

**TOWN OF NORTH RUSTICO  
SPECIAL COUNCIL MEETING AGENDA  
WEDNESDAY DEC 4, 2024, AT 10:00AM  
TOWN OFFICE, 106 RIVERSIDE DRIVE**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Declarations of Conflict of Interest**
- 4. Requests for Decision**
  - 4.1 RFD 2024-11-048 Bylaw 2024-02 Tax Rate Groups Bylaw
  - 4.2 RFD 2024-12-052 Application for Funding for Canada Day
  - 4.3 RFD 2024-12-053 Application for Funding for Canada Summer Jobs
  - 4.4 RFD 2024-12-054 Request for Variance for Shed 1728 7354 Cavendish Rd
  - 4.5 RFD 2024-12-055 Commercial Application 1727 7236 Cavendish Rd
- 5. Appointments to Committees- Fundraising Committee**
- 6. Next Meeting Date – Monday January 6, 2025, at 6:00PM**
- 7. Adjournment**

**Town of North Rustico  
Special Council Meeting Minutes  
Thursday December 4<sup>th</sup>, 2024 at 10:00 AM**

**PRESENT:**

**Mayor  
Councilors**

Heather McKenna  
Margaret Goulding, Donna Coll, David LeClair,  
Linda McFalls, and Michelle Pineau  
Grace Constantine, Stephanie Moase

**Staff**

**Regrets**

**Other**

**1. CALL TO ORDER**

Mayor Heather McKenna called the meeting to order at 10:02am

**2. APPROVAL OF THE AGENDA**

It was moved by Councilor Michelle Pineau and seconded by Deputy Mayor David LeClair that the agenda be approved as presented.

**(5-0) MOTION CARRIED  
(2024-12-130)**

Mayor Heather McKenna welcomed new council member Linda McFalls to the meeting.

**3. DECLARATIONS OF CONFLICT OF INTEREST**

Nil

**4. REQUESTS FOR DECISION****4.1 RFD 2024-11-048 Bylaw 2024-02 Tax Rate Groups Bylaw**

Councillor Margaret Goulding read the RFD

The new tax rate groups must be completed and provided to PEI Tax and Land prior to December 31<sup>st</sup>, 2024, and will come into effect for the 2025 tax year.

**Whereas** Section 160 (1) and (2) of the *Municipal Government Act*, allows a municipality, by bylaw, to set property taxation rates and create tax rate groups for the purpose of raising revenue in accordance with the Real Property Act and Real Property Tax ;

**And whereas** Bylaw # 2024-02 Tax Rate Groups Bylaw was written to add the requested new Tax Rate Groups for Council;

**And whereas** Bylaw # 2024-02 Tax Rate Groups Bylaw will repeal and replace Bylaw 2020-07 Tax Rate Groups Bylaw;

**And whereas** Bylaw # 2024-02 Tax Rate Groups Bylaw was read and approved for a first time at the Nov 12, 2024 Regular Council meeting;

**Be it resolved** that Bylaw # 2024-02 Tax rate Groups Bylaw be hereby read a second time.

Moved by Councillor Margaret Goulding  
Seconded by Councillor Donna Coll

**(5-0) MOTION CARRIED  
(2024-12-131)**

**Whereas** Bylaw # 2024-02 Tax Rate Groups Bylaw was read and approved for a first time at the Nov 12, 2024 Regular Council meeting;

**And whereas** Bylaw # 2024-02 Tax Rate Groups Bylaw was read for a second time at the Dec 4, 2024 Special Council meeting;

**Be it resolved** that the second reading of Bylaw # 2024-02 Tax Rate Groups Bylaw be hereby approved.

Moved by Councillor Maragret Goulding  
Seconded by Councillor Michelle Pineau

**(5-0) MOTION CARRIED  
(2024-12-132)**

**Whereas** Bylaw # 2024-02 Tax Rate Groups Bylaw was read and approved at two separate meetings of Council held on different days;

**Be it resolved** that Bylaw # 2024-02 Tax Rate Groups Bylaw be hereby approved and formally adopted.

Moved by Councillor Donna Coll  
Seconded by Councillor Margaret Goulding

**(5-0) MOTION CARRIED  
(2024-12-133)**

#### **4.2 RFD 2024-12-052 Application for Funding for Canada Day**

It was moved by Councillor Donna Coll and seconded by Councillor Margaret Goulding that Council approve the CAO to apply to Canadian Heritage for Canada Day funding in the amount of \$48,000 to support Canada Day events in the Town of North Rustico..

**(5-0) MOTION CARRIED  
(2024-12-134)**

#### **4.3 RFD 2024-12-053 Application for Funding for Canada Summer Jobs**

It was moved by Councillor Donna Coll and seconded by Councillor Michelle Pineau that council approve CAO Stephanie Moase to apply for funding from Canada Summer Jobs for up to 2 students to work for the Town for the summer of 2025.

