



*The TOWNSHIP of*  
**NORTH DUMFRIES**

## **MEMORANDUM**

**To:** Mayor Foxtan & Members of Council

**From:** Ashley Good, Clerk

**Re:** Addendum to Agenda – Council Meeting Agenda for April 14, 2025

**Date:** April 14, 2025

---

Staff are seeking the authority of Council to add as an Addendum to the April 14, 2025 Council Meeting Agenda the following item:

- i) Add correspondence received for 11.2.2 Report No. PD-22-2025: Proposed Zoning By-law Amendment and Proposed Draft Plan of Condominium for Mitchell Street (File Nos. ZC-02/23 and 30CDM-23301).

Please see below, our legal counsel's opinion to Mr. Robson's letter.

Thank you,

Michael

**Michael Campos, BES**  
Manager of Planning

**VACATION ALERT: Please note that I will be on vacation between April 27<sup>th</sup> and May 16<sup>th</sup>, 2025, returning to the office on May 20<sup>th</sup>, 2025.**

The Corporation of the Township of North Dumfries  
106 Earl Thompson Road, 3<sup>rd</sup> Floor  
P.O. Box 1060  
Orono, Ontario L8B 0E0  
T: 519-632-8800 ext. 132 F: 519-632-8700  
✉ mcampos@northdumfries.ca

Website: [www.northdumfries.ca](http://www.northdumfries.ca)



Do you really need to print? Think green.

Confidentiality Notice: This email correspondence (including any attachments) may contain information which is confidential and/or exempt from disclosure under applicable law, and is intended only for the use of the designated recipient(s) listed above. Any unauthorized use or disclosure is strictly prohibited. If you are not the intended recipient, or have otherwise received this message in error, please notify the sender by replying via email, and destroy all copies of this original correspondence (including any attachments). Thank you for your cooperation.

---

**From:** Adrian L. Rosu <[Adrian@kwlaw.net](mailto:Adrian@kwlaw.net)>  
**Sent:** April 14, 2025 3:34 PM  
**To:** Michael Campos <[mcampos@northdumfries.ca](mailto:mcampos@northdumfries.ca)>  
**Cc:** Michael A. van Bodegom <[mvb@kwlaw.net](mailto:mvb@kwlaw.net)>; Lauren Dawson <[ldawson@kwlaw.net](mailto:ldawson@kwlaw.net)>  
**Subject:** RE: 16450 - Mitchel Street - Parkland Dedication [DL-ACTIVE.FID74989]

Thanks.

We received a copy directly just a short while ago. We anticipate that Andrew Head's comments to Council may include the substance of Mr. Robson's letter.

We confirm that the comments in Mr. Robson's letter do not change our advice that the Township can impose a parkland condition on this draft plan application. Even if the issue of the applicability of s. 42 is put to one side, there is no provision within s. 51.1 that exempts these lands from parkland dedication in this instance. That is, the owner appears to be relying on an exemption based on

parkland previously having been dedicated, even though no such exemption exists within s. 51.1.

Kind regards,

**Adrian L. Rosu**  
Associate

t. (519) 886-3400  
f. (519) 886-8651  
a. 45 Erb St. East, Waterloo, ON N2J 1L7

[adrian@kwlaw.net](mailto:adrian@kwlaw.net) [www.kwlaw.net](http://www.kwlaw.net)



This communication is solicitor/client privileged and contains confidential information intended only for the person(s) to whom it is addressed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this message in error, please notify us immediately and delete this message without reading or copying it.

Think before you print.

---

**From:** Michael Campos <[mcampos@northdumfries.ca](mailto:mcampos@northdumfries.ca)>  
**Sent:** Monday, April 14, 2025 3:27 PM  
**To:** Adrian L. Rosu <[Adrian@kwlaw.net](mailto:Adrian@kwlaw.net)>  
**Cc:** Michael A. van Bodegom <[mvb@kwlaw.net](mailto:mvb@kwlaw.net)>; Lauren Dawson <[ldawson@kwlaw.net](mailto:ldawson@kwlaw.net)>  
**Subject:** FW: 16450 - Mitchel Street - Parkland Dedication

Hi Adrian,

Sharing the position from Craig Robson that has been shared with us today and asked to circulate to Council ahead of this evening's meeting.

