



FOR SALE - 31.7 ACRE EASTERN ONTARIO COMMERCIAL DEVELOPMENT OPPORTUNITY

Located just off the Hwy 401 interchange, east of Cornwall, Ontario.....Only a 60-minute commute to either West Island of Montreal or Ottawa. The site is presently Zoned ...General Commercial will be developed on private services and located in "investor friendly South Glengarry". The site is available for immediate sale with a future development once a developer's site plan & building plans are finalized and approved. The Current Zoning permits a wide range of commercial uses from a stand-alone single building of up to approximately 200,000 sq.ft. or zoned to accommodate Multi-Tenanted "Shopping Center Development Use" with a wide variety of numerous commercial uses/tenants.



EXCLUSIVE LISTING offered by:

JOHN A. (SANDY) CAMERON

Broker of Record

Licensed Real Estate Broker for over 50 years

Office (613) 933-3283

Email: sandy@homesnet.ca

Web: soldsmart.ca



"Serving the community for over 64 years"

Offering is subject to errors/omissions, changes, prior sale/rental or withdrawal without notice.



UNITED COUNTIES OF
STORMONT, DUNDAS AND GLENGARRY
DECISION

The Approval Authority for the United Counties of Stormont, Dundas and Glengarry did, on Thursday, January 12, 2023, decide that **PROVISIONAL CONSENT WILL BE GIVEN** to:

APPLICATION NO. B-151-22

OWNER: 12397030 Canada Inc

MUNICIPALITY: South Glengarry

The Approval Authority considered all oral and written submissions made on this application, the effect of which helped the Approval Authority make an informed decision. Conditions are the result of public and agency comments.

Provided that the following conditions are fulfilled to the satisfaction of the Land Division Coordinator:

1. A \$1,000.00 Perland Fee must be paid to the Township. The Township of South Glengarry will clear the condition with the Land Division Coordinator.
2. The owner/applicant is required to apply for a zoning by-law amendment to rezone the subject property to permit the proposed uses for the severed and retained lands. The Township of South Glengarry will clear the condition with the Land Division Coordinator.
3. That the Land Division Coordinator be provided with a description of the land to be conveyed that is consistent with the application and sufficient and equal to that required for the registration of a deed or other conveyance of land under the provisions of the Registry Act. Three (3) copies of the new deed for the severed parcel are to be provided to the Land Division Coordinator for the issuance of the certificate of the Secretary, and the stamping fee of \$230.00 must accompany the deeds. Upon providing a paper copy of the Deposited Reference Plan to the Land Division Coordinator, a digital copy, which can be emailed, in a PDF or TIF format must also be submitted.

OFFICIAL RENDERING THE ABOVE DECISION:

Peter Young, MCIP RPP
Director of Planning Services

I, Shayne Wheeler, Land Division Coordinator, do hereby certify that the above is a true copy of the Decision of the Approval Authority with respect to the application recorded herein.

Shayne Wheeler, Land Division Coordinator

NOTE: The Planning Act provides that where conditions are imposed and the applicant(s) has/have not fulfilled the conditions to the satisfaction of the Land Division Coordinator **WITHIN TWO YEARS** after notice was given, the application for consent shall thereupon be deemed to be refused. **THE LAST DAY TO SUBMIT DOCUMENTS TO THE LAND DIVISION COORDINATOR TO SHOW THAT THE CONDITIONS HAVE BEEN FULFILLED IS:**
January 12, 2025
THE LAST DAY TO SUBMIT AN APPEAL AGAINST THIS DECISION IS: FEBRUARY 01, 2023



DEPARTMENT OF PLANNING SERVICES

26 Pitt Street, Suite 223, Cornwall, Ontario K6J 3P2

Tel: 613-932-1515 • Fax: 613-936-2913 • Email info@sdgcounties.ca • www.sdgcounties.ca

NOTICE OF DECISION

APPLICATION NO. B-151-22

NAME: 12397030 Canada Inc

MUNICIPALITY: Township of South Glengarry (Former Charlottenburgh Twp.)

Attached is a copy of the Decision with respect to the above noted Application for Consent.

You may be entitled to receive notice of any changes to the conditions of the provisional consent if you have made either a written request to be notified of the Decision or a written request to be notified of changes to the conditions.

Every agency to whom Notice of Decision is sent, may, within **twenty (20) days** of the date of giving the Notice of Decision, appeal to the Ontario Land Tribunal:

- a) the Decision of the Approval Authority; and/or
- b) any or all of the conditions imposed by the Approval Authority.

Any appeal to the Ontario Land Tribunal must be made on the proper Appellant Form (A1), which can be obtained from this office. You must enclose the appeal fee of **\$400.00** for each application appealed, paid by certified cheque or money order, made payable to the Minister of Finance. The completed Appellant Form and payment are to be returned to the Administrative Assistant-Planning, United Counties of S. D. & G. who will forward all documents to the Ontario Land Tribunal.

Only public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. A notice of appeal may not be filed in the name of an individual who is a member of the association or group.

Additional information regarding this application and decision is available during business hours at the office of the Land Division Coordinator, at the above address or by calling the office at **613-932-1515 x 1218**.

LAST DATE TO SUBMIT AN APPEAL ON THIS DECISION IS: February 1, 2023

Date of giving of this notice is: January 12, 2023

Shayne Wheeler
Land Division Coordinator
Email: swheeler@sdgcounties.ca



Township of South Glengarry

6 Oak Street, P.O. Box 220, Lancaster, ON, K0C 1N0

T: (613) 347-1166 | F: (613) 347-3411 www.southglengarry.com

September 19th, 2023

010100602669500

Sukhjinder Sandhu
sukhjindersinghsandhu1@gmail.com

Attn: Sukhjinder Sandhu

Re: Zoning Compliance Letter – PIN 671280057 -Tyotown Rd.

Dear Sukhjinder Sandhu,

This letter serves the purpose of recognizing that the lot referred to as “JDG PLAN 101 PT LOT 2 AND 41 ; CON 1 IL PT LOTS 15 AND 16” located on Tyotown Rd is zoned CG-7, R1-19-H, & FP.

R1-19-H will reduce the required watercourse setback from 30 meters to 15 meters and require that 15 meter setback contain a vegetative buffer consisting of a mix of native plants. Please refer to table 6.1 and section 5 of zoning by-law 38-09 regarding permitted uses and standards in the R1-19-H zone.

CG-7 will reduce the required watercourse setback from 30 meters to 15 meters and require that the 15 meter setback contain a vegetative buffer consisting of a mix of native plants and will permit the following additional uses: Mini Warehousing and Storage, Auction Establishment, Cardlock



Establishment, Motor Vehicle Dealership, and Motor Vehicle Service Station. All other applicable provisions of Zoning By-law 38-09, as amended, shall continue to apply.

Below is a list of permitted uses for the CG-7 zoning.

USES	General Commercial – Exception Seven Permitted uses
Non- Residential Uses	CG-7
Agricultural Machinery Sales and Service	✓
Art Gallery	✓
Artist’s Studio	✓
Antique Shop	✓
Auction Establishment	✓
Bake Shop	✓
Bank or Financial Office	✓
Beer, Wine and Liquor Sales Outlet	✓
Campground	
Card Lock Establishment	✓
Commercial School	✓
Contractor’s Yard	✓
Convenience Store	✓
Day Nursery - Licensed	✓
Dry Cleaning Depot	✓
Equipment Rental	✓
Farm Equipment Sales and Service Establishment	
Farm Supply Establishment - Indoor	✓
Farmer’s Market	✓
Fitness Centre	✓
Flea Market	
Food Bank	✓
Food Store	✓
Funeral Home	✓
Furniture and Home Improvement Centre	✓
Garden Centre and Greenhouse	✓
Hotel	✓
Laundromat	✓
Marina	✓
Marine Facility	✓
Medical Clinic	✓
Mini Golf and Golf Driving Range	
Mini Warehouse and Storage	✓
Motel	✓
Motor Vehicle Dealership	✓
Motor Vehicle Gas Bar	✓

Motor Vehicle Rental Agency	✓
Motor vehicle Service Station	✓
Motor Vehicle Washing Establishment	
Outdoor Recreational Facility	
Personal Service Establishment	✓
Place of Assembly	✓
Place of Entertainment	✓
Place of Worship	✓
Pet Shop	✓
Post Office	✓
Private Club	✓
Private Transit Depot	
Professional or Business Office	✓
Propane Facility, Retail	✓
Recreational Commercial Establishment	✓
Restaurant	✓
Retail Store 1 (RT1)	✓
Secondhand Store	✓
Shopping Centre	✓
Theatre	✓
U-Brew Establishment	✓
Veterinary Clinic –Small Animal	✓
Veterinary or Animal Hospital	✓
Video Rental Outlet	✓
Winery	✓
Workshop	✓
Residential Uses (accessory)	
Upper floor and rear dwelling Units	✓
Detached Residential	✓
Accessory Attached Residential unit	

Please refer to Zoning By-Law 38-09 for relevant provisions and standards.

Yours Truly,



Maxwell Irwin

Community Planner



**NOTICE OF DECISION AND THE PASSING OF A ZONING BY-LAW
AMENDMENT BY THE TOWNSHIP OF SOUTH GLENGARRY**

TAKE NOTICE that the Council of the Corporation of the Township of South Glengarry passed By-law 59-23 on August 8th, 2023 under Section 34 of the *Planning Act*, R.S.O. 1990, as amended; to rezone the subject property legally described as Part of Lots 15 and 16, Concession 1 IL, being part of lot 2 and 41 on JDG Plan 101 in the Geographic Township of Charlottenburgh, now in the Township of South Glengarry, County of Glengarry.

AND TAKE NOTICE any person or agency may appeal to the Ontario Land Tribunal (OLT) in respect of the By-law by filing with the Clerk of the Township, not later than the **29th day of August, 2023** a Notice of Appeal setting out the objections to the By-law and the reasons in support of the objection and must be accompanied by the fee (\$1,100.00) required by the OLT made payable to the Minister of Finance. The appeal must be accompanied by the completed OLT appeal form **available** from the OLT website www.olt.gov.on.ca.

Only individuals, corporations and public bodies may appeal a by-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf. No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council of the Township of the South Glengarry, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

EXPLANATORY NOTE

The purpose of this Amendment is to rezone the subject property from Open Space (OS), Highway Commercial (CH) and Floodplain-Holding (FP-H) to General Commercial Exception Seven (CG-7), Residential One - Exception Nineteen - Holding (R1-19-H), and Floodplain (FP).

CG-7 will reduce the required watercourse setback from 30 meters to 15 meters and require that the 15 meter setback contain a vegetative buffer consisting of a mix of native plants and will permit the following additional uses: Mini Warehousing and Storage, Auction Establishment, Cardlock Establishment, Motor Vehicle Dealership, and Motor Vehicle Service Station

R1-19-H will reduce the required watercourse setback from 30 meters to 15 meters and require that 15 meter setback contain a vegetative buffer consisting of a mix of native plants.

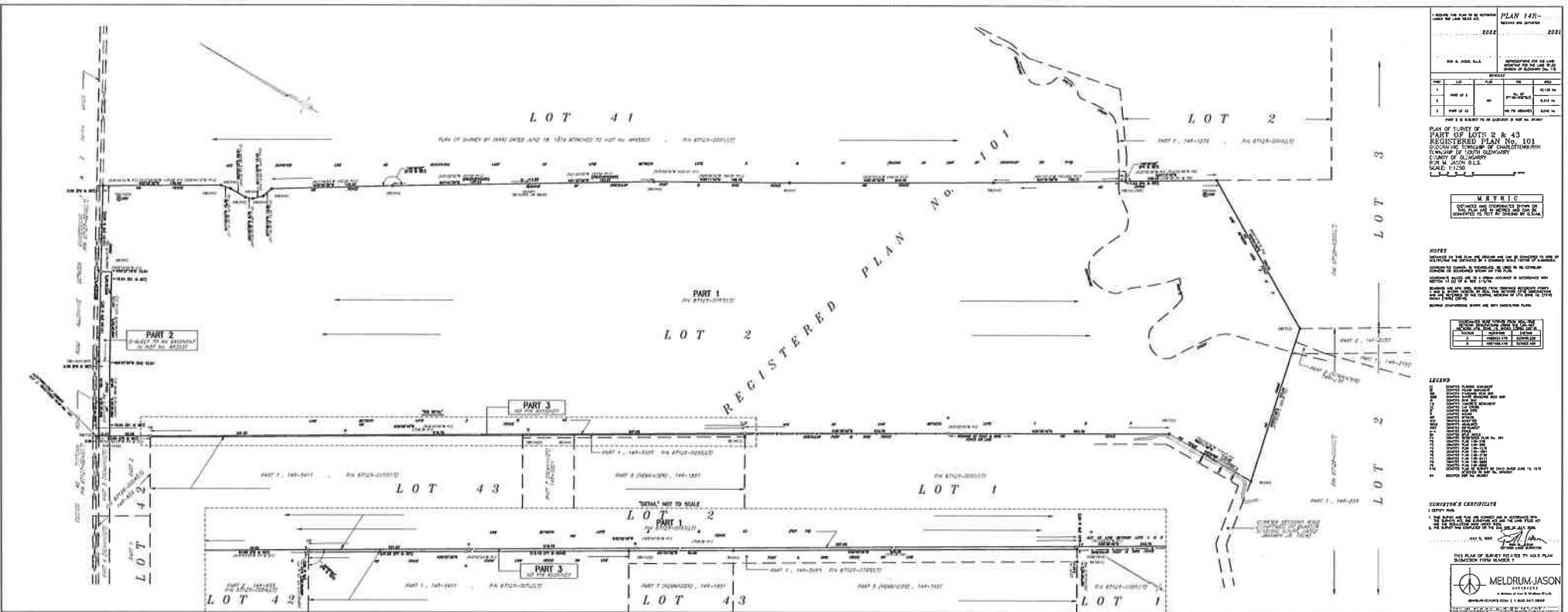
All other applicable provisions of Zoning By-law 38-09, as amended, shall continue to apply.