**(5-0) MOTION CARRIED  
(2024-12-135)**

#### **4.4 RFD 2024-12-054 Request for Variance for Shed 1728 7354 Cavendish Rd**

Councillor Donna Coll read the RFD. Council discussed the reasons for granting a variance from the Zoning and Sub-division Bylaw section 19.

It was moved by Councillor Donna Coll and seconded by Councillor David LeClair that the request for a variance of 55% to allow a shed at 7354 Cavendish Road be denied.

**(5-0) MOTION CARRIED  
(2024-12-136)**

**4.5 RFD 2024-12-055 Commercial Application 1727 7236 Cavendish Rd**

Councillor Donna Coll read the RFD. It was noted that the building is currently legal non-conforming and the addition must not increase the non-conformance.

It was moved by Councillor Donna Coll and seconded by Councillor Margaret Goulding that the commercial application 1727 for 7236 Cavendish Road for an addition to a commercial building be approved.

**(5-0) MOTION CARRIED  
(2024-12-137)**

**5. APPOINTMENTS TO COMMITTEES – FUNDRAISING COMMITTEE**

It was moved by Councillor Donna Coll and seconded by Councillor Michelle Pineau that council appoint Mary Jane Ready to the Fundraising Committee.

**(5-0) MOTION CARRIED  
(2024-12-138)**

**6. NEXT MEETING– Regular Council Meeting Monday January 6<sup>th</sup>, 2025, 6:00pm**

**7. ADJOURNMENT**

It was moved by Councillor Michelle Pineau and seconded by Councillor Margaret Goulding that there being no further business the meeting be adjourned at 10:35am.

**(5-0) MOTION CARRIED  
(2024-12-139)**

\_\_\_\_\_  
Mayor Heather McKenna

\_\_\_\_\_  
Date

\_\_\_\_\_  
CAO Stephanie Moase

\_\_\_\_\_  
Date

**Town of North Rustico Council  
REQUEST FOR DECISION**

**Topic:** Approval of Bylaw 2024-02 Tax Rate Groups Bylaw

<b>Date:</b> Nov 8 2024	<b>Request No:</b> 2024-11-048 <i>(Office Use Only)</i>
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<b>Person:</b> CAO Stephanie Moase	<b>Representing:</b> Town of North Rustico
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<b>Background</b> In early 2024, while reviewing the upcoming 2024/25 budget, Council identified the need to create different tax rate groups. New tax rate groups must be completed and provided to PEI Tax and Land prior to Dec 31. At the March 14 2024 Special Council meeting it was requested by Council for the new tax rate groups to be created to take effect for the 2025 tax year.
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<b>Request:</b> Council to approve the 2024-02 Tax Rate Groups Bylaw
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<b>Advantages</b>	<b>Disadvantages</b>
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<b>Required Resources:</b>	
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<b>Staff Comments</b>	
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<b>CAO's Review / Comments</b>	
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**Town of North Rustico  
Tax Rate Groups Bylaw  
Bylaw No. 2024-02**

A bylaw to establish tax rate groups in the Town of North Rustico.

This Bylaw is made under the authority of the *Municipal Government Act*, R.S.P.E.I. 1988, Cap. M-12.1 and the *Real Property Tax Act*, R.S.P.E.I. 1988, c R-5.

BE IT ENACTED BY THE COUNCIL OF THE TOWN OF NORTH RUSTICO as follows:

**1. Title**

1.1. This bylaw may be cited and referred to as the "Tax Rate Groups Bylaw."

**2. Scope**

2.1. This bylaw applies to all real property within the boundaries of the Town that is liable each calendar year to taxation by the Town.

**3. Definitions**

3.1. In this Bylaw:

- (a) "Act" means the *Municipal Government Act*, R.S.P.E.I., 1988 Cap. M012.1, as may be amended from time to time, or any successor act;
- (b) "Council" means the mayor and other members of the Town's Council;
- (c) "Resident Person" means a person who resides in the province for 183 consecutive days or more each taxation year.
- (d) "Non-Resident Corporation" means a corporation wherein 50% or more of the voting shares of the corporation are not held by persons who qualify as residents pursuant to subsection (f) above.
- (e) "Tax rate group" means, in accordance with section 159 of the Act, commercial or non-commercial real property in a municipality that has similar specified attributes, such attributes include, but are not necessarily limited to:
  - (a) access to municipal services not available in other areas of the municipality;
  - (b) access to a higher level of municipal services than that available in other areas of the municipality;
  - (c) geographic location in the municipality;
  - (d) property use; or
  - (e) property ownership.
- (f) "Town" means the Town of North Rustico.