Thanks,

Michael

**Michael Campos, BES**  
Manager of Planning

**VACATION ALERT: Please note that I will be on vacation between April 27<sup>th</sup> and May 16<sup>th</sup>, 2025, returning to the office on May 20<sup>th</sup>, 2025.**

The Corporation of the Township of North Dumfries  
106 Earl Thompson Road, 3<sup>rd</sup> Floor  
P.O. Box 1060  
Ayr, Ontario N0B 1E0

☎ 519-632-8800 ext. 132 📠 519-632-8700  
✉ [mcampos@northdumfries.ca](mailto:mcampos@northdumfries.ca)

Website: [www.northdumfries.ca](http://www.northdumfries.ca)



Do you really need to print? Think green.

Confidentiality Notice: This email correspondence (including any attachments) may contain information which is confidential and/or exempt from disclosure under applicable law, and is intended only for the use of the designated recipient(s) listed above. Any unauthorized use or disclosure is strictly prohibited. If you are not the intended recipient, or have otherwise received this message in error, please notify the sender by replying via email, and destroy all copies of this original correspondence (including any attachments). Thank you for your cooperation.

---

**From:** Andrew Head <[andrewh@dsh.ca](mailto:andrewh@dsh.ca)>  
**Sent:** April 14, 2025 3:23 PM  
**To:** Michael Campos <[mcampos@northdumfries.ca](mailto:mcampos@northdumfries.ca)>  
**Cc:** Clerk <[clerk@northdumfries.ca](mailto:clerk@northdumfries.ca)>; Eric Bell <[ebell@northdumfries.ca](mailto:ebell@northdumfries.ca)>; Susan Foxton <[sfoxton@northdumfries.ca](mailto:sfoxton@northdumfries.ca)>; Craig Robson <[Crobson@rcllp.ca](mailto:Crobson@rcllp.ca)>; 'Jennifer Meader' <[jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca)>  
**Subject:** 16450 - Mitchel Street - Parkland Dedication

Hi Michael, Eric,

We have reviewed the staff report for tonight's council meeting. Attached is a letter from Craig Robson which states our position on the request for Parkland Dedication. Would you please have this circulated to council ahead of tonight meeting. As a delegate I will be speaking to this matter.

Thank you.

Andrew



**Andrew Head**  
**Partner**

Phone: (519) 745-3540 | Email:  
[andrewh@dsh.ca](mailto:andrewh@dsh.ca)

54 Cedar St N. Kitchener, ON  
[www.dsh.ca](http://www.dsh.ca)

A solid orange horizontal bar is located at the top left of the page.

**Craig Robson**

**Lawyer**

T:519-590-7367

email crobson@rcllp.ca

Our file number: 20000

Ducan Linton LLP

Attention; Adrian Rosu

45 ERB STREET EAST

WATERLOO, ONTARIO

N2J 1L7

Date April 14, 2025

Dear Sir:

**Re: Umana Vacant Land Condominium Plan Ayr**

We have reviewed your letter of March 24, 2025.


In drafting this response, it is our assumption that a parkland conveyance of 5% of the area of the subdivision lands or payment of a cash in lieu thereof based on the valuation of the subdivision lands the day before draft plan approval (pursuant to what is now 51.1(4) of the Planning Act) was taken at the time of the registration of the underlying plan of subdivision. If you have any information with respect to the foregoing it would be appreciated if you could share that information with us.

You suggested in the background portion of your correspondence as follows:

*“For the purposes of this opinion, we assume only one dwelling was allotted to the Lands for the purpose of calculating the parkland contribution previously paid to the Township- if this is not the case, we may need to revise our opinion.”*

As noted above, based on the time the plan of subdivision was registered, it is our expectation that there was no notional allocation of dwellings made to the Lands at the time of the draft approval of the proposed plan of subdivision for the purpose of calculating the parkland dedication/cash in lieu thereof.

