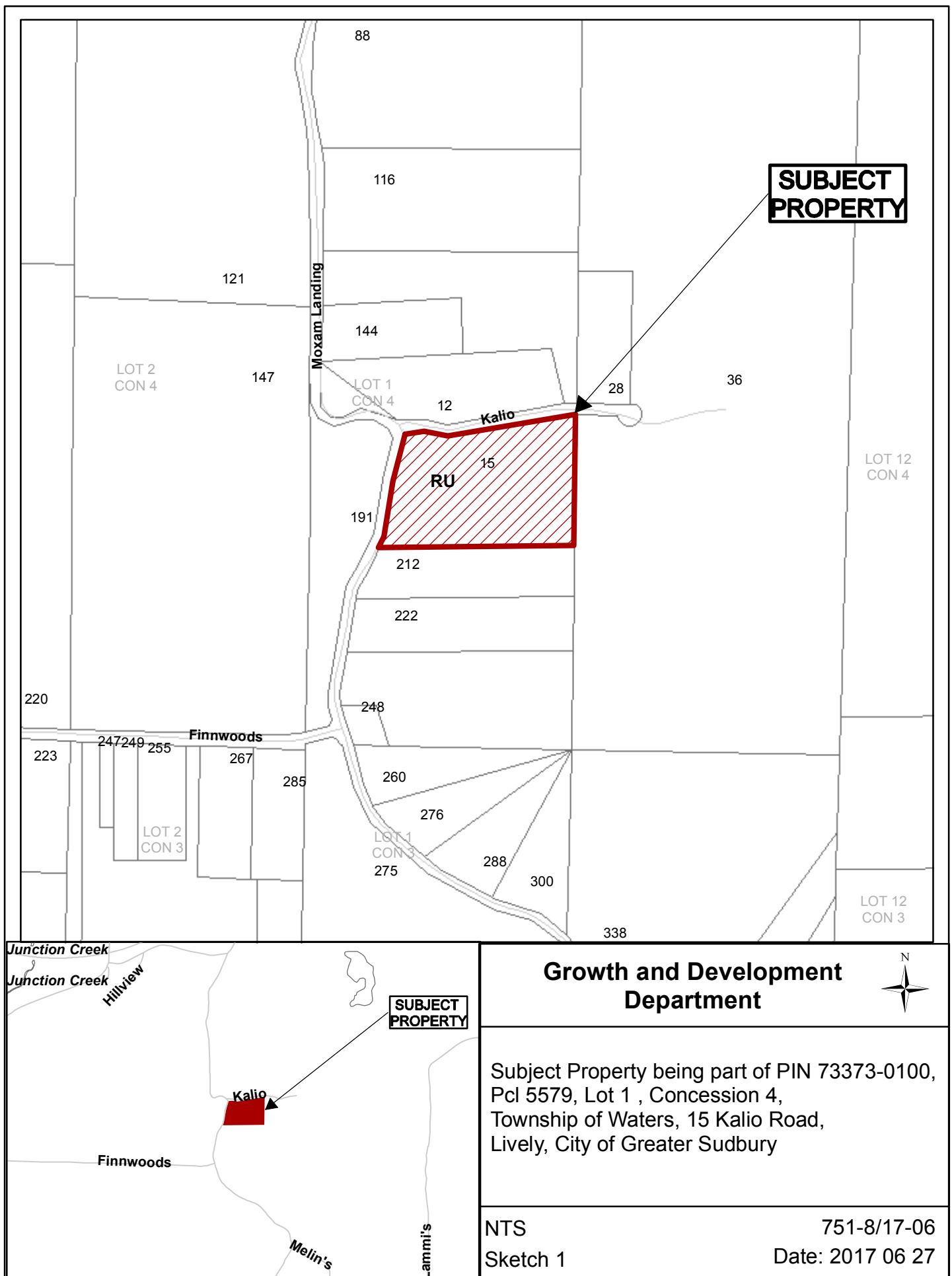
Prior to the passing of an amending zoning by-law:

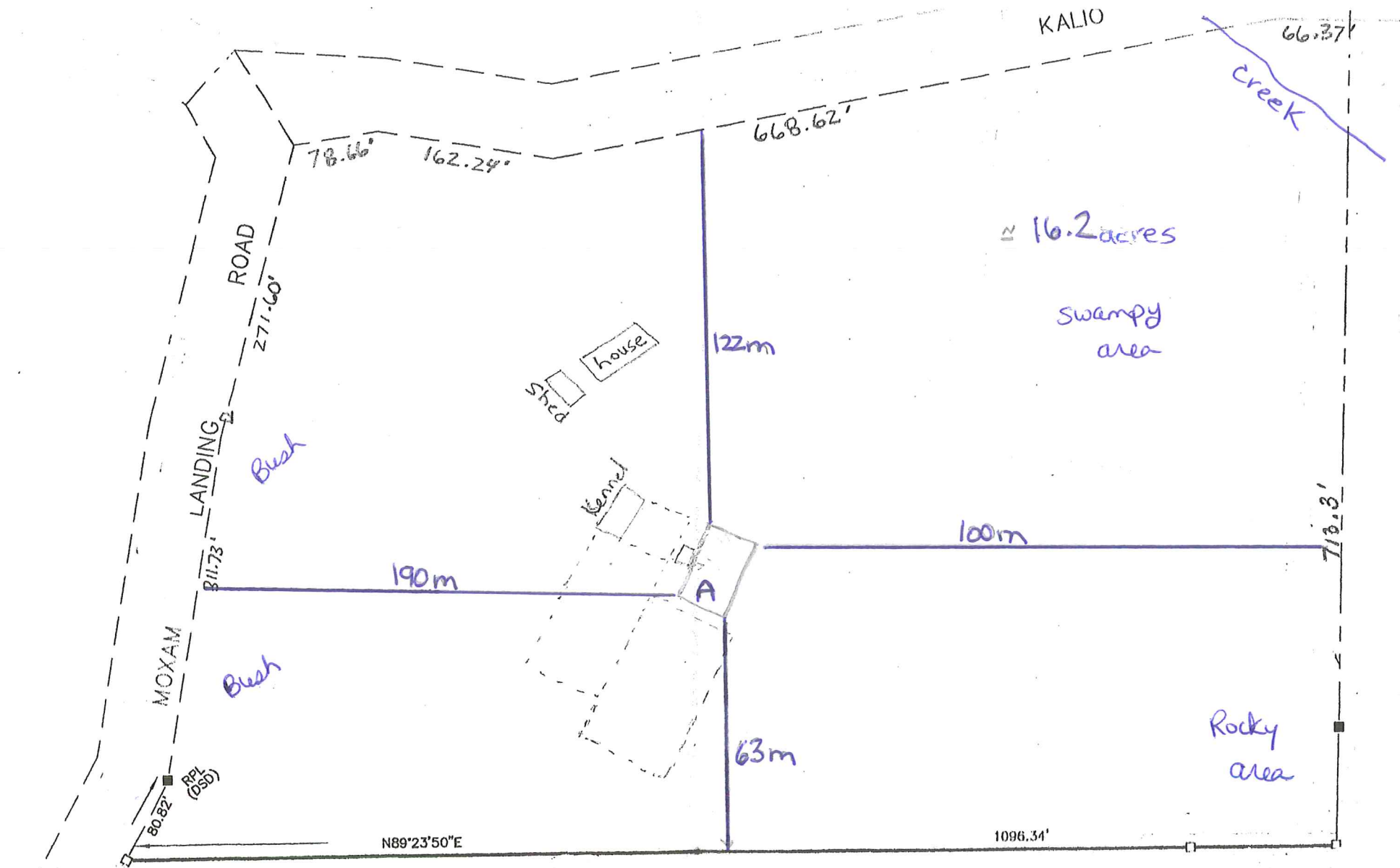
1. There are shipping containers located on the property. However, Zoning By-law 2010-100Z does not permit shipping containers to be used;
2. There are other structures on the property that are greater than 10 square metres which have been constructed without the benefit of a building permit; and,
3. A change of use permit is required for the storage shed converted to a kennel.

### Development Engineering

No objections. This property is not serviced with municipal water or sanitary sewer.