**4. General**

4.1. Council, through this bylaw, establishes tax rate groups within the Town of North Rustico and may apply different tax rates to each group.

## **5. Tax Groups**

5.1. The Town hereby establishes under this bylaw, the following Tax Rate Groups:

- (a) non-commercial, resident;
- (b) non-commercial, non-resident person/corporation;
- (c) multi-unit buildings, resident person/corporation;
- (d) multi-unit buildings, non-resident person/corporation; and
- (e) commercial.

## **6. Establishing Group Rates**

- 6.1. The tax rates for each Tax Rate Group shall be established by resolution of Council on an annual basis prior to March 31<sup>st</sup>.
- 6.2. A description of each Tax Rate Group is included in Schedule "A" hereto annexed and forms part of this Bylaw.

## **7. Notification**

- 7.1. Council shall notify the Provincial Tax Commissioner in writing regarding rate or rates of taxation to be set for the period of January to December prior to March 31 of the year to which rates apply.
- 7.2. Where the Town is restructured, Council shall notify the Provincial Tax Commissioner of the restructuring on or before September 30 of the preceding calendar year.
- 7.3. Where Council has established or changed a Tax Rate Group, Council shall notify the Provincial Tax Commissioner on or before December 31 of the preceding calendar year.

## **8. Restrictions on Rate Setting**

- 8.1. Council shall not approve a change to a tax rate to take effect at any time except on January 1 of the year in which the new tax rate applies.
- 8.2. Council shall not approve a change to a tax rate to apply for a period of time less than a full calendar year.

## **9. Enforcement**

- 9.1. The Minister of Finance collects and is responsible for enforcing the collection of taxes on behalf of the Town.

## **10. Severability**

- 10.1. If any provision in this bylaw is deemed to be invalid for any reason, then that provision shall be severed from this bylaw and all remaining provisions shall remain valid and in force.

**11. Repeal**

11.1. All previous bylaws of the Town pertaining to tax rate groups are hereby repealed including, without limitation, the Tax Rate Groups Bylaw, Bylaw #2020-07.

**12. Effective Date**

12.1. The Tax Rate Groups Bylaw, Bylaw #2024-02 shall be effective on the date of approval and adoption below.

**First Reading:**

This Tax Rate Groups Bylaw, Bylaw No. 2024-02, was read a first time at the Council meeting held on the 12<sup>th</sup> day of November 2024.

This Tax Rate Groups Bylaw, Bylaw No. 2024-02, was approved by a majority of Council members present at the Council meeting held on the 12<sup>th</sup> day of November 2024.

**Second Reading:**

This Tax Rate Groups Bylaw, Bylaw No. 2024-02, was read a second time at the Council meeting held on the 4<sup>th</sup> day of December, 2024.

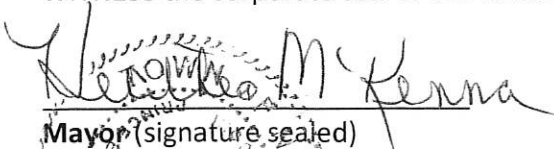
This Tax Rate Groups Bylaw, Bylaw No. 2024-02, was approved by a majority of Council members present at the Council meeting held on the 4<sup>th</sup> day of December, 2024.

**Approval and Adoption by Council:**

This Tax Rate Groups Bylaw, Bylaw No. 2024-02, was adopted by a majority of Council members present at the Council meeting held on the 4<sup>th</sup> day of December, 2024.

The Tax Rate Groups Bylaw is declared to be passed on the 4<sup>th</sup> day of December, 2024.

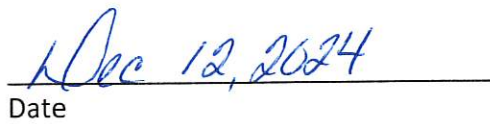
WITNESS the corporate seal of the Town.

  
Mayor (signature sealed)

  
Chief Administrative Officer (signature sealed)

This Tax Rate Groups Bylaw adopted by the Council of the Town of North Rustico on December 4<sup>th</sup>, 2024 is certified to be a true copy.

  
Chief Administrative Officer (signature sealed)

  
Date

**Schedule A**  
**Town of North Rustico Tax Rate Groups**

This Schedule forms part of this bylaw

<b>Tax Rate Group Name</b>	<b>Description</b>
Non-commercial, resident	Non-commercial property owned by a resident person or corporation
Non-commercial, non-resident person/corporation	Non-commercial property owned by a non-resident person or corporation
Multi-unit buildings (3 or more), resident person/corporation	All multi-unit buildings non-commercial owned by a resident person or corporation
Multi-unit buildings (3 or more), non-resident person/corporation	All multi-unit buildings non-commercial owned by a non resident person or corporation
Commercial	Commercial property