If the mechanism we describe in our opening paragraph was utilized in determining the obligations of the subdivider with respect to conveyance of parkland or payment of cash in lieu, the number of proposed dwellings within the subdivision would not have been relevant to the determination. Nor would the number of dwellings now being proposed for any particular part of the property be relevant.



It must always be kept in mind that if cash in lieu is paid for a new subdivision, the valuation of the proposed subdivision land is made as of the date **prior** to the approval of the draft plan of subdivision.

Consequently, the number of proposed dwellings that could be constructed within the proposed plan of subdivision would not have been relevant at that time. Only proposed subdivision area or land value would have been relevant.

Your letter is largely based on Subsection 42 (7) of the Planning Act being applicable to the situation and also relies on the case of Tradmor Investments Ltd. v. *Mississauga (City)* (1993), 19 O.R. (3d) 313 (Gen. Div.) to support that position with respect to Subsection 42 (7) of the Planning Act.

Section 9 of the Condominium Act provides in Sub-section (2) thereof as follows:

*(2) Subject to this section, the provisions of sections 51, 51.1 and 51.2 of the Planning Act that apply to a plan of subdivision apply with necessary modifications to a description or an amendment to a description. 1998, c. 19, s. 9 (2).*

Hence, for the purposes of parkland dedication or payment of cash in lieu Section 51.1 of the Planning Act is the relevant section.


Subsection 51.1 (5) of the Planning Act provides as follows:

*(5) Subsections 42 (5) and (12) to (17) apply with necessary modifications to a conveyance of land or a payment of money under this section. 1994, c. 23, s. 31; 2015, c. 26, s. 32 (4); 2019, c. 9, Sched. 12, s. 15 (6).*

You will note that Subsection 42 (7) of the Planning Act is clearly excluded from the list of applicable subsections of Section 42. It is clear that Subsection 42 (7) of the Planning Act does not apply to Section 51.1 of the Planning Act.

It should be noted that Subsection 51.1 (5) of the Planning Act was enacted in 1994, a year following the Tradmor Investments Ltd. v. *Mississauga (City)* decision. The change in Section 51.1 of the Planning Act may have been as a result of that decision. That is of course speculation on my part.

However, it is not speculation to note that the Tradmor Investments Ltd. v. *Mississauga (City)* case was decided prior to the change in the Planning Act that made it clear Subsection 42(7) is not applicable under Section 51.1 of the Planning Act. Hence the said case is of no value to support a position that Subsection 42(7) of the Planning Act is applicable to this situation.



Consequently, we see no basis to support any claim for a cash in lieu payment as a condition of the draft plan of condominium approval or issuance of any building permit.

Yours truly,  
**Robson Carpenter LLP**  
Per:

Craig Robson



*The TOWNSHIP of*  
**NORTH DUMFRIES**

## **MEMORANDUM**

**To:** Mayor Foxtan & Members of Council

**From:** Ashley Good, Clerk

**Re:** Addendum to Agenda – Council Meeting Agenda for April 14, 2025

**Date:** April 14, 2025

---

Staff are seeking the authority of Council to add as an Addendum to the April 14, 2025 Council Meeting Agenda the following item:

- i) Add correspondence received for item 11.2.1 Report No. PD-21-2025: Proposed Telecommunication Tower at 1056 Whistle Bare Road (File No. TC-02/23).



Dear Mayor Foxton & North Dumfries Council

While I am unable to attend the council meeting in person this time, I would like to enter the following comments into the record. I maintain that potential ecological impacts of this location for a tower, to our property and nearby areas of natural habitat, coupled with the overstatement of the 'need' for service improvement here and the existence of more appropriate locations, should disqualify this location. I believe that many of these issues were touched on for the earlier proposal to build a tower on the adjacent property, and again for this new proposal. Please refer to my earlier review of ecological effects of cell tower infrastructure, submitted to council March 21, 2024 and appended to the end of this document.