**DATED AT THE TOWNSHIP OF SOUTH GLENGARRY
THIS 9TH DAY OF AUGUST, 2023**

Joanne Haley
General Manager-Planning,
Building and Enforcement
Township of South Glengarry
6 Oak Street, P.O. Box 220
Lancaster, Ontario K0C 1N0
Phone: 613-347-1166 ext. 2201
Fax: 613-347-3411
e-mail: jhaley@southglengarry.com
Website: www.southglengarry.com

Key Map





PLAN 148-
 REGISTERED AND ADJUSTED
 2022

FOR A PLAN, S.S. APPROVED BY THE OFFICE OF THE REGISTRAR OF DEEDS AND MORTGAGES, ON THE 15th DAY OF SEPTEMBER, 2022.

NO.	LOT	AREA	ACRES
1	PART OF 1	172.25	0.39
1	PART OF 2	100.00	0.23
1	PART OF 3	100.00	0.23

PART 3 IS SUBJECT TO AN EASEMENT AS SHOWN ON MAP NO. 101

PART OF SURVEY OF
PART OF LOTS 2 & 43
REGISTERED PLAN NO. 101
SECTION OF TOWNSHIP 10 NORTH
RANGE 10 WEST
COUNTY OF SASKATCHEWAN
PROVINCE OF SASKATCHEWAN
 SCALE: 1:1000

METRIC
 METERS AND DECIMALS THEREOF
 ARE TO BE USED IN THIS PLAN

NOTES
 1. THIS PLAN IS A PART OF THE SURVEY OF THE SECTION OF TOWNSHIP 10 NORTH, RANGE 10 WEST, COUNTY OF SASKATCHEWAN, PROVINCE OF SASKATCHEWAN, AS SHOWN ON MAP NO. 101, REGISTERED PLAN NO. 101, AND IS SUBJECT TO AN EASEMENT AS SHOWN ON MAP NO. 101, REGISTERED PLAN NO. 101.

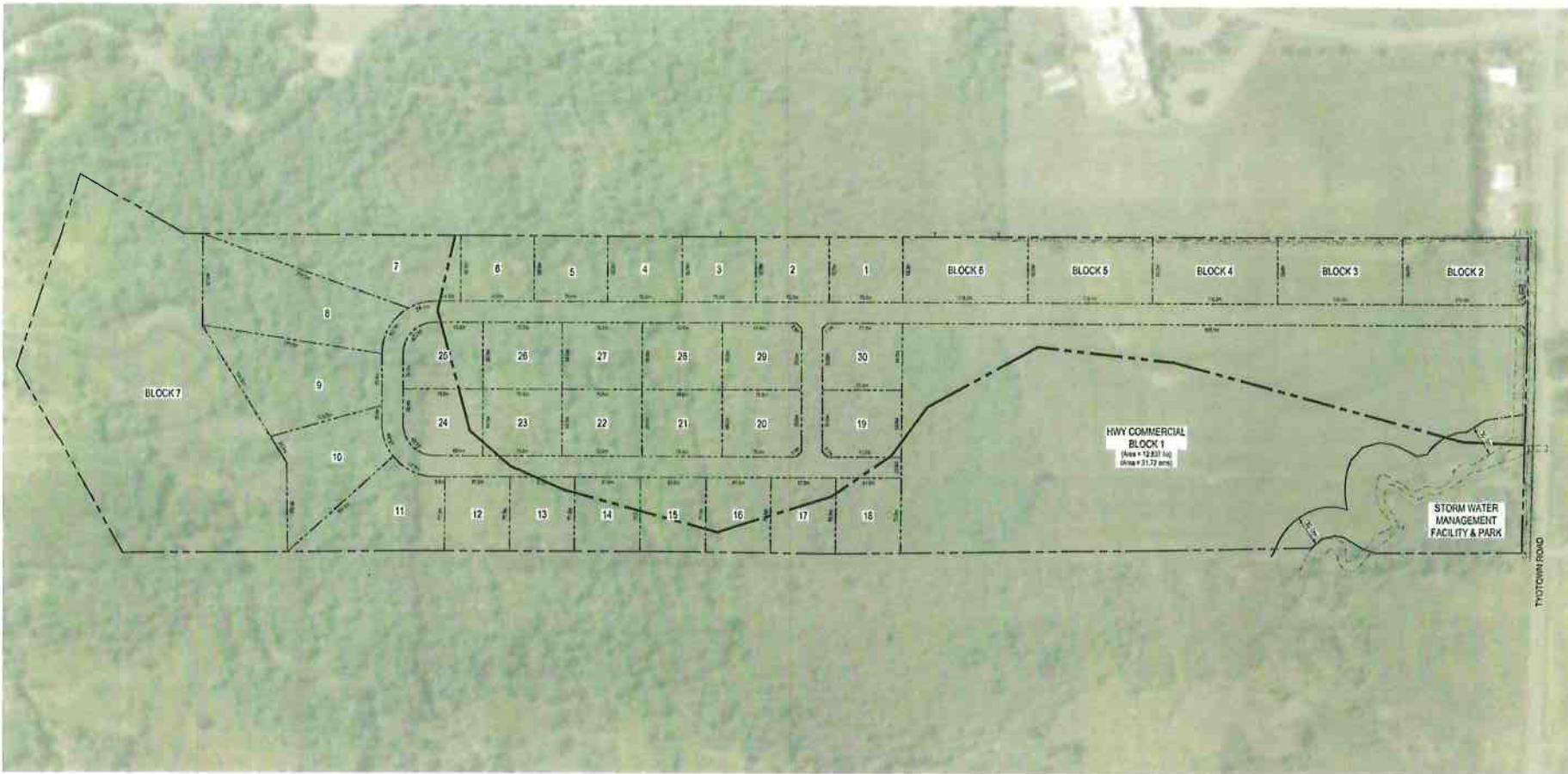
NO.	DESCRIPTION	AREA
1	SECTION OF TOWNSHIP 10 NORTH, RANGE 10 WEST, COUNTY OF SASKATCHEWAN, PROVINCE OF SASKATCHEWAN, AS SHOWN ON MAP NO. 101, REGISTERED PLAN NO. 101.	172.25
2	SECTION OF TOWNSHIP 10 NORTH, RANGE 10 WEST, COUNTY OF SASKATCHEWAN, PROVINCE OF SASKATCHEWAN, AS SHOWN ON MAP NO. 101, REGISTERED PLAN NO. 101.	100.00
3	SECTION OF TOWNSHIP 10 NORTH, RANGE 10 WEST, COUNTY OF SASKATCHEWAN, PROVINCE OF SASKATCHEWAN, AS SHOWN ON MAP NO. 101, REGISTERED PLAN NO. 101.	100.00

LEGEND
 1. BOUNDARY OF LOT 1
 2. BOUNDARY OF LOT 2
 3. BOUNDARY OF LOT 41
 4. BOUNDARY OF LOT 42
 5. BOUNDARY OF LOT 43
 6. BOUNDARY OF PART 1
 7. BOUNDARY OF PART 2
 8. BOUNDARY OF PART 3
 9. BOUNDARY OF REGISTERED PLAN NO. 101
 10. BOUNDARY OF SECTION OF TOWNSHIP 10 NORTH, RANGE 10 WEST, COUNTY OF SASKATCHEWAN, PROVINCE OF SASKATCHEWAN, AS SHOWN ON MAP NO. 101, REGISTERED PLAN NO. 101.

SURVEYOR'S CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Surveyor in the Province of Saskatchewan, do hereby certify that the above is a true and correct copy of the original plan as shown to me by the owner thereof, and that the same has been duly registered in the office of the Registrar of Deeds and Mortgages, on the 15th day of September, 2022.

THIS PLAN OF SURVEY IS REFERRED TO AS PLAN
 REGISTERED PLAN NO. 101

MELDRUM-JASON
 SURVEYOR



LEGEND:

- SITE PROPERTY LINE
- EXISTING PROPERTY LINE
- NEW LOT PROPERTY LINE
- EXISTING EDGE OF ASPHALT
- EXISTING ASPHALT DRIVEWAY
- EXISTING FENCE
- EXISTING ETC.
- EXISTING BOTTOM OF SLOPE
- EXISTING TOP OF SLOPE
- EXISTING UTILITY POLE
- EXISTING OVERHEAD LINE
- EXISTING SIGNAGE
- SITE TEMPORARY BENCHMARK
- LAND STRIPS COMMERCIAL

REVISION	2	ISSUED FOR REVIEW
DATE	26	REVISION

THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS AND SURVEYS OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. HE HAS NOT CONDUCTED ANY OTHER INVESTIGATIONS OR TESTS THAT WOULD BE NECESSARY TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER MATTER.



SCHEDULE OF LAND USE

DWELLING TYPE OR LAND USE	NUMBER OF LOTS	NUMBER OF DWELLINGS
SINGLE	32	32
SEMI-DETACHED		
STREET		
BLOCK	7	
OTHER		



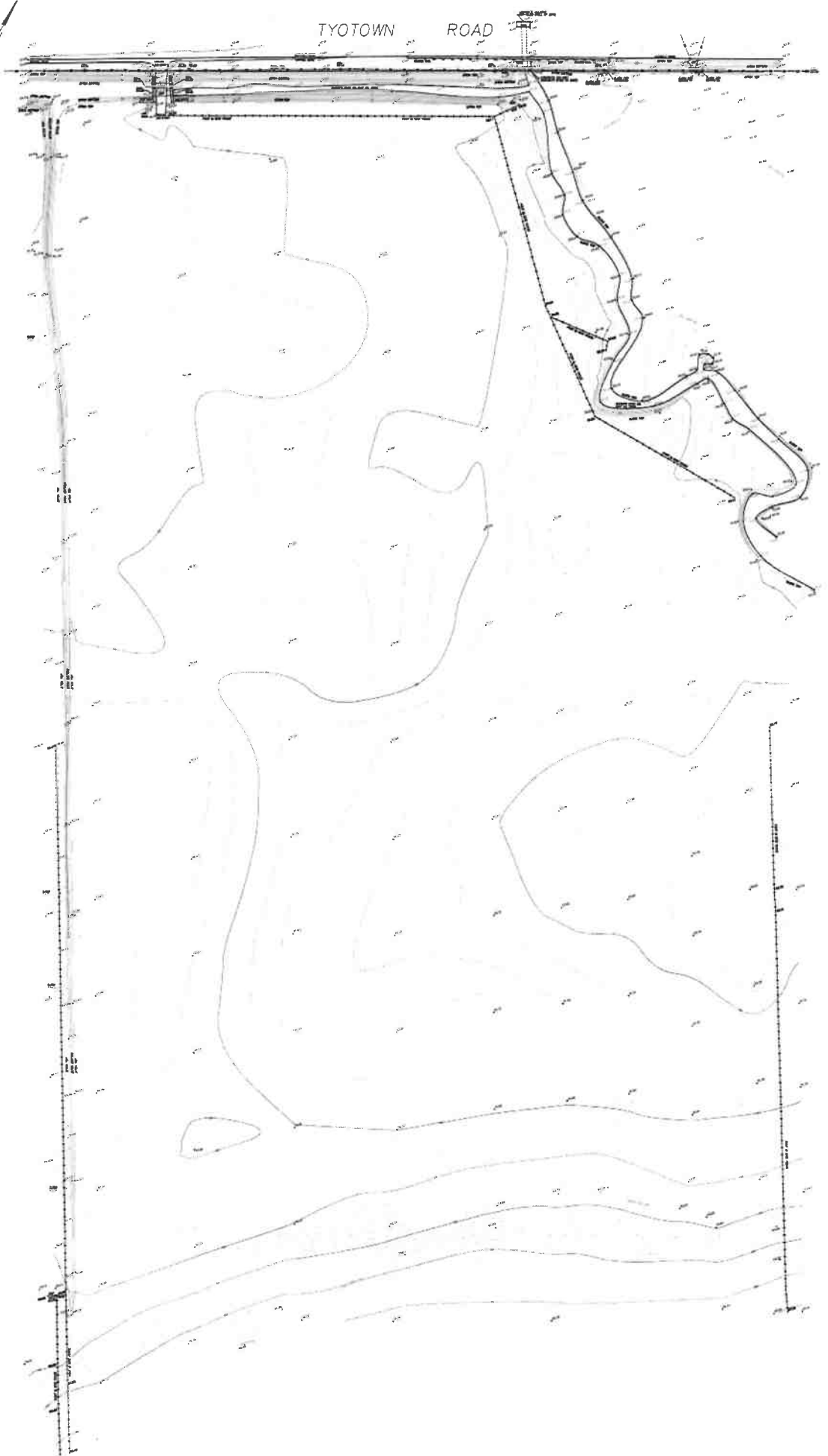
CLIENT:

PROJECT:
FARLINGER SUBDIVISION

TITLE:
CONCEPTUAL LOT LAYOUT (OPTION No.3)

SCALE:	AS SHOWN
ISSUED:	2016/02
DESIGNED BY:	J. E.
CHECKED BY:	K. B. W.
DATE:	2016/01/16
DRAWN BY:	J. E.
CHECKED BY:	J. E.
DATE:	2016/01/16

CO1.4



TYOTOWN ROAD

DATE: 08/15/2011
 DRAWN BY: J. L. BROWN
 CHECKED BY: J. L. BROWN
 PROJECT: WYOMING TOWNSHIP & TOWN
 TITLE: TOPOGRAPHIC BASE PLAN OF TYOTOWN ROAD (PART OF P.N. 87428007) CITY OF CORNWALL, VILLAGE OF CORNWALL
 SCALE: 1" = 40 FEET

COORDINATES
 NAD 83
 UTM
 ZONE: 18 Q
 EASTING: 719000
 NORTHING: 5010000

- LEGEND**
- SPOT ELEVATION
 - SPOT ELEVATION OF 500 FT
 - - - SPOT ELEVATION OF 1000 FT
 - - - SPOT ELEVATION OF 1500 FT
 - - - SPOT ELEVATION OF 2000 FT
 - - - SPOT ELEVATION OF 2500 FT
 - - - SPOT ELEVATION OF 3000 FT
 - - - SPOT ELEVATION OF 3500 FT
 - - - SPOT ELEVATION OF 4000 FT
 - - - SPOT ELEVATION OF 4500 FT
 - - - SPOT ELEVATION OF 5000 FT
 - - - SPOT ELEVATION OF 5500 FT
 - - - SPOT ELEVATION OF 6000 FT
 - - - SPOT ELEVATION OF 6500 FT
 - - - SPOT ELEVATION OF 7000 FT
 - - - SPOT ELEVATION OF 7500 FT
 - - - SPOT ELEVATION OF 8000 FT
 - - - SPOT ELEVATION OF 8500 FT
 - - - SPOT ELEVATION OF 9000 FT
 - - - SPOT ELEVATION OF 9500 FT
 - - - SPOT ELEVATION OF 10000 FT

CAUTION
 THIS IS NOT A PLAN OF THE TOWN AND SHALL NOT BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS PREPARED. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE USER SHALL BE RESPONSIBLE FOR VERIFYING ALL DATA AND INFORMATION USED IN THE PREPARATION OF THIS PLAN. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR ANY CONSTRUCTION PROJECTS THAT MAY BE NECESSARY TO IMPLEMENT THIS PLAN.