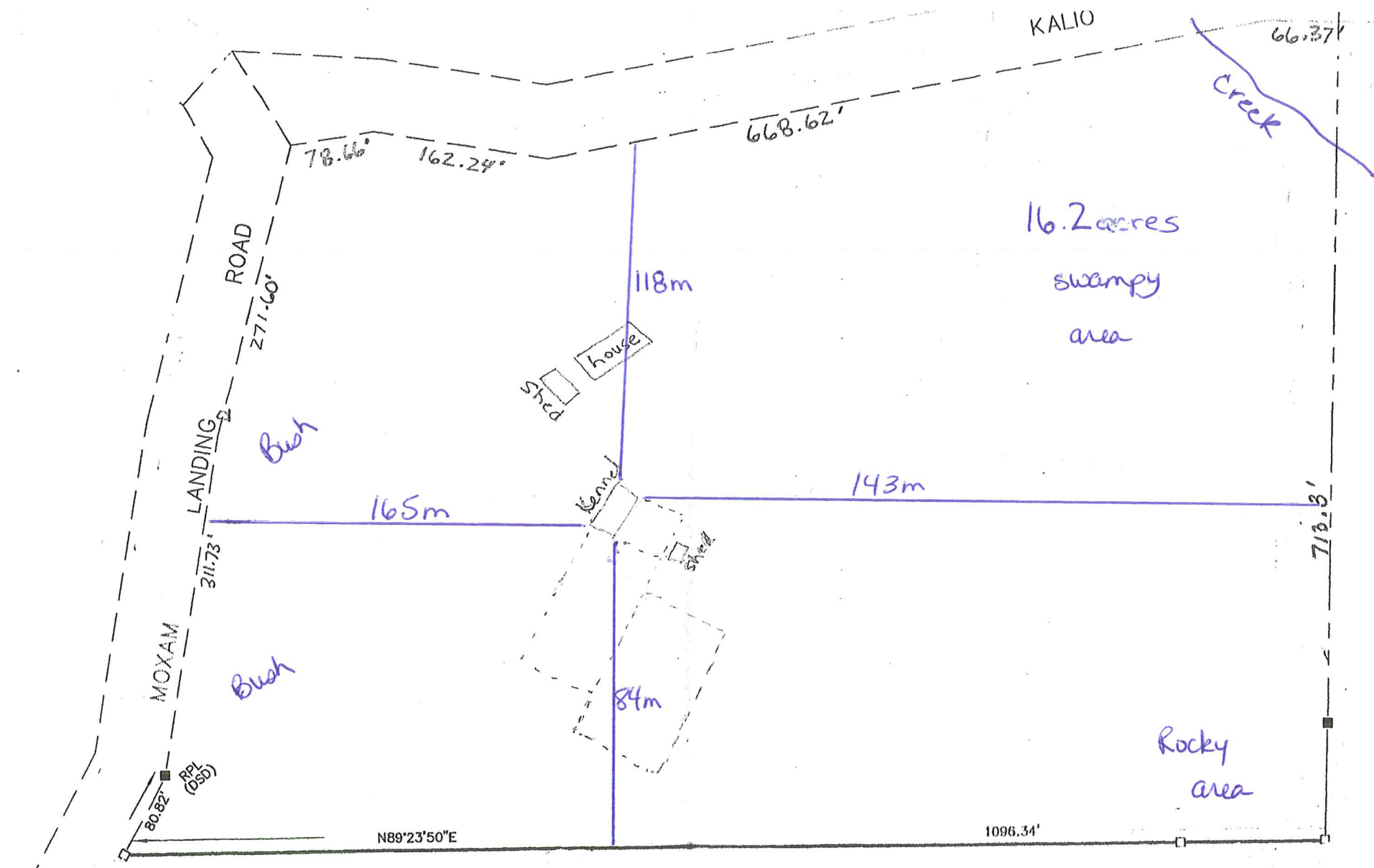


A = proposed building

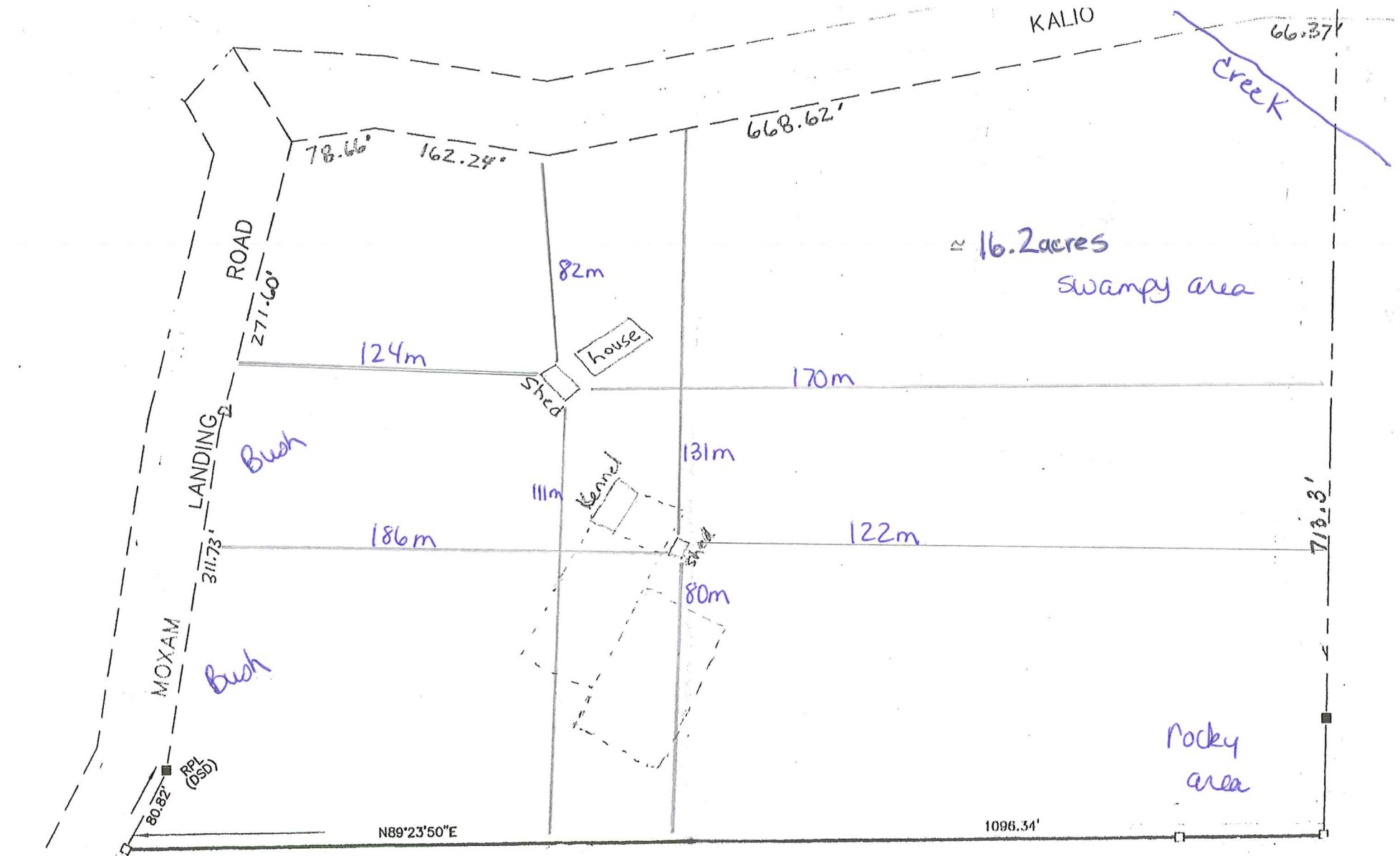
$60' \times 80'$  ( $18.3m \times 24.4m$ )