**Town of North Rustico Council  
REQUEST FOR DECISION**

**Topic:** Application for Canada Day Funding

<b>Date:</b> Nov 29 2024	<b>Request No:</b> 2024-12-052 <i>(Office Use Only)</i>
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<b>Person:</b> Stephanie Moase	<b>Representing:</b> Town of North Rustico
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<b>Background</b> Canadian Heritage provides funding for events honoring Canada Day and Multicultural events. The Town of North Rustico has been receiving this funding to support Canada Day celebrations for many years. The Town typically applies for around \$45,000-\$50,000 and receives \$18,000- \$14,000 annually.
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<b>Request:</b> Council to approve the CAO to apply to Canadian Heritage for Canada Day funding in the amount of \$48,000 to support Canada Day events in the Town of North Rustico.
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<b>Advantages</b>	<b>Disadvantages</b>
Helps to pay for the Canada Day Events	

<b>Required Resources:</b>	
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<b>Staff Comments</b>	
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<b>CAO's Review / Comments</b>	Funding has been reducing in the past few years from \$18,000 to only \$14,000 last year, events costs between \$45,000 to \$65,000 annually.
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**Town of North Rustico Council  
REQUEST FOR DECISION**

**Topic:** Application for Canada Summer Jobs Funding

<b>Date:</b> Nov 29 2024	<b>Request No:</b> 2024-12-053 <i>(Office Use Only)</i>
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<b>Person:</b> Stephanie Moase	<b>Representing:</b> Town of North Rustico
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<b>Background</b> The Canada Summer Jobs program provides funding for up to 50% of wages for students to work in the town for the summer. Students typically work in the office, assist in maintenance and landscaping and provide kids activities in the park or at the wellness centre.
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<b>Request:</b> Council to approve the CAO to apply for funding from Canada Summer Jobs for up to 2 students to work in the town for the summer of 2025.
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<b>Advantages</b>	<b>Disadvantages</b>
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<b>Required Resources:</b>	
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<b>Staff Comments</b>	
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<b>CAO's Review / Comments</b>	There may be an opportunity to have a day program again
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**Town of North Rustico Council  
REQUEST FOR DECISION**

**Topic:** Request for Variance Application 1728 7354 Cavendish Rd

<b>Date:</b> Nov 29 2024	<b>Request No:</b> 2024-12-054 <i>(Office Use Only)</i>
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<b>Person:</b> Donna Coll	<b>Representing:</b> Planning Board
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<p><b>Background</b></p> <p>The development officer received an application for a shed at 7354 Cavendish Rd. It was determined that the proposed distance between the main building and the shed did not meet bylaw requirements, a variance would have to be requested. Planning Board met on Oct 17 2024 and reviewed the information. The item was tabled to request the applicant place the shed in the backyard. The applicant stated the backyard was already finished with patio stones and gardens and requested that the Planning Board review the variance. Planning Board met again on Nov 21 and with the recommendation from the development officer, recommends to Council to not approve a 55% variance for the shed.</p>
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<p><b>Request:</b></p> <p>Council review and determine if a variance of 55% for allowing a shed next to the main building will be granted.</p>
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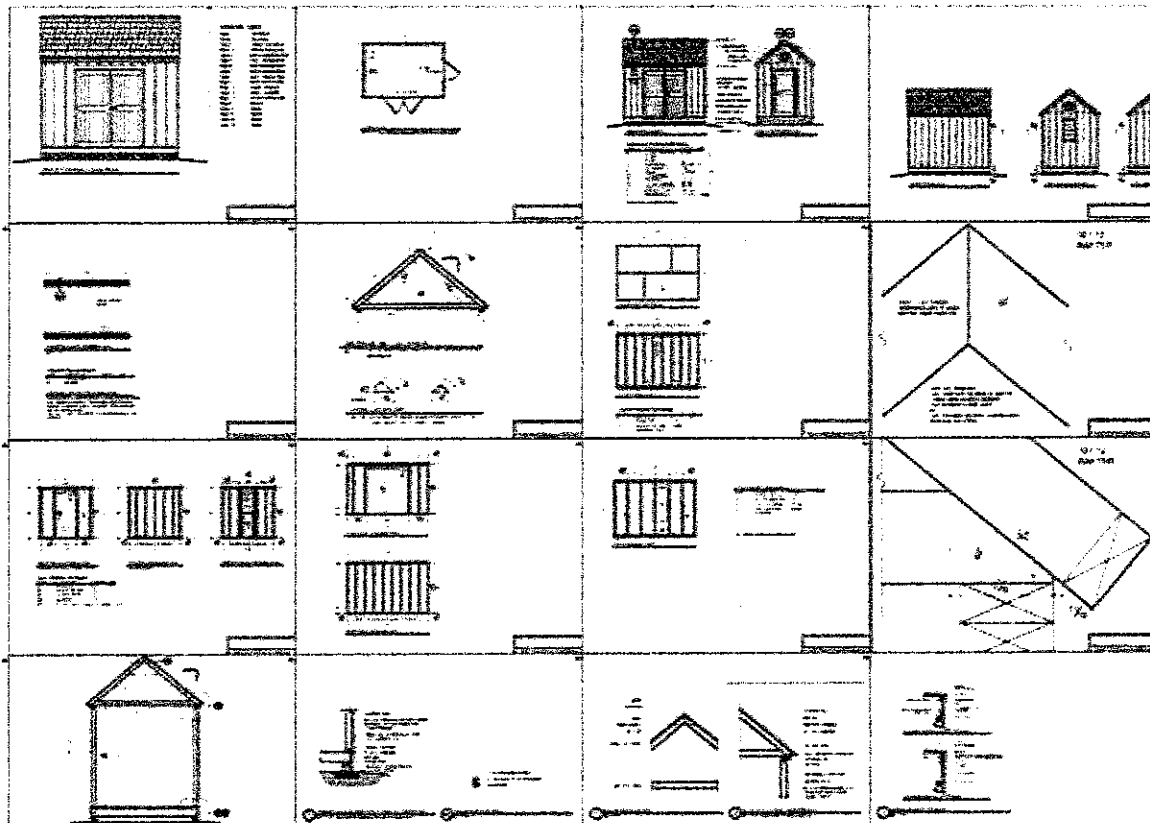
<b>Advantages</b>	<b>Disadvantages</b>

