
MEETING DATE: May 13, 2025
FROM: Nicky Kunkel, CAO Clerk-Treasurer
SUBJECT: **Proposed Bylaw amendments Bylaw 2025-16 Trailers – Temporary Use**

RECOMMENDATION: That Council accept this report and considers Option 2.B for the exemption of non-legal, non-conforming trailers.

BACKGROUND

At the April 21, 2025 Corporate Services Committee meeting the CAO was tasked with amending the proposed bylaws (2025-09-10-11-16 and 17) and confirming the legal permissions of the proposed amendments.

In regard to Bylaw 2025-16 for regulating Travel Trailers and RVs, the Committee discussed the option of allowing, through Temporary Use provisions of Section 39 of the Planning Act, long-existing trailers on waterfront properties and in the Residential Limited Services (RLS) zone to be phased out over a ten (10) year period. This was suggested from feedback Council members received from property owners in the RLS Zone who have had trailers on their property well over the past ten years. The CAO Clerk sought clarification on this option.

ANALYSIS

The legal team at Russell Christie was consulted to determine merit and feasibility of this opportunity.

However in Subsection 39(2) of the Planning Act, it is clear that the time period cannot be beyond three years at a time. The Temporary Use Bylaw to permit the existing non-legal, non-conforming trailers on vacant waterfront / RLS properties can then be extended at three (3) year intervals indefinitely. The concern is that every three years there will be a new Council so the current Council cannot place the maximum time period on the temporary trailer program as proposed. Council wanted to provide a 10-year maximum. This is not possible.

As Temporary Use provisions are a form of Zoning Bylaw notice and public consultation are required each time the bylaw is to be reviewed by Council. In this instance, if this option was decided, it would be every three years.

So, there is no comfort to any existing trailer owner wanting the program that it would last beyond the first 3-year timeline. Nor is there comfort to those that oppose trailers in the waterfront zones that the trailers will be removed within a set period of time. Three years is the most that can be planned.

Options

1. Council can adopt Bylaw 2025-09 and 2025-16 to govern Travel Trailers and RVs as it is currently presented where Licencing would only be permitted in the Rural zones.
2. Council can adopt Bylaw 2025-09 and 2025-16 to govern Travel Trailers and RVs AND adopt a separate bylaw that regulates the phase out provisions for long-standing trailers that have been placed on properties within the RLS zone.

2.a Council can permit the temporary use of travel trailers in the RLS zones through a separate bylaw for phasing out of the long-standing trailers under section 39 of the Planning Act. This separate bylaw is drafted for review, based on discussions at the April Corporate Services Committee meeting. The Bylaw is a form of zoning so public notice and meetings are required and the maximum period that the bylaw can be valid for is three (3) years. Every three (3) years the Council of the day would have to notify and hold a public meeting to extend the temporary use another three (3) years.

In this bylaw the following provisions are in place to define the Temporary Use within the RLS.

- i) The bylaw applies to vacant properties where trailers existed prior to March 31, 2024 (the year Council started the review of the trailer use bylaw) and after December 27, 1991; date of the first Zoning bylaw in the Township. The Municipal GIS mapping will be used to determine this eligibility, and a letter will be sent to affected property owners to provide them with the opportunity to take advantage of this temporary exemption.
 - a. A review of the affected properties where trailers can be proven beyond a reasonable doubt they existed, as they currently are, prior to the 1990 date will determine if the use is legal non-conforming.
 - b. Trailers that were placed on vacant land from the 2024 date will be required to remove the trailer.
- ii) 3-year intervals for the bylaw to be enacted
- iii) Owner must enter into an agreement agreeing to all conditions
- iv) The property / trailer must conform to all other provisions within Bylaw 2016-25
- v) If the property currently has two (2) or more trailers, the temporary use shall only be extended to up to two trailers, all others will have to be removed immediately. If two trailers are on the property, they must be 75 feet apart.
- vi) The approved septic management system must be in place by October 31, 2025.
- vii) The property and trailers shall not be eligible for a Special Occasion Licence.
- viii) The Temporary Use provisions are non-transferable. The use shall only apply to the Temporary Use licence holder, who shall be the owner of the property as currently listed in the property file.

2.b Council can grant an exemption to phase out the non-legal, non-conforming trailers through a temporary use bylaw that would expire within this term of Council such as August 31, 2026. This would provide the property owners with approximately two seasons/years to determine how they wish to move forward. All conditions outlined for an agreement and temporary use as 2.a outlines still remains in place.

The RLS zone permits one trailer if there is a dwelling on the property. This dwelling can be a 400 square foot (40 m²) seasonal dwelling or an 800 square foot (75 m²) single family dwelling. Providing a two-year temporary use should provide the property owners with time to arrange to remove the trailers and find alternative storage as well as time to decide which avenue they would like to pursue for a dwelling. As indicated, a seasonal dwelling would permit the seasonal use of the trailer on the property.

Respectfully submitted.