- \* intended uses -
- grooming station
  - inside dog play yard
  - inside doggie hydrotherapy pool
  - 6 luxury suites.

MAP I

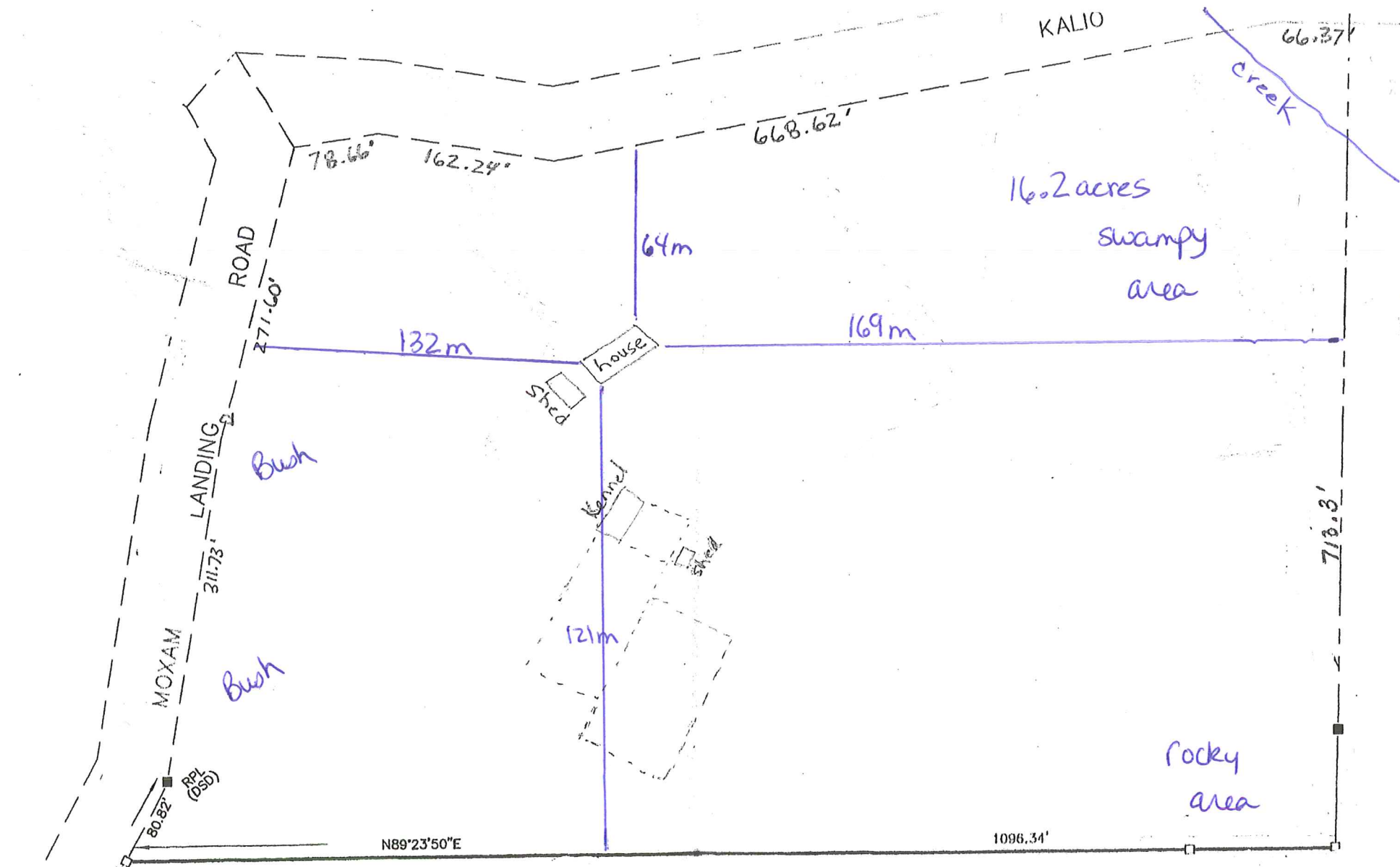


MAP II



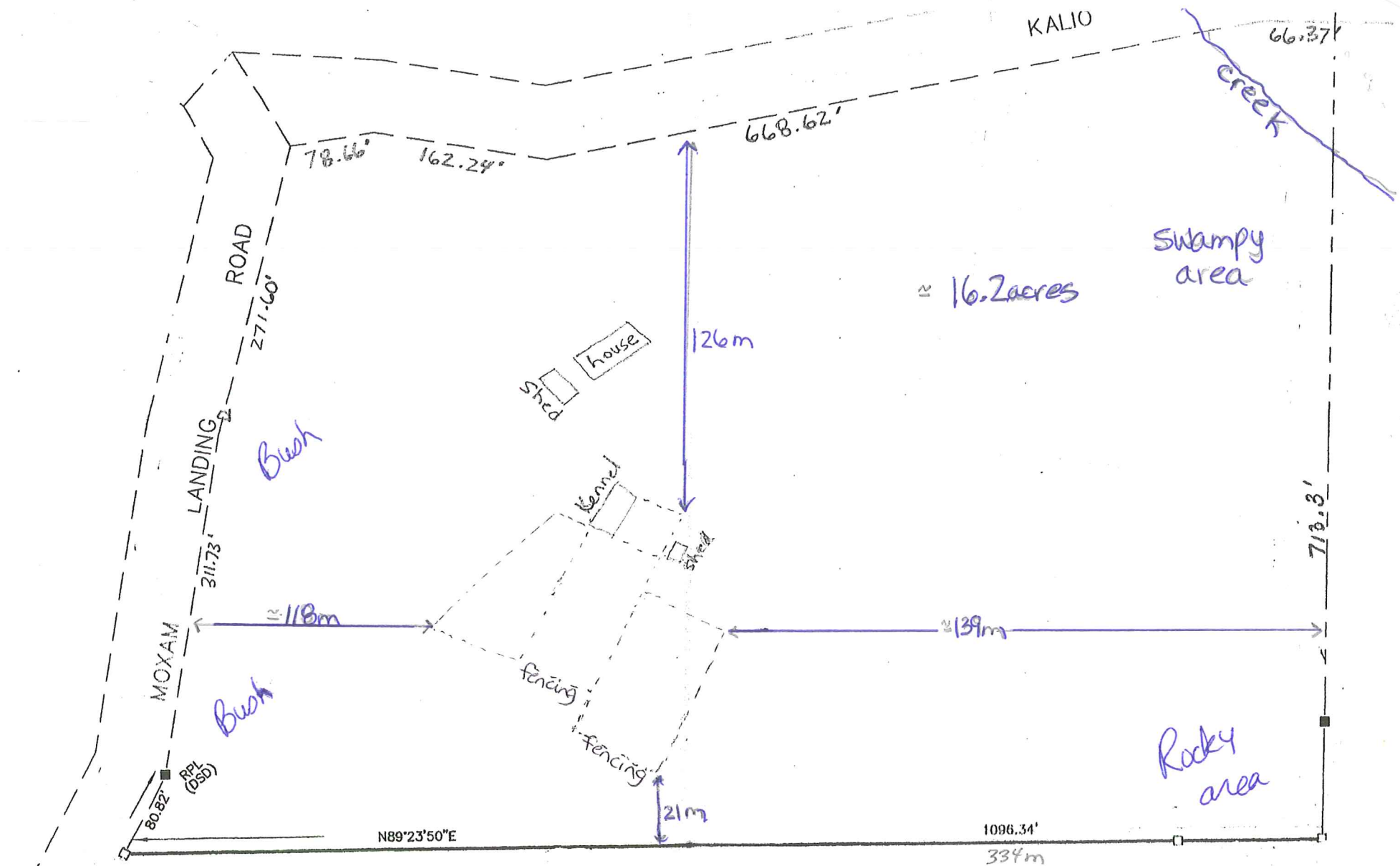
2 sheds  
distance to lot lines

map III



Existing house to lot lines.

