

**APPEAL SUBMISSIONS FROM BY-LAW OFFICER – MUNICIPALITY OF WEST
ELGIN REGARDING PROPERTY DESCRIBED AS:**

24611 PIONEER LINE, WEST LORNE, ONTARIO.

LEGAL DESCRIPTION:

**CON 9, NW PT LOT 16, RP 11R1502, PT 1 11R1152 PT 13, MUNICIPALITY OF
WEST ELGIN.**

ROLL: 3434 0000 6007200 ZONED A-1

REGISTERED ON TITLE OWNER: SANDRA LEE McNAUGHTON,

21943 Melbourne Rd., Box 152
Melbourne, On. N0L 1T0

As a result of a citizen's complaint received by this By-Law Officer regarding the above mentioned property and a zoning by-law infraction, this officer attended the property for an inspection on Friday, April 30, 2021 at 10:00 a.m.

There is a long laneway from Pioneer Line, which ends at a locked and chained gate into the main property. The property is a large acreage woodlot of about 37 acres, which has been mostly cleared of trees on the northern most section. In this cleared area stands two very old steel framed industrial type buildings on concrete pads. The officer was able to gain access to this property by walking around the gateposts. There is no fencing on either side of the gate. The laneway continues after this gate for about 30 metres and opens into the clearing.

Before entering the gated property, the officer noted two chrome truck bumpers along with truck step running boards laying on the ground just outside the gate. A picture was taken.

The officer entered the buildings and in the south end one was a group of objects consisting of several plastic coolers, plastic garden furniture, several wooden bar stools and on one side, a fairly long church pew made of wood. Pictures were taken. There were no door enclosures on either of the two buildings and there were numerous broken out windows. Also in the south building in a south bay was an older farm tractor. This tractor had been used by the previous owner, Pierre Michaud, to grade the property after a previous clean up.

Further inspection revealed a very long, about 28 feet, white travel trailer with an extended room. That room was extended. The trailer was identified as a "Sportsman". There was no back plate, and appeared not to be in a roadworthy

condition. There was an old stand up propane BBQ situated off the front of the trailer. The trailer was parked on a concrete pad, part of another old building that had been previously dismantled and removed. There was a red plastic milk crate turned upside down on the concrete, which provided a step up into the trailer via a large sliding glass door. The officer entered the unlocked trailer and found it to be in a condition of apparent dismantling. There is no water, electrical or sewage to this property. The interior was sparse with no apparent occupancy at this time although there was the appearance that it was situated and set up for occupancy.

Based on his observations of this property and his previous experience with this property, the officer issued an ORDER 002-21 to the registered owner of the property, Sandra McNaughton, on 03 May 2021, to remove the trailer, rubbish and other items described in this report as well as to secure the buildings in such a fashion that the public or others, other than the owner, could not have access. The ORDER was sent to Ms. McNaughton's home address in Melbourne Ontario via Registered Letter delivery by Canada Post.

As a result of information received that Ms. McNaughton was appealing the ORDER to remove the trailer, other materials and secure the buildings, on Friday, 21 May 2021, the Officer returned to the property for a further inspection. The officer took more pictures. The previous old bumpers and step running boards along with an old tire and rim were now in laying in front of the north building. Inside the south building, the wooden bar stools had been set up in another room as if for a meeting. The lawn chairs and table were now set up. The coolers were now sitting outside the sliding glass doors of the travel trailer. Inside the travel trailer, two mattresses had been placed with one having a cover. There was also evidence of food being consumed near the bed. It was obvious the trailer was now being used or periodically occupied in contravention of the Zoning By-Law.

HISTORY OF PROPERTY:

This particular property as described, was previously owned by a Reynauld Michaud. Michaud lived on the property for many years in one of the industrial buildings. He used the upper portion of the property, the cleared portion, as a wrecking yard. The property was Zoned A-1 during that time. It appears at one time there may have been an electrical line from Pioneer Line, but at this time it does not exist. From history derived from the community, the officer learned that this property was associated to a motorcycle gang and in fact the OPP Tactical Response and Emergency team attended this property on several occasions. On those occasions the OPP would notify local residents to stay in their homes during the operations. There were illegal activities being carried out on the property as

well as the illegal operation of the wrecking of motor vehicles and storage of metals and junk.

As a result of complaints about this property received by this officer in October 2019, he attended to investigate. The property was an apparent abandoned wrecking yard with numerous vehicles, travel trailers, old buses and motor homes. While on the property, the officer came upon a young man who stated he was there on behalf of the owner, Sandra McNaughton. He dialed up Ms McNaughton on his cell phone. The officer spoke to Ms McNaughton and learned that she was not the owner but had an agreement to buy the property from Raynauld Michaud who had deceased in October 2019. She was to take possession in November 2019. The officer made Ms. McNaughton aware of the complaints against this property and that he was going to issue an ORDER to clean and clear. Ms. McNaughton stated that was exactly what she was going to do with the property. They agreed to meet with her lawyer for the purpose of outlining how they should proceed. The meeting never occurred.

On 12 November 2019, the Officer met with the son of the now deceased R. Michaud. He identified himself as Pierre Michaud of Quebec and was with his cousin, who identified himself as Paul Michaud, executor of the estate. The two men were there to pay back taxes owed as well as discuss the sale of the property. A lengthy discussion about the property, the complaints and the fact that the property needed to be cleaned and cleared per the Municipalities' Zoning By-laws and other By-Laws. It was agreed that in lieu of a formal ORDER, verbal agreement between the two men and the Municipality, they would commence cleaning and clearing the property as soon as possible but that it would take several months to complete. It was also agreed that regular inspections would be done to satisfy the requirements of the Municipality.

Zubics of London were hired to assist in the cleaning. This took heavy equipment consisting of excavators, skid steers, large dump trucks and many large bins to do the job. It took from April 2020 through July 2020 to be completed. During that time, Pierre Michaud was on site assisting with regular visits and assists from Paul Michaud. This was a monumental clean up.

In September 2020, it was agreed between the Officer and the two men that the property was now in a state of cleanliness that it mostly met and complied with the Zoning and By-Law requirements. The property was now ready for sale. Subsequently Ms. McNaughton purchased the land as is.

In this instance, the community immediately made the complaint when it was observed that a travel trailer was being brought onto the property and "junk" was

being left at the gate. The community would not tolerate a return to old habits and problems on this property.