

April 20, 2021

Dear Members of Council,

**Re: ZBLA2021/04-Proposed Zoning By-law Amendment at Villeneuve Court**

We provided a brief letter for the April 6 Council meeting to express specific concerns. Given the dynamic we observed at the beginning of the April 6 Council meeting, we are really concerned how this issue is being dealt with by some Council members. We fear these discussions are being driven by personal interests rather than the best interest of the municipality. Discussions up to date (March 8, March 16, and April 6 meetings) have not considered our concerns despite providing numerous letters. We feel that as a community coalition of taxpayers, we are not being heard.

For the reasons mentioned above we feel compelled to provide this letter to express our concerns with the following items being tabled for the Council meeting of April 20, 2021:

- **D-1 Proceed into closed meeting to discuss the following:**
  - a proposed or pending acquisition or disposition of land by the municipality or local board;
  - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; (i) Sale of land on Villeneuve Court (west side)
- **E-1(a) Sale of land on Villeneuve Court (west side) (carried from Apr-6th mtg)**

***General Requests to Council Members***

As tax-paying property owners in the area of Villeneuve Court, Bay Street, and Delorme Road in West Nipissing, we ask:

- That Council members Mayor Joanne Savage, Lise Senecal, Dennis Senecal, Yvon Duhaime, specifically who voted in favour of the zoning amendment from R1 to M1, initiated by Ed Seguin and Sons Trucking and Paving Ltd., reconsider their position regarding the sale of the municipal land;
- That Mayor Savage provide leadership in having Council carefully consider all aspects of this issue as per the Code of Conduct (*Please refer to the supplementary documents provided to March 16 and April 6 Council meetings.*);
- That Council strengthens its decision-making capacity by adopting open and transparent processes, encouraging public engagement on issues such that decisions are based on evidence and reflect the best interest of the municipality (e.g. all taxpayers). See Annex 1 for more information on how to improve the decision-making process to benefit the municipality.

***Concerns with Close Session Council Meetings***

We are quite concerned with the upcoming closed session meeting. Based on the wording, such as “litigation or potential litigation” creates an impression that this item may serve as a means to pressure Council into taking a decision that is not in the best interest of the municipality. This will have an impact on the related agenda item scheduled to be discussed in the open session. We ask the Council to

consider moving the discussion to the open session in the spirit of openness and transparency. This will allow the public to hear the arguments to better understand the decision-making process and ensure accountability. We are also concerned that there have been a number of close sessions meetings related to this issue.

***Concerns with Re-zone Application and Direct Sale of Land***

We, the property owners in the Villeneuve Court, Bay Street, and Delorme Road areas, oppose the previous application filed by Ed Seguin and Sons Trucking and Paving Ltd., to rezone areas R1 to M1. Furthermore, we have concerns with the application and request that the application to purchase residential land with suspected intentions to re-zone it to industrial, be denied based on the following grounds:

- **MISLEADING INTENTIONS:** The zoning amendment was defeated at the March 16, 2021, West Nipissing Council meeting. The applicant is now requesting to purchase the residential land "as is" through a direct sale. We are concerned since this applicant has demonstrated the intention to re-zone this land to industrial. The original agreement of purchase included a condition to re-zone and should be considered expired.
- **LAND DISPOSITION IN ACCORDANCE TO MUNICIPAL BY-LAW:** When reviewing the process for the disposition of municipal land, a direct sale should only be entertained if Council feels that no one else is interested in the land. In this case, the Villeneuve Court residents have demonstrated a third expression of interest. Currently, with the multiple parties interested in the purchase of this land, it should be offered for sale through a public tender. Presently, there is a true impression that Council is not considering the concerns of all taxpayers. We ask that Council review the benefits of the West Nipissing community and all stakeholders. Please refer to our letter submitted for the April 6 Council meeting.
- **UNRESOLVED DRAINAGE ISSUES:** During the March 16th Council meeting, the drainage seems to have been used as a bargaining chip to encourage members to vote in favour of the zoning amendment. The applicant's presentation offered to fix the drainage issues for free. It is important to note that recent development on the applicant's property in 2018 actually caused the drainage issues. This is well documented in the package for the March 8 Planning Advisory Committee meeting. We believe the municipality has a role to play in supporting taxpayers to enjoy their property by regulatory tools such as enforcing by-laws. The drainage issues are impacting several neighbouring properties.