- Much of the area indicated as a gap in coverage is the 900 acre nature reserve owned by rare, and other natural habitat areas outside the city limits, such as Barrie's Lake and Altrieve Lake Environmentally Sensitive Policy Areas. Most of the gap area does not now, nor will in the future, have residential properties that may need the service.
- Residents of the Brown's Subdivision who attended the council meeting last spring were unequivocal in their statement that they did not need the augmented cell service. Note also that this meeting took place following the decommissioning of the nearby tower in 2023 claimed as a motivation for the new tower construction.
- Brown residents cited the availability of fiberoptic internet service in their subdivision. Residential areas arguably have fewer users of cellular services for assorted devices than is portrayed, as many people in these areas will have internet service through non-cellular infrastructure (fiberoptic cable, coaxial cable) and Wi-Fi in their homes.
- New residences in the area (Cambridge West development). We realize that the water tower construction is no longer happening in that area, although towers could be sited on taller buildings or in commercial areas within the subdivision and not impose additional urban footprint on the natural areas.

The Environmental Impact Statement (EIS) prepared by MTE does not engage with the question of broader impacts to natural areas, confining its attention to the immediate area of construction (120m from subject lands), meaning that comments are confined largely to agricultural land, roads and disused gravel pits. While the construction effects may be confined to this Study Area, as is typical of EIS documents information about effects once the infrastructure is in use is not included. The declaration in this document and others that there will be no effect of the project is limited to the construction phase only.

Engagement with the environmental issues is most prominent and most useful in the Site Selection and Justification report included in the second submission from the proponent. Within, there are several issues with the information presented, summarized below:

- Stating that 5G EMF radiation does not kill birds is a red herring, as at no point have objections to the tower projects been made on the basis of lethal effects on wildlife, nor have the works of any of the researchers discussed in the debunking article from the Audubon website been cited. None of the consultants engaged with the literature on ecological and sublethal effects that cited in the report of a year ago.

- In general, natural source EMF comes from terrestrial and extraterrestrial sources (solar, earth, cosmic, etc.), while artificial EMF comes from a wide variety of human-generated sources, notably telecommunications infrastructure. Several peer-reviewed studies (see my earlier review, below) indicate that artificial EMFs are stronger and increasing with increased telecommunications use. There are also differences in polarization, the ecological effects of which are even less studied.
- Similarly, as lighting and guy wires, which are sources of wildlife mortality associated with towers, are not proposed, we are not objecting on those bases.
- The MOTUS network includes 2178 receiving towers spread across the Americas, Europe, and Australia ([www.motus.org](http://www.motus.org)). The system is in no way comparable in extent or function to human telecommunications infrastructure, nor are the towers constantly emitting EMF into the environment. Data downloaded from a tower is more analogous to a single cell phone user transmitting data, rather than the wireless telecommunications tower being proposed.

In summary, I would like to re-emphasize that at no time during this process, or the earlier procedure on a neighbouring property, has lethal effects of towers been the issue. I remain unsure how the proponent or consultants determined that objections were made on that basis. As outlined in the earlier report, sublethal and ecological effects are, and have always been the concern. Coupled with the undemonstrated need for this tower, stated clearly at last year's meeting by some of the very residents that are cited as needing service, we would ask staff to reconsider their recommendation in favour of this application.

Respectfully submitted,

**Tom Woodcock, Ph.D.**

Planning Ecologist

**rare Charitable Research Reserve**

1679 Blair Road, Cambridge ON N3H 4R8

phone: 519-650-9336 x121 fax: 519-650-5923

email: [tom.woodcock@raresites.org](mailto:tom.woodcock@raresites.org)

website: [raresites.org](http://raresites.org)



## **Response to Proposed Cell Tower Construction**

**Prepared by Tom Woodcock Ph.D.**

**Planning Ecologist, *rare* Charitable Research Reserve**

**519-650-9336 ext. 121      [tom.woodcock@raresites.org](mailto:tom.woodcock@raresites.org)**

**March 26, 2024**

The ***rare* Charitable Research Reserve** is located near the proposed communications tower proposed for the property at 1056 Whistle Bare Road. In 2015, SBA Canada proposed the construction of a cell tower on the adjacent parcel at 1024 Roseville Road. The newly proposed tower is closer to our property line than that in the earlier proposal. Our concerns are primarily with the effects of the tower on wildlife. Our reserve is a noted site of Conservation, Research, and Education with multiple properties in the Region of Waterloo and Wellington County, and our main property includes 900 acres located in both North Dumfries and Cambridge.