<b>Required Resources:</b>	
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<b>Staff Comments</b>	
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<b>CAO's Review / Comments</b>	Both the development officer and the Planning Board recommend that the variance not be granted.
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# Sample of the 8x12 Colonial style shed with a large door plans



Build Your Own Backyard Shed!  iCreatables.com

SCHEDULE "A"

All that parcel of land, situate, lying and being in lot or township number 24, Queens County, Province of Prince Edward Island, bounded and described as follows, that is to say:

Commencing at a point designated as found survey marker number 4006 as shown on a plan of survey prepared by Derek A. French Professional Services Inc. entitled "Plan of Survey Showing Lots 21-3A, 21-3B & 21-3C Being a Subdivision of Lands of Arsenault Bros. Holdings Inc." dated November 17<sup>th</sup>, 2021, as drawing number 21074-L3, said survey having been approved the Town of North Rustico on December 8<sup>th</sup>, 2021, said found survey marker having coordinates North 712512.480 metres, East 375690.171 metres;

Thence by a line  $74^{\circ} 38' 39''$  for the distance of 38.636 metres or to found survey marker number 502 as shown on the said plan;

Thence by a line  $154^{\circ} 53' 01''$  for the distance of 9.281 metres or to legal survey marker number 510 as shown on the said plan;

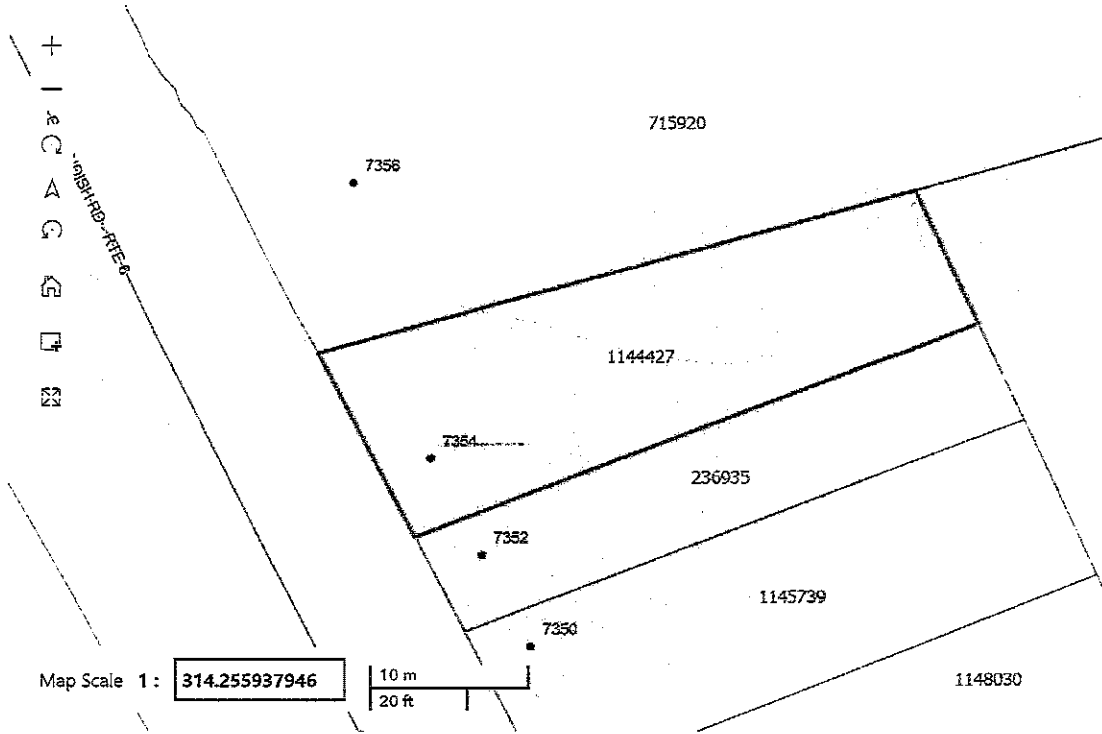
Thence by a line  $249^{\circ} 01' 48''$  for the distance of 37.632 metres or to legal survey marker number 513 as shown on the said plan;

