

THE CITY OF DAWSON



COMMITTEE OF THE WHOLE MEETING #CW21-17

DATE: TUESDAY July 6, 2021

TIME: 7:00 PM

LOCATION: City of Dawson Council Chambers (Safe Spacing rules apply)

1. CALL TO ORDER

2. ACCEPTANCE OF ADDENDUM & ADOPTION OF AGENDA

3. PUBLIC HEARING

- a) Road Naming

4. DELEGATIONS & GUESTS

- a) Appeal-Development Permit #21-025 – D. Carey, D. Coles

5. MINUTES

- a) Special Committee of the Whole Meeting Minutes CW21-14 of June 8, 2021

6. BUSINESS ARISING FROM MINUTES

- b) Special Committee of the Whole Meeting Minutes CW21-14 of June 8, 2021

7. BYLAWS & POLICIES

- a) Official Community Plan Amendment No. 3 (2019-16)
- b) Zoning Bylaw Amendment No. 6 (2019-17)
- c) Flagpole Policy

8. CORRESPONDENCE

- a) Glynnie Cara RE: Gold Rush Campground
- b) Gerry & Dina Grenon RE: Gold Rush Campground
- c) Diana McCready RE: Gold Rush Campground
- d) Joel Famularo RE: Council Decision Concerns
- e) Sylvie Gammie RE: Gold Rush Campground
- f) Peter Jenkins RE: Block Q and Peter Jenkins RE: Block Q Ladue Estate
- g) HAC minutes 21-10
- h) RCMP Monthly Policing Report – May 2021
- i) John Phelps, Chair, Yukon Police Council RE: 2020 Community Perceptions of the RCMP Survey
- j) Minister Mostyn RE: Dawson Reservoir Replacement
- k) Minister Mostyn RE: 2021-22 Federal Gas Tax Fund Allotment
- l) Minister Streicker RE: Mining in Municipal Boundaries Policy
- m) Heather Mills, Director, Assessment and Abandoned Mines RE: Clinton Creek Mine Project Update and Upcoming Meeting

9. PUBLIC QUESTIONS

10. IN CAMERA

- a) Legal related matter

11. ADJOURNMENT

THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
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NOTICE OF PUBLIC HEARING: ROAD NAMING

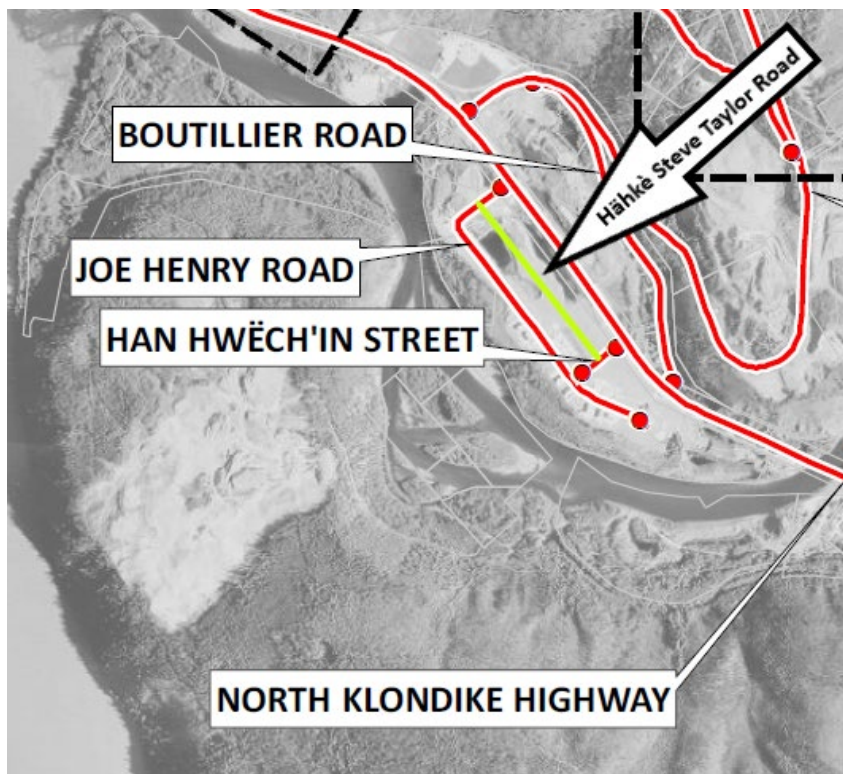
Subject Property: Road R-2 (between Joe Henry Road and the North Klondike Highway)

Date: July 6, 2021

Time: 7:00pm

Location: Council Chambers, City Hall

Listen to Public Hearing: Radio CFYT 106.9 FM or cable channel #11



The City of Dawson is now requesting input from the public regarding a proposed name change of the highlighted road from R-2 to Hähkè Steve Taylor Road. This change is being requested for ease of location by emergency services.

For more information or to provide your input prior to the public hearing, please contact the Executive Assistant using the following contact information:

Elizabeth Grenon

Executive Assistant

Box 308, Dawson City YT Y0B 1G0

ea@cityofdawson.ca

867-993-7400 ext. 428

From: [Rick Gillespie](#)
To: [Executive Assistant](#)
Subject: Road name
Date: June 17, 2021 5:04:07 PM

That's on band land why does the public have any say they are going to rename it to what the band members want anyway

Sent from my iPhone

Alan A Frydenlund, QC*
Harvey S Delaney*
Paul J Brown*
Heather E Maconachie
Michael F Robson*
Paul A Brackstone* *
Pamela E Sheppard*
Jocelyn M Bellerud*
Heather A. Frydenlund**
Georgia Barnard
Yasmin D'Costa

Rose-Mary L Basham, QC, Associate Counsel*
Josephine M Nadel, QC, Associate Counsel*
James D Burns, Associate Counsel*
Duncan J Manson, Associate Counsel*
Hon Walter S Owen, QC, QC, LLD (1981)
John I Bird, QC (2005)

Allison R Kuchta*
James L Carpick*
Patrick J Haberl*
Terence W Yu*
James H McBeath*
Scott W Urquhart
George J Roper*
Tony R Anderson*
Brian Y K Cheng***
Lucky D Johal
Taahaa Patel

Jeffrey B Lightfoot*
Christopher P Weafer*
Gregory J Tucker, QC* ** ***
Harley J Harris*
Jennifer M Williams*
Scott H Stephens*
David W P Moriarty
Katharina R Spatzl*
Steffi M Boyce
Brittney S Dumanowski

Daniel W Burnett, QC*
Ronald G Paton*
Gary M Yaffe*
Jonathan L Williams*
Kari F Richardson*
James W Zaitsoff*
Daniel H Coles* *
Sameer Kamboj
Patrick J Weafer
Laura A Buitendyk

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** Also of the Washington Bar

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June 24, 2021

VIA REGULAR MAIL & EMAIL
[cao@cityofdawson.ca]

City of Dawson
Box 308
Dawson City, YT Y0B 1G0

Attention: Council of City of Dawson
c/o Cory Bellmore
Chief Administrative Officer

Dear Sirs/Mesdames:

Re: Appeal to Council of April 22, 2021 Decision to Deny Development Permit #21-025

As you know, we are counsel for Mr. Darrell Carey, the proponent of Development Permit #21-025 (the “**Development Permit**”). Mr. Carey submitted the Development Permit Application on or about March 18, 2021.

On April 22, 2021 Ms. Stephanie Pawluk (the “**Decision Maker**”) on behalf of the City of Dawson, denied the Development Permit. Ms. Pawluk provided *two reasons* for her decision, each supported by a single paragraph of text, along with a map overlaying the proposed Project Act against the relevant Official Community Plan (“**OCP**”) designations (the “**Decision**”).

The Decision Maker outlined three actions Mr. Carey could take should he wish to proceed with the application. The within submissions related to the first action – an appeal of the Decision to council. Mr. Carey has also advised he will be applying to amend the OCP and Zoning Bylaw. Those application materials will be submitted in due course, depending on the outcome of the within development permit appeal.

Mr. Carey wishes to confirm his preference that the within appeal be heard by Council on **July 6, 2021**. Mr. Carey plans on attending in person. The writer wishes to attend by way of Zoom or similar technology.

OVERVIEW

Mr. Carey, and his longstanding placer mining claims, are well known around the City of Dawson. Mr. Carey has been placer mining in and around the City of Dawson his entire life.¹

Mr. Carey is in possession of Yukon Environmental and Socio-economic Assessment Board (“YESAB”), Yukon Mining Recorder and Yukon Water Board approval to mine his claims. Each of these regulatory bodies have scrutinized his interest in and maintenance of the placer mining claims at issue in this meal, his mining plans and operations, and the impact his mining activities have on the environment and local interests and have approved the same (albeit with restrictions).²

The only regulatory body currently preventing him from mining is the City of Dawson.³

In 2016, in a public and court-approved process, Mr. Carey purchased full ownership of the subject placer mining claims for \$752,200.⁴ The Decision that is under appeal to Council, unless set aside or varied, renders these claims, and Mr. Carey’s substantial investment in them, worthless.

Without the Development Permit at issue in this appeal, Mr. Carey cannot mine his claims, which is the *raison d’etre* of their existence. If the City of Dawson refuses to recognize Mr. Carey’s entitlement to continue placer mining as a pre-existing non-confirming use it will have in effect expropriated his claims – depriving him of his livelihood, rendering his long-standing investment in the claims worthless, and depriving local workers and businesses of a source of revenue and employment. It is against this backdrop, that the Decision was made.

The basis to set-aside and reverse the Decision is obvious: on its face the Decision is unreasonable. It was made without meaningful analysis of the facts placed before the Decision Maker or any reference on consideration of the applicable law. The Decision makes reference to vague or unknowable standards (both legal and evidentiary) and asserts that Mr. Carey failed to provide particulars to the City, without in any way explaining what particulars are missing.

The submissions below, while framed in as administrative law concepts, are not intended to be an unduly technical or acutely legal submission. To the contrary, these statements of law are nothing more than fulsome articulations of the basic concepts of natural justice and procedural fairness.

The City of Dawson’s treatment of Mr. Carey is a blemish on its record – he has not been treated fairly by any standard. Fortunately this is treatment that can and must be corrected for the reasons set out more fully below.

¹ Affidavit #1 of D. Carey at paras. 2 and 4.

² Affidavit #1 of D. Carey at para. 13

³ Affidavit #1 of D. Carey at para. 14.

⁴ Affidavit #1 of D. Carey at paras. 19-25.

Pursuant to section 4.4.2.3 of the *Zoning Bylaw* Mr. Carey respectfully requests that Council forthwith grant the permissions sought in the Development Permit Application, or in the alternative grant the permissions sought on reasonable conditions.

ENCLOSURES

Enclosed is the record of materials that were before the Decision Maker when she made the Decision (the “**Record**”).

1. A copy of Development Permit Application #21-025 with its enclosures;
2. Ms. Pawluk’s April 22, 2021 decision document; and
3. The unsworn affidavit #1 of D. Carey

BASIS OF APPEAL

As captioned above, the Decision Maker denied the Developer Permit for two reasons:

- 1) The proposed mining use is not permitted under *Bylaw* #2018-18 (OCP) or the *Zoning Bylaw* #2018-19 (ZBL); and
- 2) The City of Dawson was not able to confirm that the proposed mining use constitutes a legal nonconforming use, as laid out in the *Municipal Act*.

With respect to reason #1, Mr. Carey takes no issue with this determination. A plain reading of the OCP and ZBL confirm that placer mining is not *currently* a permitted use.

With respect to reason #2, Mr. Carey says that:

- a) The Decision Maker was clearly wrong in her determination that the documents and information before her (the Record) was not sufficient evidence that the proposed use constitutes a legal non-confirming use in accordance with the *Municipal Act*;
- b) The Decision Maker failed to articulate what evidentiary standards and legal tests she applied to the Record when making the Decision. She failed to articulate what “particulars” she determined were missing from the Record and why she required them to assess the Development Permit Application.

The Decision Maker repeats bald statements in the Decision that Mr. Carey failed or neglected to meet certain standards – without articling those standards or making references to the *Municipal Act*, its *Regulations* or published policy. In particular:

- a. The Decision Maker failed to state or explain her definition of the legal term of art “discontinued” and how she applied it to the facts contained in the Record;
- b. The Decision maker failed to state or explain her interpretation of “use”. Prior

decisions by Dawson City to deny Mr. Carey a development permit, on substantially the same application materials, have betrayed that the City of Dawson interprets and applies the relevant section of the *Municipal Act* incorrectly, setting an inappropriately high barrier.

- c) The Decision fails to fulfil the basic purpose of a written decision: it does not contain a meaningful or discernible analysis of the Record, namely the evidence contained in Mr. Carey's unsworn affidavit. In particular:
 - a. There is no analysis of Mr. Carey's long-standing placer mining use of the claims that pre-date both the current and 2012 OCPs;
 - b. Mr. Carey in his unsworn affidavit provided a detailed narrative of his uses of the claims, including when and why he was unable to perform certain physical work on those claims. The Decision contains a request for more information – without addressing the information that was before the Decision Maker, or explaining why it was not satisfactory.
- d) The Decision, read as a whole, does not indicate the Decision Maker actually read, considered, and engaged with the voluminous materials that were before her. Although there is a statement to the effect that she did – there is no analysis that evidences this actually occurred.
- e) The Decision contains a serious of conclusions (e.g. “not able to confirm”, “you included no particulars”, “it was not included with your application”) but does not articulate *why* the information that was provided was not sufficient, or explain what type of evidence, or degree of particular, or the sort of information that would satisfy the Decision Maker or the City of Dawson.

Put more broadly, The Decision deprived Mr. Carey of understanding why the Development Permit was denied, and deprives Council (and the Supreme Court of Yukon should this matter proceed to a judicial review) from understanding the Decision Maker's conclusion and how she reached it. This in itself, from an administrative law point of view, is fatal to the Decision.

- f) The Decision fails to meet Mr. Carey's reasonable expectations, fails to deal with him in good faith, and the analysis and reasoning (and lack thereof) contained in the Decision itself are not commensurate with the significance the Decision has had, and continues to have on Mr. Carey's life, or the City's duty to assist Mr. Carey in understanding its processes and completing its forms.

LAW OF CONTINUING USE

The starting position for an analysis of whether or not Mr. Carey's use of the lands at issue ought to be continued as a non-confirming use, is by reference to the appropriate sections of the *Municipal Act*, namely s. 301.

Although Mr. Carey in the Development Permit Application expressly confirmed his intention to “continue” placer mining, and referred to his mining operation as a “legal non-conforming activity” the Decision Maker failed to actually address the considerations contained in s. 301(1) of the *Municipal Act* and perform the related analysis. Although the Decision includes some bald assertions related to conclusions the Decision Maker reached on this important issue, those statements are made without any reference to her analysis of the statute or the evidence that was before her.

The Decision Maker’s failure to perform this analysis, which was fundamental to the Development Permit Application at issue on this appeal, was a significant error that renders the Decision invalid.

The relevant section of the *Act* is set out below, along with the equivalent section of the British Columbia statute. Mr. Carey has included the BC legislation as the authorities relied on by him that explain how s. 301(1) of the *Municipal Act* is properly interpreted, are British Columbia authorities. Mr. Carey says that the relevant sections of the two *Acts*, although arranged differently, are in purpose and effect the same.

Municipal Act, RSY 2002, c 154	Local Government Act, RSBC 2015, c 1
<p style="text-align: center;">DIVISION 4</p> <p style="text-align: center;">NON-CONFORMING USES</p> <p style="text-align: center;">Non-conforming use of existing land and buildings</p> <p>301(1) If the lawful use of land or of a building or other structure <u>existing at the date of the adoption of an official community plan or zoning bylaw or amendments does not conform to the official community plan or bylaw</u>, that use may be <u>continued</u>, but if the non-conforming use <u>is discontinued</u> for a period of 12 months, or any longer period as council may by bylaw allow, any subsequent use of the land or building or other structure must conform with the official community plan and zoning bylaw then in effect.</p>	<p style="text-align: center;">Division 14 — Non-conforming Use and Other Continuations</p> <p>Non-conforming uses: authority to continue use</p> <p>528 (1) Subject to this section, if, at the time a land use regulation bylaw is adopted,</p> <p style="padding-left: 40px;">(a) land, or a building or other structure, to which that bylaw applies is lawfully used, and</p> <p style="padding-left: 40px;">(b) the use does not conform to the bylaw,</p> <p>the use may be continued as a non-conforming use.</p> <p>(2) If a non-conforming use authorized under subsection (1) is <u>discontinued</u> for a continuous period of 6 months, any subsequent use of the land, building or other structure becomes subject to the land use regulation bylaw.</p>

Accordingly, a proper s.301(1) of the *Act* analysis requires the following determinations:

- a) Was Mr. Carey lawfully using the land at the date of the adoption of the OCP and the ZBL?
- b) Did that lawful *use* conform with the OCP/ZBL?
- c) Has Mr. Carey *discontinued* that *use* for a period of 12 months?

Mr. Carey was lawfully using the lands for placer mining activities as at the date of the adoption of both the 2012 and 2018 OCPs.

The lands that are at issue in this appeal have been used, continuously, for placer mining purposes since they were first staked which for most of the claims at issue was 30-40 years ago – before the expansion of the City of Dawson.⁵

Mr. Carey’s ownership of the claims at issue began in 1998.⁶ Since that time the City of Dawson has implemented the following OCPs and related ZBLs in place:

- The 2012 OCP and Zoning Bylaw (in force October, 2012 and May, 2013 respectively, replacing Bylaws No. 09-03 and No. 90-25); and
- The 2018 OCP and Zoning Bylaw (in force May, 2019)

As at each of the effective dates captioned above, the claims at issue in this appeal were in *use* for placer mining activities.