MAP IV



--- = current dog kennel fencing to lot lines

map





PHOTO 1 SUBJECT LANDS AS VIEWED FROM KALIO ROAD  
LOOKING SOUTH EAST



PHOTO 2 EXISTING ENTRANCE TO PORTION OF THE SUBJECT  
LANDS BEING USED AS A KENNEL

751-8/17-6 PHOTOGRAPHY AUGUST 18, 2017



PHOTO 3 EXISTING KENNEL BUILDING LOCATED ON THE  
SUBJECT LANDS



PHOTO 4 SOUTHERLY EXTENT OF THE EXISTING KENNEL USE  
LOOKING TO THE NORTH EAST

751-8/17-6 PHOTOGRAPHY AUGUST 18, 2017





PHOTO 5 CLOSEST RESIDENTIAL USE TO THE EXISTING KENNEL  
USE TO THE IMMEDIATE SOUTH OF THE SUBJECT LANDS



File: 751-8/17-6  
15 Kalio Rd.,  
Lively  
2016 Orthophotography



0 20 40 80 120 160  
Metres



File: 751-8/17-6  
15 Kalio Rd.,  
Lively  
2016 Orthophotography



144 Moxam  
Landing Road

28 Kalio  
Road

12 Kalio  
Road

Kalio Road

147 Moxam  
Landing Road

Moxam Landing Road

212 Moxam  
Landing Road

191 Moxam  
Landing Road

222 Moxam  
Landing Road

Finnwoods Road





**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](mailto: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

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**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 447m<sup>2</sup> (4800 ft<sup>2</sup>) 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 m<sup>2</sup> 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](http://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).*

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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 27<sup>th</sup> day of  
January, 2017.

A handwritten signature in cursive script, appearing to read 'K Lessard', written over a horizontal line.  
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

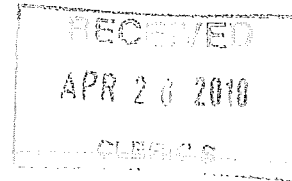
## PLANNING SERVICES

**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.



Real Estate Appraisers & Consultants - A Division of Wellington Realty Group Inc.

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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 Nicholson'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 m<sup>2</sup> (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 m<sup>2</sup> (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)?

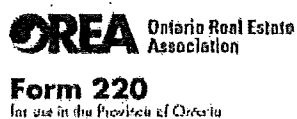
- B Is there a reduction in market value to a residential neighbourhood property due to EO, a neighbourhood operating free range dog kennel?
- C Is the EO curable?
- D If the EO is curable or has been cured, will there still be a 'diminution in value' due to 'stigma'?
- 2 EO addresses factors that influence 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.*<sup>1</sup>
- 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.

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<sup>1</sup> 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

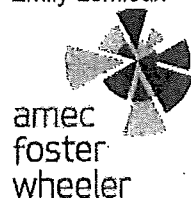
From: Lemieux, Emily  
Subject: Support for Variance Hearing  
Date: Jan 19, 2017, 12:57:51 PM  
To: Friends Fur-Ever

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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

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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,

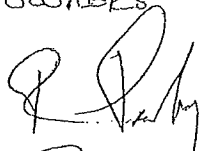
Mr & Mrs Kalliomaki

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 23<sup>rd</sup> 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](mailto: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.

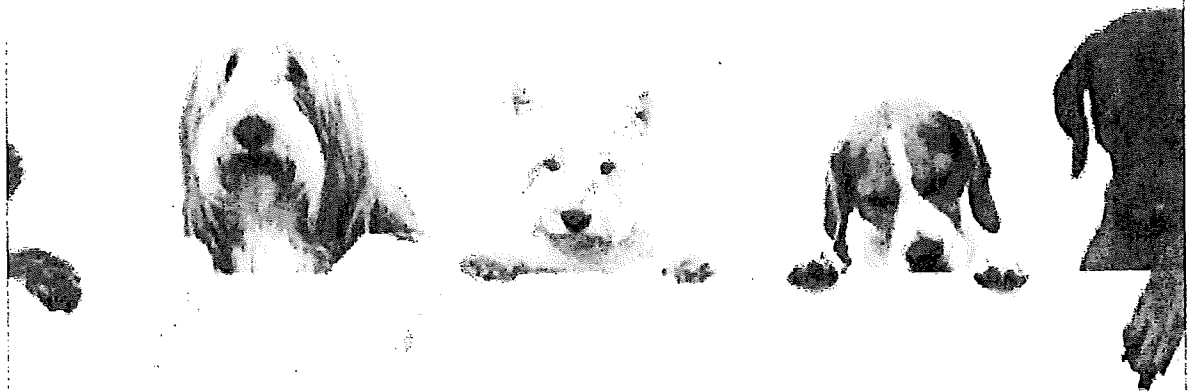
Sincerely,  
Sue Bertrand  
304 Black Lk. Rd.  
Lively, Ont.  
P3Y1G6



## 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



Share



**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



Comment



Share



**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



Share



**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



Comment



Share



**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

Share



Like



Comment



Share



**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



Share

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](http://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](http://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](http://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 your membership plays in OFA.