We are concerned with the proximity of the proposed cell tower to flight paths of wildlife using our property, including those travelling between our property and Barrie's Lake (ESPA 57) and other wetlands in the area. Furthermore, the proposed tower is less than 50m from our property line, in an area where a successful grassland bird conservation effort has been underway since 2006. At ***rare***, we continue to invest considerable time and effort in conservation, both generally and specifically for migratory birds. South Field, the portion of our property closest to the proposed tower site has been improved as a habitat for species at risk, most notably grassland birds (bobolink, eastern meadowlark). Strong RF-EMF has been demonstrated to affect habitat use by birds and other organisms and cause them to avoid areas where they are present, impair navigation, and cause reproductive issues in wildlife.

Public health and the effects of human exposure of Radio Frequency (RF) – Electromagnetic Field (EMF) with frequencies of 3 KHz – 300 GHz, and regulations are summarized in Safety Code 6, Government of Canada web resources, etc. Frequencies in this range are non-ionizing, and include microwaves, radio, and television communications waves. Siting the tall towers in rural areas is standard practice, minimizing the exposure of residents on the ground in densely populated areas. However, acute or chronic effects on other species, populations, and ecosystems, have received much less attention. Since the previous application in 2015, the pervasiveness of RF-EMF in our surroundings has only increased, while knowledge on impacts and effects lags behind.

Most of the comments presented in this report are found in the original correspondence to Council and with SBA Canada when this issue was addressed in 2015-2016. The same arguments, both ecological and logistical, still apply.

1. RF-EMF from this tower would encroach on *rare* property and has the potential to impede conservation activities on our property.
2. This tower would only marginally improve mobile service in the area, as the surrounding area is predominantly conservation land, gravel pits, etc. There is no area of our property that does not have cell service. If the service is focused on either Cambridge West or Brown's Subdivision, a smaller, less intrusive tower closer to the desired area may be preferred. At the public meeting, residents indicated that data needs are covered by newly installed fiber-optic service.
3. While the proponents indicate that the tower is exempt from environmental assessment under federal regulations, this is not the same as being environmentally benign.
4. Industry Canada states a preference for co-location of infrastructure. As discussed in 2016, new water towers in the area would be ideal locations, and in some cases were closer to the nominal preferred point indicated by SBA.

Although the proposed tower does not have guy wires, which are a hazard to birds in flight, and (at present) there are no plans for lighting on the tower, the RF-EMF emitted by the tower represent a significant stress to a wide variety of wildlife, primarily birds and insects, but possibly including plants, and bats and other vertebrates. Urbinello et al. (2014, Environmental Research 134:134-142) stated that the highest outdoor RF-EMF exposure is found near communication base stations. Strength of field from this particular tower is unclear, and we do not have the technical information supplied to determine particular frequencies and strengths. It could be that tenants for the tower are not yet determined, so it is difficult to make specific statements about frequency and strength of the signal that will be present at various distances from the tower in this specific case.

Emissions on the electromagnetic spectrum include radiation with a wide variety of effects, and come from natural sources within the earth, from the sun, and from sources in outer space. Different frequencies and wavelengths of radiation are perceived differently by different organisms and have a variety of effects. We are most familiar with light in the spectrum visible to humans, which has shorter wavelengths and higher frequencies than radiation produced by cell towers. Very weak EMFs can also be produced by living organisms via the movement of charged particles in biochemical reactions, as they undergo their normal metabolism. Frequencies greater than those of visible light are referred to as ionizing radiation, and include ultraviolet, X-ray, and so forth. These waves are dangerous because they are capable of changing molecules, such as DNA, through input of energy, and can cause mutations and cancers. The RF-EMF frequencies under discussion are non-ionizing radiation. They are not capable of damaging DNA at ambient levels, but can cause thermal effects on organisms or their tissues that move too close to a strong source such as a communications base station, and can impair navigation and orientation in organisms that can perceive and respond to EMFs. Risk of thermal damage is less for higher frequency, such as that used by 5G systems.