As outlined above, the Decision Maker did not articulate her interpretation of “use” as that term is used in s. 301(1) of the *Municipal Act*.

In its August 9, 2019 decision to deny Development Permit Application #19-101, Community Development Officer Ms. Clarissa Huffman equated “use” with “operation”. She explained, on behalf of the City of Dawson, that because Mr. Carey’s mining “operation” had in her view been discontinued since October, 2017 he was not eligible to qualify for the s.301(1) exemption.

This earlier decision by the City confirms its legally incorrect interpretation of the *Act*, ascribing a narrow and impoverished approach to what is intended to be remedial legislation, preserving the *status quo*.

The word “operation” does not appear in the statute. This is a term, and practically speaking a hurdle, that that City without explanation has elected to place before Mr. Carey, of its own volition, and contrary to the plain language used in the statute, and the relevant case law.

The British Columbia Court of Appeal in *Cowichan Valley (Regional District) v. Ward* confirmed, with reference to the equivalent BC statute at the time, that to deny a project proponent such as Mr. Carey’s rights under s.301(1) of the *Act* it is “non-use” of the lands that

⁵ Affidavit #1 of D. Carey at paras 6 and 18.

⁶ Affidavit #1 of D. Carey at paras. 4-5.

must be shown, not “non-operation”.⁷ As the Court of Appeal explained, non-conforming uses of land may not *operate* for various lengths of time for various reasons (weather, fires, regulatory reasons etc.) but that is a matter distinct from ascertaining non- *use*.

Use in this context must be interpreted to mean “commitment to use.”⁸

In *Sunshine Coast (Regional District) v. Bailey*⁹, the British Columbia Supreme Court described the purpose of the law of non-conforming use and observed that the courts have adopted a liberal approach to interpreting the statutory lawful non-conforming use exemption in favour of the user:¹⁰

Presumably, it is the concept of fairness that supplies the underlying rationale for the statutory non-conforming use exemption, for its liberal interpretation by the courts through development of the “commitment to use” doctrine, and for the accompanying proposition that any doubt as to prior use ought to be resolved in favour of the owner. To prohibit completion of a land development project to which there has been an unequivocal commitment, including significant physical alteration to the site, savours of unfairness because it is tantamount to giving the zoning bylaw retroactive effect, to the prejudice of the owner.

(emphasis added)

The liberal interpretation in favour of users, noted in *Sunshine Coast*, also applies with respect to whether a use has been discontinued. The courts have taken a broad approach to “use” in order to avoid the expiration of a lawful non-conforming use through discontinuance.¹¹

These principles are of course also codified in Yukon law by way of the *Interpretation Act* which confirms that¹²

Every enactment and every provision thereof shall be deemed remedial and shall be given the fair, large, and liberal interpretation that best insures the attainment of its objects.

The Decision at issue in this appeal, ignores the “liberal” and owner-centric approach to both determining “commitment to use” and “discontinuance” and instead proceeds on an unduly narrow and strict application of the *Act*, including the addition of the “operation” requirement.

Mr. Carey’s commitment to use, and where permitted physical use of the lands for placer mining is beyond doubt, and adequately documented and explained in his affidavit. The Record is unequivocal in this respect.

Mr. Carey’s commitment to use can be readily determined by reference to his:

⁷ *Cowichan Valley (Regional District) v. Ward*, [1994] B.C.J. No. 3252 at para. 13.

⁸ *Cowichan Valley (Regional District) v. Yole*, [1988] B.C.J. No. 2448; S.C.I.C. v. City of Burnaby, 2001 BCCA 708 at para. 13.

⁹ *Sunshine Coast (Regional District) v. Bailey*, (1995), 1995 CanLII 570 (BC SC), 15 B.C.L.R. (3d) 16 (S.C.) at para. 31;

¹⁰ *Okanagan-Similkameen (Regional District) v. Leach*, 2012 BCSC 63 at para 117.

¹¹ *Okanagan-Similkameen (Regional District) v. Leach*, 2012 BCSC 63 at para. 118.

¹² *Interpretation Act*, RSY 2002, c 125 at s.10

- a) maintenance of the claims in good standing with the Yukon Mining Recorder¹³;
- b) participation in various YESAA/YESAB processes and ultimate success in obtaining approval¹⁴;
- c) Class 4 placer mining land use approvals and related water licences¹⁵;
- d) repeated and ongoing applications for development permits.¹⁶

Placer Mining was not a conforming use with the 2012 or 2018 OCP

Mr. Carey, and his predecessors in title to the claims, were permitted to mine the claims without seeking prior approval from the City of Dawson until 2012¹⁷.

As of the passing of the 2012 OCP and ZBL the use of the lands for placer mining became a lawful and pre-existing, but non-conforming use.

Mr. Carey's use of the lands for placer mining purposes has never been discontinued

At no time has Mr. Carey ever discontinued his use of the claims.

The law and evidence related to Mr. Carey's continued "use" of the lands for placer mining is set out above and need not be repeated here. He has maintained both a "commitment to use" and an actual "use" of the lands for placer mining at all times.

Mr. Carey says further that s.301(1) of the *Municipal Act* must be interpreted in conjunction with the *Placer Mining Act*.

How a placer miner like Mr. Carey "uses" land (frequency, duration, intensity etc.) is different than how a logging company "uses" land or a residential developer "uses" land. The Decision Maker was required in first instance to take the surrounding circumstances into account, including other applicable territorial laws, regimes and existing approvals, when she rendered the Decision. She failed to do so. Administrative decisions cannot be made in a vacuum.

As Mr. Carey explained in his affidavit, placer miners evidence their use of land for placer mining purposes by maintaining their claims in good standing with the Mining Recorder. This can be done by regularly performing a variety of mining work. Significantly, the work does not require physical work or the "operation" of a mine on each claim. Such a requirement would not be feasible, economic, or environmentally sound.¹⁸

Mr. Carey can only be said to have "discontinued" his use, or commitment to use, the lands for

¹³ Affidavit #1 of D. Carey at paras. 32-41.

¹⁴ Affidavit #1 of D. Carey at paras. 42-56

¹⁵ Affidavit #1 of D. Carey at paras. 57-66.

¹⁶ Affidavit #1 of D. Carey at paras. 73-92.

¹⁷ Affidavit #1 of D. Carey at para. 73.

¹⁸ Affidavit #1 of D. Carey at paras. 32-41.

placer mining if the claims ceased to be in good standing for a period of greater than 12 months. This has never occurred.

THE DECISION FAILED TO CONTAIN ADEQUATE REASONS

The Decision at issue in this appeal, which the City was required to deliver to Mr. Carey in accordance with s.4 of the ZBL, was not supported by adequate or meaningful reasons.

In addition to the requirements of written reasons set out on the ZBL and the City's established practice, administrative law principles require a written explanation for a decision where the decision has "important significance for the individual". The significance of the Decision to Mr. Carey cannot be overstated: the City of Dawson has taken his livelihood from him, and if the Decision is not reversed, it will have also robbed him of a substantial investment.¹⁹

Mr. Justice Veale, as he then was, in the context of reviewing a decision made by the Yukon Liquor Corporation, said this²⁰:

Written reasons are required of a tribunal not merely to effect formal notification to the parties of the tribunal's decision. Rather, written reasons are required to ensure that the tribunal has weighed the evidence before it, made findings of fact and then applied the applicable law or policy to those facts. This is necessary information for the party that is negatively affected by the decision and the court that may be called upon to review it.

(emphasis added)

Citing with approval the text *Administrative Law in Canada*, 2nd ed. (Toronto: Butterworths, 1997) his lordship explained that reasons are not merely the statement of conclusion but should include finding of facts and the reasons why those facts justify the decision made.

6. Sufficiency of Reasons

Regardless of whether there is a duty to give reasons, any reasons given must be adequate. It is not sufficient simply to outline the evidence and argument and to state the tribunal's conclusion. Nor is it sufficient merely to repeat the applicable statutory provisions word for word. That does not reveal the rationale for a decision. Grounds must be set out. To be of any value to parties, reasons should explain how the tribunal reached its conclusions, both on fact and on law or policy. Findings of fact should be stated. In addition to the facts, the relative importance of each of the facts and the reasons why those facts justify the decision should be given. If an application is dismissed by reason of insufficient evidence, the material deficiencies in the evidence should be identified. Likewise reasons for rejecting the material evidence given by the applicant should be stated. If several incidents of misconduct were alleged in the notice of hearing, the reasons for decision should identify which incidents are proven and are the reasons for the disciplinary order. If a statute requires that certain factors be considered before a decision is made, those factors should be discussed in the reasons. Reasons need not, however, be given on every minor point raised during the proceeding.

¹⁹ *Baker v. Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 at 43.

²⁰ *City Furniture (Y.T.) Ltd. v. Yukon Liquor Corporation*, 2000 YKSC 517 at 33.

(emphasis added)

The Decision falls well short of the standard expected by administrative decision-makers in Yukon when providing written reasons on matters of significance. This is a sufficient basis to set the decision aside.²¹

CONCLUSION

The City of Dawson has not treated Mr. Carey in a fair, even-handed and transparent manner.

The *Municipal Act* expressly contemplates individuals like Mr. Carey being “grandfathered” in from subsequent changes to OCP and ZBLs. This is not a complex or legally obscure concept. To the contrary it is a readily understand and everyday notion that speaks to fairness: individuals such as Mr. Carey who have built their lives around placer mining, and invested heavily in the same, cannot be robbed of that investment and livelihood by the subsequent passing of a new OCP and ZBL.

There can be no serious doubt or debate that Mr. Carey is a longstanding and committed placer miner in the City of Dawson. The treatment Mr. Carey has received to date by the administrative decision makers who have denied his repeated and ongoing requests to earn a living, while they simultaneously refuse to provide him with meaningful information so he can correct and re-submit his applications is objectionable.

Exacerbating matters, the City of Dawson has from time-to-time made unreasonable requests of him to have his claims surveyed for example – a request the official who made the same would know, or ought to know, is entirely unreasonable and prohibitively expensive.

Above all else the City of Dawson is required to deal with Mr. Carey in good faith, and provide him with a basic level of assistance and accommodation in completing the forms created by it, and meeting the evidentiary standards created by it (that are to Mr. Carey’s knowledge *ad hoc* and unpublished).


Respectfully Mr. Carey asks that he be issued the subject development permit so can resume mining his claims in the usual course, an in accordance with the terms and conditions attached to his YESAB approval, Water Licence and Land Use Approval.

²¹ *City Furniture (Y.T.) Ltd. v. Yukon Liquor Corporation*, 2000 YTSC 517 at 39.

If you, or Council require further documentation, submissions, or other information from the writer in advance of the July 6 Council meeting please do not hesitate to contact me directly.

Yours truly,

OWEN BIRD LAW CORPORATION



Daniel H. Coles
DHC/my
cc. Client

Darrell Wayne Carey # 1

S.C. No. _____

Form 59
(Rules 49 (2)(d) and 63 (30)(e))

SUPREME COURT OF YUKON

Between

Darrell Wayne Carey

Petitioner

and

City of Dawson

Respondent

AFFIDAVIT

I, Darrell Wayne Carey, of 3 Cranberry Place, Whitehorse, Yukon, placer miner, MAKE OATH (OR SOLEMNLY AFFIRM) AND SAY THAT:

1. I am the petitioner in the above captioned matter, and as such have direct knowledge of the information deposed to in this affidavit, except where stated to be on information and belief, which information I believe to be true.

BACKGROUND

2. I am a 60 year old placer miner. I have been working as a miner in the Yukon, and more specifically in and around the City of Dawson since I was 18 years old. Although I have also worked various construction jobs, mining has been and remains my primary source of income. Placer mining is how I support my family.

3. I am a member of the Yukon Order of Pioneers Lodge 1, and the Klondike Placer Miners Association.

4. Since 1998 I have had an ownership interest in placer mine claims on a bench above the Klondike River located within the municipal limits of the City of Dawson and the traditional territory of the Tr'ondëk Hwëch'in.

5. In 2012 my ownership interest increased to 34 claims and since then has increased further to 44 claims. Attached as **Exhibit "1"** to my affidavit is a Claim Status Report (the "**Claim Status Report**") printed from the mining claims database maintained by the Department of Energy, Mines and Resources (collectively the "**East Bench Claims**").

6. Attached as **Exhibit "2"** is a table setting out the date each of the East Bench Claims were staked. Most of the East Bench Claims were staked and have been active for decades, with some going as far back at the 1920s.

7. Attached as **Exhibit "3"** to my affidavit is a grouping of maps highlighting the location and borders of the East Bench Claims.

8. As is apparent from the Claim Status Report Each of the East Bench Claims remains "active" and in good standing with the Mining Recorder's office. Later in this affidavit I will explain the significance of this and the process for maintaining placer claims.

9. Attached as **Exhibit "4"** to my affidavit is an October 21, 2017 report titled Klondike East Bench Project Report prepared by the Mineral Resources Branch, Department of Energy Mines and Resources. While I do not agree with everything contained in this report, it provides a useful summary of some of the issues relevant this judicial review proceeding.

10. Attached as **Exhibit "5"** as an *aide-mémoire* is a table I prepared setting out the licensing history of the East Bench claims.

11. Beginning in or about 2016 both the City of Dawson and Government of Yukon began placing various restrictions over my ability to mine the East Bench Claims.

12. On November 7, 2018 the Director of Natural Resources confirmed a YESAB recommendation related to the East Bench Claims which while permitting me to mine the East Bench Claims, the volume and nature of the restrictions imposed operates as a *de facto*

expropriation of the claims. That issue is currently being litigated in action *Carey v. Government of Yukon (Minister of Energy, Mines and Resources)* Supreme Court of Yukon Action No. S.C. 19-A0087, Whitehorse Registry. Attached as **Exhibit “6”** is a copy of the November 7, 2018 *Yukon Environmental & Socioeconomic Assessment Act* Decision Document for YESAB File no. 2017-0206.

13. As I set out in greater detail below, at issue in this judicial review proceeding is a sub-set of 20 of the East Bench Claims, which I will refer to as the “**Project**”, over which I have obtained a Water Licence and Land Use Approval for a Class 4 placer mine in addition to the above-referenced YESAB approval.

14. Accordingly, the only government entity preventing me from mining the Project is the City of Dawson who throughout the summer of 2019 denied my applications for development permits.

15. The City of Dawson’s repeated refusal to issue me the necessary development permits is unreasonable and unlawful.

16. Despite the barriers the City of Dawson and the Government of Yukon have placed in front of me over the years I have never wavered in my commitment to continue mining the East Bench Claims generally and the Project more specifically.

17. Mining is my primary source of income, and I have made significant financial investments in acquiring, exploring and developing the placer claims that compromise the Project.

THE EAST BENCH CLAIMS

18. The history of placer mining occurring on the East Bench Claims is well known. The claims have been actively mined, or otherwise maintained, for decades. While most of the claims were staked, and have subsequently been operational, since the 1980s, certain of the East Bench Claims were staked as far back as 1926.

19. Previously I owned certain of the East Bench Claims with my former business partner Rodney Adams through a company owned by us, 47162 Yukon Inc. (“**47162**”). These claims were known as the “Vicbi claims”.

20. Beginning in 2013 Mr. Adams and I had a dispute over our business relationship and the operation of 47162, although we still managed to mine the Vicbi claims that year.

21. This dispute, which for the next three years would negatively impacted my ability to actively mine the Vicbi claims, was ultimately the subject of litigation and resolved in 2016 by way of court order. Attached as **Exhibit “7”** to my affidavit is the oral reason of Mr. Justice Veale directing a buyout procedure whereby Mr. Adams and I would each submit a bid to purchase the Vicbi claims out of 47162.

22. I submitted the highest bid for 47162’s claims in the amount of \$752,200. Attached as **Exhibit “8”** to my affidavit is a copy of a bank draft obtained by me, payable to 47162 in that amount.

23. The purchase amount represented a significant investment by me in the Vicbi claims and my future. To raise the purchase monies I had to borrow from friends and family. Those loans remain unpaid.

24. Further evidence of my purchase from 47162 of the Vicbi claims is attached as **Exhibit “9”** to my affidavit and is as follows:

- a) March 3, 2016 Yukon Energy, Mines and Resources Transfer of Placer Claim or Interest Therein form;
- b) March 3, 2016 letter from counsel for Mr. Adams confirming release of proceeds of Vicbi claims sale from 47162 to Mr. Adams; and
- c) March 3, 2016 Authority to Pay regarding 47162 distribution of Vicbi claim sales proceeds to myself and Mr. Adams.

25. My dispute with Mr. Adams, the court ordered buyout of the Vicbi claims, and the amount I paid for the same was widely publicized at the time and reported by local media. This dispute, and my subsequent purchase of the Vicbi claims, received considerable attention in the Yukon, and more specifically Dawson City, placer mining community. Attached as **Exhibit “10”** to my affidavit is a CBC news article dated March 3, 2016 that remains accessible online to this day.

CITY OF DAWSON LAND CONTROL AND ADMINISTRATION

26. My understanding is that prior to devolution in 2003, the majority of the administration and control of land in Yukon was the responsibility of Canada. Canada administered Yukon lands through the *Territorial Lands Act*. Yukon later administered the transferred lands under the *Yukon Lands Act*.