We believe the applicant is also in contravention of several provisions in the Property Standards By-law 2001/71. Should the municipality not compel the applicant to rectify drainage issues before entertaining any application to purchase land? With certainty, we strongly believe that drainage should NOT be used as bargaining since it was an issue caused by the applicant. To quote Councillor Lise Sénécal "the developer (applicant) did what they had to do". In fact, the applicant is a corporation that has expertise in drainage work and should have considered drainage rather than blocking the historical drainage system that caused and continues to cause unnecessary hardship to neighbouring property owners.

- **SAFETY CONCERNS:** The impact on the local residents goes beyond some of the obvious concerns. According to excerpts from the West Nipissing Official Plan for the Industrial Areas, “access should be controlled through such measures as definable and curbed access points, shared access or service roads for multiple developments, prescribed spacing, and a number of access points to each other and to intersections.” Currently, the number of trucks traveling to and from the Seguin property, as well as the number of access/exit points from this property are all safety concerns. Furthermore, “Access to industrial areas shall not be permitted through a residential area. Areas for outdoor storage, parking, loading, and waste receptacles should be visually screened or appropriately located in such a way as to not detract the traveling public or negatively affect other nearby land uses, particularly sensitive land uses.” This is clearly not evident with the Seguin property.

### ***Impacts on the Community***

The tax-paying property owners request that council consider the unfavourable circumstances that area property owners would face and the immediate and future impact this would have on the community:

- **LOSS OF PROPERTY VALUE:** The loss of the value of the properties and the quiet enjoyment of property are great concerns as well. With inadequate noise barriers, the residents fear that the value of the property will be further diminished. The buffer originally proposed was inadequate, and the construction of the proposed drainage plan would eliminate most of the nearby vegetation including trees. It would take several decades before trees are mature enough to be somewhat effective at attenuating some level of sounds.
- **HOUSING:** Careful consideration should be given to the decision regarding the best use of land and the best value for the community. The West Nipissing Economic Development Plan highlights housing as the number one priority for our community. We are concerned that the applicant is acquiring valuable residential land near the core of the town. The applicant did not provide a plan for the development of this land. With the omission of this plan, the applicant has failed to demonstrate the value for the community.
- **POTENTIAL OF ATTRACTING TALENT FOR ECONOMIC GROWTH:** Since the beginning of the pandemic, most people have been working from home. People from larger cities are increasingly looking for alternative and affordable living options that allow them to live in better harmony with nature. West Nipissing can position itself as an attractive small-town community for people that can live and work while enjoying the outdoors.

This can be an attractive proposition for many in southern Ontario. This influx of population with high-paying jobs would drive economic development in West Nipissing. These new citizens would provide many other benefits such as community involvement. For this to be successful, public opinion on the municipality’s governance needs to improve and decision-making needs to be in the best interest of the community. People want to live in an environment where citizens are treated with respect and fairness, where taxpayers' concerns are heard, and decisions are evidenced-based with the community in mind.

- **TAX REVENUES:** Additionally, Council would want to consider the loss of tax revenues if the surrounding properties depreciate in value. Alternatively, the possibility of the tax benefits from a residential development would outweigh the revenues generated from a parking lot or a warehouse with two trucks a day traffic.

### ***Calling for Greater Transparency***

We think it's important to highlight the benefits of greater openness and transparency. We are very concerned with the numerous closed-door sessions of Council for this issue in the last few years. Resulting from the proceedings before the zoning amendment application and the purchase agreements that have been entertained with respect to the disposition of these lands, residents are increasingly concerned about the conduct of Council and are correspondingly demanding increased transparency.