August 4, 2023

EFI Engineering
Cornwall Office
34 South Branch Road
Cornwall, ON K6K 1T4
(613) 936-0148

EFI Engineering
Brockville Office
50 Crawford Street
Brockville, ON K6V 1S3

Lowe, Gravelle & Assoc.
New York State Office
69 East Orvis Street
Massena, NY 13662
(315) 769-8471

SERVICES

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- Planning
- Environmental
- **Architectural**
- Civil
- Structural
- Mechanical
- **Electrical**
- **Project Management**
- Technical Staffing

Mr. Sukhjinder Singh Sandhu

Principal

12397030 Canada Inc.
158 Rue Sylvie
Laval, Quebec H7X 4E4
Sukhindersinghsandhu1@gmail.com

Subject: Master Plan Concept with 3D rendering for site marketing and vision communication purposes. Location: Tyotown Road Pt 1 Lot 2 Plan 101, South Glengarry

Dear Mr. Sandhu,

Thank you for meeting with me and showing me your beautiful development site. I can see why you bought it. The rolling hills and great views towards all directions, plus the proximity to major highways, provides you with an opportunity to create a commercial and residential destination. We would be delighted to create a Conceptual Master Plan for this 105-acre site. I encourage you to visit our website for a list of the services we can offer your firm in the future: www.efiengineering.com

We understand the scope of our work to be the following: Conceptual Master Plan for Marketing Purposes – Developer Facing

1. Massing analysis for concept planning
 - a. Commercial 31-acre site
 - b. Residential ~70-acre site
2. 2-D descriptive layout of both sites above (good enough for a pre-consultation meeting)
 - a. Base Site Plan
 - i. Lots
 - ii. Dwellings and buildings
 - iii. Boundaries
 - iv. Set-backs
 - v. Roads
 - vi. Landscaping Features (trees, ponds, parkland, trails, etc.)
 - vii. Entries
 - b. Conceptual Building Envelope Designs
 - i. Commercial Buildings (multiple buildings with multiple commercial and community purposes)

EFI

ENGINEERS
ARCHITECTS
PROCESS PROFESSIONALS

EFI Engineering

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34 South Branch Road
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- Structural
- Mechanical
- Electrical
- Project Management
- Technical Staffing

- ii. Residential Homes
 1. 3 versions to populate the lots
 - a. 1800 ft²
 - b. 2200 ft²
 - c. 2600 ft²
 2. We will change exterior finish and colours from lot-to-lot to add depth to the variety and more realism
 - iii. Building & Homes Elevation Drawings
 1. These need to be done in order to generate a render
 - iv. 2x Commercial building interior designs for rendering purposes
 1. There will be more buildings on the site plan and on the exterior renders, however we will detail 2 buildings for marketing purposes.
 - v. 1x residential home interior design for rendering purposes
 1. We will detail the larger 2600 ft² home for rendering and marketing purposes.
 - a. Including interior home layout, lot landscaping with pool, gazebo/pavilion, etc.
3. 3D Photorealistic Rendering of Entire Site
 - a. Multiple static views for web and printing purposes (HD quality)
 - b. Video “fly-by” of the site for online marketing
 - i. Commercially focused
 - ii. Residentially focused
 - iii. Entire site overview
 4. Descriptive Write-Up
 - a. Commercial site details
 - b. Residential site details
 - c. Overall site benefits
 - d. Planning Rationale focusing on location, proximity, community, traffic and exposure

Fee Proposal

The price for the above services is \$46,500 + HST. It will include 4-6 client consultations along the way to make sure you are getting what you are expecting. These consultations can be via Teams/Zoom video, at our offices in Cornwall or Brockville, or at your offices in Montreal (travel costs extra). The purpose of the meetings will be to align on:

- overall site layout concept development (initial meeting)
- building/amenities selection for commercial site
- building designs
- residential designs
- landscaping design and features
- rendering view selections

EFI Engineering

Cornwall Office

34 South Branch Road
Cornwall, ON K6K 1T4
(613) 936-0148

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SERVICES

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- Civil
- Structural
- Mechanical
- Electrical
- Project Management
- Technical Staffing

- flight path video selection

We would require a \$10,000 retainer to start working.

We can start this project within 1 week of the receipt of your retainer. We expect to spend 4-6 weeks completing the work. Our projection is that we will deliver this project to you by the end of **September** or sooner.

For an additional fee we can engage a marketing firm to prepare a full marketing package: Road signage, PDF sales brochure, site website with brochures and videos, etc.

Please let me know if you would like to proceed with the project as described. And as always, I am available to answer any questions. I am confident that our work product will help to clearly convey the value of your site through a well designed, documented, and presented vision.

I look forward to working with you on this project and to one day seeing it developed.

Regards,

Mario Castillo

Mario Castillo, P.Eng.

CEO & President

www.efiengineering.com

mcastillo@efiengineering.com

c. 613-790-1849



From: Mario Castillo mcastillo@efiengineering.com

Subject: Tyotown Road Development - Final Deliverables

Date: November 17, 2023 at 12:58 PM

To: Sukhjinder Sandhu sukhjindersinghsandhu1@gmail.com

Cc: Sandy Cameron sandy@homesnet.ca, Sandy Cameron sandy@soldsmart.ca, Rebecca Scott rscott@efiengineering.com



Good afternoon Sukh,

I am please to submit to you a final folder with the promised layouts, building designs, and renders. I hope you are satisfied with our work and look forward to future projects with you. Let us know if you would like to review any of the information in the package in more detail or if you have any questions or concerns.

I am sure you are in good hands with Sandy who can now take this information and prepare a good sales package for your properties and projects.

Looking forward to the next steps!

Please "click" on the link below to access our work product.

<https://www.dropbox.com/scl/fo/k076xvbjktdofjupymazi/h?rlkey=dcth6p9d2tflmiqhffs5kp57s&dl=0>

Regards,

Mario Castillo, P.Eng.

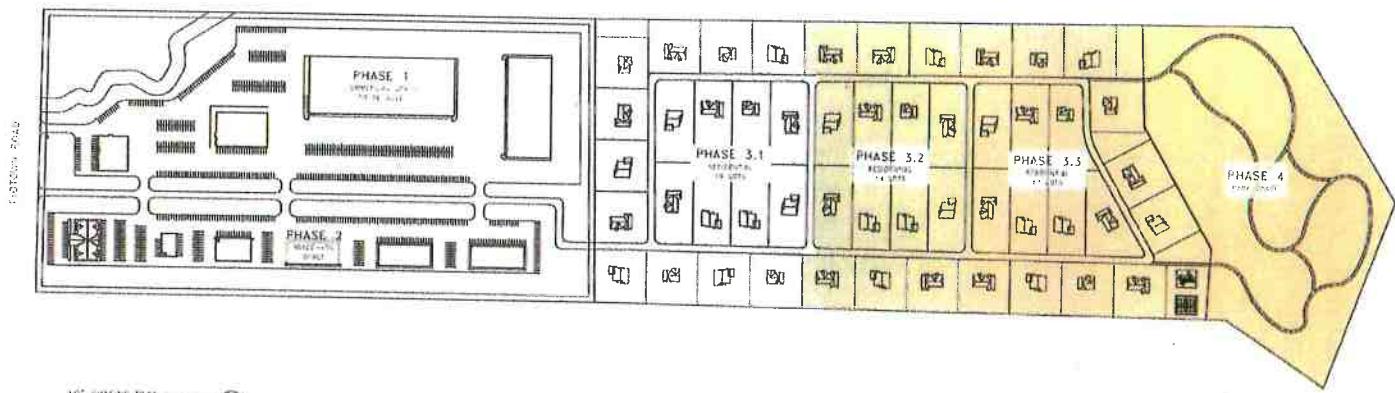
CEO & President

www.efiengineering.com

mcastillo@efiengineering.com

c. 613-790-1849





PHOTOGRAPH

LOT PHASING PLAN

NOT TO SCALE

DATE: 10/15/2010

PROJECT: [Illegible]

REFERENCES		
NO.	NO. DATE	TITLE
1		

DATE	BY	REVISIONS	APP.

REVISIONS

1. ALL ATTY. HOLDINGS

2. [Illegible]

3. [Illegible]

DRAWING ISSUED FOR:

SITE PLAN

CONCEPT PLAN

PRELIMINARY

FINAL

EFI
ENGINEERING
ARCHITECTURE
PLANNING PROFESSIONALS

1000 [Illegible]
[Illegible] MO
[Illegible] MO

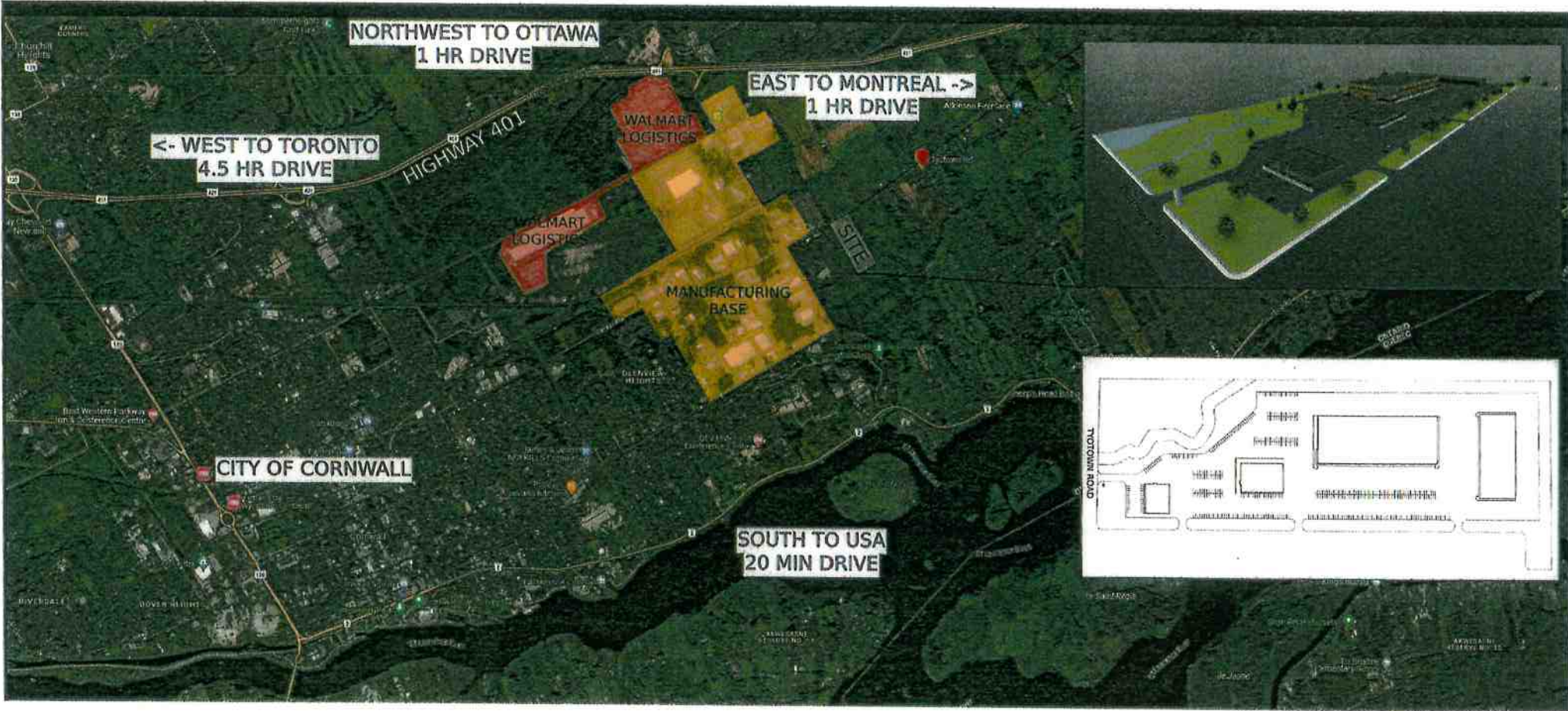
DATE: 10/15/2010

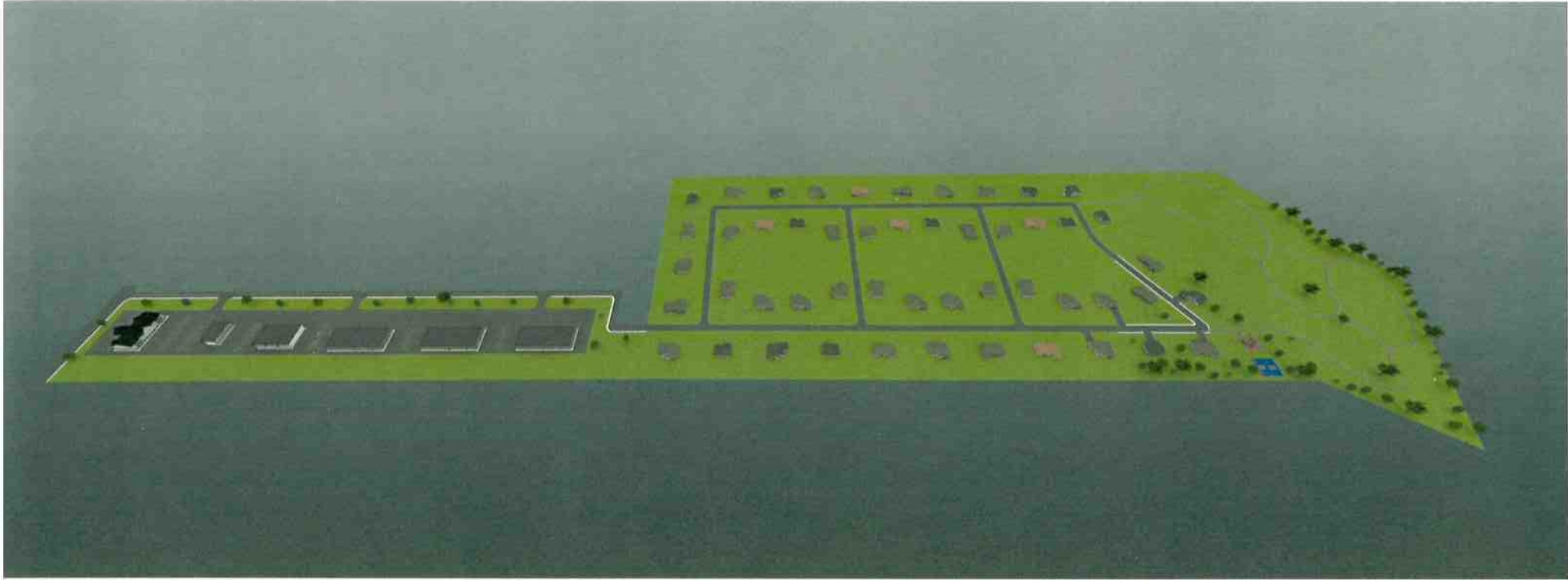
PROJECT: [Illegible]

CLIENT: [Illegible]

DESIGNER: [Illegible]

NO.	NO.	NO.	NO.	NO.
1	2	3	4	5







Tyotown Road – 31 Acre Commercial Site

Cost Analysis

Date: December 21st, 2023

EFI

ENGINEERING
ARCHITECTURE

PROCESS PROFESSIONALS

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Summary

This report details a cost analysis of the developmental potential on the 31-Acre Lot fronting Tyotown Road in the township of South Glengarry (Legal Description JDG PLAN 101 PT LOT 2 AND 41; CON 1 IL PT LOTS 15 AND 16"). The subject parcel is zoned CG-7 & FP. The intent of this report is to inform any potential developers of the potential allowable buildings on-site and their overall costs.