27. When I first acquired and starting mining certain of the East Bench Claims, approval from the City for my mining activity was not necessary.

28. My understanding is that the area that now forms the City of Dawson, has been gradually expanding since the 1960s, with the City’s current boundaries being fixed through Order 1998/218 made under the *Municipal Act*.

29. Although the lands over which the Project is staked are now included within the municipal boundary of the City of Dawson, the *Placer Mining Act* confirms they remain valid claims that are managed and administered like claims located outside of a boundary.

30. I recognize that surface uses on claims located within the municipal boundaries are subject to Official Community Plan (“**OCP**”) and zoning bylaws duly passed by the City. Attached as **Exhibit “11”** to my affidavit is a copy of the current OCP.

31. I understand that the City of Dawson’s current OCP, designates much of the Project lands as “Parks and Natural Space” which does not support the use of the Each Bench Claims area for placer mining.

PLACER MINING

32. Attached as **Exhibit “12”** to my affidavit is an excerpt from *Placer Mining Industry 1978-1982*, published by then then Ministry for Indian and Northern Affairs, that provides some general, albeit slightly dated, information on how a placer mining operation functions.

33. Section 41 of the *Placer Mining Act* requires that certain assessment work, as outlined in the *Schedule of Representative Work (Placer Mining) 2003*, be performed to renew claims and ensure they remain in good standing. Attached as **Exhibit “13”** to my affidavit is the May, 2019 *Interpretive Bulletin* regarding the *Placer Claim Renewals Schedule of Representation Work*.

34. The operation, maintenance and development of a placer mine in the Yukon involves both work that physically alters the site – such as prospecting and the actual recovery of the gold and other heavy minerals from the placer deposits – as well as other miner-like work such as claim exploration, equipment mobilization/demobilization and survey work which does not necessarily result in physical or permanent changes to the lands, but is work recognized by the Yukon Mining Recorder as having a direct bearing on the operation of a placer mine and being done in support of a mining claim or the systematic mining of a group of claims.

35. I do not regularly perform physical work on all of my claims, including the Project. Doing so is not practical, efficient, economical, environmentally friendly or required of me by the *Placer Mining Act* or the Yukon Mining Recorder.

36. Section 52 of the *Placer Mining Act* provides for claim holders to group claims together to support a work program for renewal purposes. Attached as **Exhibit “14”** to my affidavit a grouping certificate that encompasses the Project as well as my other claims (the “**Grouping Certificate**”).

37. The Grouping Certificate confirm the Yukon Mining Recorder’s recognition that adjoining claims can be grouped together for the purpose of keeping them in good standing, and worked systematically. This permits placer miners like myself to allocate resources efficiently, concentrating activities on one or more claims and only performing the physical aspects of mining work in the most efficient manner with the least impact on the environment and

surrounding communities and natural resources, without having to perform assessment work on each claim separately.

38. If in order to keep my claims in good standing I were required to regularly perform physical mining work, on an annual basis or otherwise, *on each of my claims* it would require me to build and maintain access roads and install other mining related infrastructure in addition to clearing vegetation and distributing topsoil. This would needlessly increase the footprint of my mining operation.

39. Attached as **Exhibit "15"** is a series of photographs of me performing placer mining work on two claims that form part of the Project, namely **claims 33141** and **P34949** in the year 2013. These photographs are a useful example of what my placer mining operations typically look like, and the equipment involved, although the exact equipment and processes used varies from season to season and claim to claim.

40. Generally speaking, my placer mining operation consists of the following:

- a) Myself and 2-3 other workers on each "wash plant";
- b) The operation of various pieces of 3-4 pieces of equipment, namely: a wheeled loader, bulldozer, tracked excavators and dump trucks;
- c) Two wash plants and various sluice boxes for clean up;
- d) The stripping and stockpiling of soils and organic materials for the purpose of accessing and removing pay gravels for sluicing; and
- e) The construction of settling ponds.

41. Further particulars of how I conduct placer mining work, and the work I have previously performed on the Project can be found in mining land use and water licence approvals attached to this affidavit below.

YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT ACT (“YESAA”) HISTORY

42. My attempts to perform placer mining work over the East Bench Claims over the years has engaged considerable evaluation from the Yukon Environmental and Socio-Economic Assessment Board (“YESAB”).

43. To the best of my knowledge and understanding the City of Dawson has always engaged in these evaluations as a stakeholder, submitting comments to the Designated Office indicating its familiarity and monitoring of my placer mining activity.

44. Over the last decade or so the East Bench Claims have been described in various YESAB, Water Board and other official correspondence and documentation as either being part of the “Slinky Mine” or the “Klondike/East River Bench” although these terms lack precise definition and have been used by levels of government and licensing bodies arbitrarily.

Designated Office Evaluation Report 2009-0155 Slinky Mine – Dome Road & Decision Document

45. Attached as **Exhibit “16”** to my affidavit is a copy of the March 8, 2010 Designated Office Evaluation Report 2009-0125 Slinky Mine – Dome Road. It was the recommendation of the Designated Office that the project not be permitted to proceed.

46. Attached as **Exhibit “17”** to my affidavit is a copy of the March 23, 2010 *Yukon Environmental & Socioeconomic Assessment Act* Decision Document for YESAA File no. 2009-0125. In this document the Yukon Government rejects the recommendation of the Dawson Designated Office and decided to allow the project to proceed subject to specified terms and conditions.

Designated Office Evaluation Report 2014-0164 Klondike River Bench

47. Attached as **Exhibit “18”** to my affidavit is a copy of the December 29, 2014 Designated Office Evaluation Report Placer Miner – Klondike River Bench, Project No. 2014-0164. It was the recommendation of the Designated Office that the project be permitted to proceed subject to specified terms and conditions.

48. Attached as **Exhibit “19”** to my affidavit is a copy of the January 26, 2015 *Yukon Environmental & Socioeconomic Assessment Act* Decision Document for YESAB File no. 2014-0164. In this document the Yukon Government varied the recommendation of the Dawson Designated Office and decided to allow the project to proceed subject to specified terms and conditions.

Designated Office Evaluation Report 2016-0118 Klondike River East Bench, The Dome & Decision Document

49. Attached as **Exhibit “20”** to my affidavit is a copy of the October 25, 2016 Designated Office Evaluation Report Placer Mine – Klondike River Bench, Project No. 2016-0118. It was the recommendation of the Designated Office that the project not be permitted to proceed.

50. Attached as **Exhibit “21”** to my affidavit is a copy of the December 14, 2016 *Yukon Environmental & Socioeconomic Assessment Act* Decision Document for YESAB File no. 2016-0118. In this document the Yukon Government accepts the recommendation of the Dawson Designated Office that the project not be permitted to proceed, while confirming that the decision does not mean that mining activity cannot occur in the area, provided suitable mitigation measures are in place.

Designated Office Evaluation Report 2017-0206 Klondike East Bench, the Dome & Decision Document

51. Attached as **Exhibit “22”** is a Map Package prepared on February 9, 2019 by the Yukon Environmental and Socio-economic Assessment Board.

52. Attached as **Exhibit “23”** to my affidavit is a copy of the May 25, 2018 Designated Office Evaluation Report Placer Mine – Klondike River Bench, the Dome Project No. 2017-0206. It was the recommendation of the Designated Office that the project be permitted to proceed subject to specified terms and conditions.

53. As set out above, and attached as Exhibit 6 to my affidavit is a copy of the November 7, 2018 *Yukon Environmental & Socioeconomic Assessment Act* Decision Document for YESAB

File no. 2017-0206. In that document the Yukon Government varied the recommendation of the Dawson Designated Office that the project be permitted to proceed under certain terms and conditions.

Designated Office Evaluation Report 2020-0001 Sluicing Operation – Klondike River Bench

54. Attached as **Exhibit “24”** to my affidavit is a copy of the July 29, 2020-0001 Designated Office Evaluation Report Sluicing Operation – Klondike River Bench Project Number 2020-0001. It was the recommendation of the Designated Office that the project not be permitted to proceed subject to specified terms and conditions.

55. The City of Dawson and the Mayor of the City of Dawson made two written submissions to YESAB in opposition to my proposed project:

- a) April 3, 2020, Clarissa Huffman, Community Development and Planning Officer, a copy of which is attached as **Exhibit “25”**; and
- b) April 27, 2020, Mayor Potoroka, a copy of which is attached as **Exhibit “26”**.

56. To the best of my knowledge no Decision Document has been issued with respect to Project Number 2020-0001.

MINERAL RESOURCES BRANCH AND YUKON WATER BOARD

57. Placer mining claims typically require a Class 4 placer mining land use approval and a water licence issued by the Yukon Water Board. Both of these approvals are administered by the Yukon Water Board.

Permitting history

58. The permitting history for the East Bench Claims is lengthy. At this time I do not have access to copies of certain of the older water licences as follows:

- a) *Water Licence PM88-107*

- i) October 10, 1989 to November 1, 1991
- b) *Water Licence PM89-093*
 - i) May 11, 1991 to March 31, 1993
- c) *Water Licence PM 92-054*
 - i) April 23, 1993 to March 31, 1996
- d) *Water Licence PM98-047*

Water Licence PM04-371

59. On December 2, 2004 the Yukon Water Board issued Water Licence PM04-371 (“**Water Licence PM04**”) and Placer Land Use Approval for a Class 4 Operating Plan, Approval Number AP04371 (“**Land Use Plan AP04371**”).

- a) Attached as **Exhibit “27”** is Yukon Water Board Reasons for Decision re Water Licence PM04 and Land Use Plan AP04371 and related authorization of assignment of water use licence
- b) Attached as **Exhibit “28”** is a copy of Water Licence PM04; and
- c) Attached as **Exhibit “29”** is a copy of Land Use Plan AP04371.

60. Water Licence PM04 and Land Use Plan AP04371 were each valid until December 1, 2014.

Water Licence PM14-045 & Class 4 Mining Land Use Operating Plan Approval AP14045

61. On March 27, 2015 the Yukon Water Board issued Water Licence PM14-045 (“**Water Licence PM14**”) and Class 4 Mining Land Use Operating Plan Approval AP14045 (“**Land Use Plan AP14**”).

- a) Attached as **Exhibit “30”** is Yukon Water Board Reasons for Decision re Water Licence PM14 and Land Use Plan AP14;

- b) Attached as **Exhibit “31”** is Class 4 Mining Land Use Operating Plan Approval AP14045; and
- c) Attached as **Exhibit “32”** is Water Licence PM14-045.

Water Licence PM17-086 & Class 4 Mining Land Use Operating Plan Approval AP17086

62. In March, 2017 I submitted an application to obtain PM17-086. Attached and marked as **Exhibit “33”** is a true copy of that application.

63. That application remained in “application status” for approximately two years until June of 2019. During this time period the Yukon Water Board advised me that it would not be accepting or approving any applications for land use or water licences until the then underway YESAB process was complete and a report issued (the “**Each Bench Moratorium**”)

64. On June 28, 2019 the Yukon Water Board approved my previously submitted Class 4 Placer Land Use Operating plan with an expiration date of June 5, 2024 or earlier should any of the underlying grants expire.

- a) Attached to my affidavit as **Exhibit “34”** is the Yukon Water Board Reasons for Decision re Application for Water Licence PM17-086 and Class 4 Placer Mining Land Use Operating Approval AP17086;
- b) Attached to my affidavit as **Exhibit “35”** is Water Licence PM17-086; and
- c) Attached to my affidavit as **Exhibit “36”** is Placer Land Use Approval for A Class 4 Operating Plan AP17086.

65. The Yukon Water Board’s deliberations with respect to issuing Water Licence PM17 included, *inter alia*:

- a) YESAA Evaluation Report and Decision Document 2017-0206;
- b) Recommendations from various intervenors, including:
 - i) City of Dawson; and

- ii) Government of Yukon;
- c) Various legislation.

66. On July 28, 2020 the Yukon Water Board issued an amendment to Water Licence PM17 following my request to add two claims to the mining land use approval for use as a camp and fuel storage only.

- a) Attached as **Exhibit “37”** to my affidavit is a copy of the Yukon Water Board’s reasons for decisions with respect to the same;
- b) Attached as **Exhibit “38”** to my affidavit is a copy of Amendment 1 of PM17-086; and
- c) Attached as **Exhibit “39”** to my affidavit is a copy of Amendment 1 of AP17086.

SLINKY MINE CLAIMS

67. As set out above, certain of the East Bench Claims form what was previously known as the “Slinky Mine” and those claims.

68. Attached as **Exhibit “40”** to my affidavit is an excerpt from the Yukon Placer Mining Industry circular for the years 2007-2009 that details and depicts my work at the Slinky Mine and the East Bench claims.

69. Attached as **Exhibit “41”** to my affidavit is an excerpt from the Yukon Placer Mining Industry circular for the years 2010-2014 that details and depicts my work at the Slinky Mine and the East Bench claims.

70. Attached as **Exhibit “42”** to my affidavit is an excerpt from the Yukon Placer Mining Industry circular for the years 2015-2017 that details and depicts my work at the Slinky Mine and the East Bench claims.

71. Pursuant to an agreement made between myself and the Government of Yukon made May, 2018 (the “**Slinky Mine Agreement**”), on notice to the City of Dawson, I performed placer

mining work on the claims that comprise the Slinky Mine until August, 2018, following which I agreed to abandon and relinquish my interest in certain of those claims, as particularized in the Slinky Mine Agreement that is attached to my affidavit as **Exhibit “43”**.

72. On May 23, 2018 the City of Dawson approved Development Permit Application #18-043, with express reference to the Slinky Mine Agreement. Attached as **Exhibit “44”** to my affidavit is a copy of Development Permit #18-043 which expired August 31, 2018.

CITY OF DAWSON DEVELOPMENT PERMITS

73. Prior to 2012 it was not necessary for me to obtain a development permit from the City of Dawson to perform placer mining work over the Each Bench Claims. Since that time I have made various applications to the City of Dawson to obtain the necessary development permits to carry out mining-like work. Below is a non-exhaustive list of certain of my applications, with supporting materials where available.

Development Permit 12-80 (approved)

74. On April 24, 2014 the City of Dawson, under Development Permit 12-80 approved my ability to perform placer mining work over those claims identified in PM04-371 on the basis that they were a “legally nonconforming” use (“**Development Permit 12-80**”). Attached as **Exhibit “45”** is a copy of Development Permit 12-80.

Development Permit 17-119 (rejected)

75. On or about October 24, 2017 I applied to the City of Dawson, under what would be assigned by it Development Permit Application #17-119, to perform mining exploration type activities over certain claims during the winter months. At this time I cannot locate a copy of the application form itself, but attached as **Exhibit “46”** are copies of emails I exchanged with the City of Dawson under this Development Permit and certain additional documents I provided to it in support of the same.

76. On December 18, 2017 the City of Dawson confirmed that Development Permit #17-119 had been denied by Council, but that a revised Development Permit Application would be

considered provided it addressed the City's concerns. Attached as **Exhibit "47"** is a copy of the City of Dawson's letter to me of December 18, 2017.

Development Permit 19-008 (rejected)

77. On February 25, 2019 I applied for a development permit to mine the claims related to Water Licence PM14-045. The City of Dawson assigned the development permit application #19-008. Attached as **Exhibit "48"** to my affidavit is a copy of development permit application 19-008 ("**Development Permit 19-008**").

78. On March 12, 2019 Ms. Clarissa Huffman, Community Development and Planning Officer, City of Dawson emailed with a series of follow-up questions related to Development Permit 19-008. Attached as **Exhibit "49"** to my affidavit is a copy of Ms. Huffman's email to me of March 12, 2019 and my responses of the same date.

79. On March 19, 2019 Ms. Huffman emailed me again concerning the scope of Development Permit 19-008. Attached as **Exhibit "50"** to my affidavit is a copy of Ms. Huffman's email to me of March 19, 2019.

80. On May 17, 2019 Ms. Janet Bell-MacDonald, Mining Recorder, wrote two letters to Ms. Huffman in response to enquiries made by Ms. Huffman and their meeting of May 16, 2019. I was copied on these letters:

- a) Attached as **Exhibit "51"** to my affidavit is Ms. Bell-MacDonald's letter to Ms. Huffman confirming that:
 - i) Section 40 of the *Placer Mining Act* specifies that the only way to define the boundaries of a claim is through a survey carried out by an NRCan Surveyor and approved by the Minister; and
 - ii) based on the available information she was of the view that I was at that time working within the boundaries of my claims; and

- b) Attached as **Exhibit “52”** to my affidavit is Ms. Bell-MacDonald’s letter to Ms. Huffman advising that the security required by her office for Water Licence PM14-045 and Mining Land Use Approval AP14045 was set at zero dollars.

81. On July 24, 2019 Ms. Huffman advised that Development Permit #19-008 was denied and provided reasons for the decision. Attached as **Exhibit “53”** is a copy of the Ms. Huffman’s letter of July 24, 2019.

Development Permit 19-075 (rejected)

82. On July 2, 2019 I applied for a development permit to mine the claims related to Water Licence PM17-086. The City of Dawson assigned the development permit application #19-075 (**“Development Permit 19-075”**).

83. Attached as **Exhibit “54”** to my affidavit is a copy of my application for Development Permit 19-075 and Ms. Huffman’s letter to me of July 4, 2019 confirming that the City of Dawson had denied the same.