Many species have receptor organs that allow them to detect and respond to naturally occurring EMFs, which are not perceptible to human senses. Artificial EMFs are much stronger, especially close to the source, and can flood the receptors and render them useless. Increased background EMF, effects on organisms that can sense these fields and use them to navigate over short (insects) or long (birds) distances. A cell base station in a rural area has the potential to be a strong source that overwhelms natural sources, much as a loud sound drowns out background noise, or a floodlight overwhelms nuances of light and shadow.

Studies remain scarce in North America, but in other parts of the world more research is being done, particularly Europe and South Asia. In 2013, the European Environment Agency stated that:

“Independent research into the many unknowns about the biological and ecological effects of RF are urgently needed, given the global exposure of over 5 billion people and many other species, especially those, like bees and some birds whose navigation systems are possibly being affected by such radiations and effects on breeding of wild birds.”

The U.S. also sees the need to address the question. In February 2014, the Director of the Office of Environmental Policy and Compliance of the Department of Interior stated concerns that the FCC regulations did not take into account potential effects on birds and other wildlife, specifically concerning cell tower radiation.

In 2013, a review published in a peer-reviewed journal by Dutch authors (Cucurachi et al., *Environment International* 51:116-140) of 113 laboratory studies with physiological and

ecological endpoints, on a wide variety of organisms. Their study was limited to the frequency range 10MHz – 3.6 GHz, which covers a significant portion of the range of Safety Code 6. A wide range of strength, proximity of source, etc., makes results difficult to generalize. Effects examined include Growth and Development, Fertility, Behaviour, and Population Health, effects on many of which could translate into ecological problems. 74/113 (65%) of studies showed detectable effects of some sort, including 20/38 on birds, 22/25 on Insects, and 22/24 on plants. Wiltschko et al. (2014, Journal of the Royal Society Interface 12:20141103) discusses disruption of bird navigation related to RF-EMF, and Engels et al. (2014, Nature 13290) found that European robins, a migratory bird, had navigation and orientation impaired in the presence of artificial EMFs in the 2 KHz – 5MHz range. One study on bats (Nicholls & Racey 2009, PLoS One 4:e6246) showed that foraging and general activity was significantly reduced in the presence of an RF-EMF communications emission of unspecified strength and wavelength.

Further, short reviews, both published in the peer-reviewed journal The Science of the Total Environment, appeared on ecological effects by Balmari (2014, 496:314-316) and (2015, 518-519:58-60). Balmari (2015) shows that in an area with high levels of artificial RF-EMF, migratory birds will avoid the area, and other birds and other organisms such as insects will have disruptions to orientation as daily activities are pursued. More recent reviews on general effects on wildlife (Levitt et al. (2022a,b) and insects (Thill et al. 2023; Reviews on Environmental Health <https://doi.org/10.1515/reveh-2023-0072>) summarize research that includes work on wildlife published since the previous application in 2015. Research on RF-EMF effects and standards for wildlife exposure still lag behind the (Levitt et al. 2022a; Reviews on Environmental Health 37:81-122), despite the increase in background manmade radiation associated with increasing coverage, and the advent of 5G systems (Levitt et al. 2022b; Reviews on Environmental Health 37:327-406).

In general ecological theory, stress leads to more energy expended by individuals, reduced reproduction, and ultimately lowers population sustainability. Balmari (2014) states that:

“Controls must be introduced and technology rendered safe for the environment, since this new ubiquitous and invisible pollutant could deplete the efforts devoted to species conservation”

It should be the obligation of the applicant to demonstrate that this infrastructure will not harm resident organisms in the adjacent conservation lands, part of the Regionally designated Environmentally Sensitive Landscape, and will not harm migratory birds, particularly those using *rare's* habitats. Furthermore, it should be the obligation of the applicant to demonstrate No Negative Effect on the land uses of neighbouring properties, including species conservation and scientific research, and we respectfully ask the Township of North Dumfries not to concur with the siting of this tower, and to call on Industry Canada to include environmental considerations and neighbouring property owners in its decision.