Buildings such as warehouses, light manufacturing, and some commercial establishments are a good fit for privately serviced lots. The final building, site, and services design will depend on the required utilization of the space and the resultant exploratory studies and reports. Given the nearby high density high school, on an adjacent privately serviced lot, we anticipate that the conceptual plan for the 31-acre lot is achievable via typical engineering design solutions barring any unforeseen findings during future exploratory studies.

This report is highly conceptual and is a high-level cost analysis. These values have been calculated based on typical engineering and construction costs for Ontario. All assumptions and price exclusions will be listed at the end of the report.

Breakdown of the building costs is as follows:

- Commercial Building (12,390 sq. ft) w/ Apartments Above = **\$7,124,250.00**
- Commercial Building (21,370 sq. ft) w/ Apartments Above = **\$12,287,750.00**
- 2-Storey Warehouse (100,000 sq. ft) = **\$34,000,000.00**
- 1-Storey Warehouse (50,400 sq. ft) = **\$8,568,000.00**
- Surface Parking = **\$16,451,829.03**
- Underground Infrastructure - **\$7,300,692.56**
- Project Management Fees (2%) = **\$1,730,991.49**
- Building Permit Fees = **\$267,052.80**
- Engineering (3%) & Architectural (1%) Design Fees = **\$3,461,982.98**
- Contract Administration Fees During Construction (1%) = **\$789,355.19**
- Township & Development Fees (Sewer Connection, Development Charges) = **\$550,000**
- Project Contingency (20%) = **\$17,309,914.88**

TOTAL Preliminary Budget:

\$109,841,818.93

A development budget range between -10% to +30% is expected and inline with a Class D/C budget. This represents fluctuations in constructions costs, material selections, amenity designs, local conditions, and availability of vendors and contractors. The range can be visualized as follows:



General Commercial – Exception Seven Potential Uses (CG-7):

- Agricultural Machinery Sales and Service
- Art Gallery
- Artist's Studio
- Antique Shop
- Auction Establishment
- Bake Shop
- Bank or Financial Office
- Beer, Wine and Liquor Sales Outlet
- Card Lock Establishment
- Commercial School
- Contractor's Yard
- Convenience Store
- Day Nursery - Licensed
- Dry Cleaning Depot
- Equipment Rental
- Farm Supply Establishment - Indoor
- Farmer's Market
- Fitness Centre
- Food Bank
- Food Store
- Funeral Home
- Furniture and Home Improvement Centre
- Garden Centre and Greenhouse
- Hotel
- Laundromat
- Marina
- Marine Facility
- Medical Clinic
- Mini Warehouse and Storage
- Motel
- Motor Vehicle Dealership
- Motor Vehicle Gas Bar
- Personal Service Establishment
- Place of Assembly
- Place of Entertainment
- Place of Worship
- Pet Shop
- Post Office
- Private Club
- Professional or Business Office
- Propane Facility, Retail
- Recreational Commercial Establishment
- Restaurant
- Retail Store 1 (RT1)
- Second Hand Store
- Shopping Centre
- Theatre
- U-Brew Establishment
- Veterinary Clinic - Small Animal
- Veterinary or Animal Hospital
- Video Rental Outlet
- Winery
- Workshop

Residential Uses (Accessory):

- Upper Floor and Rear Dwelling Units
- Detached Residential

Commercial Building (12,390 sq. ft)



12,390 sq. ft of Mixed-Use Commercial/Residential Building
x \$220.00/sq. ft for Strip Plaza = **\$2,725,800.00**

12,390 sq. ft of Mixed-Use Commercial/Residential Building
x \$355.00/sq. ft for Apartments Above = **\$4,398,450.00**

TOTAL: \$7,124,250.00

Mixed-Use Commercial/Residential Building Inclusions:

Assumed two-storey building with commercial space below and residential apartments above, the CRU space is considered shell, costs assume standalone buildings and are not representative of a component within a mixed-use building.

Commercial Building (21,370 sq. ft)



21,370 sq. ft of Mixed-Use Commercial/Residential Building
x \$220.00/sq. ft for Strip Plaza = **\$4,701,400.00**

21,370 sq. ft of Mixed-Use Commercial/Residential Building
x \$355.00/sq. ft for Apartments Above = **\$7,586,350.00**

TOTAL: \$12,287,750.00

Mixed-Use Commercial/Residential Building Inclusions:

Assumed two-storey building with commercial space below and residential apartments above, the CRU space is considered shell, costs assume standalone buildings and are not representative of a component within a mixed-use building.

2-Storey Warehouse (100,000 sq. ft)



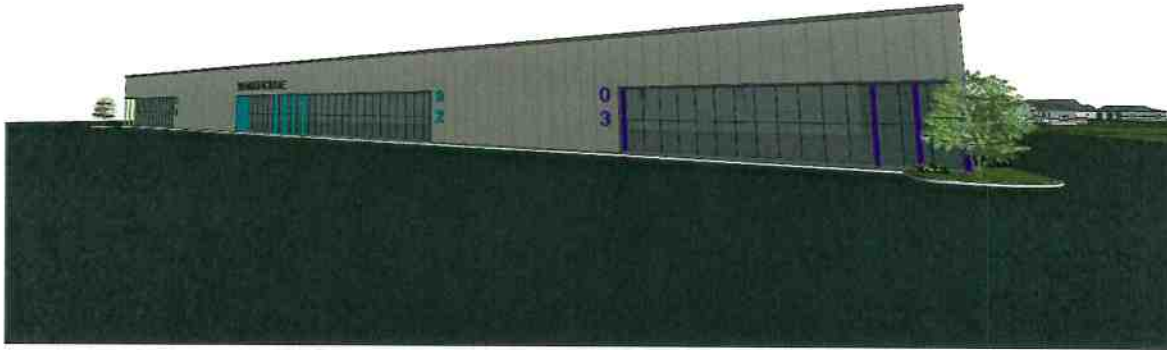
100,000 sq. ft x2 of 2-Storey Warehouse

x \$170.00/sq. ft = **\$34,000,000.00**

Industrial Warehouse Inclusions:

Warehouse space is based on heated shell space, excluding mezzanine areas, a finished office component is included, urban storage facilities are based on multi-level facilities which have site constraints.

1-Storey Warehouse (50,400 sq. ft)



50,400 sq. ft of 1-Storey Warehouse
x \$170.00/sq. ft = **\$8,568,000.00**

Industrial Warehouse Inclusions:

Warehouse space is based on heated shell space, excluding mezzanine areas, a finished office component is included, urban storage facilities are based on multi-level facilities which have site constraints.

Conclusion

The following documentation is an estimate of the construction costs for a projected 2025 construction. Due to the level of detail of this report, assumptions and exclusions are provided below:

Assumptions:

- 15% increase in cost for a projected 2025 Construction
- Hydro connection fees can vary depending on the usage requirements of the buildings, and connection fees can fluctuate up to 30-40% of the prices assumed in this report
- This plan is accounting for servicing on-site, using wells and waste treatment systems sized to accommodate the site.
- Contingency of 20% is typical at a Class D or E level cost analysis and will be reduced closer to construction staging.
- An error range of this report is slated to be between -10% (**\$98,857,637.04**) to +30% (**\$142,794,364.61**) due to the fluctuations in market demand and equipment and labour costs.

TOTAL:

\$109,841,818.93

Exclusions:

This report is highly conceptual and is a high-level cost analysis. These values have been calculated based on typical engineering and construction costs for Ontario for the year 2023.

Rebecca Scott

Rebecca Scott, BID, BCIN
Report Writer

Mario Castillo

Mario Castillo, P. Eng.
Professional Engineer

From: **John Cameron** jcameron@cmhc-schl.gc.ca 
Subject: Mli Select
Date: June 21, 2024 at 12:09 PM
To: sandy@homesnet.ca



Hi Sandy,

See attached information sheet. Suggest visit the website: <https://www.cmhc-schl.gc.ca/professionals/project-funding-and-mortgage-financing/mortgage-loan-insurance/multi-unit-insurance/mliselect>

Cheers

John Cameron

Specialist, Multi-Unit Housing Solutions

Commercial - GTHA

70 York Street, Toronto

Ontario

Cell: 416.250-3205

Canada Mortgage and Housing Corporation

Société canadienne d'hypothèques et de logement

cmhc.ca | schl.ca

*Creating a new generation of housing and giving more people living in Canada a place to call home.
Créer des logements novateurs et fournir un chez-soi à un plus grand nombre de personnes vivant au
Canada.*

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mli-select.pdf

MORTGAGE LOAN INSURANCE

MULTI-UNIT

MLI SELECT



AT-A-GLANCE

CMHC's MLI Select product offers scaling flexibilities to encourage the preservation and creation of affordable, accessible and climate compatible units. Flexibilities include higher loan-to-value ratios, increased amortizations, lower debt coverage ratios, and reduced premiums.

Property Type and Size

- New and existing affordable, energy efficient and/or accessible housing projects including: standard rental housing, single room occupancy (SRO), supportive housing and retirement homes. Student housing projects are only eligible to qualify under energy efficiency and accessibility.
- Minimum project size of 5 units except retirement homes where a minimum of 50 units/beds is required.

Non-Residential Component

Not to exceed 30% of gross floor area nor 30% of total lending value. Loan relating to non-residential component must not exceed 75% of lending value of non-residential component.

Criteria

Borrowers can commit to any combination of the following social outcomes, though a minimum of 50 points is needed to qualify for MLI Select.

Affordability

This outcome is assessed based on the percentage of units within the project with rents equal to or below the established threshold for the subject market.

New construction:

- Level 1 (50 points) – Min. 10% of units at max. 30% of median renter income
- Level 2 (70 points) – Min. 15% of units at max. 30% of median renter income
- Level 3 (100 points) – Min. 25% of units at max. 30% of median renter income

Existing properties:

- Level 1 (50 points) – Min. 40% of units at max. 30% of median renter income
- Level 2 (70 points) – Min. 60% of units at max. 30% of median renter income
- Level 3 (100 points) – Min. 80% of units at max. 30% of median renter income

In all cases, the borrower must commit to maintain affordability for a minimum of 10 years from the date of first occupancy of the project. Affordability commitments of 20 or more years will be awarded an additional 30 points.

Energy Efficiency

This outcome is assessed based on the improved performance over the baseline, which depends on if the building is new or existing.

New construction:

- Level 1 (30 points) – Min. 20% better than NECB/NBC
- Level 2 (50 points) – Min. 25% better than NECB/NBC
- Level 3 (100 points) – Min. 40% better than NECB/NBC

Existing properties:

- Level 1 (30 points) – Min. 15% decrease over current baseline levels
- Level 2 (50 points) – Min. 25% decrease over current baseline levels
- Level 3 (100 points) – Min. 40% decrease over current baseline levels

Accessibility

This outcome is assessed based on the level of accessibility and adaptable building design.

Level 1 (20 points):

- Min. 15% of the units are considered accessible in accordance with the CSA standard B651-18 or
- Min. 15% of units are universal design or
- The building receives Rick Hansen Foundation Accessibility Certification (60%-79% score)

Level 2 (30 points):

- Min. 15% of units are considered accessible in accordance with the CSA standard B651-18 and Min. 85% of units are universal design or
- 100% of units are universal design or
- 100% of units are accessible in accordance with the CSA standard B651-18 or
- The building receives Rick Hansen Foundation Accessibility Certification "Gold" (score of 80% or better)

Product Timelines

Affordability criteria:

- Applies for the entire duration of the affordability period beginning at the date of first occupancy for new construction or major renovation, and the interest adjustment date for existing buildings. Documentation is required to support on-going compliance throughout the affordability period.

Efficiency criteria and accessibility criteria:

- Where improvements or construction are undertaken prior to the request for loan insurance, documentation confirming achievement of the criteria is required as part of the loan insurance application. Work must have been completed within 12 months of the request.
- Where insured financing is used to undertake improvements or construction, documentation confirming achievement of the criteria is required within 60 days after the last advance.
- Where improvements are completed with the borrower's own resources or non-insured financing, documentation confirming achievement of the criteria is required within 24 months of the last advance.
- Unlike the affordability criteria, the energy efficiency criteria and/or the accessibility criteria does not need to be demonstrated on an annual basis. Once achieved, the borrower's commitment is considered fulfilled and there are no further requirements.

Product Flexibilities

Based on total points awarded, the loan insurance application can benefit from the following flexibilities.

