

## Town of Collingwood Judicial Inquiry

### AFFIDAVIT OF KRIS MENZIES

**I, Kris Menzies, of the City of Barrie in the Province of Ontario, MAKE OATH AND SAY:**

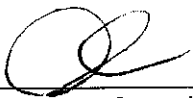
1. I have knowledge of the matters contained in this affidavit. Where my knowledge is based on information and belief, I have identified the source of the information and belief and in all cases believe it to be true.
2. I am a full member of the Canadian Institute of Planners and a Registered Professional Planner.
3. I am a partner with MHBC, a firm that provides Urban Planning, Resource Management, Urban Design and Landscape Architecture services to public and private sector clients across Ontario.

#### **Experience with Town of Collingwood By-Laws under the *Planning Act***

4. I have experience with the preparation of draft zoning bylaws pertaining to *Planning Act* applications for private clients in the Town of Collingwood which by-laws include standard enacting and authorizing provisions. The provisions for that portion of the by-law that refer to enactment or authorization by Town Council are provided by Town staff. The substantive provisions dealing with zoning matters only were prepared in draft by me and submitted to Town staff for consideration as part of the public process for and in support of the planning approvals sought by the client I represented in each circumstance.
5. I have worked with the planning staff of the Town of Collingwood on zoning by-laws and have prepared draft zoning by-laws in support of applications as part of the *Planning Act* process on behalf of my clients to be considered by Town staff, Town Council and others interested in the application through the public process required by the *Planning Act*. To my knowledge, this applies to the period between 2010 – 2012 as the process I have described above is a long standing practice for *Planning Act* applications requiring a zoning or Official Plan by-laws. Unless otherwise indicated in my affidavit, the evidence I have set out also relates to the period between 2010 – 2012.
6. In my experience, it is common practice in the Town of Collingwood for a consultant on behalf of an applicant to submit (where a zoning, zone change, official plan amendment by-law is required as part of the planning approval sought by the applicant), a draft zoning by-law in support of and as part of the requirement for a complete application. The draft by-law is submitted as part of the public process under the *Planning Act* with access by the public and agencies at all times through the planning process prior to finalization and enactment by Town Council and is also generally subject to an appeal to the Local Planning Appeal Tribunal (during the time period known as the Ontario Municipal Board).

7. Wherever I participated in the preparation of a draft zoning, official plan or other by-laws in support of applications under the *Planning Act* within the Town of Collingwood, enacting and authorizing language in those by-laws was effectively precedent language provided by Town staff or in a form provided by the Town that only required the insertion of certain specific information, such as the relevant municipal or legal address. To my knowledge, any by-laws ultimately approved by Town of Collingwood Council in any *Planning Act* application I was involved with were subject to the public process mandated by the *Planning Act* prior to their finalization and enactment by Town of Collingwood Council.
  
8. To my knowledge, in respect of all applications under the *Planning Act* referred to above made on behalf of an applicant that was my client where a by-law was required and I prepared a draft or participated in the preparation of a draft in support of such application, Town planning staff were aware of my involvement. I do not recall any circumstance that I was involved in where the applicable by-law was confidential or had any form of confidentiality attached to it.
  
9. My knowledge of and experience with respect to the preparation of draft by-laws and the practices, processes and procedures of the Town of Collingwood in that regard is strictly related to the preparation in draft of the substantive provisions relevant to the *Planning Act* requirements of a zoning, official plan and/or other by-laws associated with *Planning Act* applications for consideration by Town staff, interested parties participating in the process, and Town Council. I have no knowledge of or experience with the Town's by-law drafting processes, practices or procedures for any other kinds of by-law.

SWORN BEFORE ME at the City of Barrie  
 in the Province of Ontario on  
22 May, 2019



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 Commissioner for Taking Affidavits  
 (or as may be)



\_\_\_\_\_  
 Kris Menzies

**Solveig Katrin Eiltsabet Estaves, a Commissioner,  
 etc., Province of Ontario, for MacNaughton Hermesen  
 Britton Clarkson Planning Limited.  
 Expires December 22, 2020.**