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"> <li>a) The cultivation or tillage of soil;</li> <li>b) The growing and harvesting of vegetables, fruits, grains, seed crops, mushrooms, berries, trees, sod, flowers or landscaping materials;</li> <li>c) The erection and use of greenhouses;</li> <li>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>;</li> <li>e) Dairying;</li> <li>f) Syrup collecting;</li> <li>g) <u>Beekeeping</u>; or,</li> <li>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>.</li> </ul>
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 IT'S 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](http://inspections.greatersudbury.ca).



**J.L. Richards  
& Associates Limited**  
864 Lady Ellen Place  
Ottawa, ON Canada  
K1Z 5M2  
Tel: 613 728 3571  
Fax: 613 728 6012

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.

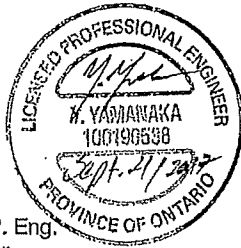
We trust the review presented above meets with your current requirements. If you have any further questions or require any additional information, please contact the undersigned at your convenience.

Yours very truly,

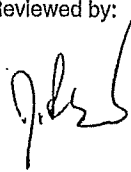
J.L. RICHARDS & ASSOCIATES LIMITED



Yuki Yamanaka, P. Eng.  
Structural Engineer



Reviewed by:

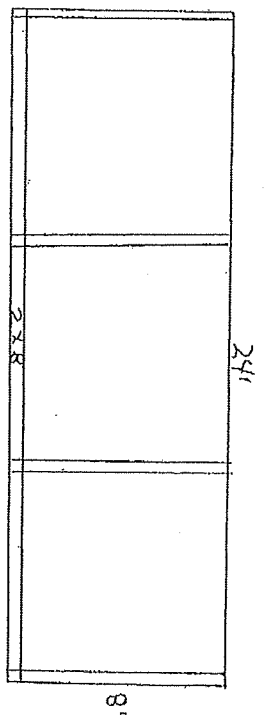
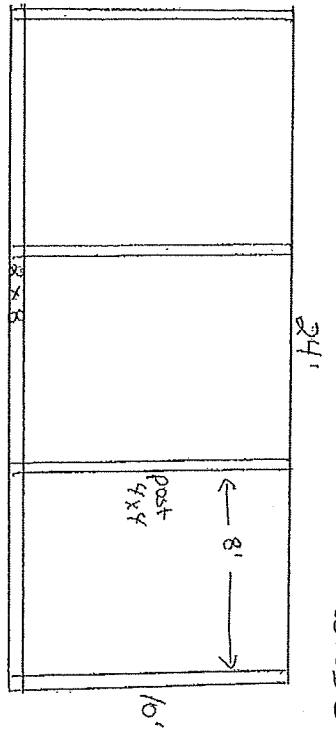


John Elliot, P. Eng.  
Executive Director  
Chief Structural Engineer



YY:nf

# WOOD SHED 'A'



BACK

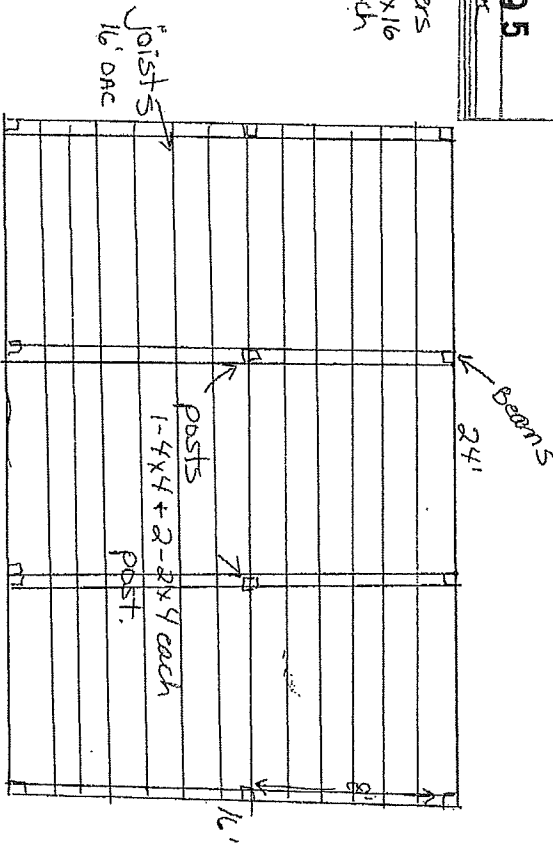
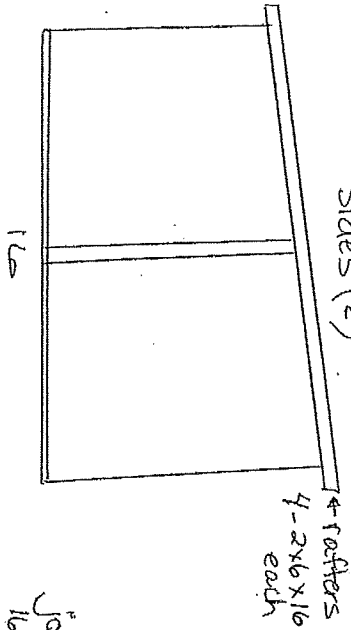
City of Greater Sudbury  
BUILDING SERVICES DEPT.  
These drawings/plans/specifications have been reviewed  
for the purpose of obtaining a Building Permit.  
FEB 02 2017