Development Permit 19-083 (approved)

84. On July 8, 2019 I applied for a development permit to perform sluicing work on the claims related to Water Licence PM17-086. The City of Dawson assigned the development permit application #19-083 (**“Development Permit 19-083”**).

85. On July 12, 2019 the City of Dawson approved Development Permit 19-083. Attached as **Exhibit “55”** to my affidavit is a copy of my application for Development Permit 19-083 and Ms. Huffman’s letter to me of July 12, 2019 confirming the City of Dawson had approved the same.

86. In her letter, Ms. Huffman confirmed that the “City of Dawson acknowledges that development permits have been issued for the project on a legal non-conforming basis.” She went on to advise that “... it should be noted that future projects will be assessed using the best available information and legal interpretations, which may result in a different outcome for a similar project.”

Development Permit 19-095 (denied)

87. In July, 2019 I applied for a development permit to perform mining work on the claims related to Water Licence PM17-086. The City of Dawson assigned the development permit application #19-095 (“**Development Permit 19-095**”).

88. On July 19, 2019 the City of Dawson denied Development Permit 19-095. Attached as **Exhibit “56”** to my affidavit is a copy of Ms. Huffman’s letter to me of July 19, 2019 confirming the City of Dawson had denied the same.

Development Permit 19-101 (denied)

89. On August 1, 2019 I applied for a development permit to perform mining work on the claims related to Water Licence PM 17-086. The City of Dawson assigned the development permit application #19-101. (“**Development Permit 19-101**”)

90. On August 9, 2019 the City of Dawson denied Development Permit 19-101. In her letter Ms. Huffman advised me, for the first time, that the City of Dawson was now taking the position that my proposed mining work is not lawful because it had been discontinued for a period of longer than 12 months, making in her determination s.301(1) of the *Municipal Act* not applicable.

91. Since at least 2014 the City of Dawson has recognized my ongoing mining work as legal non-confirming, as confirmed by the issuance of Development Permits 12-80 in 2014 and Development Permit 19-083.

92. Attached as **Exhibit “57”** to my affidavit is a copy of my August 1, 2019 application for Development Permit 19-101 and Ms. Huffman’s letter to me of August 9, 2019 confirming the City of Dawson’s denial of the same.

Challenge to City of Dawson Decision Making

93. In each of Ms. Huffman’s letters denying my requests for development permits she always advised me that I was at liberty to appeal her decision to Council, or apply to amend the

OCP. Her correspondence has never indicated that there was any time limit on my ability to pursue these options.

94. In May, 2020 I instructed my lawyer, Daniel H. Coles to write Ms. Huffman and Ms. Libby MacPhail, the two officials I had been dealing with in my attempts to continue mining my claims, to request that they either revisit their earlier decisions or otherwise confirm that the City of Dawson would now be agreeable to issuing me a development permit. Attached as **Exhibit “58”** is Mr. Coles’ May 1, 2020 letter to Ms. Huffman and Ms. MacPhail.

95. I am advised by Mr. Coles, and verily believe to be true, that he did not receive a response to his May 1, 2020 letter to the City of Dawson. Attached as **Exhibit “59”** is Mr. Coles’ follow-up letter of May 15, 2020.

96. On June 19, 2020 Mr. Coles received a letter from Mr. James A. Dowler, Q.C., counsel for the City of Dawson. In his letter he confirmed that the City’s earlier permitting decisions stand, but requested that I provide to him further evidence of the non-confirming use status of my claims. Attached as **Exhibit “60”** is a copy of Mr. Dowler’s letter of June 19, 2020 to Mr. Coles.

97. On June 24, 2020 Mr. Coles responded to Mr. Dowler’s letter of June 19, 2020, a copy of that letter is attached to my affidavit as **Exhibit “61”**.

98. On July 21, 2020 Mr. Coles wrote again to Mr. Dowler explaining the nature of my ongoing intention to perform placer mining work over the Project. Attached as **Exhibit “62”** is a copy of Mr. Coles’ letter of July 21, 2020.

99. On August 6, 2020 Mr. Dowler responded to Mr. Coles’ letter, reiterating a request for more particularized information from me on the issues set out in Mr. Coles’ earlier correspondence and advising that the City of Dawson would await my response. Attached as **Exhibit “63”** is a copy of Mr. Dowler’s letter of August, 2020.

100. The purpose of this affidavit, in part, is to provide a full response to Mr. Dowler’s concerns and present this information to Council and the Yukon Supreme Court if necessary.

101. I understand that the governments of both the Yukon and British Columbia have been, and remain in, a state of emergency since March, 2020 and have in place various restrictions on interprovincial travel. As a result of the prevailing COVID-19 conditions, including its impact on Canada Post, travel restrictions, and the timely provision of various government and professional services, I have not been in a position to assemble this affidavit and the enclosures as quickly as I would have liked.

CITY OF DAWSON UNREASONABLE REFUSAL TO ISSUE DEVELOPMENT PERMIT

102. The last date on which I performed physical mining work on the Project was October 19, 2017 under PM17-086. The primary reason I have not been able to perform placer mining work since that time has been the City's refusal to issue me the required development permit. At no time have I ever expressed or conducted myself in a way that confirmed or indicated I no longer wished to pursue mining work. To the contrary, placer mining is how I earn a living, and as set out above, as recently as 2016 I paid a large sum of money for the right to do so.

103. I do not believe that the City of Dawson has to date dealt with me fairly or in good faith. I believe the City has decided that it does not wish to permit me to mine the East Bench Claims and is looking for various reasons to justify its behaviour. Public statements by Mayor Potoroka and other City officials, including their written submissions to YESAB and the Water Board evidence their views.

104. Ms. Huffman's letters to me setting out her reasons for denying my development permit requests feel arbitrary and unreasonable. For example, in her June 24, 2019 letter where she advises me that I needed to provide the City with a survey plan that defines the boundaries of my claim is absurd, as Ms. Bell-MacDonald advised Ms. Huffman earlier that spring such a survey would require ministerial approval that I am not in a position to obtain.

105. Further, in August, 2019 Ms. Huffman advised she was denying my development permit application because my claims were not legal non-confirming uses, without referring any new information her office had obtained, despite her office approving them on exactly that basis in months and years prior.

OPPORTUNITY TO REQUEST AMENDMENT TO OFFICIAL COMMUNITY PLAN AND ZONING BYLAW

106. The City of Dawson's correspondence to me denying the Development Permits, and certain related correspondence authored by Ms. Huffman and Ms. McPhail have indicated to me that should I wish to proceed with the Project I will need to apply to amend the Official Community Plan and Zoning Bylaw.

107. In the future I may consider making such an application, however that is a process separate and distinct from the City approving my application for a development permit for the Project on the basis that my placer mining activities are a legal non-confirming use that predate the OCP and the related Zoning Bylaw. I should not be required to engage in such a process as my Project is subject to the protections contained in s. 301 of the *Municipal Act*.

108. I expect that any such application by me to have the City agree to an amendment of the OCP to accommodate the Project would require considerable consultation and deliberation by the City and ultimately an exercise of its discretion.

109. Currently I am of the view that leadership within the City of Dawson, as evidenced by their written correspondence, has already decided it won't permit me to continue mining regardless of what licencing and approvals I have from other government bodies, and therefore an application to amend the OCP and Zoning Bylaw would not be a good use of my time or money.

CITY OF DAWSON'S UNREASONABLE DECISION MAKING CAUSED DAMAGES

110. The City of Dawson's ongoing refusal to issue me development permits for the Project have prevented me from earning an income.

111. As set out above, I am of the view that to date the City of Dawson has not dealt with me in a fair, transparent, accountable, or open minded manner.

112. While I continue to invest time and money in the East Bench Claims to ensure they remain in good standing with the Yukon Mining Recorder, the City's actions have prevented me from recovering any of that investment.

SWORN (OR AFFIRMED) BEFORE ME at)
the City of Whitehorse, in the Province of the)
Yukon Territory, this ___ day of _____,)
2021.)

Darrell Wayne Carey

A Notary Public in and for the Yukon
Territory)

No. _____
Vancouver Registry

In the Supreme Court of Yukon

Between

Darrell Wayne Carey

Petitioner

and

City of Dawson

Respondent

A F F I D A V I T

OWEN BIRD LAW CORPORATION

P.O. Box 49130
Three Bentall Centre
2900 - 595 Burrard Street
Vancouver, BC V7X 1J5

Attention: Daniel H. Coles
File No. 36307-0004



THE CITY OF DAWSON

P.O BOX 308, DAWSON CITY, YUKON Y0B 1G0
PH: (867) 993-7400, FAX: (867) 993-7434

April 22, 2021

Darrell Carey
3 Cranberry Place
Whitehorse, YT
Y1A 5W5

Re: DEVELOPMENT PERMIT #21-025

Dear Darrell Carey,

I regretfully must inform you that your Development Permit Application #21-025 was denied on April 22, 2021 for the following reasons:

1. The proposed use is not a permitted use within the Future Residential Planning (FRP), Future Planning (FP), or Parks and Natural Space (P) designations of the Official Community Plan Bylaw #2018-18 (OCP). Nor is it a permitted use in the Future Planning (FP) or Parks and Natural Space (P1) zones in the Zoning Bylaw #2018-19 (ZBL).
2. The City of Dawson was not able to confirm using the documentation provided with your application that the proposed uses constitute a legal non-conforming use as laid out in the *Municipal Act*. Although your application included a statement that your proposed mining operation is a legal non-conforming activity, you included no particulars to support this statement. The City of Dawson requires particulars of mining activity along with supporting documentation as they relate to the locations identified in the map attached to your application. This information will allow the City to determine whether there was a legal non-conforming use and whether or not this legal non-conforming use was discontinued for a period of twelve months or longer. Although it was not included with your application, the unsworn affidavit of Darrell Wayne Carey that was provided by your lawyer was also reviewed. The unsworn affidavit and its attachments do not appear to provide this information.

The Figures below show the approximate location of your project as per the map included in your application and grant numbers included in Placer Land Use Approval Operating Plan 17-086 overlain on the OCP and ZBL maps, which demonstrates the various designations of the project area.



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Figure 1. Project Area OCP Designations

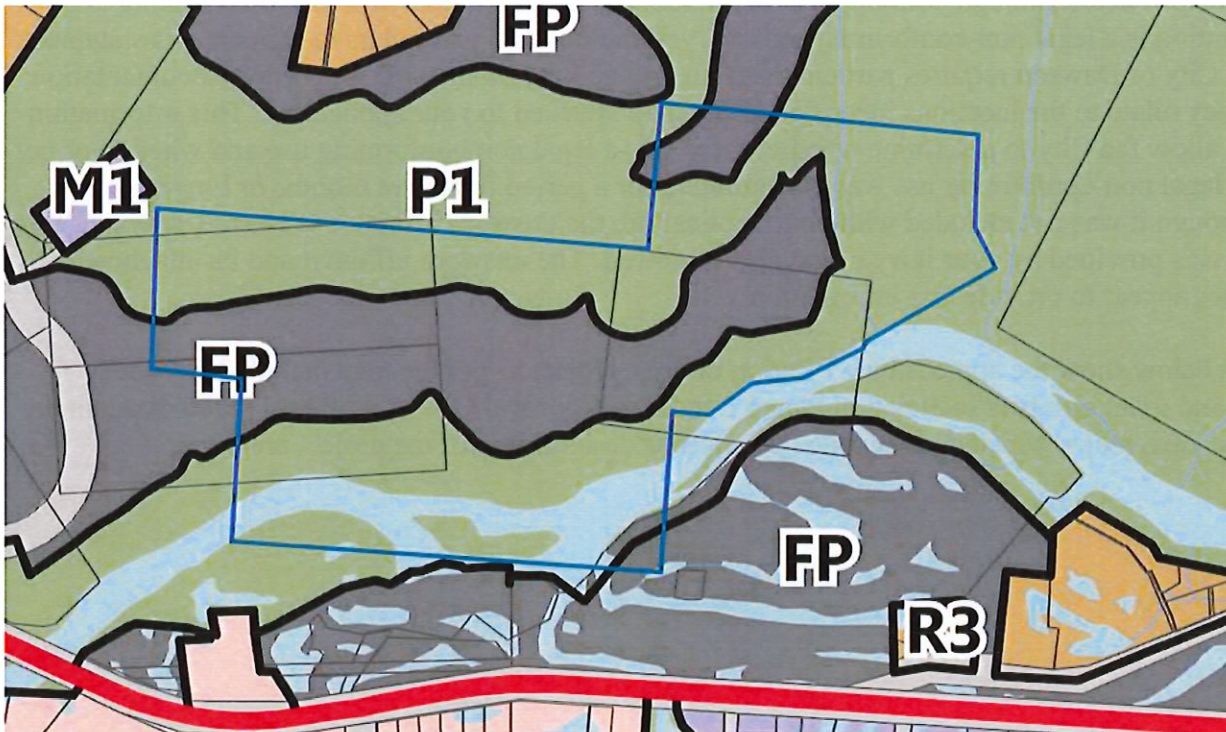


Figure 2. Project Area Zoning Designations

DAWSON CITY — HEART OF THE KLONDIKE



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Mineral extraction related activities such as, mining, sluicing, and lodging facilities (work camps) are not listed under the Zoning Bylaw s. 4.2: Development Permit Not Required. Given that no permits have been issued for this project, the City of Dawson expects that no work shall commence until such time as an approved permit for this project has been issued.

The following is a list of actions you could take, provided for your convenience, should you wish to proceed with your application.

1. Appeal the decision to Council within 30 days of the date of the decision, as per s. 4.4.2 of the Zoning Bylaw.
2. Apply to amend the Official Community Plan and Zoning Bylaw.
3. Submit a new development permit application accompanied by detailed particulars of mining activity and supporting documentation as they relate to the locations identified in the map attached to your application to definitively support the statement that the use is legal non-conforming, based on the *Municipal Act* s. 301.

Should you have any questions about this decision, or require assistance about next steps, please feel free to contact me using the undersigned information.

Sincerely,

Stephanie Pawluk

Community Development and Planning Officer

Box 308, Dawson City YT Y0B1G0

cdo@cityofdawson.ca

867-993-7400 ext. 414



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OFFICE USE ONLY

APPLICATION FEE:	\$25 + GST
DATE PAID:	18/3/21
RECEIPT #:	37862
PERMIT #:	21-025

DEVELOPMENT PERMIT APPLICATION: MINING/QUARRY

PLEASE READ THE ATTACHED INSTRUCTIONS, GUIDELINES, AND SUBMISSION REQUIREMENTS PRIOR TO COMPLETING FORM.

PROPOSED DEVELOPMENT

☒ Mining

☐ Quarrying

☐ Other Natural Resource
Extraction

CLAIMS INCLUDED IN APPLICATION: East Bench area Dome - see attached maps

PROPOSED DEVELOPMENT: Please provide a brief description of the proposed development.

I intend to continue mining my placer mineral claims on the east side of the dome Road. I will utilize conventional placer mining techniques to recover placer gold from an elevated gold deposit that has been mined for over one hundred years. No waste water discharge will occur and the ground will be reclaimed when mining is completed. I will follow the mine plan that was submitted to YESAB and the Yukon Water Board. My application for a water licence and Class 4 Placer Land Use Operating Plan are attached and show the general layout of the mine site. My mining operation is a legal non-conforming activity and I have a valid Water Use Licence and a valid Placer Land Use Approval.

I need to be able to clear trees and begin stripping soon. Please process my application as quickly as possible.

APPLICANT INFORMATION

APPLICANT NAME(S): Darrell Carey

MAILING ADDRESS: #3 Cranberry Place Whitehorse, Yukon

POSTAL CODE: Y1A 5W5

EMAIL: mcareyt@msn.com

PHONE #: 867 633-2336

For Mining/Natural Resource Extraction Applications:

CLAIM OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

OWNER NAME(S): same as above

MAILING ADDRESS: _____ POSTAL CODE: _____

EMAIL: _____ PHONE #: _____

SURFACE OWNER INFORMATION (IF DIFFERENT FROM CLAIM OWNER)

OWNER NAME(S): Commissioners Land

MAILING ADDRESS: _____ POSTAL CODE: _____

EMAIL: _____ PHONE #: _____

For Quarrying Applications:

OWNER INFORMATION (OWNER OF LOT BEING DEVELOPED)

OWNER NAME(S): _____

MAILING ADDRESS: _____ POSTAL CODE: _____

EMAIL: _____ PHONE #: _____

LEGAL DESCRIPTION: LOT(S) _____ BLOCK _____ ESTATE _____ PLAN# _____

EXISTING USE OF LAND / BUILDINGS: _____



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APPLICATION FEE:	\$25 + GST
DATE PAID:	18/3/21
RECEIPT #:	
PERMIT #:	21-025

DEVELOPMENT PERMIT APPLICATION: MINING/QUARRY

PLEASE READ THE ATTACHED INSTRUCTIONS, GUIDELINES, AND SUBMISSION REQUIREMENTS PRIOR TO COMPLETING FORM.

PROPOSED DEVELOPMENT



Mining



Quarrying



Other Natural Resource
Extraction

CLAIMS INCLUDED IN APPLICATION: East Bench area Dome - see attached maps

PROPOSED DEVELOPMENT: Please provide a brief description of the proposed development.

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I need to be able to clear trees and begin stripping soon. Please process my application as quickly as possible.