Nicky Kunkel, CAO Clerk-Treasurer

THE CORPORATION OF THE TOWNSHIP OF BONFIELD
BY-LAW NUMBER 2025-XX
BEING A BY-LAW TO GRANT TEMPORARY USE FOR EXISTING NON-CONFORMING
TRAVEL TRAILERS AND RECREATIONAL VEHICLES IN THE RESIDENTIAL LIMITED-SERVICE
ZONE FOR THE TOWNSHIP OF BONFIELD

WHEREAS the *Municipal Act*, S.O. 2001, (*“The Municipal Act”*) Section 164 authorizes a municipality to pass by-laws to licence trailers;

AND WHEREAS Council has adopted Bylaw 2025-16 to govern Travel Trailers and Recreational Vehicles within the Township of Bonfield;

AND WHEREAS Council deems it desirable to create a program to phase out the non-legal non-conforming travel trailers and recreational vehicles that have existed on vacant lands in the Residential Limited Services Zone and waterfront areas of the Township;

AND WHEREAS Section 39 of the Ontario Planning Act authorizes Council to create provisions of for a temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the Bylaw, in a bylaw passed under section 34 of the Ontario Planning Act;

AND WHEREAS the Corporation of the Township of Bonfield deems it desirable to licence, regulate and govern the use of trailers and recreational vehicles in the RLS Zone and waterfront areas for the purpose of protecting the health and safety of the persons using a trailer or recreational vehicle to protect the neighbourhood amenity, the environment and to promote responsible ownership;

NOW THEREFORE the Council of The Corporation of the Township of Bonfield enacts as follows:

INTERPRETATION AND APPLICATION – SECTION 1

- 1.1 This By-law shall be cited as the “RLS Temporary Use Trailer Licence By-law”.
- 1.2 This By-law does not apply to:
 - a) Assessed Trailers as defined in Section 2.1.
 - b) Trailers located in Camping Establishments as defined in Section 2.2.
 - c) A Stored Trailer as defined in Section 2.12.
 - d) A legally licenced trailer under Bylaw 2025-16
- 1.3 This By-law applies to:
 - a) A vacant property that had a Travel Trailer or Recreational Vehicle placed on it prior to March 31, 2024 and after December 27, 1990 that is within the Residential Limited Services Zone.

TEMPORARY USE REGULATIONS – SECTION 2

The provisions and regulations for allowing the Temporary Use of Travel Trailers / Recreation Vehicles that are applicable under section 1.3 are solely to permit the phase out of such use and provide a reasonable time period for the existing property owner to build a permitted dwelling on the property.

- 2.1 The existing applicable property shall be permitted a Temporary Use Licence for up to two Travel Trailers / Recreational Vehicles for a maximum of three (3) years provided they enter into an agreement with the Township that clearly states and acknowledges the Travel Trailers / Recreational Vehicles shall be removed within the set period of time.
- 2.2 As per section 39(3) of the Planning Act, despite subsection (2) the Council may by by-law grant further period(s) of not more than three years each during which the temporary use is authorized. However, Section 39(4) and 34 (9)(a) of the Planning Act states it does not apply so as to permit the continued use of the land and/or buildings indefinitely.
- 2.3 The Temporary Use Bylaw and Agreement shall set out the following:

- a) No person shall occupy or permit to be occupied a Trailer during the period commencing December 15th of a calendar year and ending May 1st of the following calendar year. A Licensed Trailer shall be deemed a temporary use.
- b) The issuance of a Temporary Licence under the Temporary Bylaw for the property is not intended and shall not be construed as permission or consent by the Township for the holder of the Licence to contravene or to fail to observe or comply with any law of Canada, Ontario, or any By-law of the Township of Bonfield.
- c) An existing applicable property that has more than one Travel Trailer / Recreational Vehicle shall be hereby limited to no more than two (2) per temporary licenced property. The trailers shall be placed a minimum of 75 feet apart.
- d) The owner shall have an approved septic management plan approved and in place by October 31, 2025.
- e) The annual fee for each trailer on site must be paid in full to continue the agreement and temporary use
- f) The temporary use licence and agreement shall not be transferable
- g) The existing Travel Trailer / Recreational Vehicle under the Temporary Permit may be replaced but shall not be larger than 10% of the existing licenced unit.
- h) A Temporary Licenced Trailer shall comply with all other provisions of By-law 2025-16. All other provisions and regulations of By-law 2025-16 shall be applicable to this bylaw and temporary uses.
- i) A Temporary Licenced Trailer shall not be eligible for a Special Occasions Licence.

VALIDITY AND EFFECTIVE DATE – SECTION 3

- 3.1 If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than that section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.
- 3.2 This By-law shall come into effect on the date of the third reading, and it being passed.

READ A FIRST, SECOND AND THIRD TIME AND CONSIDERED ADOPTED THIS XXTH DAY OF XX, 2025

THE CORPORATION OF THE TOWNSHIP OF
BONFIELD

Mayor

Clerk