Total points	Max. LTC/LTV	Max. amortization*	Rental achievement holdback	Recourse	Replacement reserve
New Construction					
Min. 50 points	Up to 95%	Up to 40 years	Waived	Full	Discretionary
Min. 70 points	Up to 95%	Up to 45 years	Waived	Full	Discretionary
Min. 100 points	Up to 95%	Up to 50 years	Waived	Limited	Discretionary
Existing Properties					
Min. 50 points	Up to 85%	Up to 40 years		Full	Discretionary
Min. 70 points	Up to 95%	Up to 45 years	May apply	Full	Discretionary
Min. 100 points	Up to 95%	Up to 50 years		Limited	Discretionary

*The maximum amortization period is the specified number of years or remaining economic life, whichever is less.

Please refer to the fees and premiums information sheet for more information.

Maximum Loan-To-Value Ratio

- **New construction:** residential component up to 95% loan-to-cost; non-residential component up to 75% loan-to-cost.
- **Existing properties:** residential component up to 95% loan-to-value; non-residential component up to 75% loan-to-value.

Loan Advancing

New construction: the loan may be advanced up to 95% of costs during construction.

Existing properties: the loan may be advanced up to 95% of value.

The full loan is available once construction/improvement is complete.

Minimum Debt Coverage Ratio Requirements

	Minimum DCR
Residential space	1.10
Standard rental housing with 5+ units	1.10
Other shelter models:	
• single room occupancy and supportive housing (5+ units)	1.20
• retirement homes (50+ units)	1.20
Non-residential space	1.40

Interest Rate

Fixed interest rate or floating (with ceiling rate).

Amortization

CMHC may consider amortization periods of up to 50 years. The amortization period must not exceed the remaining economic life of the property, as determined by CMHC.

Security Type

First, second and pari passu mortgages are permitted. Second mortgages are permitted as an interim measure.

Replacement Reserve Requirements

Replacement reserve requirements are discretionary under MLI Select and based on the strength of the borrower and application.

General Guidelines For Borrower Eligibility

The borrower must demonstrate competence and experience commensurate with the size and type of property for which mortgage loan insurance is being sought. The borrower or a corporation affiliated with the borrower must have at least five years of demonstrated management experience in the operation and management of similar multi-unit residential properties. Alternatively, a formal property management contract must be in place with a professional third party property management firm.

Borrower Net Worth

The borrower must have minimum net worth equal to at least 25% of the loan amount being requested, with a minimum of \$100,000. For insurance applications scoring a total of 100 points or more, CMHC may permit flexibility in net worth requirements.

Guarantee Requirements

Construction or completion take-out financing: The borrower and guarantor must provide their covenant/guarantee for 100% of the outstanding amount owing under the housing loan from time to time until projected rents have been achieved and stabilized for 12 consecutive months, at which time the additional guarantee required may be reduced to 40% of the outstanding loan amount owing under the mortgage, from time to time.

Purchase or refinance of existing properties: For new loans on existing residential rental properties, the guarantee amount required by CMHC is 40% of the outstanding loan amount owing under the mortgage, from time to time.

Limited recourse: CMHC may consider limited-recourse lending for LTVs equal to or below 65% LTV, or in cases where the borrower is unable to provide a meaningful covenant or guarantee such as, non-profits, community-based organizations or social mandate driven borrowers, or in cases where a min. of 100 points are achieved under CMHC's MLI Select product offering. Notwithstanding, the borrower remains liable under a limited recourse loan for fraud and environmental liability in all cases. The recourse of the Approved Lender shall be limited to the property and the other assets taken as security and not personally against the borrower.

In all cases, CMHC may require additional risk mitigation measures as it deems appropriate (e.g. equity retention, replacement reserves, collateral security, personal guarantees).

This material is provided for informational purposes and provides product highlights only. This information is subject to change at any time. CMHC does not guarantee or warrant that the product highlights are complete, adequate or up-to-date. Any applicable CMHC standard terms and conditions would apply and should be referenced and reviewed.



cmhc.ca/multi-unit
1-877 Multi GO

April 5, 2023

Mr. Sukhjindersigh Sandu
12397030 Canada Inc. h
158 rue Sylvie
Laval, Quebec
H7X 4E4

RE: **Scope Environmental Impact Assessment (EIA) – Fish Habitat – 950
Boundary Road, South Glengarry**

CIMA Canada Inc. (CIMA+) is pleased to present 12397030 Canada Inc. with a scope of work and cost estimate for the preparation of a Scoped Environmental Impact Assessment (EIA) – Fisheries Assessment for the property outlined on the figure below. It is understood that a zoning amendment application has been submitted to the Township of South Glengarry, and that they have requested that the watercourses be identified, and a setback recommended. They also noted, that since there is future development proposed for the entire parcel, that the setback from all watercourses would be beneficial. While only 2 watercourses are noted in the email, three are shown on the provincial mapping.



Figure 1: Property highlighted in yellow, three watercourses in blue

1 WORK PLAN

CIMA+ would provide an EIS Scoped to Fish and Fish Habitat. This would include two site visits to describe the habitats and fish communities. Fish Habitat Assessment to determine if fish habitat is present based on the definition of fish habitat under the federal *Fisheries Act* and the recommendations on the setback would follow the guidelines from the *Natural Heritage Reference Manual* (MNRF, 2005).

1.1 FISH HABITAT

The habitat would be described based on the Ontario Stream Assessment Protocol. Three habitat description stations would be created; one on each system (drain along the road, drain in the middle of the property and Gray's Creek). Note that is Gray's Creek is too deep to walk through, then a modified description would be completed. Within the stations, the channel morphology would be described using evenly spaced transects upon which data was recorded from evenly spaced observation points. The data to be collected would include: channel width, wetted width, bankfull depth, water depth, substrate size, morphological units, and in-stream cover. All information but the in-stream cover would be collected during the spring and summer. The in-stream cover would be gathered during summer to allow aquatic vegetation time to grow. Photographs of the site would be recorded, from the same vantage point, during each survey period. Water temperature would be recorded to help assess the thermal regime, which is important for the setback determination.

The edge of the channel would be marked at three locations on all three watercourses to help with the establishment of the setbacks (flagged).

1.2 FISH COMMUNITY SAMPLING

Sampling would be undertaken on the two unnamed drains only as the fish community of Gray's Creek is well-known. Sampling would be completed in the spring and summer. Single pass surveys using a backpack electrofisher in the drains is anticipated, though minnow traps or nets may be required if water is too deep (these required overnight sets). The fish would be identified, counted, measured, and released. The fork lengths or total lengths (as appropriate) would be recorded. The water and air temperatures, conductivity, transect length, average width, volts, current and effort would be recorded.

Note that the need to sample in the summer depends on the presence of water. If seasonal then this visit would be limited to quick habitat visit and the fees reduced.

Table 1 – Costing Breakdown

Task	Professional Fees	Expenses	Totals
Obtaining licence to collect fish and preparation for field work	\$335	\$0	\$335
Spring Visit	\$1670	\$330	\$2000
Report – Scope EIS – Fish Habitat	\$2800	\$0	\$2800
Optional			
Summer Visit	\$300-1070	\$30-330	\$330-1400
TOTAL (excluding taxes)			\$5135-6535

The cost of additional services will be addressed through change order, subject to the Client's approval. CIMA+ will seek approval from the Client prior to proceeding with any additional work.

Table 2 – Hourly Rates

Resource	Hourly Rate
Junior Technical Staff	\$85-90
Intermediate Technical Staff	\$120
Michelle Lavictoire - Senior Biologist	\$155

This proposal is valid for **60 days**. The applicable Terms of Payments and General Conditions are appended.

6 CLOSING

Thank you for the opportunity to provide you with a cost estimate. You need only to return a signed copy for our records and we can proceed immediately.

Should you have any questions or comments please feel free to contact Michelle Lavictoire at Michelle.Lavictoire@cima.ca or by cell at 343-576-3780.

Sincerely,

CIMA Canada Inc.

Michelle Lavictoire
Senior Project Manager / Biologist
Environment

Any portion of the inclusive lump sum for the professional fees not begun beyond one year from the date of acceptance of this offer will be indexed by 3% annually.

MODIFICATIONS

If changes are made, the resulting modification of our documents will be subject to an additional charge, based on the hourly rate specified in fee schedule of the Consulting Engineers of Ontario. The same applies to any additional work requested by the Client.

Information provided to the Engineer by the Client, the Client's authorized representative or a public department for the preparation of documents is deemed to be accurate. Therefore, the Engineer may not be held responsible for any damages resulting from inaccuracy or error in the aforementioned documents. In such cases, the Engineer is authorized to make the necessary changes to the documents and the work at the Client's expense where necessary.

SHORT INTERRUPTION (SUSPENSION)

If the project is suspended for a period of more than thirty (30) days for any reason, our fees will be invoiced on an hourly basis, for the part of the phase not completed based on the actual services dedicated to the project. This invoice will be due within fifteen (15) days of invoicing including expenses incurred.

that those of the Engineer-Consultant that they could not have reasonably foreseen. In such cases, the Engineer may not be held responsible for any damages and is authorized to make the necessary changes to documents at the Client's expense.

If codes, standards or regulations are amended during or after preparation of the plans and specifications, the Engineer shall be remunerated at the aforementioned hourly rates for any changes required to these documents.

The financial liability of CIMA+ is limited to the amount of fees under this agreement, regardless of the case in litigation. All claims under this contract shall be submitted to CIMA+. Under no circumstances will its employees, directors or administrators be held personally liable for any damages incurred by the Client.

PROPRIETARY RIGHTS AND CONFIDENTIALITY OF DOCUMENTS

The Client may not use documents prepared by the Engineer for the purposes of this contract or allow third parties to use them in whole or in part for other construction work or additional work under the project without obtaining the written consent of the Engineer in advance and providing compensation to the Engineer in accordance with the fees in effect at the time that aforementioned documents are reused.

Tyotown Road

Scoped Environmental Impact Study – Fisheries Assessment

12397030 Canada Inc.

CIMA+ file number: A001407



CIMA+ file number: A001407
May 19, 2023

CIMA+

Tyotown Road

Scoped Environmental Impact Study – Fisheries Assessment

12397030 Canada Inc.

Prepared by:

Sophie Lafrance

Sophie Lafrance, Biologist

Prepared and verified by:

M. Lavictoire

Michelle Lavictoire, Senior Biologist
Senior Project Manager - Environment



1400 Blair Towers Pl Suite 600, Ottawa, ON
Canada K1J 9B8

CIMA+ file number: A001407
May 2023

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Table Of Involved Resources

In addition to the signatories of this report, the following individuals have also been involved in the study and writing of the report as technical experts within the project team:

Name	Discipline
Michelle Lavictoire	Senior Project Manager
Sophie Lafrance	Environmental Professional
Jake Zientek	Junior Technician
Amal Siddiqui	Environmental Professional

Review and submission register			
Review No.	Reviewed by	Date	Description of the change or submission

LIST OF ACRONYMS AND DEFINITIONS

COP	Code of Practice
DFO	Department of Fisheries and Oceans Canada
ESA	Endangered Species Act
FIA	Fisheries Impact Assessment
UTM	Universal Transverse Mercator
LIO	Land Information Ontario
MECP	Ministry of Environment, Conservation and Parks
MNRF	Ministry of Natural Resources and Forestry
MTO	Ministry of Transportation of Ontario
NASAR	National Aquatic Species at Risk
NHIC	Natural Heritage Information Centre
RVCA	Rideau River Conservation Authority
SAR	Species at Risk (provincial and federal listed endangered and threatened species)
SARA	Species at Risk Act (Federal)
SARO	Species at Risk in Ontario

SRANK DEFINITIONS

- S1:** Critically Imperiled in the nation or state/province because of **extreme** rarity (often 5 or fewer occurrences) or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the state/province.
- S2:** Imperiled in the nation or state/province because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the nation or state/province.
- S3:** Vulnerable in the nation or state/province due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation.
- S4:** Apparently Secure; uncommon but not rare; some cause for long-term concern due to declines or other factors.
- S5:** Secure; Common, widespread, and abundant in the nation or state/province.
- ?:** Inexact Numeric Rank—Denotes inexact numeric rank.
- SNA:** Not Applicable, A conservation status rank is not applicable because the species is not a suitable target for conservation activities.

SARA STATUS DEFINITIONS

END Endangered: a wildlife species facing imminent extirpation or extinction.

THR Threatened: a wildlife species that is likely to become endangered if nothing is done to reverse the factors leading to its extirpation or extinction.

SC Special Concern: a wildlife species that may become threatened or endangered because of a combination of biological characteristics and identified threats.

SARO STATUS DEFINITIONS

END Endangered: A species facing imminent extinction or extirpation in Ontario which is a candidate for regulation under Ontario's ESA.

THR Threatened: A species that is at risk of becoming endangered in Ontario if limiting factors are not reversed.

SC Special concern: A species with characteristics that make it sensitive to human activities or natural events.

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Appendix A DFO Species at Risk Mapping

1. Introduction

CIMA+ has been retained by 12397030 Canada Inc. to complete an Environmental Impact Study (EIS) that is scoped to Fish Habitat. It is understood that the proponent is seeking a zoning by-law amendment and severance for their property on Tyotown Road. The property is currently zoned Commercial Highway (CH), Open Space (OS) and Natural Hazard and the desire is to have it scheduled as General Commercial (GC) and Residential (R1-H). The property to be severed is the northern parcel (roughly 31.72 acres/ 12.8 hectares) with a new zoning of GC. The portion to be retained is the southern parcel (± 73 acres / 29.5 hectares) with a new R1-H designation. The properties would be on private well and septic with the stormwater managed through ditching and storm drains (as described in the zoning by-law amendment application).

The scope of the EIS is outlined in email correspondence dated March 29, 2023 which indicates that the EIS is to provide a recommended setback for development and site alterations from the drains on the lands to be severed. It also notes that, should the proponent desire, the setback from Grey's Creek at that south end (in the lands to be retained) could also be included in this EIS. The following report assesses the presence/absence of fish habitat and recommends setbacks as per the Provincial Policy Statement (2020) (PPS), the Natural Heritage Reference Manual (MNR, 2005), and the Official Plan of the United Counties of Stormont, Dundas, and Glengarry (SD&G) (OP). Assessment of impacts to fish and fish habitat, as identified by the *Fisheries Act*, is recommended at later stages of development (i.e., once plans providing information on potential works, undertakings or activities that could affect, directly or indirectly, fish habitat are known).

