

HEDLEY, McLACHLIN & ATTEMA

Barristers - Solicitors - Notaries Public

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311 Broad Street East
Dunnville, Ontario
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January 16, 2025

The Corporation of Haldimand County
53 Thorburn Street South
Cayuga, Ontario
N0A 1E0

Dear Sir/Madam:

**Re: Minor Exception Permit Application
Forest Conservation By-law 2204/20
Applicant: 5038743 Ontario Inc.
Property: Lots 2, 3, 4 Plan 1407, Part 1 Plan 18R7797; George Street, Dunnville, ON**

We are the solicitors for 5038743 Ontario Inc., the owner of the above noted property. We are submitting this correspondence in support of an application for a minor exception permit to Forest Conservation By-law 2204/20 in connection with the above noted property.

The enclosed application is submitted on a without prejudice basis, out of a desire to work with the municipality in connection with the issues to which the application relates. The owner does not acknowledge that the trees located on the subject premises are of sufficient density to meet the definition of "woodlands" within the meaning of Paragraph 1.28 of the Forest Conservation By-law and also is of the position that the proposed removal of trees falls within the exemption contained in Paragraph 5.9 of the bylaw such that it does not require a minor exception permit.

Notwithstanding the foregoing, the enclosed application is submitted. It is submitted that a minor exception should be granted for removal of the trees in question on the basis of the following:

1. The primary purpose of removal of the trees is to facilitate the assessment of the drainage of the property and the construction of new drainage works on the property, both to improve the drainage of the property in its present condition and also with respect to the future development of the property;
2. The property is the proposed location of residential development. The property is zoned D(Development Zone) under the municipal zoning bylaw and is designated under the Haldimand County Official Plan as an area targeted for future residential development. Properties for which a development application are pending are an exemption to the Forest Conservation By-law, as forestry concerns are to be addressed as part of the development process. While no formal development application has been submitted at the present time, the owner is in discussion with the Planning Department for Haldimand County with respect to a development application encompassing the entire property;
3. The purchaser corporation is affiliated with the corporate owners of the property immediately to the east of the subject lands and also to the south of Cross Street West, Dunnville, Ontario and immediately opposite the subject lands. The said corporations affiliated with the applicant have entered into an External Works Development Agreement with the municipality to address, among other things, drainage of the subject property and other property in the area;
4. The applicant requires utilization of cleared space on the subject property to accommodate the development of the adjoining lands, the storage of soil, materials and the location of a temporary site trailer or other office;

5. The subject property is adjacent to existing residential development and removal of the trees will mitigate potential risk due to fire.

The applicant respectfully requests that discretion be exercised by council pursuant to and following the guidelines published by the County with respect to minor exceptions under the Forest Conservation By-law. The applicant further requests relief from the ordinary financial requirements with respect to afforestation for the following reasons:

1. The property is a location marked for and intended for future development and any forestry considerations or afforestation obligations can be addressed as part of the development process; and
2. The primary purpose of removal of the trees is to facilitate construction of drainage works, which are an exemption to the requirement for a permit or minor exception under the Forest Conservation By-law.

Thank you for your attention to this correspondence.

Yours very truly,

Hedley, McLachlin & Attema



Michael J. McLachlin

MM:mk