Thence by a line  $332^{\circ} 30' 28''$  for the distance of 13.123 metres or to the point at the place of commencement.

BEING AND INTENDED to be lot 21-3A as shown on the said plan.

CONTAINING 422 squares metres, a little more or less.

# Geolinc Plus Property Map

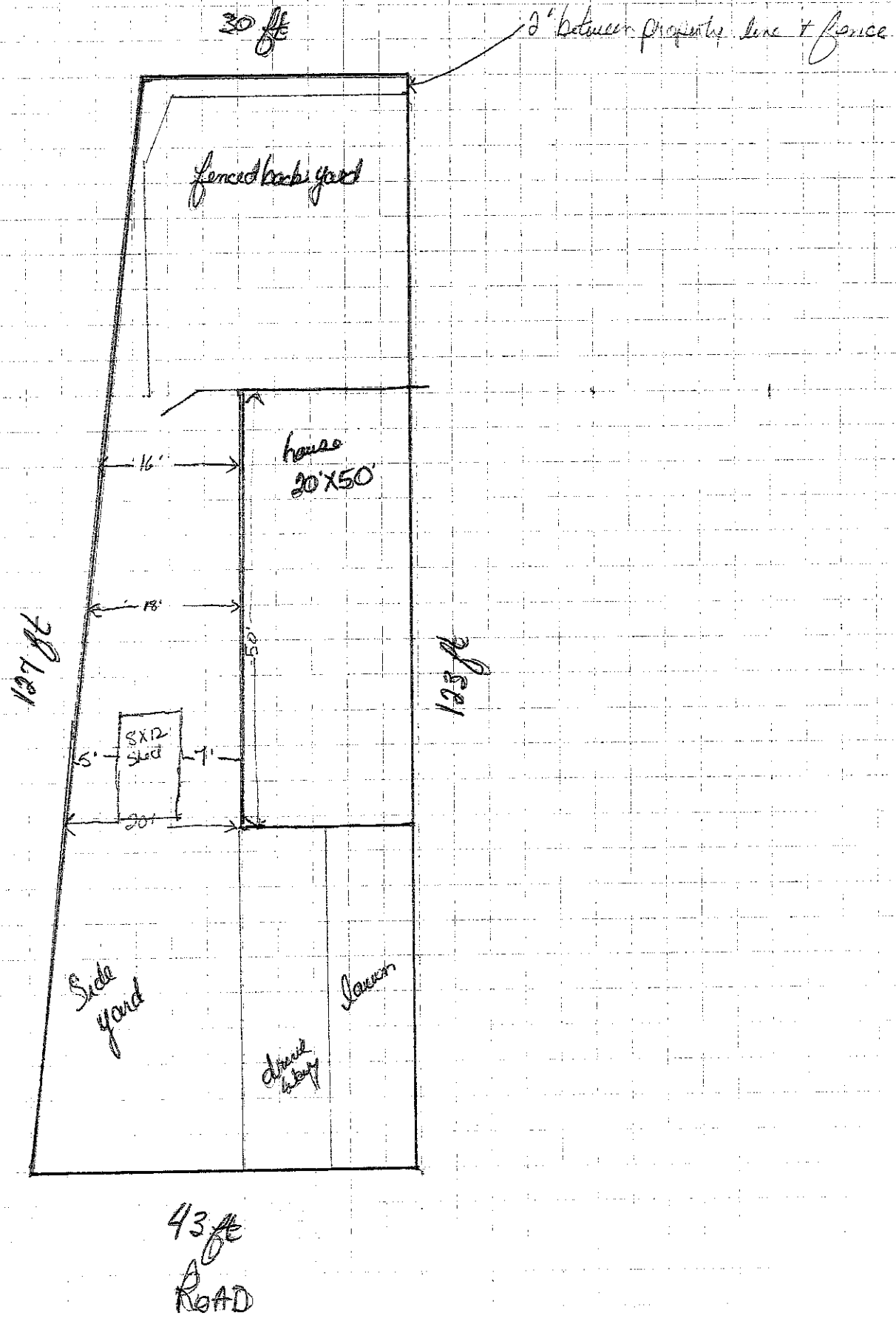


Property
Neighbours
Other Information

PID  
OWNER  
ADDRESS  
1139252

4" per square

7354 Cavendish Road



# Town of North Rustico

## MEMO

File: 1728

Nov. 20, 2024

**Applicant:**

Lynn Howatt

5159 RTE 13

New Glasgow, PE

902-393-0899

dcandlh@gmail.com

**Proposed addition:** Place a 8'x12' accessory building (shed) in the side yard of PID 1144427.

1. Setbacks shown on provided sketch do not meet the minimum set back requirements and require a major variance.
2. Provided sketch is in accurate comparing against in house records. The 20' tie shown is really 17.5' and rear 16' tie shown is 12.2'. This makes the variance to bylaw 4.25.4 a 55% variance (4.5' between existing structure and accessory building VS the required 10')
3. I recommend approval subject to applicant resubmitting application to have the accessory building be placed in the rear yard.

Regards

Josh Beaton, Development Officer, 902-394-2945

Town of North Rustico

**Town of North Rustico Council  
REQUEST FOR DECISION**

**Topic:** Commercial Application 1727 7236 Cavendish Rd

<b>Date:</b> Nov 29 2024	<b>Request No:</b> 2024-12-055 <i>(Office Use Only)</i>