1.1 Site Location

The property is located on parts of Lots 15 and 16, Concession 1 St Regis Indian Reserve, in the Geographical Township of Charlottenburg, South Glengarry, Ontario (Figure 1) (UTM 18T 526173 m E: 4987975 m N, and Latitude 45.0448271, Longitude -74.6677146). The watercourses on the lands to be severed are Upper Fly Creek, Gray's Creek Drain, and an Unnamed Drain. Both Upper Fly Creek and the Unnamed Drain are tributaries to Gray's Creek Drain and all are listed as constructed (AgMaps). In the lands to be retained there is only Gray's Creek East, also listed as a constructed drain (Figure 2) (AgMaps). The lands are bordered by Tyotown Road to the north, Holy Trinity Catholic Secondary School and natural lands to the west, and natural lands to the south, and east. On the north side of Tyotown Road are agricultural lands.

Figure 1: General Location of Site

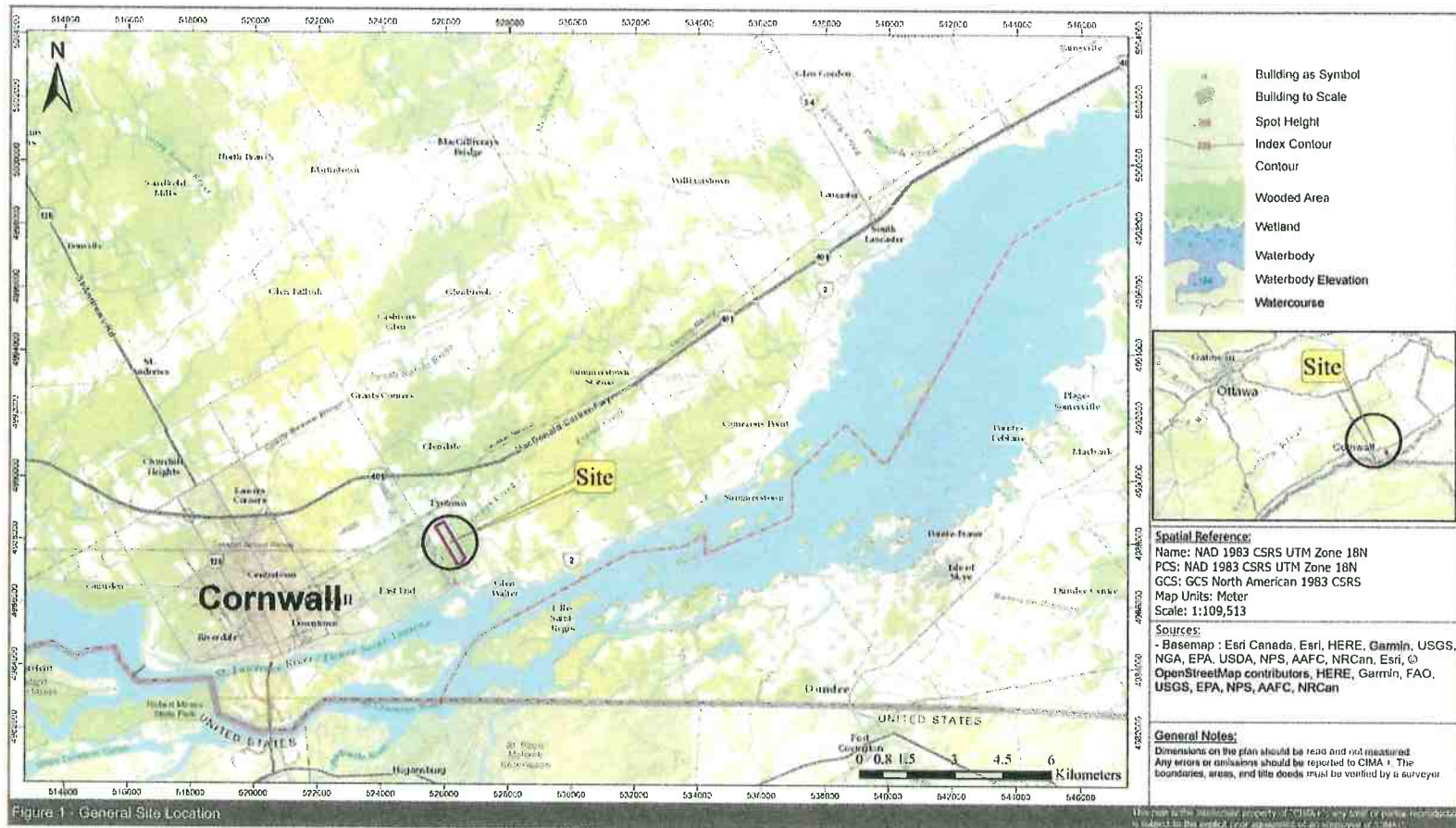


Figure 2 : Location of the Watercourses and Fish Stations



2. Legislative Context

2.1 Provincial

Planning Act (1990) provides the basis for land use planning in Ontario and the creation of official plans (OPs). Zoning amendments and severance must comply with the OP. The entire property and its surrounding lands (adjacent lands 120 m) are situated within the Township of South Glengarry. As per the Township of South Glengarry’s website, planning and development are subject to the Official Plan (OP) of the United Counties of Stormont, Dundas and Glengarry (SD&G). The OP followed the guidelines set out in the Provincial Policy Statement (PPS) (MMAH, 2014), but the more recent 2020 PPS is generally followed. The PPS refers to the *Fisheries Act* definition of fish habitat (see below).

The OP section 5.5.3 has a goal of protecting both known and candidate fish habitat to remain in compliance with applicable provincial and federal requirements. It indicates that development on adjacent lands (120 m) may be permitted if an EIS demonstrates no negative impacts on the fish habitat. The *Fisheries Act*, managed by Fisheries and Oceans Canada (DFO), is referred to in the OP as the authority for decision-making with respect to fish and fish habitat.

2.2 Provincial

2.2.1 Fisheries Act

The *Fisheries Act*, last amended August 28, 2019, is administered by the Department of Fisheries and Oceans Canada (DFO) and is intended to provide a framework for the management of threats to fish and fish habitat, including the prevention of pollution, regardless of their attachment to a fishery. The most relevant sections to works, undertakings and activities are:

- + Prohibition of the Death of Fish (Section 34.4 (1));
- + Prohibition of the Harmful alteration, disruption, or destruction of Fish Habitat (Section 35 (1)); and,
- + The provisional Ministerial powers to ensure the free passage of fish or the protection of fish or fish habitat with respect to existing obstructions (Section 34.3).

The *Fisheries Act* defines fish habitat as:

“... water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas” (FA, R.S., 1985, c F-14)

However, the current process indicates that no review under the *Fisheries Act* is required for specific areas including:

- + “...Artificial waterbodies that are not connected to a waterbody that contains fish at any time during any given year
- + Any other waterbody that:
 - Doesn't contain fish at any time during any given year
 - Isn't connected to a waterbody that contains fish at any time during any given year” (<https://www.dfo-mpo.gc.ca/pnw-dpe/reviews-revues/request-review-demande-d-examen-003-eng.html>)

3. Methodology

3.1 Study Area

The location of the property is shown on Figure 2. As per the OP policy 5.5.2, the adjacent lands for fish habitat are 120 m. In considering the appropriate setbacks for fish habitat, the potential for fish (fish or mussel) species at risk (SAR) was reviewed. That review considered a larger study area (± 5 km).

3.2 Background Review

A search through available records and consulting reports was made to gather existing information on the fish habitat and community within the project area. The following web sources were used during the background review: Land Information Ontario (LIO), Natural Heritage Information Centre (NHIC), Species at Risk (limited to fish species protected under provincial or federal legislation), DFO National Aquatic Species at Risk (NASAR) (on-line). Citizen science database iNaturalist was also consulted.

3.3 Field Studies

As part of the zoning amendment application, the Township of South Glengarry have requested that the **watercourses** be identified, and a setback recommended. As such, the field visit focused determining what was fish habitat on and within 120m of the property, where **access** was possible (Figure 2).

3.3.1 Fish Habitat Description

The aquatic habitats within the study area were **assessed** based on the point observation technique used by *Ontario Stream Assessment Protocol* (Stanfield, 2017) and the Ministry of Transportation of Ontario (MTO)'s *Environmental Guide for Fisheries* (MTO, 2020). The channel morphology was described using evenly spaced transects upon which data was recorded from evenly spaced observation points. The data collected included: channel width, wetted width, bankfull depth, water depth, substrate size, morphological units, and in-stream cover.

3.3.2 Fish Community Sampling

The Unnamed Drain was sampled to determine if it provided fish habitat at any time of year (as per the DFO definition of fish habitat). The Upper Fly Creek Drain was sampled for comparison to the Unnamed Drain. Gray's Creek Drain was not sampled as it is known to provide fish habitat. Fish community sampling was performed shortly after the project was awarded. The community was sampled using backpack electrofishing. The fish were identified, counted, measured [fork length (FL)/total length (TL) as appropriate], and released. The transect length, approximate width, volts, current and effort were also recorded.

4. RESULTS

4.1 Background Information on Fish and Fish Habitat

Background information was available for both Upper Fly Creek and Gray's Creek Drain on Land Information Ontario (LIO), but none was available for the unnamed drain. AgMaps indicates that both Upper Fly Creek and the Unnamed Drain are classified as C watercourses under the DFO classification system. Class C indicates that the drain was sampled but no Sensitive Species were collected. Grays Creek Drain is classed as E. E drains were sampled and contained sensitive species (DFO, 2014). The term sensitive species in this context refers to:

- + Species listed under Schedule 1 of *Species at Risk Act* (SARA) or *Endangered species Act* (ESA) or those assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) as Extirpated, Endangered, Threatened or Special Concern; or
- + Due to their sensitivity to environmental conditions. (Mandrak and Bouvier, 2014)

In this case, the only sensitive species listed was the silver lamprey, listed in the Gray's Creek Drain (Table 1). The silver lamprey is a parasitic lamprey species currently listed as special concern under ESA and SARA. It spawns in fast-flowing, clean water of rivers and streams, building a nest in gravel / sandy areas. The ammocoetes drift downstream to burrow in the soft substrate until transformation, several years later. The transformed individuals then migrate downstream parasitizing fish until they migrate back to streams/rivers to spawn (Scott and Crossman, 1973, 1973; COSEWIC, 2011). This migrating species is sensitive to habitat fragmentation, water fluctuations, lampricide, pollution, alteration to habitat, siltation, and competition (COSEWIC, 2011).

LIO provides a list of 10 common warm to cool water fish species as being present in Upper Fly Creek (Table 1). Of these, one sport fish (brown bullhead) was identified but no pan fish. No sensitive fish were listed in this system.

LIO databases provide a list of 12 common warm to cool water fish species as being present in Gray's Creek Drain (Table 1). Of these, two sport fish (northern pike, and brown bullhead) and one pan fish (pumpkinseed) were identified. Only the above-mentioned silver lamprey has any

designations. The RRCA watershed report card states that there are 28 species in Gray's Creek, but no species list is included (RRCA, 2017).

The DFO National Aquatic Species at Risk Mapping (NASAR) also indicated the potential presence of Silver Lamprey (Great Lakes – Upper St. Lawrence Population) in Gray's Creek, where it passes through the site at the south side (Appendix A). No critical habitat is identified (NASAR).

Table 1: List of Fish Identified in Background Information as Occurring in Fly Creek Drain and Gray's Creek Drain

Species Name	Scientific Name	Trophic Class	Thermal Regime	SRank	ESA Reg. 230/08 SARO List Status	SARA Schedule 1 List of Wildlife SAR Status	Fly's Creek Drain	Gray's Creek Drain	Reference
Silver Lamprey*	<i>Ichthyomyzon unicuspis</i>	Parasite, herbivore/ detritivore	cool	S3	SC	SC		X	DFO 2023
Northern Pike	<i>Esox lucius</i>	carnivore	cool	S5	None	None		X	LIO 2019
Central Mudminnow	<i>Umbra limi</i>	invertivore	cool	S5	None	None	X	X	LIO 2019
Golden Shiner	<i>Notemigonus crysoleucas</i>	invertivore/ herbivore	cool	S5	None	None	X	X	LIO 2019
Brassy Minnow	<i>Hybognathus hankinsoni</i>	planktivore/ detritivore	cool	S5	None	None		X	LIO 2019
Northern Redbelly Dace	<i>Chrosomus eos</i>	invertivore/ planktivore	cool	S5	None	None	X	X	LIO 2019
Bluntnose Minnow	<i>Pimephales notatus</i>	detritivore	warm	S5	None	None	X	X	LIO 2019
Fathead Minnow	<i>Pimephales promelas</i>	detritivore/ invertivore	warm	S5	None	None	X	X	LIO 2019
Creek Chub	<i>Semotilus atromaculatus</i>	invertivore/ carnivore	cool	S5	None	None	X	X	LIO 2019
White Sucker	<i>Catostomus commersonii</i>	invertivore/ detritivore	cool	S5	None	None	X		LIO 2019
Brown Bullhead	<i>Ameiurus nebulosus</i>	invertivore/ herbivore/ carnivore	warm	S5	None	None	X	X	LIO 2019
Brook Stickleback	<i>Culaea inconstans</i>	planktivore/ invertivore	cool	S5	None	None	X	X	LIO 2019
Pumpkinseed	<i>Lepomis gibbosus</i>	invertivore/car nivore	warm	S5	None	None		X	LIO 2019

Species Name	Scientific Name	Trophic Class	Thermal Regime	SRank	ESA Reg. 230/08 SARO List Status	SARA Schedule 1 List of Wildlife SAR Status	Fly's Creek Drain	Gray's Creek Drain	Reference
Iowa Darter	<i>Etheostoma exile</i>	invertivore	cool	S5	None	None	X		LIO 2019
Total Number of Species							10	12	

* Species listed as Sensitive by Mandrak and Bouvier, 2014
 (Coker et al. 2001, DFO 2023, MTO 2006, Page et al. 2013, LIO 2019, OMNRF 2013)

Table Updated: May, 2023

S3: Vulnerable in the nation or state/province due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation.

S5 Secure, Common, widespread, and abundant in the nation or state/province.