BP # **17-0095**  
SIGNED *M. Gaudin*

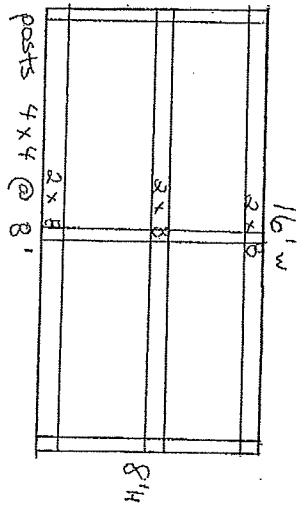
Roof: metal

RECEIVED  
FEB 02 2017  
Building Services

Sides (2)

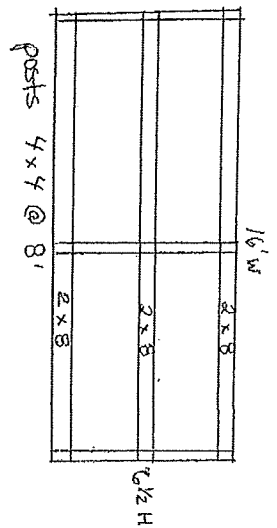


FRONT



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.

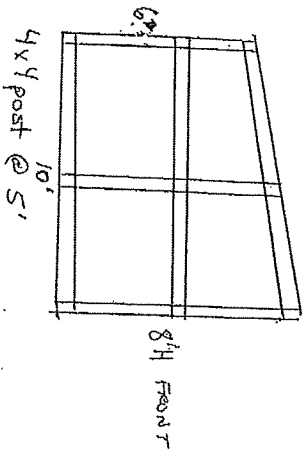
FEB 02 2017

B.P. # 17-0095

SIGNED *[Signature]*

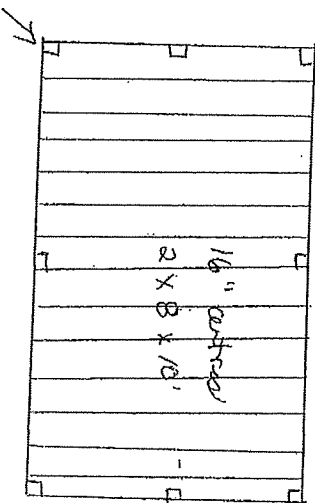
Exterior: plywood.  
Roof: shingles on 7/8" OSB Board

BACK

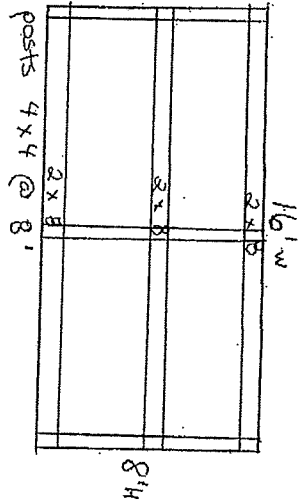


Slope greater than 2/12

4 corners anchored down 2'

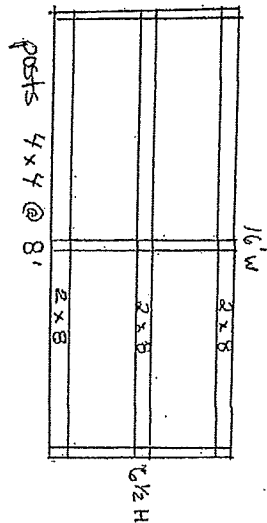


FRONT



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.

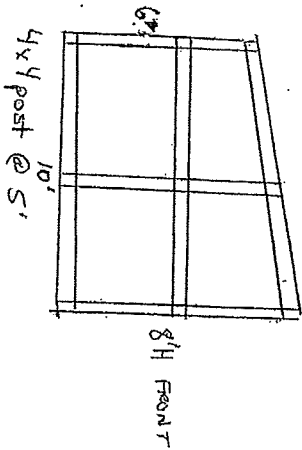
FEB 02 2017

B.P. # 17-0095

SIGNED *[Signature]*

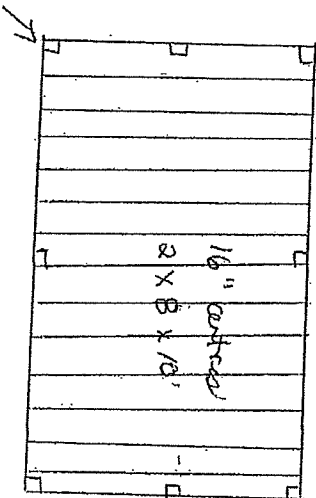
Exterior: plywood.  
Roof: shingles on 7/8 OSB board

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)