APPLICANT INFORMATION

APPLICANT NAME(S): Darrell Carey

MAILING ADDRESS: #3 Cranberry Place Whitehorse, Yukon

POSTAL CODE: Y1A 5W5

EMAIL: mcareyt@msn.com

PHONE #: 867 633-2336

For Mining/Natural Resource Extraction Applications:

CLAIM OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

OWNER NAME(S): same as above

MAILING ADDRESS: _____

POSTAL CODE: _____

EMAIL: _____

PHONE #: _____

SURFACE OWNER INFORMATION (IF DIFFERENT FROM CLAIM OWNER)

OWNER NAME(S): Commissioners Land

MAILING ADDRESS: _____

EMAIL: _____

For Quarrying Applications:

OWNER INFORMATION (C

OWNER NAME(S): _____

MAILING ADDRESS: _____

EMAIL: _____

LEGAL DESCRIPTION: LOT(S) _____ BLOCK _____

EXISTING USE OF LAND / BUILDINGS: _____

WE ARE SENDING A
YUKON WATER LICENSE
PMIT-086-1 + PLACER LAND
USE APPROVAL FOR A CLASS 4
OPERATING PLAN. PLUS
7 PAGES OF DEVELOPMENT
APPLICATION: MINING + A MAP
+ PROPERTY ASSESSMENT NOTICE



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PERMIT #: 21-025

CLAIM OWNER INFORMATION (OWNER OF CLAIM WHERE GRANULAR MATERIAL WILL BE EXTRACTED)

OWNER NAME(S): Darrell Carey CLAIM NUMBER: see attached documents
MAILING ADDRESS: #3 Cranberry Place Whitehorse Yukon POSTAL CODE: Y1A 5W5
EMAIL: mcareyt@msn.com PHONE #: 867 633-2336

CONTRACTOR INFORMATION (IF DIFFERENT THAN ABOVE)

OWNER NAME(S): same as above
MAILING ADDRESS: _____ POSTAL CODE: _____
EMAIL: _____ PHONE #: _____

It is the responsibility of the applicant to ensure that all plans conform to the provisions of the City of Dawson Zoning Bylaw and applicable territorial and federal legislation.

DECLARATION

- I/WE hereby make application for a Development Permit under the provisions of the City of Dawson Zoning Bylaw #2018-19 and in accordance with the plans and supporting information submitted and attached which form part of this application.
- I/WE have reviewed all of the information supplied to the City of Dawson with respect to an application for a Development Permit and it is true and accurate to the best of my/our knowledge and belief.
- I/WE understand that the City of Dawson will rely on this information in its evaluation of my/our application for a Development Permit and that any decision made by the City of Dawson on inaccurate information may be rescinded at any time.
- I/WE hereby give my/our consent to allow Council or a person appointed by its right to enter the above land and/or building(s) with respect to this application only.

I/WE HAVE CAREFULLY READ THIS DECLARATION BEFORE SIGNING IT.

13 March 2021
DATE SIGNED


SIGNATURE OF APPLICANT(S)

DATE SIGNED

SIGNATURE OF OWNER(S)



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PERMIT #: 21-025

COMPLETE APPLICATION SUBMISSION REQUIREMENTS

As per s. 4.4.1 of ZBL #2018-19, a permit will be granted, granted with conditions, or refused within 30 days of receipt of a complete application. An application is not deemed complete until the following information is submitted to the satisfaction of a Development Officer.

- ☐ Application Form (completed in full)
- ☐ Application Fee & Security Deposit (if applicable) as per City of Dawson Fees and Charges Bylaw & Zoning Bylaw
- ☐ Certificate of Title (if owner does not match Assessment Roll)
- ☐ Copy of the notification (Classes 1 and 2)
- ☐ For claims overlapping surface rights, proof of permission from all applicable surface rights holders (Classes 1-4)
- ☐ For Tr'ondëk Hwëch'in settlement land, a Tr'ondëk Hwëch'in access notice certificate and/or land use permit (Classes 1-4)
- ☐ Mining land use approval (Classes 3 and 4)
- ☐ Operating plan and map (Classes 2-4)
- ☐ Water license (Class 4)
- ☐ Other as required by the CDO: _____

OFFICE USE ONLY

LEGAL DESCRIPTION: LOT(S) PM 17086 & associated claims BLOCK _____ ESTATE _____ PLAN# _____

ZONING: FP/PI DATE COMPLETE APPLICATION RECEIVED: March 18, 2021

TYPE OF APPLICATION: Mining

APPLICANT NAME(S): Darrell Carey

OWNER NAME(S): Yukon Government

☒ APPLICATION REJECTED

☐ APPLICATION APPROVED / PERMIT ISSUED

A letter [☒] has OR [☐] has not been attached to this permit explaining reasons and/or permit conditions. If a letter is attached, it constitutes a valid and binding component of this permit.

DATE: April 22, 2021 SIGNATURE: [Signature]



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PERMIT #:

21-025

INSTRUCTIONS AND GUIDELINES

IT IS IMPORTANT TO READ AND UNDERSTAND THE FOLLOWING INSTRUCTIONS PRIOR TO COMPLETING THE APPLICATION FORM. THESE GUIDELINES ARE FOR REFERENCE ONLY. IN THE EVENT OF A DISCREPANCY WITH THE ZONING BYLAW, THE ZONING BYLAW PREVAILS.

1. Information Requirements:

- a) An application shall not be considered to have been received until all application requirements have been submitted to the satisfaction of a Development Officer.
- b) Notwithstanding a) above, a Development Officer may consider an application if, in a Development Officer's opinion, the development is of such a nature as to enable a decision to be made on the application without all of the required information.
- c) Failure to complete this form and to supply the required support information may result in delays in the processing of the application.

2. Notification:

- a) Within five working days after a decision on a development permit application, a Development Officer shall send a notice by regular mail of the decision to the applicant and indicating whether the application was approved or refused.

3. Validity of Permit:

- a) When a permit has been issued by a Development Officer, the permit shall not be valid unless and until the conditions of the permit, save those of a continuing nature, have been fulfilled and no notice of appeal has been served on Council within a 14 day appeal period.
- b) When a permit has been approved, the permit shall not be valid until the decision is issued in writing.

4. Permit Conditions:

- a) A development officer has the authority to issue development permits and, when necessary, impose terms and conditions upon development permits that will bring the project into conformity with the OCP and all applicable bylaws, and will mitigate any undesired effects of the proposed development
- b) A Development Officer may, as a condition of a permit, require the applicant to make satisfactory arrangements for the payment and supply of water, power, sewer and other services or facilities, or any of them.
- c) A permit may be refused when, in the opinion of a Development Officer, satisfactory arrangements have not been made for the payment and supply of water, power, sewer or other services or facilities, or any of them or if taxes on the property associated with the permit application have not been paid.
- d) A Development Officer may, as a condition of a permit, require that an applicant enter into a development agreement that may require the applicant to pay an offsite levy or redevelopment levy or both.

5. Expiry of Permit:

- a) A development permit issued in accordance with the notice of decision is valid for a period of 12 months from the date of issue.
- b) A development officer may grant an extension of the effective period of a permit prior to the expiry of the permit; the effective period shall not exceed 12 months and the development officer may only grant such an extension once.
- c) When a development permit expires, a new application is required. Such application shall be dealt with as a first application and the development approving authority shall be under no obligation to approve it on the basis that a previous permit had been issued.

6. Appeals:

- a) An applicant aggrieved by the decision of the development officer may appeal to Council within 30 days of the date of the decision.
- b) Appeal applicants shall be limited to the original development permit applicant and landowner.
- c) Council shall within 60 days of receipt of an appeal under this section grant permission, refuse permission, or grant permission with conditions.



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PERMIT #:

21-025

7. Suspension or Revocation of Permit:

- a. A Development Officer may suspend or revoke a development permit where:
 - i. the applicant fails to comply with the conditions of the issuance of the permit; or
 - ii. any person undertakes or causes or allows any development on a site contrary to the terms or conditions of a permit.
 - iii. the permit was issued on the basis of incorrect information or misrepresentation by the applicant; or
 - iv. the permit was issued in error.

MINUTES OF SPECIAL COMMITTEE OF THE WHOLE MEETING CW21-14 of the Council of the City of Dawson called for 7:00 PM on Tuesday, June 8, 2021, City of Dawson Council Chambers

PRESENT:	Mayor	Wayne Potoroka
	Councillor	Stephen Johnson
	Councillor	Bill Kendrick
	Councillor	Natasha Ayoub
	Councillor	Molly Shore

REGRETS:

ALSO PRESENT:	A/CAO	Paul Robitaille
	EA	Elizabeth Grenon
	CDO	Stephanie Pawluk
	Project Manager	Brodie Klemm

Agenda Item: Call to Order

The Chair, Wayne Potoroka called the meeting to order at 7:04 p.m.

Agenda Item: Agenda

CW21-14-01 Moved by Mayor Potoroka, seconded by Councillor Ayoub that the agenda for Committee of the Whole meeting CW21-14 be accepted as presented.
Carried 3-1

Agenda Item: Delegations & Guests

- a) Klondike Development Organization (KDO)- Financials and Projects Presentation

Councillor Shore arrived at the meeting at 7:07PM.

Evelyn Pollock gave an overview of the KDO financials and projects.

Agenda Item: Minutes

- a) Committee of the Whole Meeting Minutes CW21-11 of May 11, 2021

CW21-14-02 Moved by Mayor Potoroka, seconded by Councillor Johnson that the minutes of Committee of the Whole meeting CW21-11 of May 11, 2021 be accepted as presented.
Carried 5-0

- b) Special Committee of the Whole Meeting Minutes CW21-12 of May 8, 2021

CW21-14-03 Moved by Mayor Potoroka, seconded by Councillor Ayoub that the minutes of Special Committee of the Whole meeting CW21-12 of May 8, 2021 be accepted as presented.
Carried 5-0

Agenda Item: Business Arising from Minutes

- a) Committee of the Whole Meeting Minutes CW21-11 of May 11, 2021

- Is there new information on the Lagoon? No

Agenda Item: Special Meeting, Committee and Departmental Reports

a) Request for Decision: Little Blue Day Care- Lot 20, Government Reserve Addition

CW21-14-04 Moved by Mayor Potoroka, seconded by Councillor Johnson that Committee of the Whole directs administration to proceed with the disposition process of Lot 20, Government Reserve Addition, and report back to committee regarding next steps. Be it further resolved that a letter be drafted to the Tr'ondëk Hwëch'in initiating consultation on possible plans and use for the old residential day school site.
Carried 5-0

b) Request for Decision: Climate Change- Adaption Planning

CW21-14-05 Moved by Councillor Kendrick, seconded by Councillor Johnson that Committee of the Whole forward to council to direct administration to engage with Chief Isaac in regards to pursuing a feasibility study on a district biomass heating system for City of Dawson respective facilities and other buildings in the North End.
Carried 5-0

CW21-14-06 Moved by Mayor Potoroka, seconded by Councillor Johnson that Committee of the Whole forward to Council to direct administration to switch from oil to propane as a heating fuel and pursue further design & planning in regards to replacing existing oil-fired boilers within the Administration building with a hybrid propane boiler/heat pump system.
Carried 5-0

CW21-14-07 Moved by Mayor Potoroka, seconded by Councillor Johnson that Committee of the Whole forward to Council to direct administration to prepare an RFP for design, build and installation of a modern Building Management System for the Administration Building that will integrate the hybrid propane boiler/heat pump system as well as a possible future biomass district heating system.
Carried 5-0

CW21-14-08 Moved by Mayor Potoroka, seconded by Councillor Kendrick that Committee of the Whole forward to Council to direct administration to prepare an RFP for design, build and installation of a hydronic heating loop using boilers (propane or oil to be decided based on code requirements) within the Public Works building using the completed recommissioning report as a basis of design.
Carried 4-0

Mayor Potoroka left the meeting at 8:18PM.

Mayor Potoroka came back to the meeting at 8:19PM.

CW21-14-09 Moved by Councillor Ayoub, seconded by Councillor Johnson that Committee of the Whole forward to Council to direct administration to prepare an RFP for design, build and installation of a 'solar roof' on the Public Works Shop that incorporates upgraded insulation levels and solar panels/shingles.
Carried 5-0

CW21-14-10 Moved by Councillor Kendrick, seconded by Mayor Potoroka that Committee of the Whole forward to council to direct administration to pursue energy mapping within or adjacent to municipal boundaries to identify the viability of local solar, wind and micro-hydro resources in order to help develop a Dawson City Community Energy Plan.
Carried 5-0

- CW21-14-11** Moved by Mayor Potoroka, seconded by Councillor Shore that Committee of the Whole forward to Council to direct administration to research a pilot project utilizing a Micro Auto Gasification System (MAGS) to address problematic waste disposal (cardboard, waste oil etc.) while simultaneously recovering heat energy from this waste for use in appropriate facilities.
Carried 5-0

c) Gold Rush Campground Lease

- CW21-14-12** Moved by Mayor Potoroka, seconded by Councillor Shore that Committee of the whole recommends to Council that a residential use be considered the most suitable use for the Block Q, Ladue Estate, as identified by the City of Dawson's OCP designation, and that Committee of the Whole direct administration to:
1. explore options for the sale of Block Q for residential housing with a timeline
 2. propose a transition plan for Block Q with a timeline
 3. come back to Council with progress report and initial findings no later than July 31, 2021.
- Carried 3-2

Recorded Vote:

Votes For: Mayor Potoroka, Councillor Shore, Councillor Kendrick

Votes Against: Councillor Johnson, Councillor Ayoub

Moved by Mayor Potoroka, seconded by Councillor Shore that "and that administration prepare for the sale of residential lots on Block Q, Ladue Estate" be removed from the original main motion.

5-0

Recorded Vote:

Votes For: Mayor Potoroka, Councillor Kendrick, Councillor Shore, Councillor Johnson, Councillor Ayoub

- CW21-14-13** Moved by Mayor Potoroka, seconded by Councillor Ayoub that meeting CW21-14 be extended not to exceed one hour.
Carried 5-0

Moved by Councillor Shore, seconded by Mayor Potoroka that "and that Council direct administration to:

1. explore options for the sale of Block Q for residential housing with a timeline
2. propose a transition plan for Block Q with a timeline
3. come back to Council with progress report and initial findings no later than July 31, 2021"

be added to the original main motion.

3-2

Recorded Vote:

Votes For: Mayor Potoroka, Councillor Shore, Councillor Kendrick

Votes Against: Councillor Johnson, Councillor Ayoub

Moved by Councillor Kendrick, seconded by Councillor Shore that "as identified by the City of Dawson's OCP designation" be added to the amended motion.

3-2

Recorded Vote:

Votes For: Mayor Potoroka, Councillor Shore, Councillor Kendrick

Votes Against: Councillor Johnson, Councillor Ayoub

Moved by Councillor Kendrick, seconded by Councillor Shore that point 2 of the amended motion be amended to add "including the RV Park" after Block Q.

2-3

Recorded Vote:

Votes For: Councillor Shore, Councillor Kendrick

Votes Against: Councillor Johnson, Councillor Ayoub, Mayor Potoroka

Agenda Item: Correspondence

- CW21-14-14** Moved by Mayor Potoroka, seconded by Councillor that Committee of the Whole acknowledges receipt of correspondence from:
- a) Heritage Advisory Committee Meeting Minutes-HAC#21-08
 - b) Colin McDowell, V.P. Operations, Yukon Housing Corp. RE: YHC Community Needs Assessment
 - c) Monthly Policing Report- April
 - d) Ricky Mawunganidze, Executive Director, Klondike Visitor's Association RE: Advisory Position
 - e) Xander Mann RE: Block Q, Ladue Estate
 - f) Aaron Woroniuk RE: Block Q Vote
 - g) Nate Jones RE: Block Q Decision
 - h) Sue Lancaster, Chairperson, Klondike Visitor's Association Board RE: Lease Termination at Gold Rush Campground provided for informational purposes.
- Carried 5-0

Agenda Item: Adjournment

- CW21-14-15** Moved by Councillor Johnson, seconded by Mayor Potoroka that Special Committee of the Whole meeting CW21-14 be adjourned at 10:57 p.m. with the next regular meeting of Committee of the Whole being July 6, 2021.
- Carried 5-0

THE MINUTES OF SPECIAL COMMITTEE OF WHOLE MEETING CW21-14 WERE APPROVED BY COMMITTEE OF WHOLE RESOLUTION #CW21-17-__ AT COMMITTEE OF WHOLE MEETING CW21-17 OF JULY 6, 2021.

Wayne Potoroka, Chair

Paul Robitaille, A/CAO

Report to Council



☒ For Council Decision ☐ For Council Direction ☐ For Council Information

☐ In Camera

AGENDA ITEM:	Official Community Plan and Zoning Bylaw Amendment #19-149 - Hawkes	
PREPARED BY:	Cory Bellmore, CAO	ATTACHMENTS: <ul style="list-style-type: none">- OCP amendment #2019-16- ZBL amendment #2019-17- Community Services Correspondence on the change in Bylaw
DATE:	July 2, 2021	
RELEVANT BYLAWS / POLICY / LEGISLATION:	Municipal Act Zoning Bylaw OCP Placer Act	

RECOMMENDATION

That Committee of the Whole forward to Council for Third and Final reading

- OCP amendment # 2019-16
- ZBL amendment #2019-17

ISSUE / PURPOSE

To finalize Third and final reading of Bylaws 2019-16 & 2019-17 which will allow for time limited zoning to facilitate the permitted use of resource extraction.