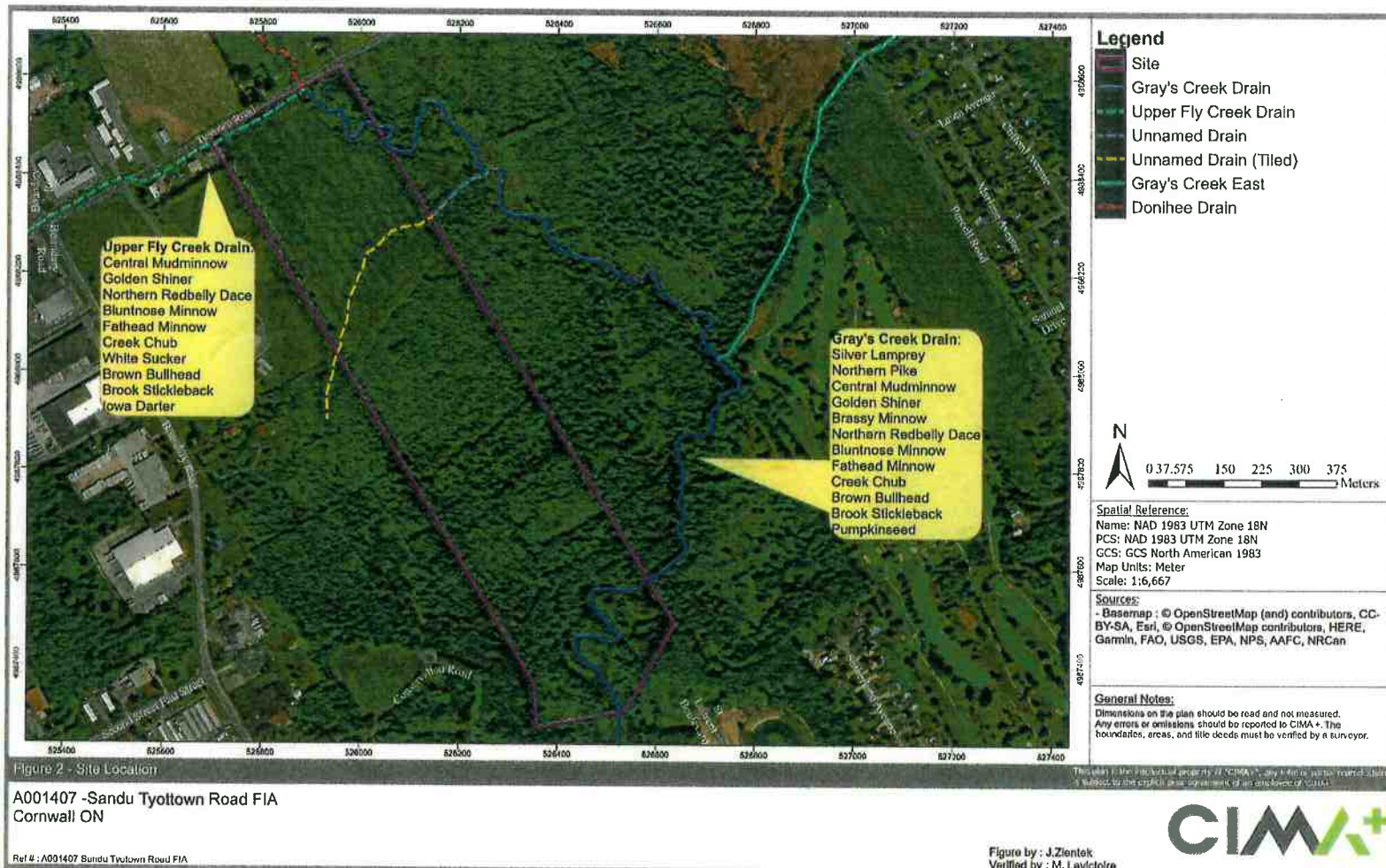
SARA STATUS DEFINITIONS

SC Special Concern: a wildlife species that may become threatened or endangered because of a combination of biological characteristics and identified threats.

SARO STATUS DEFINITIONS

SC Special concern: A species with characteristics that make it sensitive to human activities or natural events.

Figure 3 : Background Fish Community Information



4.2 Survey Dates and Conditions

As mentioned above, one spring visit was completed shortly after being awarded the contract, during which time information on the fish habitat was collected from all watercourses and fish community sampling was undertaken from Upper Fly Creek Drain and the Unnamed Drain. A summary of the time and conditions is provided in Table 2.

Table 2: Summary of Dates, Times, Conditions and Purpose of Site Investigations

Date	Time (h)	Staff	Air Temperature (Min-Max) °C*	Cloud Cover (%) Beaufort Wind Scale [Descriptor (scale)]	Total Rainfall (mm) 7 days prior to visit*	Water Level Conditions*
April 18, 2023	1300-1715	S. Lafrance J. Zientek	6.0 (3.5-9.5)	Overcast (100) Wind: light breeze (2)	4.0 (with 0.2 the day of)	Normal

S. Lafrance – Sophie Lafrance – B.Sc. Biology and graduate diploma in Ecosystem Restoration
 J. Zientek – Jake Zientek – Graduate Diploma, Fisheries and Wildlife Technician

*Min-Max Temp Taken From: Environment Canada. National Climate Data and Information Archive. CCN Cornwall. Available: <http://climate.weatheroffice.gc.ca/> [May 15, 2023].

**Water Level Conditions taken from Raisin Region Conservation Authority <https://rrca.on.ca>

4.3 Fish Habitat and Communities

Three stations were created (Figure 2). One on Upper Fly Creek Drain (fish habitat description and spring fish community sampling), the second on the downstream end of the Unnamed Drain (fish habitat description and spring community sampling), and the third on Gray’s Creek Drain (fish habitat description). The water quality information collected is summarize below ().

Table 3: Water Quality Information

Station Number	Air Temperature (°C)	Water Temperature	pH	Conductivity (us)
1	6.0	11	6	837
2	6.0	10	6	n/a
3	6.0	10	6	n/a

4.3.1 Upper Fly Creek Drain

Upper Fly Creek Drain originates near Pitt Street in the City of Cornwall and is approximately 6.2 km in length. Within this site, it flows on the north end of the property, south side of Tyotown Road. Once it reaches the northeast corner of this property, it empties into Gray’s Creek Drain. The section of Upper

Fly Creek Drain within the site is channelized and is bordered by the road on its north side and a thin windrow on its south bank. A station was created on the downstream end of the channel.



Photo 1: Confluence of Upper Fly Creek Drain (right) and Gray's Creek Drain (left) (April 18, 2023)

4.3.1.1 Station 1

Station 1 began at the downstream end of this system and was 90 m in length (Figure 2). The average channel width and bankfull height were 4.7 m and 58 cm (range: 9-103 cm). The average wetted width and depths of the areas measured in the spring were 3.1 m and 26 cm (range: 0-89 cm), respectively. These depths were averaged over the entire station; however the downstream 15 m was the only location where the water depths reached 89 cm (all other portions were less than 60 cm). The habitat was a glide.

The substrate consisted of fines. The in-water cover was provided by overhanging vegetation (reed canary grass), aquatic vegetation (cattails, and some submergent vegetation), cobbles, and small woody debris. Some of the woody debris created a partial blockage at the upstream end of the station (Photo 4). The station was poorly shaded by red osier dogwood. No signs of erosion were noted.

The top of the banks were fully vegetated with herbaceous and woody vegetation. The most common species were reed canary grass and red-osier dogwood.

During the spring visit (April 18, 2023), the station was electrofished for 1194 seconds over an area of approximately 135 m². Some of the station could only be electrofished from the bank as it was too deep. A total of 19 fish were captured representing 7 species (white sucker, brown bullhead, banded killifish, brook stickleback, pumpkinseed, Iowa, and yellow perch). Additionally, a central mudminnow of approximately 50 mm in size was observed but not captured.

Table 4: Fish Captured at Station 1

Species Name	Scientific Name	Trophic Class	Thermal Regime	Number of Fish Captured (Electrofishing) [size range (mm)]
White Sucker	<i>Catostomus commersonii</i>	invertivore/ detritivore	cool	3 [131-165]
Brown Bullhead	<i>Ameiurus nebulosus</i>	invertivore/ herbivore/ carnivore	warm	1 [172-172]
Banded Killifish	<i>Fundulus diaphanus</i>	invertivore/plankti vore	cool	1 [31-31]
Brook Stickleback	<i>Culaea inconstans</i>	planktivore/inverti vore	cool	2 [50-50]
Pumpkinseed	<i>Lepomis gibbosus</i>	invertivore/carniv ore	warm	9 [89-105]
Iowa Darter	<i>Etheostoma exile</i>	invertivore	cool	1 [59-59]
Yellow Perch	<i>Perca flavescens</i>	invertivore/ carnivore	cool	2 [82-84]
Total				19
Number of Species				7



Photo 2 : Station 1 looking upstream from the downstream end (April 18, 2023)



Photo 3: **Station 1** looking downstream from the upstream end (April 18, 2023)



Photo 4: **Station 1** looking at the partial woody blockage at its upstream end (April 18, 2023)

4.3.1 Unnamed Drain

The unnamed drain originated on the west side of the agricultural field within the site. The drain is now tiled within the site discharging near the eastern edge of the property. From there it travels another 140 m to Gray’s Creek Drain. Roughly 60 m to the east of the property, the channel is crossed by a farm road. The culvert under this road is broken. Water was present above this broken culvert, which may still provide fish passage at certain times of the year. A station was created on the downstream end of the drain, and there were already portions of the drain that were dry (surface water present regularly but not continuously).



Photo 5: No channel within the agricultural field (April 18, 2023)



Photo 6: Looking upstream at the unnamed drain near the edge of the site where the tile drain outlets (April 18, 2023)



Photo 7: Broken culvert at the road crossing (April 18, 2023)

4.3.1.1 Station 2

Station 2 was situated at the downstream end of the unnamed drain and was 40 m in length (Figure 2). This area was considered the “best habitat”. The average channel width and bankfull height were 48 cm and 11 cm (range: 13-16 cm). The average wetted width and depths in the spring were 35 cm and 3 cm (range: 3-6 cm), respectively. The habitat was a glide. The station had dry patches throughout, including its downstream side.

The substrate consisted exclusively of fines. The channel was choked with overhanging vegetation, providing the in-water cover (reed canary grass). No signs of erosion were noted. The top of the banks were almost fully vegetated with reed canary grass.

The drain was not sampled it was too narrow and shallow to access with the dip nets. No fish were observed.



Photo 8: Downstream end of station 2 (April 18, 2023)



Photo 9: Station 2, looking upstream from downstream (April 18, 2023)



Photo 10: Station 2, looking downstream from near its upstream end (April 18, 2023)

4.3.2 Gray's Creek Drain

The upstream end of Gray's Creek Drain begins on the south side of Tyotown Road, near the confluence of the Upper Fly Creek Drain and Donihee Drain. It flows south for approximately 1.5 km where its water merges with that of Gray's Creek Drain East. From here it turns west and flowing another 3.0 km south to the St. Lawrence River. Only the last 0.5 km is called Gray's Creek. The Gray's Creek Drain has a more natural sinuosity than Upper Fly Creek. This channel crosses the property twice, once in the northeast corner and again across the south side. Apart from the portion travelling along the agricultural portion of this property, the riparian habitat consists of natural vegetation (as reviewed from satellite imagery). Station 3 was placed along the portion of the channel that flows through the south portion of the channel.

Note that there was a short watercourse leading into Gray's Creek Drain near the downstream end of Station 3. Information collected from that area is discussed after the description of Station 3.

4.3.2.1 Station 3

Station 3 was situated at the south end of the site, and was 75 m in length (Figure 2). The average channel width and bankfull height were 10.0 m and 87 cm (range: 20-119 cm). The average wetted width and depths in the spring were 8.1 m and 33 cm (range: 0-88 cm), respectively. The maximum depths of over 80 cm were observed throughout this station. The habitat was a mix of glides and pools.

The substrate consisted mostly of fines, with some gravel, and up to 60 cm of unconsolidated organic materials in the pools. The in-water cover was provided by aquatic vegetation (cattails and reed canary grass), overhanging vegetation (reed canary grass), pools, and small woody debris. The station was not well shaded, but dogwood and willows provided the little shade it had. No signs of erosion were noted.

The top of the banks were almost fully vegetated with herbaceous vegetation and woody species. The most common species were reed canary grass, willows and dogwoods. Beyond the banks, the habitat surrounding the station was well forested.

The Drain was not sampled as its fish community is well documented.



Photo 11 : Station 3 looking upstream from the downstream end (April 18, 2023)



Photo 12 : Station 3 looking downstream from near the upstream end (April 18, 2023)

As mentioned above, there was a short watercourse originating from a wetland in the lands to be retained and discharged into to Gray's Creek Drain near the downstream end of Station 3. The tributary was

approximately 200 cm wide and had a maximum depth of 7 cm. Most of the wetland was dry (similar to Photo 13) but one area had roughly 10 cm (no photo available). Both the tributary and the wetland was too shallow to sample, but it and possibly parts of the wetland could be seasonally connected during the early freshet period.



Photo 13: Shallow portion of the wetland feeding the tributary shown below (April 18, 2023)



Photo 14: Connection between the Small Tributary and Gray's Creek Drain (April 18, 2023)

5. Evaluation of Fish Habitat

5.1 Review of Fish Habitat Designation

The site has three watercourses located within it:

- + Upper Fly Creek Drain
- + Unnamed Drain
- + Gray's Creek Drain

The first step of the evaluation was to determine if any of these three features met the definition of fish habitat as defined under the *Fisheries Act* (FA) and require review as directed by the guidelines on the DFO website. There are certain type of waterbodies where DFO review is not required. Generally, these are for projects that will occur on a waterbody that is not connected to fish habitat and does not contain fish at any time of year.

Upper Fly Creek Drain provides direct fish habitat and is anticipated to be warm water based on observations and as the RRCA's watershed report card refers to the Gray's creek Watershed as warm-water (RRCA, 2017). Under the existing condition, there is little woody vegetation within the riparian habitat (i.e., little to no shading). The drain contained several fish species (8 species captured or observed during the spring visit), most of which were common forage fish along with one sport fish and two pan fish. The channel meets the *Fisheries Act* definition and the OP policies to fish habitat apply.