See Annex 1 for excerpts from a document published by the Information and Privacy Commissioner of Ontario - September 2016. It outlines key concepts and benefits of applying an Open Government approach. Section 4 on page 7 of the document provides a list of benefits of public engagement. A growing number of municipalities across Canada, including Sudbury, are taking an open government approach to increase civic engagement and improve governance for the best interest of their municipality. See the growing list of municipalities that have committed to being open: <https://open.canada.ca/en/maps/open-data-canada>

### ***Our Expectations of Council Members***

We urge council members to go beyond your differences of the typical 4-4 split and do what is right for the municipality. As elected members of this municipality, you have been elected by the people for the people. We do not feel that allowing the applicant to acquire prime residential land for storage buildings to be the best use of land or in the best interest of the municipality. We would ask you to use empathy and consider the impacts on our community. We need to make sure the benefits outweigh the negative consequences. The information that has been shared with the public does not include any benefits the applicant intends to bring to the community or the municipality in terms of economic development.

We have spent the better part of our lives on Villeneuve Court, Bay St, and or Delorme Road. In response to Lise Sénécal's comments, it is not easy to "just move somewhere else". These are our homes, a place we chose to raise our children and/or a place to retire. Furthermore, at the time of purchase in the early 1990s, Villeneuve Court residents were promised a park and reassured by the vacant lot zoned residential that was owned by the municipality. By changing this vacant land to industrial, Lise Sénécal should not claim that "we knew what we were getting into".

We hope that you will consider our concerns and the consequences your decision may have on the community. West Nipissing has so much potential for growth if we all work together with the common goal of making this a better community.

Sincerely,

Concerned residents from the community coalition for good municipal planning in West Nipissing

See signatures on the next page.

Letter to Council Dated April 20, 2021

Re: ZBLA2021/04-Proposed Zoning By-law Amendment at Villeneuve Court

Name Printed	Address	Signature
Hélène Leblanc	120 Bay Sturgeon Falls	Hélène Leblanc
Pierre Leblanc	120 Bay Sturgeon Falls	Pierre Leblanc
RAYMOND LAMB	11-VILLENEUVE CRT.	Raymond Lamb
TAMMY LAMB	11-VILLENEUVE CRT	Tammy Lamb
Angèle Lavergne	19-Villeneuve CRT	A Lavergne
Michel Lavergne	19-Villeneuve CRT	Michel Lavergne
NANCY HILL	7 VILLENEUVE CRT	Nancy Hill
GARNET HILL	7 VILLENEUVE CRT	Garnet Hill
STAN SERVICE	24 VILLENEUVE CRT	Stan Service
BILL CRAWFORD	23 VILLENEUVE CRT	Bill Crawford
Gilles LeDuc	18 Villeneuve CRT	Gilles LeDuc
PAULINE BROUSE	18 Villeneuve CRT	Pauline Brouse
Natasha Delorme	Kelchurth St	Natasha Delorme
Karen Robyge	2 Villeneuve CRT	Karen Robyge
Yves Robyge	2 Villeneuve CRT	Yves Robyge
EMILIE	5 VILLENEUVE CRT	Emilie
Elaine Malette	5 VILLENEUVE CRT	Elaine Malette
Russel Fomuniv	14 VILLENEUVE CRT	Russel Fomuniv
FRANÇOIS RIVEST	20 Villeneuve CRT	François Rivest
GISELE BLAIS-RIVEST	20 Villeneuve CRT	Gisele Blais-Rivest
CHRISTINE MITT	10 Villeneuve CRT	Christine Mitt
Henry Kraft	10 Villeneuve CRT	Henry Kraft
STACEY MALETTE	15 VILLENEUVE CRT	Stacey Malette
Andre Malette	15 Villeneuve CRT	Andre Malette



## Open Government: Key Concepts and Benefits

September 2016



Information and Privacy  
Commissioner of Ontario

Commissaire à l'information et à la  
protection de la vie privée de l'Ontario

# 1. INTRODUCTION

The Office of the Information and Privacy Commissioner of Ontario (IPC) is a strong supporter of Open Government because it enhances transparency of government actions and decisions, accessibility of government services and information, and public participation.