BACKGROUND SUMMARY

The application to amend a large portion of Future Planning and Parks and Natural Space designated lands to Mixed Use (OCP designation) and Industrial (Zoning Bylaw designation) to facilitate mineral development was received in October 2019. First Reading of the Bylaws passed December 4, 2019, and Second Reading passed July 7, 2020, as per Council resolutions C20-11-14 and C20-11-15:

C20-11-14 Moved by Mayor Potoroka, seconded by Councillor Kendrick that bylaw #2019-16 being the OCP amendment No. 3 Bylaw be given second reading subject to the following conditions:

- *Prior to Third Reading, the landowner submits a letter from the owner authorizing the applicant to apply for the OCPA and ZBA.*
- *Prior to Third Reading, the applicant and the City of Dawson enter into a legally binding agreement to relinquish access to claims currently located in a Future Planning zone after an agreed-upon amount of time.*

Motion Carried 4-1

C20-11-15 Moved by Mayor Potoroka, seconded by Councillor Kendrick that bylaw #2019-17 being the Zoning amendment No. 6 Bylaw be given second reading subject to the following conditions:

- *Prior to Third Reading, the landowner submits a letter from the owner authorizing the applicant to apply for the OCPA and ZBA.*
- *Prior to Third Reading, the applicant and the City of Dawson enter into a legally binding agreement to relinquish access to claims currently located in a Future Planning zone after an agreed-upon amount of time.*

Motion Carried 5-0

As per the second condition, Administration attempted to work with the applicant and the land owner (YG) but was unsuccessful in satisfying this condition.


In order to continue to move forward with this application, Administration moved forward with the option to pursue a time-limited zoning for this parcel of land to satisfy the goal of allowing the claim owner to exercise the rights of mineral extraction for a limited period of time and return the parcel to Future Development and Parks and Greenspace following the expiry of that period. For this application, the period of time explored aligned with the applicants approved water license expiry date of November 4, 2030.

In order to facilitate this change, Administration sought a Statutory Declaration from the Claim owners to ensure that there is currently no lawful non-conforming use of the Lands as well as the amendment to the OCP and ZBL would not create a situation of legally non-conforming use of the lands when the time limited M1 zoning reverts back to Future Planning and Parks and Natural Space.

Administration has now received this signed declaration from the Claim Owners.

ANALYSIS / DISCUSSION

In order to proceed with this direction Administration sought direction from Community Services regarding the amendment of the bylaw from 2nd reading – requiring the negotiation for a relinquishment of claims to 3rd reading for removal of this condition and changing the bylaw to a time limited option given that the OCP is a bylaw that requires Ministerial approval. Community Services responded positively that the nature of 3 readings of a bylaw is to allow for change (correspondence attached).

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE: 
DATE:	July 2, 2021	

From: Kirsti.deVries@yukon.ca
To: [Stephanie Pawluk](#); [CAO Dawson](#)
Subject: RE: CoD Bylaw Question: Time Limited Zoning
Date: May-04-21 4:03:21 PM
Importance: High

OK – I have done some looking into this, and asked my colleagues to weigh in as well.

This is what I have for you:

is it possible to impose a time limit on a bylaw as per s. 290(3) of the Municipal Act, after that bylaw has passed second reading and given that there is an accompanying OCP amendment to allow the zoning amendment that has also passed second reading?

YES

In our opinion putting a time limit requirement as opposed to a claim relinquishment requirement does not change the bylaw significantly, in fact, the intent of the bylaw does not change at all – the intent being to change the zoning and ocp designation to allow for a miner to mine.

A concern is over the Ministerial approval of the OCP amendment. If the time limit is added to the zoning bylaw, does this affect the Ministerial approval?

There is no concern here. When/if you get the OCP amendment passed you send it for Ministerial approval and our office will brief the minister as to why the amendment wording changed.

How do we remove a condition imposed on second reading?

In our opinion you can change a bylaw from 1 – 2 -3 reading for all sorts of reasons. If you want to pass a council resolution to change the bylaw “requirement” or “condition” to something else that may be a good way to go. However, I do not think you even need to do that. Just ensure there is an explanation given in a public meeting and on record as to why the condition was changed (i.e. to attempt to find a way to move this zoning/ocp amendment forward).

Cory had one additional question – do you need to do an OCP amendment if you are only changing the zoning temporarily?

We think yes. The zoning bylaw always needs to mimic the OCP, if it doesn't the OCP reigns supreme so it's best to have your OCP amended when a zoning change occurs (even temporarily). Also, as I understand it, this temporary zoning change will be 5 years or so, that is certainly long enough to warrant an OCP amendment.

I hope this helps!

Let me know when this goes to council?

Kirsti

From: Stephanie Pawluk <cdo@cityofdawson.ca>
Sent: Friday, April 16, 2021 1:07 PM
To: Kirsti.Devries <Kirsti.deVries@yukon.ca>
Cc: cao <cao@cityofdawson.ca>
Subject: CoD Bylaw Question: Time Limited Zoning

*** External email: Do not click on links or attachments except from trusted senders. ***

Hi Kirsti,

I hope things are good with you.

I understand Cory connected with you about our bylaw question regarding the imposition of time limited zoning at 3rd reading. I'm following up to provide some more details. Primary questions bolded.

The question is: **is it possible to impose a time limit on a bylaw as per s. 290(3) of the Municipal Act, after that bylaw has passed second reading and given that there is an accompanying OCP amendment to allow the zoning amendment that has also passed second reading?**

Here's some details:

- There is both an OCP amendment bylaw and a zoning amendment bylaw for this application to amend the land use designations to allow the proposed activity.
- The OCP passed:
 - Public hearing
 - Ministerial approval
 - 2nd reading
- A concern is over the Ministerial approval of the OCP amendment. If the time limit is added to the zoning bylaw, does this affect the Ministerial approval?
- Another concern is over the public notification and public hearing process (s. 296). The zoning amendment bylaw underwent public notification as per the requirements of s. 294, and a public hearing was held and successfully passed.

How do we remove a condition imposed on second reading?

- As you know, there is a condition placed on second reading of **both** of the bylaws (both the OCP and ZBL) that we have not been able to meet. Instead of meeting that condition, the proposed path forward is to pursue time limited zoning. As such, the condition placed on second reading would not be met -is this problematic in moving forward to third reading?
- Proposed solution: a new Council resolution to remove the condition placed on second reading prior to taking bylaw to third reading without that condition. **What do you think about this?**

Please let me know if you have any questions.

Thanks!
Stephanie

Stephanie Pawluk, MCP
Community Development and Planning Officer
City of Dawson
(867) 993-7400 ext.414
cdo@cityofdawson.ca



THE CITY OF DAWSON

Official Community Plan Amendment No. 3 Bylaw

Bylaw No. 2019-16

WHEREAS section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes.

WHEREAS section 278 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council must, within three years of formation or alteration of municipal boundaries, adopt or amend by bylaw an official community plan.

WHEREAS section 285 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that an official community plan may be amended, so long as the amendment is made in accordance with the same procedure established for adoption of an official community plan.

THEREFORE, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS:**

PART I - INTERPRETATION

1.00 Short Title

This bylaw may be cited as the ***OCP Amendment No. 3 Bylaw***

2.00 Purpose

2.01 The purpose of this bylaw is to provide for

- (a) A re-designation of lands from Parks and Greenspace and Future Planning to Mixed Use to accommodate a time limited re-zoning of lands from Parks and Greenspace and Future Planning to Industrial until November 4, 2030, after which they will automatically be re-designated Parks and Greenspace and Future Planning.



THE CITY OF DAWSON

Official Community Plan Amendment No. 3 Bylaw

Bylaw No. 2019-16

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THE CITY OF DAWSON

Official Community Plan Amendment No. 3 Bylaw

Bylaw No. 2019-16

3.00 Definitions

3.01 In this Bylaw:

- (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretations Act*, RSY 2002, c. 125, shall apply;
- (b) "Amended Area" means the area shown in Appendix 1;
- (c) "Bylaw Enforcement Officer" means a person employed by the City of Dawson to enforce bylaws;
- (d) "CAO" means the Chief Administrative Officer for the City of Dawson;
- (e) "City" means the City of Dawson;
- (f) "Council" means the Council of the City of Dawson;

PART II – APPLICATION

4.00 Amendment

- 4.01 This bylaw re-designates a portion of the Amended Area from Future Planning to Mixed Use, as shown in Appendix 1.
- 4.02 This bylaw re-designates a portion of the Amended Area from Parks and Greenspace to Mixed Use, as shown in Appendix 1.

PART III – FORCE AND EFFECT

5.00 Severability

- 5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.



THE CITY OF DAWSON

Official Community Plan Amendment No. 3 Bylaw

Bylaw No. 2019-16

6.00 Enactment

6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.

7.00 Bylaw Readings

Readings	Date of Reading
FIRST	December 4, 2019
NOTICE TO MINISTER	June 11, 2020
PUBLIC HEARING	July 7, 2020
SECOND	July 7, 2020
MINISTERIAL APPROVAL	July 29, 2020
THIRD and FINAL	

Original signed by

Name of Presiding Officer, Title
Presiding Officer

Name of CAO (or designate), Title
Chief Administrative Officer



THE CITY OF DAWSON

Official Community Plan Amendment No. 3 Bylaw

Bylaw No. 2019-16

8.00 Appendices

Appendix 1. Amended Area

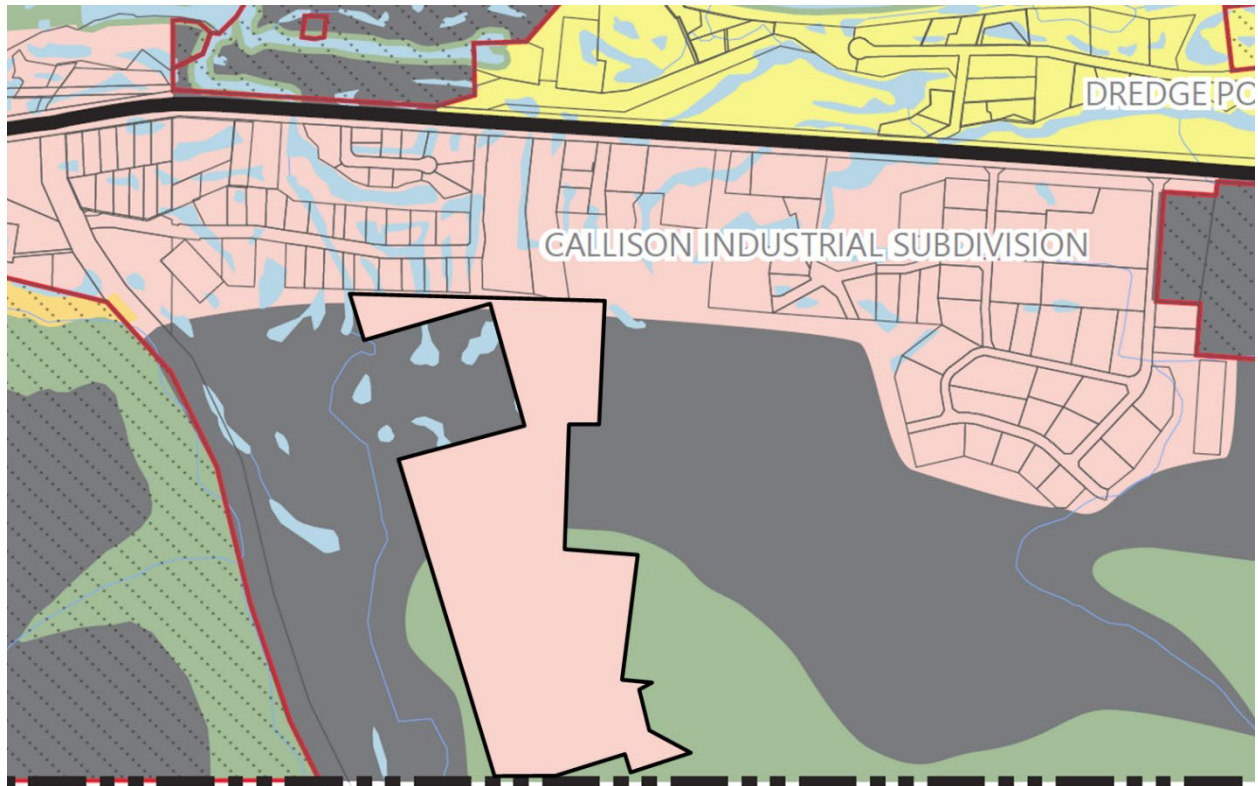


Figure 1: Map amendment.

P 00748	P 07992	P 08446	P 08981	P 10783
P 00749	P 07993	P 08861	P 10413	P 35904
P 00750	P 07994	P 08862	P 10414	P 35905
P 07901				

Table 1. The Grant Numbers the Amended Area consists of.



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 6 Bylaw

Bylaw No. 2019-17

WHEREAS section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes.

WHEREAS section 288 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council, within two years after the adoption of an official community plan, or as soon as is practicable after the adoption of an amendment to an official community plan, a council must adopt a zoning bylaw.

WHEREAS section 288 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that no person shall carry out any development that is contrary to or at variance with a zoning bylaw.

THEREFORE, pursuant to the provisions of the *Municipal Act* of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS**:

PART I - INTERPRETATION

1.00 Short Title

This bylaw may be cited as the **Zoning Amendment No. 6 Bylaw**

2.00 Purpose

2.01 The purpose of this bylaw is to provide for

- (a) A time limited re-zoning of lands from Parks and Greenspace and Future Planning to Industrial until November 4, 2030, after which they will automatically be rezoned Parks and Greenspace and Future Planning.



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 6 Bylaw

Bylaw No. 2019-17

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THE CITY OF DAWSON

Zoning Bylaw Amendment No. 6 Bylaw

Bylaw No. 2019-17

3.00 Definitions

3.01 In this Bylaw:

- (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretation Act*, RSY 2002, c. 125, shall apply;
- (b) "Amended Area" means the area shown in Appendix 1;
- (c) "Bylaw Enforcement Officer" means a person employed by the City of Dawson to enforce bylaws;
- (d) "CAO" means the Chief Administrative Officer for the City of Dawson;
- (e) "City" means the City of Dawson;
- (f) "Council" means the Council of the City of Dawson;

PART II – APPLICATION

4.00 Amendment

- 4.01 Section 14.2 is hereby amended by adding a new section 14.2.4 titled 'Special Modifications'.
- 4.02 Section 14.2.4 is hereby amended by adding a new section as follows: a) Grant numbers: P 00748, P 00749, P 00750, P 07901, P 07992, P 07993, P 07994, P 08446, P 08861, P 08862, P 08981, P 10413, P 10414, P 10783, P 35904, P 35905 are temporarily zoned Industrial until November 4, 2030, as per Bylaw No. 2019-17.
- 4.03 The zoning maps attached to and forming part of Zoning Bylaw 2018-19 are hereby amended by changing the zoning of a portion of the Amended Area from Future Planning to Industrial, as shown in Appendix 1, until November 4, 2030.
- 4.04 The zoning maps attached to and forming part of Zoning Bylaw 2018-19 are hereby amended by changing the zoning of a portion of the Amended Area from Parks and Greenspace to Industrial, as shown in Appendix 1, until November 4, 2030.

PART III – FORCE AND EFFECT



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 6 Bylaw

Bylaw No. 2019-17

5.00 Severability

- 5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

6.00 Enactment

- 6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.

7.00 Bylaw Readings

Readings	Date of Reading
FIRST	December 4, 2019
PUBLIC HEARING	July 7, 2020
SECOND	July 7, 2020
THIRD and FINAL	

Original signed by

Name of Presiding Officer, Title
Presiding Officer

Name of CAO (or designate), Title
Chief Administrative Officer



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 6 Bylaw

Bylaw No. 2019-17

8.00 Appendices

Appendix 1. Amended Area

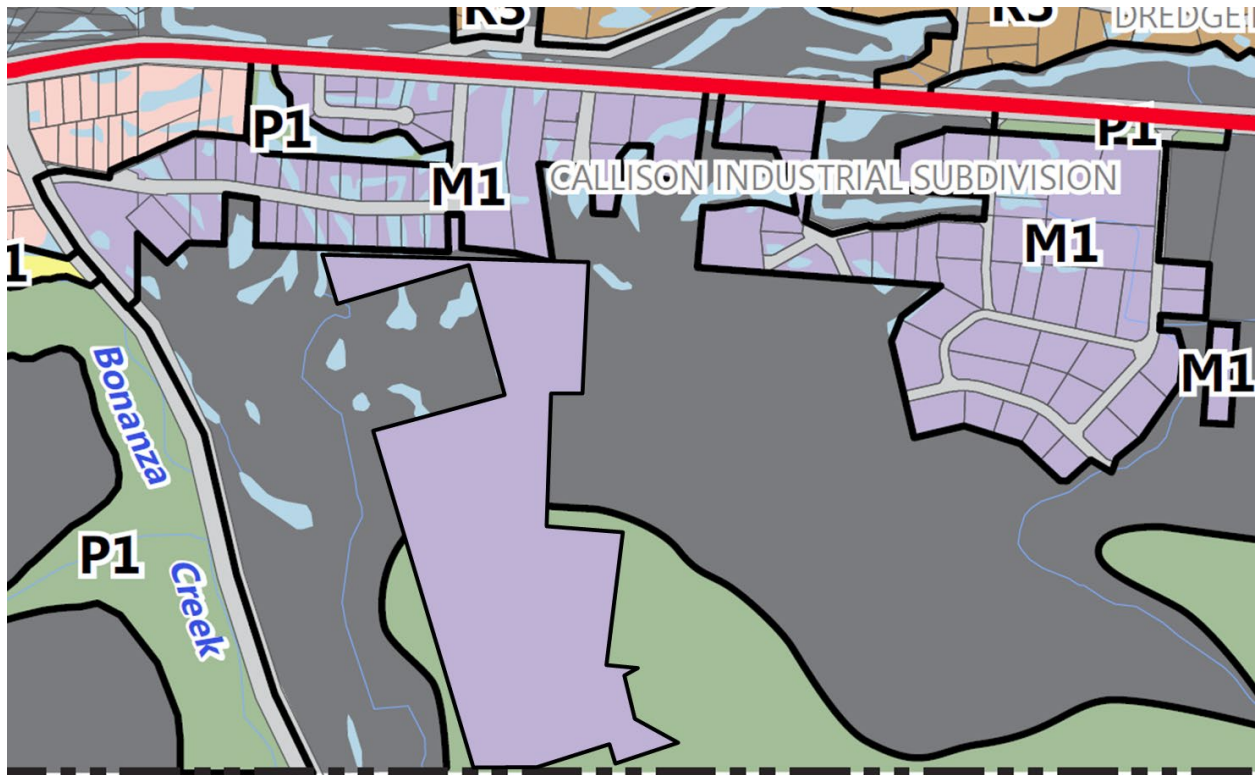


Figure 1. Map amendment.