The Unnamed Drain was tiled within the site and this part of the drain does not provide direct fish habitat. The downstream end is connected to Gray's Creek Drain and no physical barriers were present. However, the shallow and narrow channel (average depth in April was 3 cm with maximum depth of 6 cm under Normal Watershed Conditions) would only provide ephemeral habitat. Fish access would be limited to small-bodied, forage fish. The system does provide a contribution of water during the spring and possibly heavy rain events to downstream fish habitat. As such, could be considered indirect fish habitat. Its value to Gray's Creek Drain would depend on the water quality and quantity in relation to that of Gray's Creek Drain. The channel, within the property, does not provide direct fish habitat. However, the contributing water function must be adhered to. The habitat downstream of the tile drain outlet could provide marginal direct fish habitat *Fisheries Act* definition and the OP policies to fish habitat apply.

Gray's Creek Drain provides permanent, direct fish habitat. The DFO NASAR mapping includes the southern portion of the channel (not where it crosses the northeast corner) as potential habitat for silver lamprey. This may be the result of mapping protocol which usually maps to the next reach upstream. The habitat encountered was glide and not suitable spawning habitat for this species (spawning habitat is clean, flowing water over gravel/sand habitat and nursery habitat is downstream of the spawning habitat, in an area where the ammocoetes can bury in the substrate). Unless suitable habitat is found on the Gray's Creek East Drain, it is unlikely that this area provide

important habitat to this species. Gray's Creek Drain meets the *Fisheries Act* definition and the OP policies to fish habitat apply.

Based on the information collected on April 19, 2023, it would appear that the wetland to the north of Gray's Creek Drain, and its outlet (a tributary to Gray's Creek Drain) offered little in the way of fish habitat. However, this would need to be fully assessed during the early spring (closer to snow melt) to confirm lack of fish use during any time of the year.

5.2 Setback Recommendations

The SD&G OP does not refer to any specific guidelines for the determination of appropriate setbacks. For previous projects in this jurisdiction, the province's guidelines described in the *Natural Heritage Reference Manual* (NHRM) (OMNR, 2005) were followed and accepted by the local conservation authorities (who were reviewing the files prior to January 2023). This approach has been chosen as the NHRM document was created to support the PPS, and is the most recent guidelines from the province with recommendation on how to protect fish habitat.

5.2.1 Assessment

From the background review and the information collected on site, the three watercourses have either been confirmed to provide direct fish habitat (Upper Fly Creek Drain and Gray's Creek Drain) are anticipated to provide marginal to no direct fish habitat (downstream portion of the Unnamed Drain). The Unnamed Drain is no longer present within the property itself as they fields have been tiled. All systems are assumed to be warm-water based on the watershed report card for the Gray's Creek Watershed (RRCA, 2017) and the lack of iron staining or watercress observations during the site investigations.

The NHRM indicates that the adjacent lands are considered to be 120m and the recommended minimum natural vegetation cover to be a width of 30 m. This width can be reduced to 15 m on warm-water systems provided that there are no negative impacts to the fish habitat or communities. Under the existing conditions, the setback from the Upper Fly Creek varies from 10-13 m and is as little as 6 m along some portions of Gray's Creek Drain in the northeast corner of the property. The riparian around the southern portion of Gray's Creek Drain through the site is 30 m or over. A setback of 15 m for all three systems, where they exist (i.e., for the unnamed drain this begins on the downstream end of the tile drain outlet), is appropriate provided that the measures listed below are accepted. This is based on the watercourses being well-defined and fish species identified. The fish were all common species and tolerant (as per Mandrak and Bouvier, 2014). The only sensitive species would be the silver lamprey and as discuss above, it is unlikely to be present within these watercourses. If present, it would be restricted to Gray's Creek Drain. This species would be impacted by changes to water quality or quantify, and impacts from habitat fragmentation (i.e., dams, culverts that prevent fish passage) or direct impacts to spawning habitat. If this portion of Gray's Creek Drain provides habitat for the ammocoetes, then

it is not **restrictive** (the entire area visited provided the same habitat type). The reduction of **setback** would not **negatively** impact the silver lamprey from using Gray's Creek Drain.

As per the NHRM (OMNR, 2005), the 15 m setback needs to be measured from:

- + The **high-water** mark – Upper Fly Creek Drain and the Unnamed Drain
- + The high-water mark of a line drawn between the meanders, where present, for the Gray's Creek Drain.

Note that a tentative setback for the **wetland** that was ephemerally connected to Gray's Creek Drain has been included as a conservative approach. It is likely that this wetland and its outlet are indirect fish habitat, but this should be confirmed during freshet conditions. Note that the wetland shown on the figure below is from the provinces database which is not **always** accurate.

The **setbacks** are depicted on Figure 4.

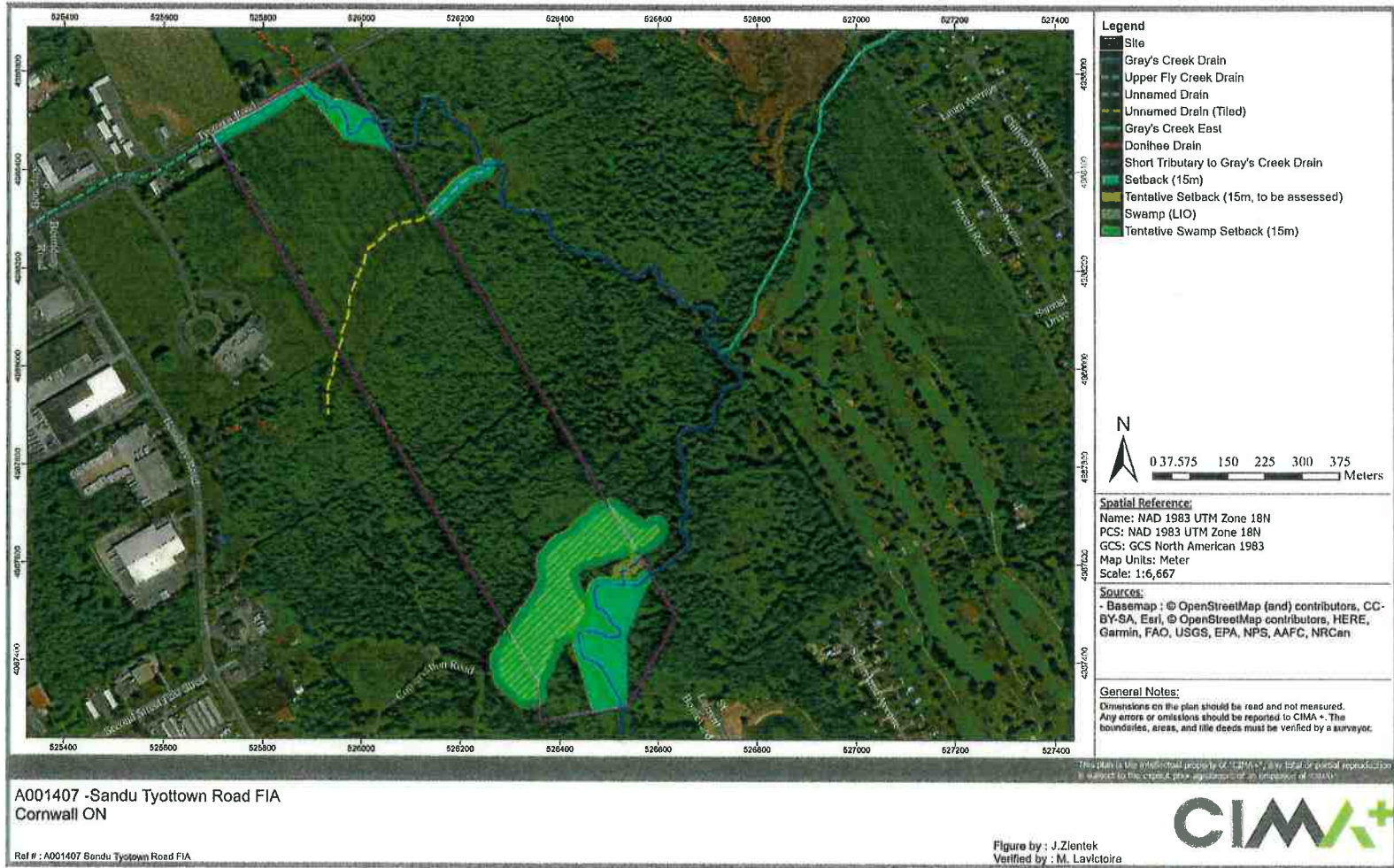
5.2.2 Avoidance and **Mitigation** Measures

The following list of measures is limited to the proposed severance and zoning amendment.

1. The wetland habitat in the lands to be retained should be verified in the early spring (near snowmelt) to confirm that it does not provide fish habitat at any time of the year. This report has assumed that it does not but can not confirm. The location of the wetland, as **delineated** by the province mapping, along with a 15m setback is **depicted** on the figure below.
2. Clearly indicate on any drawings, site plan that Upper Fly Creek, the **downstream** end of the Unnamed Drain and Gray's Creek Drain are fish habitat.
3. No impacts to any of the three watercourses below the high-water mark can occur without having the works/undertakings/activities reviewed by DFO. This typically required a Request for Review application that is completed by a fisheries biologist.
 - o Note that this also signifies that no grading or redirecting of water should occur until assessed and approved.
 - o This condition would apply to the wetland and its outlet until it can be confirmed that it is not fish habitat.
4. **When** planning the **development** ensure that a 15m buffer is applied to all watercourses as per the figure herein. If crossings are required, these would be an example of activities that would required review by DFO (see bullet 2).
5. The **Raisin Region Conservation** Authority needs to be contacted for a permit under their regulation prior to any **alterations** to waterways.
6. Any stormwater management (SWM) facility will be:
 - o created offline (designed to not allow fish to swim into it from downstream fish habitat);
 - o **designed** to ensure that the contribution of water quantity and quality pre- and post-construction remain similar to each channel; and

- designed to meet the Ministry of Environment, Conservation and Parks (MECP) enhanced water quality treatment.
7. A vegetation planting plan be created for the setbacks that are within the property. These would include a mix of herbaceous, and woody (shrubs and trees) throughout. The species selected are to be native and suitable for the area. This must be undertaken in any section where the setback is reduced from 30 m to 15 m (unless it is for such things as a road crossing).

Figure 4: Proposed Setback for the Watercourses Present on- and off-Site.



A001407 -Sandu Tyottown Road FIA
Cornwall ON

Ref #: A001407 Sandu Tyottown Road FIA



6. Conclusion

As per our mandate, the property was investigated and it was confirmed that there were three watercourse features, the Upper Fly Creek Drain, the Unnamed Drain and Gray's Creek. However, the Unnamed Drain was not present on the property, it began immediately to the east, **downstream** of the outlet of the file drain. Further, a wetland and its outlet is located in the retained lands. While it appeared to only provide indirect fish habitat, this could not be confirmed due to the time of year (mid-April).

A review of the habitat and species finds that a setback of 15 m from all three warm-water systems is **appropriate** if the **measures** listed in the section above are followed. Namely, the planting of native species within the buffer and reviewing any feature development for potential direct or indirect impacts to fish and fish habitat.

I trust that this report will meet your requirements. Should you have any **questions or comments**, please contact Michelle Lavictoire at (343) 576-3780 or Michelle.Lavictoire@cima.ca.

7. References

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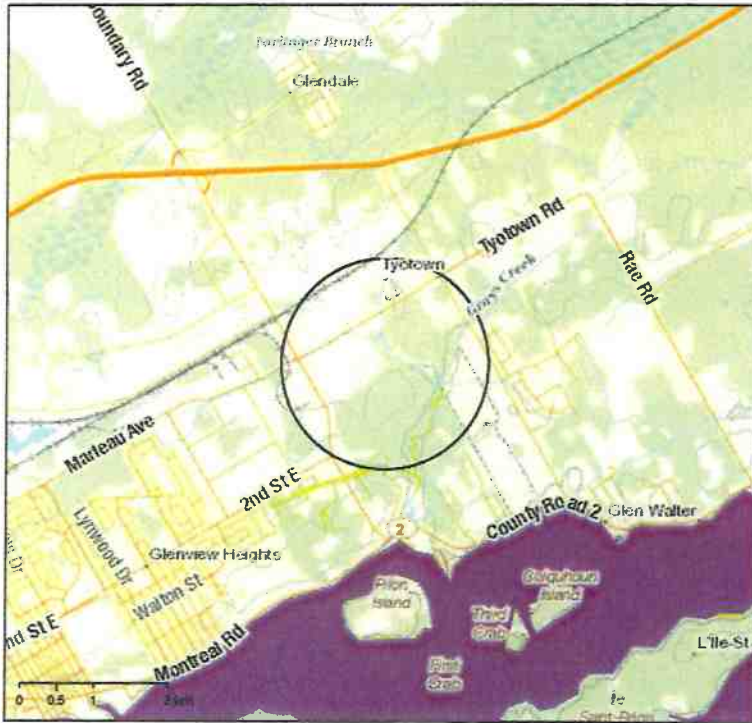
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Aquatic Species at Risk Report



One or more aquatic species listed under the Species at Risk Act are found (or potentially found) within the coloured areas.

-  Critical Habitat
-  Extirpated, Endangered, or Threatened
-  Special Concern

How to use this information:

1. The map and species list are intended to provide a general overview of aquatic species at risk and their critical habitat that may occur within the mapped area.

2. To assess your project go to:
www.dfo-mop.gc.ca/onw-ppo/index-eng.html

If you encounter an aquatic species at risk in an area that is not currently mapped, please notify your regional Fisheries Protection Program office to ensure that you are compliant with the Species at Risk Act.
The official source of information for species at risk is the Species at Risk Public Registry www.sararegistry.gc.ca

To protect fish and fish habitat, including aquatic species at risk, their residences, and their critical habitat, efforts should be made to avoid, mitigate and/or offset harm. Following the measures to avoid harm will help you comply with the Fisheries Act and the Species at Risk Act.

Critical habitat for these species is found within the outlined area

Critical habitat is identified in recovery strategies or action plans for species listed under Schedule 1 of the Species at Risk Act as extirpated, endangered or threatened.

Name	Where Found	Species Status
No critical habitat		

Species found (or potentially found) within the outlined area

Name	Where Found	Species Status
Silver Lamprey - Great Lakes - Upper St. Lawrence	St. Lawrence River/Fleuve Saint-Laurent	Special Concern