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<b>Person:</b> Donna Coll	<b>Representing:</b> Planning Board
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<b>Background</b> The Town of North Rustico received an application for an addition to a commercial building. The building is legal non-conforming and is able to have an addition as long as the addition does not further increase the non-conformance. It was determined by the development officer that the addition does not further the non-conformance and Planning Board recommends the application to be approved.
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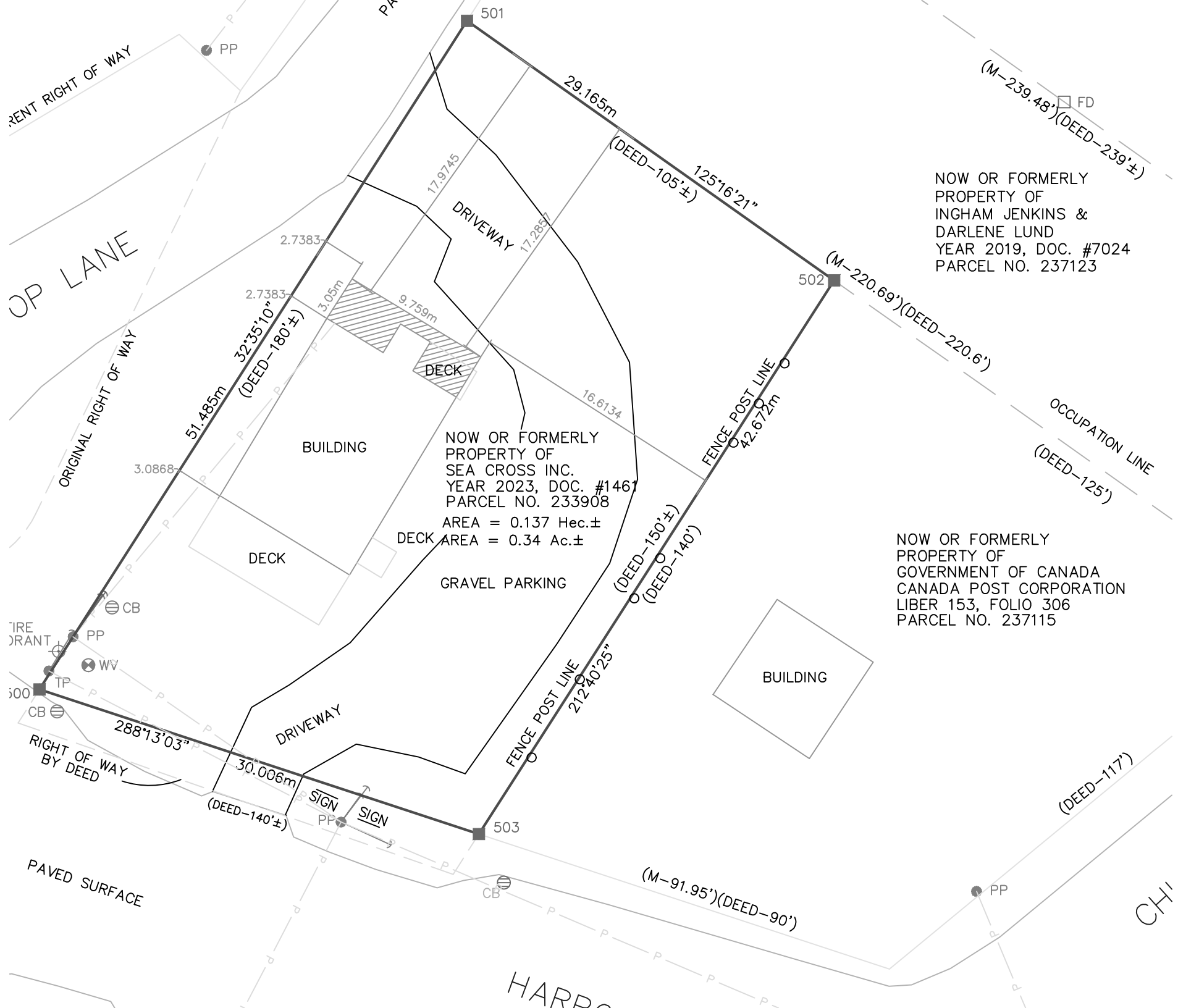
<b>Request:</b> Council to approve application 1727 for an addition to a commercial building at 7236 Cavendish Rd.
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<b>Advantages</b>	<b>Disadvantages</b>
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<b>Required Resources:</b>	
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<b>Staff Comments</b>	
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<b>CAO's Review / Comments</b>	There may be an opportunity to have a day program again
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NOW OR FORMERLY  
PROPERTY OF  
INGHAM JENKINS &  
DARLENE LUND  
YEAR 2019, DOC. #7024  
PARCEL NO. 237123