P 00748	P 07992	P 08446	P 08981	P 10783
P 00749	P 07993	P 08861	P 10413	P 35904
P 00750	P 07994	P 08862	P 10414	P 35905
P 07901				

Table 1. The Grant Numbers the Amended Area consists of.

CITY OF DAWSON
FLAG PROTOCOL POLICY

PURPOSE: To establish the process for ensuring proper protocol for Canadian, Territorial, City, and First Nation and Other flags is followed by the City of Dawson.

FLAG PROTOCOL POLICY

Policy Statement

The National Flag of Canada and the flag of the Yukon, City, and Tr'ondëk Hwëch'in are symbols of honour and pride. This policy sets guidelines for the City of Dawson to ensure we treat flags we display with respect and follow customs and etiquette recommended by other orders of government.

Displaying Flags

Flags should always be shown, represented, or used in a dignified manner. They should not be used as a table or seat cover, to mask boxes or other items or to cover a statue, monument or plaque for an unveiling ceremony.

City, territorial, Canadian, and special occasion flags are flown or displayed at city hall and during special events. Care should be taken that the following practice is followed:

- (1) The National Flag of Canada takes precedence over all other flags. No other flag should be flown at a higher height than the National Flag. It should be raised first and lowered last unless all are being raised and lowered simultaneously.
- (2) When the National Flag is flown with one other flag it should be on the left of an observer facing the flags.
- (3) When three flags are displayed, the National Flag should be at the centre.
- (4) When there are more than three flags in a group, the National Flag should be flown on the left of an observer facing the flags.

Flags Flown at Half-Mast for Mourning

To half-mast the flag as a sign of mourning, the flag is brought to the half-mast position by first raising it to the top of the mast and then immediately lowering it slowly to the half-mast position.

The Canadian Department of Heritage provides direction as to occasions when the National Flag is to be flown at half-mast.

The Yukon Premier approves occasions when all Yukon Flags will fly at half-mast apart from those occasions dictated by national protocol.

A list of occasions and annual dates when flags are flown at half mast is included in Schedule A.

Special Occasion Flags

The City of Dawson may fly special occasion flags to celebrate a particular date or event of significance to the City. The Mayor will decide which flags will be flown for special occasions.

Community groups and organizations may request their flag be flown to raise public awareness of an initiative or event. When this type of flag is flown, it replaces the City of Dawson flag from the group of flags flown at City Hall.

Disposal of Flags

When a flag becomes tattered or faded and is no longer in a suitable condition for use, it should be destroyed in a dignified way by burning it privately.

Responsibilities and Procedures

1. Flags on the four flagpoles at City Hall are raised and lowered by the Fire Chief, Fire Department personnel, or the CAO.
2. The CAO, based on information received from the Executive Council Office of the Government of Yukon, will advise on occasions on which the flags are to be flown at half-mast.
3. Flags flown for special occasions, groups or events will be flown on the flagpole reserved for the City flag. At no time will the National Flag be replaced

by a special occasion flag.

4. The City of Dawson will:

- maintain a supply of Canadian, territorial, City and other flags for use by departments or community groups.
- respond to requests from community groups to fly their flags during special events and will advise the Fire Department of the details.
- arrange for replacement and disposal of flags which are faded, tattered or soiled and unfit for service.

5. The Mayor will have the authority to make a decision on any flag protocol not covered in the policy.

Schedule A Flag

Policy Schedule

Flags will be flown at half-mast on the following days:

April 28	National Day of Mourning for Persons Killed or Injured in the Workplace. Flags are half-masted from sunrise to sunset.
November 11	Remembrance Day. Flags are half-masted from 11:00 am to sunset.
December 6	National Day of Remembrance and Action on Violence Against Women. Flags are half-masted from sunrise to sunset.

Occasions for half-masting flags:

Flags will be flown at half-mast after the passing of people who hold the following positions:

- Commissioner of the Yukon (current and former)
- Premier of the Yukon (current and former)
- Klondike MLA (current and former)
- Yukon MP (current and former)
- Yukon Senator (current and former)
- Tr'ondëk Hwëch'in Chief (current and former)
- Tr'ondëk Hwëch'in Council member (current and former)
- City of Dawson Mayor (current and former)
- City of Dawson Council member (current and former)

From: [Molly Shore](#)
To: [CAO Dawson](#); [Executive Assistant](#)
Subject: Fwd: letter of support for keeping Goldrush Campground
Date: June 15, 2021 9:07:23 PM
Attachments: [CCF_001086.pdf](#)

For the next mail log

----- Forwarded message -----

From: <auroraoffice@northwestel.net>
Date: Fri, Jun 11, 2021 at 11:24 AM
Subject: letter of support for keeping Goldrush Campground
To: <wayne.potoroka@cityofdawson.ca>
Cc: <natasha.ayoub@cityofdawson.ca>, <molly.shore@cityofdawson.ca>, <stephen.johnson@cityofdawson.ca>

Dear Mayor and Council,

I normally do not get involved with the politics of our community, but I feel very strongly about this.

Please find a letter of support for keeping the Goldrush Campground as is. Not sure why you don't recognize this as a much needed business in Dawson. I have to ask...What would Dawson be without our business community?

Thks

Glynnie Cara

June 11, 2021

Attention Mayor and Council

By your actions you have shown a complete disregard for the merchants of Dawson City who provide employment to many who live here, and who expect their Council to provide reasonable considered leadership.

You have ignored us when we ask that you consider the hardships you will create with the loss of the Goldrush Campground and the revenue it creates for this community, and attraction and convenience of an "In town" campground.

We are requesting you withdraw your ill-conceived plans for this property and consider what serves the overall community in the fairest manner over the long term.

We fear you are making assumptions that we are no longer interested, or content with your planning process.

The reality is that we are extremely concerned with your actions, your lack of transparency in your handling of this matter and urge that you withdraw this By-Law in the best interests of this community.

Glynnie Cara
Aurora Office

From: [Molly Shore](#)
To: [Executive Assistant](#)
Subject: Fwd: Gold Rush Campground
Date: June 15, 2021 9:06:33 PM

For the next mail log.

----- Forwarded message -----

From: <grenon@northwestel.net>
Date: Fri, Jun 11, 2021 at 11:53 AM
Subject: Gold Rush Campground
To: Wayne Potoroka <potoroka@northwestel.net>, <natasha.ayoub@cityofdawson.ca>, <bill.kendrick@cityofdawson.ca>, <molly.shore@cityofdawson.ca>, <stephen.johnson@cityofdawson.ca>, CAO Dawson <cao@cityofdawson.ca>

To Mayor and Council;

We are sending this email in support of a campground remaining in the downtown core of Dawson City. While our business does not directly benefit from tourists we do service many businesses that make a livelihood from the tourism industry – most of those in the downtown core.

We feel that it is important to have a centrally located campground to allow for visitors to take in our community within walking distance. With the campground being in the current location it is beneficial for the attractions, restaurants, and retail outlets. There is an argument that it is not common for campgrounds to be located in downtown cores in other jurisdictions. We would argue that many successful tourism communities do have campgrounds in their downtown cores – Inuvik, Fairbanks, Skagway, Haines Junction – to name a few of our neighbours. Larger centers such Kelowna, Penticton, Osoyoos recognize the benefits of this as well. Some of them run by the municipality.

To us the suggestion of turning Block Q into residential lots is not necessary at this time. The pending Slinky mine lots, North end subdivision, infilling of YTG lots and private lots being subdivided will provide plenty of lots for the near future. There has been a huge increase in housing inventory through initiatives such as the KDO complexes, Eliza Building, KVA complexes, and private sector construction. At what point are we going to meet our goal for residential lots and housing in the community?

The initial “sell” of closing the campground was to possibly house a new recreation center but the dome road site has been determined to be the place where it will go. We encourage Mayor and Council to reconsider the decision to make Block Q into residential lots and allow the

campground (possibly run by the municipality) to remain. At the very least take a step back for a couple of years and put more thought into the best use for the property while the campground remains.

Respectfully,

Dina and Gerry Grenon

Grenon Enterprises Ltd

Box 100

Dawson City, YT

Y0B 1G0

Office (867)993-5761

From: [Diana Mccready](#)
To: [Executive Assistant](#)
Subject: Gold rush campground
Date: June 17, 2021 9:23:06 PM

I wish to express my concern with discussion of the Gold Rush campground being considered to be used for other purposes I.e. low cost housing? I feel very strongly that the town needs this campground. We as citizens of Dawson City Yukon cannot continue to invite people to our community and not have a place for guests to stay. So far all knowledge that is being shared with public seems to be very one sided and not accurately shared. I would strongly like to keep the campground in place.

From: [Wayne Potoroka](#)
To: [Executive Assistant](#)
Subject: FW: Council decision concerns
Date: June 13, 2021 7:48:51 AM

From: Joel Famularo <arctechcircle@gmail.com>
Sent: June 11, 2021 8:02 PM
To: wayne.potoroka@cityofdawson.ca; molly.shore@cityofdawson.ca;
natasha.ayoub@cityofdawson.ca; stephen.johnson@cityofdawson.ca;
bill.kendrick@cityofdawson.ca
Subject: Council decision concerns

Attention Mayor and Council

By your actions you have shown a complete disregard for the merchants of Dawson City who provide employment to many who live here, and who expect their Council to provide reasonable considered leadership.

You have ignored us when we ask that you consider the hardships you will create with the loss of the Goldrush Campground and the revenue it creates for this community, and attraction and convenience of an "In town" campground.

We are requesting you withdraw your ill-conceived plans for this property, and consider what serves the overall community in the fairest manner over the long term.

We fear you are making assumptions that we are no longer interested, or content with your planning process.

The reality is that we are extremely concerned with your actions, your lack of transparency in your handling of this matter, and urge that you withdraw this By-Law in the best

interests of this community.

Dated 11 June 2021

Joel Famularo
Owner, Arctech Circle Welding Services
C: 867-993-3883
arctechcircle@gmail.com



From: [Wayne Potoroka](#)
To: [Executive Assistant](#)
Subject: FW: Goldrush campground
Date: June 13, 2021 9:30:45 PM

From: Sylvie Gammie <gammie@northwestel.net>
Sent: June 13, 2021 7:34 PM
To: wayne.potoroka@cityofdawson.ca; natasha.ayoub@cityofdawson.ca;
molly.shore@cityofdawson.ca; bill.kendrick@cityofdawson.ca; stephenjohnson@cityofdawson.ca
Subject: Goldrush campground

Attention Mayor and Council

By your actions you have shown a complete disregard for the merchants of Dawson City who provide employment to many who live here, and who expect their Council to provide reasonable considered leadership.

You have ignored us when we ask that you consider the hardships you will create with the loss of the Goldrush Campground and the revenue it creates for this community, and attraction and convenience of an "In town" campground.

We are requesting you withdraw your ill-conceived plans for this property, and consider what serves the overall community in the fairest manner over the long term.

Both of this town's major tourism and business entities, the Klondike Visitors Association and the D.C. Chamber of Commerce, have voiced their strong opposition to the closure of the Goldrush Campground. It is totally irresponsible and short-sighted not to take their opinions more seriously.

This is clearly too contentious of an issue to push this through so quickly at this time. Further consultation and consideration clearly need to go into this decision.

We recognize that land availability is an urgent issue, and finding a solution is long overdue, but this is not an appropriate solution.

The reality is that we are extremely concerned with your actions, your lack of transparency in your handling of this matter, and urge that you withdraw this By-Law in the best interests of this community.

Sincerely,

Garry Gammie

Sylvie Gammie

Residents/business owners/tax payers of Dawson City



P.O. BOX 338 902 THIRD AVENUE DAWSON CITY, YUKON Y0B 1G0
PHONE: (867) 993-5451 E-MAIL: eldorado@yknet.ca WEBSITE: www.eldoradohotel.ca FAX: (867) 993-5256

Mayor & Councillors
City of Dawson
P.O. Box 308
Dawson, Yukon
Y0B 1G0

June 11, 2021

VIA EMAIL

Dear Mayor & Councillors

RE: Block Q, Ladue Estate

I refer to the Council's Committee of the Whole recommendation with respect to the most suitable use of Block Q, Ladue Estate. I am aware of the February 9, 2021 study by Stantec Consulting Ltd. and Vector Research. I am not questioning the professional expertise and quality of work for the study's authors, however I am asking Council to note the study's authors note that

The opinions in the document are based on conditions and information existing at the time the document was published and do not take into account any subsequent changes. In preparing the document, Stantec did not verify information supplied to it by others.

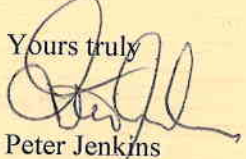
I am asking Council to reflect on one specific sentence the study's authors included in their conclusion:

The study team certainly appreciates how dearly many engagement participants cherish the existing Gold Rush Campground. We note, however, the highly seasonal flow of economic benefits associated with a facility that operates for only five months of the year while occupying the entire Block Q site for 12 months of the year.

The economic benefits associated with the facility are not, as Stantec suggested, "highly seasonal". These benefits are the foundation of much of Dawson City's tourism industry. As the Covid-19 pandemic has demonstrated for all to see and appreciate, much of Dawson City's local economy is dependent to a significant degree on the "highly seasonal" tourism industry. The local business generated by the handful of residential units Block Q would accommodate can never be a substitute what Block Q as a campground contributes during the "highly seasonal" time it operates.

I am asking Council to table the Committee-of-the-Whole decision pending a comprehensive study on the impact the closure of Block Q would have on the local economy. It would be irresponsible to close this campground on the basis of information provided to the consultant, information he admits he "did not verify".

Yours truly


Peter Jenkins

"HOME OF THE KLONDIKE"



P.O. BOX 338 902 THIRD AVENUE DAWSON CITY, YUKON Y0B 1G0

PHONE: (867) 993-5451 E-MAIL: eldorado@ykn.net WEBSITE: www.eldoradohotel.ca FAX: (867) 993-5256

June 11th 2021

Mayor & Councillors
City of Dawson
P.O. Box 308
Dawson, Yukon
Y0B 1G0

Via Email

Dear Mayor & Councillors

RE: Block Q, Ladue Estate

This is a follow-up to my earlier letter on the subject. Section 2.2 of the Stantec Consulting Ltd. and Vector Research study (RV-Style Campground Capacity) ignores a key element critical to the location of such facilities. The issue is not the range of amenities provided to RVs to which the study refers to repeatedly. The study indicates that “the only material difference among the three private campgrounds is location.” The study is silent on the reason why that difference is “material”.

The study notes that “it is worth remembering that recreational vehicles are camper trucks, camping trailers and motor homes. The distance from an RV park to centre of Dawson City is the primary “material” factor. It is not convenient to move a camper once it is set up in an RV-park. The vehicles pulling trailers are predominantly trucks. After a long trip along the Klondike or Top of the World Highway, the very last thing a visitor is looking forward to is the choice of either walking a couple of miles to reach the community’s centre, or having to find a convenient parking spot for their vehicle in Dawson.

The study treats the distance of 3200 to 3500 meters as a minor issue, but it is not. It is too long for a comfortable walk and too short to justify going through the trouble of using a R.V. particularly when parking downtown for such large vehicles can be problematic.

It is important to keep in mind that, pursuant to the Yukon’s 2017/18 Visitor Exit Survey, the majority of visitors to the Yukon travel by private vehicle (71%), and belong to the 55+ age group (57 percent).¹ For many in that latter group, the difference between 350 and 3500 meters is a significant one.

The study acknowledges that closing the Gold Rush campground would result in a 34 percent reduction in campground capacity. The indication by the owners of private campgrounds “that currently unused capacity could readily be brought into service if needed” is both flippant and self-serving. It should come as a surprise that a one third reduction in competition is not seen as a problem by the remaining campground operators.