The purpose of this paper is to provide institutions covered by the *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* with an introduction to some of the key concepts and benefits of Open Government. It is intended to act as a starting point for institutions considering Open Government by highlighting two critical goals: enhancing access to government-held information and public participation.<sup>1</sup>

## 2. WHAT IS OPEN GOVERNMENT?

The concept of Open Government is based on the core belief that the public has the right to access the records and proceedings of government.<sup>2</sup> Governments around the world are recognizing Open Government as an essential ingredient for democracy.<sup>3</sup>

Two significant and far-reaching goals of Open Government are to:

- improve the quality of governance and services by becoming more transparent, more accountable, and more responsive to the public<sup>4</sup>
- enable the public to make better and more informed decisions, resulting in an improvement to the quality of their lives<sup>5</sup>

Three broad terms are widely used to describe its key aspects:

1. **Open Data** is the proactive release of government data<sup>6</sup> in free, accessible and machine readable formats,<sup>7</sup> to encourage its use by businesses, the public and government
2. **Open Information** is the proactive release of information<sup>8</sup> about government programs, services and operations to improve transparency and accountability and increase public understanding and engagement

1 In this paper the term government-held information is used to mean both data and information. When appropriate to the context the term data is specifically referenced.

2 Treasury Board of Canada Secretariat, "Directive on Open Government" (online), modified October 9, 2014.

3 Organization for Economic Cooperation and Development (OECD), *Modernising Government: The Way Forward* (Paris: OECD, 2006), 28, as cited in Carter Center, *Access to Information: Building a Culture of Transparency - Jamaica* (Atlanta: The Carter Centre, June 2006), 133.

4 Open Government Partnership, "Mission and Strategy" (online), accessed July 8, 2016.

5 Gwanhoo Lee and Young Hoon Kwak, IBM Center for the Business of Government, *An Open Government Implementation Model: Moving to Increased Public Engagement* (Washington, D.C.: IBM Center for the Business of Government, 2011), 11-12.

6 Data is raw, unorganized facts and figures that need to be processed. For example, a database containing a collection of numbers.

7 Machine-readable means the data is in a format that can be easily read, written, parsed and displayed by a computer.

8 Information is processed, organized data. For example, an analysis of numbers in a database that organizes that data so it is understandable and reveals its meaning and context.



## 4. ENHANCING PUBLIC ENGAGEMENT

A central objective of Open Government is to support and empower the public to make informed decisions, better engage with the government and have a more active voice in society. By enabling the public to observe the workings of government, Open Government helps them hold it accountable. In addition, enhanced public participation can result in more informed and better government policies, practices and decisions, and in more responsive, innovative and effective governance and services.

All levels of government recognize that many complex policy and program issues require the collective knowledge and creativity of government, civil society, business and the public.<sup>35</sup> In particular, the inclusion of underrepresented constituencies in policy and program development, implementation and evaluation can improve decision-making, transparency and accountability.<sup>36</sup>

Public engagement can take many forms — from a one-way dissemination of information to public consultation and collaboration where solutions are developed together. The goals of engaging the public as part of Open Government include:

- **Informing the public:** let the public know about issues, changes, resources and policies
- **Exploring an issue:** help the public to learn about a topic or problem
- **Transforming a conflict:** help resolve disagreements and improve relations among groups
- **Obtaining feedback:** understand stakeholders' and the public's view of an issue, problem or policy
- **Generating ideas:** help create new suggestions and alternatives
- **Collecting data:** gather information about stakeholders' and the public's perceptions, concerns, needs, values and interests
- **Identifying problems:** get information about current and potential issues
- **Building capacity:** improve the community's ability to address issues
- **Developing collaboration:** bring groups and people together to address an issue
- **Making decisions:** make judgments about problems, alternatives and solutions<sup>37</sup>

<sup>35</sup> United Kingdom Cabinet Office, *Open Government Partnership - UK 2013 Draft National Action Plan* (London: Crown Copyright, June 2013), 8.

<sup>36</sup> UNDESA, *Citizen Engagement*, 20-21.

<sup>37</sup> Tina Nabatchi, IBM Center for the Business of Government, *A Manager's Guide to Evaluating Citizen Participation*, (Washington, D.O.: IBM Center for the Business of Government, 2012), 10.