NOW OR FORMERLY  
PROPERTY OF  
SEA CROSS INC.  
YEAR 2023, DOC. #1461  
PARCEL NO. 233908  
AREA = 0.137 Hec.±  
DECK AREA = 0.34 Ac.±

NOW OR FORMERLY  
PROPERTY OF  
GOVERNMENT OF CANADA  
CANADA POST CORPORATION  
LIBER 153, FOLIO 306  
PARCEL NO. 237115

RIGHT OF WAY

OP LANE

ORIGINAL RIGHT OF WAY

TIRE DRANT

RIGHT OF WAY BY DEED

PAVED SURFACE

HARBOR

OCCUPATION LINE  
(DEED-125')

(DEED-117')

CH'

PP

FD

CB

PP

WV

TP

CB

SIGN

SIGN

503

502

501

3.0868

51.485m

32°35'10"  
(DEED-180'±)

2.7383

2.7383

3.05m

9.759m

17.9745

DRIVEWAY

17.2857

29.165m

(DEED-105'±)

125°16'21"

(M-220.69')(DEED-220.6')

16.6134

FENCE POST LINE  
42.672m

(DEED-150'±)  
(DEED-140')

FENCE POST LINE  
212°40'25"

(DEED-140'±)

DRIVEWAY

30.006m

(M-91.95')(DEED-90')

503

CB

PP

DECK

DECK

GRAVEL PARKING

BUILDING

NOW OR FORMERLY  
PROPERTY OF  
SEA CROSS INC.  
YEAR 2023, DOC. #1461  
PARCEL NO. 233908  
AREA = 0.137 Hec.±  
DECK AREA = 0.34 Ac.±

DECK

BUILDING

OCCUPATION LINE  
(DEED-125')

NOW OR FORMERLY  
PROPERTY OF  
GOVERNMENT OF CANADA  
CANADA POST CORPORATION  
LIBER 153, FOLIO 306  
PARCEL NO. 237115

(DEED-117')

CH'

PP

FD

CB

PP

WV

TP

CB

SIGN

SIGN

503

502

501

3.0868

51.485m

32°35'10"  
(DEED-180'±)

2.7383

2.7383

3.05m

9.759m

17.9745

DRIVEWAY

17.2857

29.165m

(DEED-105'±)

125°16'21"

(M-220.69')(DEED-220.6')

16.6134

FENCE POST LINE  
42.672m

(DEED-150'±)  
(DEED-140')

FENCE POST LINE  
212°40'25"

(DEED-140'±)

DRIVEWAY

30.006m

(M-91.95')(DEED-90')

503

CB

PP

DECK

DECK

GRAVEL PARKING

BUILDING

NOW OR FORMERLY  
PROPERTY OF  
SEA CROSS INC.  
YEAR 2023, DOC. #1461  
PARCEL NO. 233908  
AREA = 0.137 Hec.±  
DECK AREA = 0.34 Ac.±

DECK

BUILDING

OCCUPATION LINE  
(DEED-125')

NOW OR FORMERLY  
PROPERTY OF  
GOVERNMENT OF CANADA  
CANADA POST CORPORATION  
LIBER 153, FOLIO 306  
PARCEL NO. 237115

(DEED-117')

CH'