“HOME OF THE KLONDIKE”

I am asking Council to consider the Block Q Ladue Estate Planning Study in the context of our Official Community Plan's guiding principles which recognize that "TOURISM AND RESOURCE EXTRACTION ARE ESPECIALLY IMPORTANT TO THE LOCAL ECONOMY"². A key principle established is that: "ECONOMIC DEVELOPMENT INVOLVES SUPPORTING NEW OR EXISTING ECONOMIC SECTORS, ATTRACTING NEW BUSINESSES, AND CREATING AN ENVIRONMENT WHERE DIFFERENT ECONOMIC INTERESTS ARE BALANCED."³

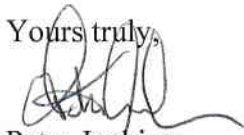
The OCP policy on land use concept also speaks to the issue at hand. The downtown core is recognized "as the heart of Dawson City since it accommodates a broad range of uses focusing on the commercial, cultural, and community needs of residents and visitors."⁴⁵ The Block Q study's conclusion betrays the balance called for in the Official Community Plan with its suggestion that a full third of Dawson City's RV park capacity should be eliminated without planning for, much less providing an alternative of equal quality on the shallow indication by competitors that they could, "if needed" fill the void.

Council should look around our region. It is not a coincidence that other Yukon communities, e.g. Watson Lake, Whitehorse, Haines Junction, and Alaska communities such as Skagway, Haines, Valdez, and Fairbanks, all communities attracting the same tourism sector drawn to Dawson City, maintain RV parks in close proximity to their tourism business areas.

There continues to be a significant increase in sales of all types of R.V's in North America. British Columbia is currently experiencing an extremely high use of their campgrounds and R.V parks, When the Yukon opens its borders in the summer (without restrictions) we will experience a surge in demand for campground and R.V spaces. Without maintaining the full area of Block Q as a campground Dawson City council will once again be criticized for inadequate planning and Dawson will lose out once again.

For all the reasons outlined in this letter, I am asking Council to reject the Committee-of-the-Whole recommendation on the future use of Ladue Estate's Block Q properties and maintain this block as a campground. Thank you.

Yours truly,



Peter Jenkins
Eldorado Hotel

¹ <https://yukon.ca/sites/yukon.ca/files/tc/tc-visitor-exit-survey-2017-18.pdf>, p. 6

¹ <https://www.cityofdawson.ca/Home/DownloadDocument?docId=c91ec042-8cb2-4889-ab81-6640424e25b0>,

4.1 Development Influence, p. 7.

¹ Ibid., 8.0 Economic Development, p. 17.

¹ Ibid., 6.2 Land Use Designations, p. 12

Committee Minutes

THURSDAY 3RD JUNE 2021
19:00

Meeting Type: Regular

Meeting: # HAC 21-10

Facilitators: Stephanie Pawluk, CDO

Attendees: Eve Dewald (chair), Angharad Wenz, Megan Gamble, Patrik Pikálek, Jim Williams

Regrets: Rebecca Jansen

Meeting Called to order at 7:01 PM.

Minutes

Agenda Item: Agenda Adoption

Presenter: Angharad Wenz

Resolution: #21-10-01

Second: Patrik Pikálek

THAT the Agenda for Heritage Advisory Committee Meeting 21-10 has been adopted as amended.

Discussion:

- Add 'neon signs' to New Business
- Add 'Development permit 20-124: inquiry about roof amendment' to New Business
- Add 'Highways electronic sign' to Unfinished Business

Discussion: None.

Votes For: 4

Votes Against: 0

Abstained: 0

CARRIED

HAC Member Jim Williams arrived at the meeting at 7:03 p.m.

Agenda Item: Conflict of Interest

Resolution: #21-10-02

Discussion: None.

Agenda Item: Committee of the Whole

Resolution: #21-10-03

THAT the Heritage Advisory Committee move into the Committee of the Whole.

Discussion: None

Votes For: 5

Votes Against: 0

Abstained: 0

CARRIED

Agenda Item: Delegations

Presenter: Angharad Wenz

Resolution: #21-10-04

Second: Patrik Pikálek

Alan Terry – Development Permit Application 20-120

Discussion:

- Alan Terry (or representative) not in attendance.

Agenda Item: Delegations

Presenter: Angharad Wenz

Resolution: #21-10-05

Second: Patrik Pikálek

Discussion:

- Brought the sign template to show material.
- Noted examples of mixed capitals and lower case lettering in town including the yoga studio etc.
- HAC had no comments or concerns.

Agenda Item: Delegations

Resolution: #21-10-06

Presenter: Angharad Wenz

Second: Patrik Pikálek

Charlotte Luscombe – Development Permit Application 21-060

Discussion:

- Sandwich board sign to advertise the location of the office, given that it's inside the CIBC building.
- They don't want to put a permanent sign on the building as they are short term tenants. The sandwich board style also allows them to travel with it for their planned pop up events.
- Charlotte indicated that it could be changed to all capital letters or a different font if required.
- Materials: printed on wood with wooden or aluminum legs.
- HAC did not indicate concerns.

Agenda Item: Revert to Heritage Advisory Committee

Resolution: #21-09-07

Presenter Angharad Wenz

Second: Patrik Pikálek

THAT the Committee of the Whole revert to the Heritage Advisory Committee.

Discussion: None.

Votes For: 5

Votes Against: 0

Abstained: 0 CARRIED

Agenda Item: Business Arising from Delegations

Resolution: #21-09-08

Presenter Angharad Wenz

Second: Patrik Pikálek

Discussion:

- None

Agenda Item: Adoption of the Minutes

Resolution: #21-10-09

Presenter: Jim Williams

Second: Patrik Pikálek

THAT the Minutes for HAC meeting 21-09 are accepted as amended.

Discussion:

- Replace "Clarissa's house" with the address.
- Awning windows: replace "with awning windows" with "with non-Dawson-style windows."
- Page 2: "that railings **may** exist"

Votes For: 5

Votes Against: 0

Abstained: 0 CARRIED

Agenda Item: Business Arising from the Minutes

Resolution: #21-10-10

Presenter: Angharad Wenz

Second: Patrik Pikálek

None.

Agenda Item: Applications

Presenter: Angharad Wenz

THAT the Heritage Advisory Committee move to TABLE the amendments to development permit 20-120.

Discussion:

- HAC likes the general massing/shape of the building better than previous renderings.
- Concerns raised with the walkway cutting through the playfield.
- Drawing A502: requested confirmation that the walkway goes all the way to Princess.
- Trex decking:
 - Concerned about this material. This will be precedent setting. Need to be clear on limitations of where HAC will allow this material.
 - Given we allow cement siding, aluminum corrugated etc., the doors have been opened to new materials.
 - HAC noted that this material may pose a disconnection with the wooden boardwalks.
 - HAC requested confirmation that it's for the deck only or boardwalk and dec. HAC's decision may differ depending if it's not in the direct public view, particularly in relation to the boardwalk.
- Need site plan of entire site (all school lots).
- HAC requested information on how the covered deck roof connects with the modular building.
- It was noted that a delegate would be helpful in going through this application.

Votes For: 5

Votes Against: 0

Abstained: 0 CARRIED

Agenda Item: Applications

Presenter: Jim Williams

Resolution: #21-10-12

Seconded: Eve Dewald

THAT the Heritage Advisory Committee move to APPROVE development permit 21-059.

Discussion:

- Because 'Annabelle's' is capitalized, HAC is okay with the lower case 'noodle house'.
- It's a logo, so HAC is okay with the lettering and style.

Votes For: 5

Votes Against: 0

Abstained: 0 CARRIED

Agenda Item: Applications

Presenter: Angharad Wenz

Resolution: #21-10-13

Seconded: Patrik Pikálek

THAT the Heritage Advisory Committee move to APPROVE development permit 21-060 on the following conditions:

- The edges are to be covered with a wooden border.
- Change the "come to us!" to an approved, capitalized font.
- Solid background.

Discussion:

- Solid back is more in line with a hand painted, historic sign. The pattern on the back modernizes it and makes it clear that it's a digitally produced sign.
- Font
 - Okay with Dawson Regional Planning because it's a logo.
 - The middle font is not historic, nor is it a logo; therefore, a condition is to be placed on HAC's approval to change it to a capitalized, approved font, as outlined in the fonts handbook.
 - Suggestion: have fonts the same colour.

Votes For: 5

Votes Against: 0

Abstained: 0 CARRIED

Agenda Item: New Business

Presenter: Angharad Wenz

Neon signs.

Discussion:

- Angharad Wenz noted many neon signs out and indicated a desire to remind businesses that neon signs are not permitted outside of buildings. Prefabricated neon signs are not historic.
- Angharad Wenz to draft a letter directed to the Chamber of Commerce to circulate among businesses.

Development permit 20-124: inquiry about roof amendment.

Discussion

- The CDO noted an inquiry about amending development permit 20-124 to change the main roof from a gable to a shed roof and sought HAC's opinion.
- HAC noted that they have not seen a photograph of a historic example of a full-size residential structure with a shed roof in Dawson. HAC welcomes proof of three different photographs of precedent examples of residential structures of comparable size.
- Scale is important for use of shed roofs. Would be different if it was a one storey, but this is a large, visible structure. A shed roof would result in a modern style.
- Would be different if there was an addition or verandah with a shed roof, but the main roofline cannot be a shed roof, as this is not historic.
- HAC noted S. 4.4.6.1 (p. 63) of the Design Guidelines to support this.
- Shed roofs are allowed in the commercial area, but not in the residential area.
- Jim Williams discussed the option of a faux gable covering a shed roof to protect the streetscape.

Agenda Item: Unfinished Business

Resolution: #21-10-15

Presenter: Angharad Wenz

Seconders: Patrik Pikálek

Highways electronic sign.

Discussion:

- The CDO noted that this issue has been followed up on and is awaiting receipt of a development permit/ a proposed resolution from Highways and Public Works.

Agenda Item: Adjournment

Resolution: #21-10-16

Presenter: Angharad Wenz

Seconders: Patrik Pikálek

That Heritage Advisory Committee meeting HAC 21-10 be adjourned at 8:38pm on June 3rd, 2021.

Discussion: None.

Minutes accepted on: June 17th, 2021 at HAC meeting 21-11



MONTHLY POLICING REPORT May, 2021

Dawson City RCMP Detachment “M” Division Yukon



The Dawson City RCMP Detachment responded to a total of 200 calls for service during the month of May, 2021.

OCCURENCES	May, 2021	Year to Date 2021	May, 2020	Year to date 2020	Year Total 2020
Assaults (all categories)	5	26	7	23	52
Sexual Assault	1	6	0	3	6
Break and Enter	0	6	0	2	13
Thefts (all categories)	1	13	2	13	56
Drugs (all categories)	3	11	3	12	28
Cause A Disturbance	14	35	3	17	70
Mischief	9	53	16	63	144
Impaired Driving	7	16	5	11	33
Vehicle Collisions	4	19	1	18	44
Mental Health Act	2	20	4	23	42
Assistance to General Public	2	15	4	44	81
Missing Persons (Search and Rescue) and Missing	0	5	3	3	28
Wellbeing Checks	5	23	7	39	74
Check Stops (represents number of vehicles checked at one check stop)	0	0	0	288	502
Other Calls for Service	147	453	102	387	922
Total Calls for Service	200	701	157	946	2095
Total Criminal Code Charges	19	65	7	18	69
Total Liquor Act/MVActCharges	5 MVAct 1 Campground Act 6 CEMA	7 MVAct 1 Liquor Act 6 CEMA 1 Campground Act		6 MVAct	9 Motor Vehicle Act

PLEASE NOTE: The statistic numbers in the report may change monthly as file scoring is added, deleted or changed. This occurs as investigations develop resulting in additional charges or proving an incident to be unfounded.



Constable TOWER facilitating a bicycle rodeo for the elementary students of Robert Service School

	May, 2021	Year to Date 2021 Total	May, 2020	Year Total 2020
Prisoners held locally	8	24	6	44
Prisoners remanded	0	3	0	2
Total Prisoners	8	27	6	46

Justice Reports	May, 2021	Year to Date 2021	May 2020	Year Total 2020
Victim Services Referrals Offered	8	26	4	54
Youth Diversions	0	1	0	1
Adult Diversions	0	0	0	2
Restorative Justice Total	0	1	0	3

Annual Performance Plan (A.P.P.'S) Community Priorities

Community approved priorities are:

- (1) Substance Abuse
- (2) Road Safety
- (3) Youth Initiatives
- (4) Attendance at THFN and Community Events
- (5) Restorative Justice

(1) Substance Abuse

With the summer weather arriving and more visitors arriving to town, Dawson Detachment members have started to increase foot patrols to the Front Street, Dyke, and downtown areas in order to enforce Liquor Control Act regulations and discourage public intoxication. Checks of licensed establishments is also going to be a focus going forward for the summer months. Members also continue to identify vulnerable persons and ensure they are safe. Several times this month, members have transported local residents to either the hospital for treatment or to the care of a relative or a friend.

(2) Road Safety

Dawson City RCMP partnered with M Division Traffic Services and Carrier Compliance in “Operation Corridor” which mainly focused on commercial vehicle compliance on the roadways. Road safety week also took place this month with two impaired drivers being charged during this initiative.

Dawson City Detachment also implemented a “Dempster Highway Patrol” initiative this month. The idea is for a Dawson City Detachment member to make a patrol up to the NWT boarder, stay the night at Eagle Plains, and travel back the next day. The member is expected to enforce the Motor Vehicle Act (focusing on commercial vehicles), assist any stranded motorist, as well as stop in to highways camps and the various campgrounds to interact with workers and the public. One such patrol was made this month. Despite the officer getting 3 flat tires and getting caught in a blizzard north of Eagle Plains, it was a very successful trip with very positive feedback. Luckily, the officer had a tire patch kit and was able to make his way to a highways camp where he was given assistance. We have since equipped the vehicle with better tires and additional safety equipment and we are hoping to carry out two such patrols a month.

(3) Youth Initiatives

The Top Cop Reading Program was concluded this month with grades K to 4. For the end of the program, officers constructed an obstacle course for the youth to run through. They were also given their certificates and a coupon for an ice cream. With time left over, the youth participated in a few games of dodgeball with Detachment members.

One of the RCMP members organized a bike rodeo for local youth where they were taught bicycle safety. This appeared to be very well received and participants each received a custom water bottle for attending.

Members also went mountain biking with the youth at R22 and played ball hockey on several occasions with the youth this month.

The Grade 1 class was given a tour of the RCMP detachment this month. The class was able to view the cell block, received a tour of a police vehicle and an officer’s belt.

(4) Attendance at THFN and Community Events

One detachment member attended Elder’s Bingo and called the numbers. He was continually berated when he made mistakes (all in fun of course) and had a terrific time.

Dawson City RCMP members took part in many community meetings such as the monthly inter-agency meeting, Community Justice meeting, and the Annual Table-Top Airport exercise to name a few. With the THFN Covid 19 information checkpoint now set up, detachment members have been visiting the site to check in with workers and to run radar operations in order to try and slow down motorists in that area.

With Covid 19 restrictions easing as we go into the summer, hopefully there will be a resurgence of community events to come.

Also of note is that our summer Reservist, Deb Porter, has arrived and settled into Dawson for the next few months. She is extremely happy to be here and is enjoying the community and surrounding area. If anyone is interested in a game of Pickle Ball, give the office a call!

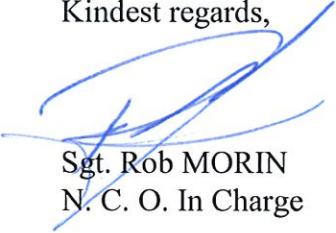
(5) Restorative Justice

Currently there is one matter going through the restorative justice process with the restorative measures almost complete. Detachment members are continually reminded to consider restorative justice in all matters that qualify; whether the subject be a youth or an adult.

Fun Fact

Cst. Phil Premerl and his wife, Dom had a new addition to the family this month. On May 14th, their son, Remy was born. All are very happy doing very well.

Kindest regards,



Sgt. Rob MORIN
N. C. O. In Charge

Dawson City RCMP-GRC
Box 159
Dawson City, Yukon
Y0B 1G0

/am



Your Community Voice

Yukon Police Council

May 26, 2021

Mayor Wayne Potoroka and Council
City of Dawson
P.O. Box 308
Dawson City, YT Y0B 1G0



Dear Mayor Potoroka and Council,

RE: Yukon Police Council Survey

We are pleased to advise you that the Yukon Police Council (YPC) has finished compiling the results of the 2020 "Community Perceptions of the RCMP" survey.

In September 2020, YPC initiated a survey seeking input from Yukoners on their experience with policing in Yukon. We are incredibly thankful to all Yukoners who took the time to contribute to this survey and help shape Yukon's policing priorities.

The survey results are now available at yukonpolicecouncil.ca, and a paper copy of the survey results, as well as this letter, will be sent via mail in short order.

YPC remains interested in receiving feedback about policing services in your community on an ongoing basis. I encourage you to provide further input through the YPC Secretariat at yukonpolicecouncil@yukon.ca.

Sincerely,

John Phelps
Chair of the Yukon Police Council

Community Perceptions of the RCMP

A Report on the Survey

Message from the Chair

On behalf of the Yukon Police Council, I would like to offer my sincere appreciation to everyone who participated in this survey, particularly during these difficult times.

What we heard is that while the RCMP has demonstrated success in certain areas, there are also opportunities for systemic improvement. There continues to be opportunity for change, including continued efforts in providing service to marginalized groups, a need for increased awareness around mental wellness, and to meaningfully and proactively engage with communities. There were many positive comments about RCMP members – mostly recognizing that they provide invaluable service and face difficult situations. In the interest of transparency, we have provided a website link with more information about what Yukoners contributed.

We value the input of Yukoners. This critical feedback will guide our policing priorities over the coming years, and we look forward to working with all Yukoners on this journey toward effective policing and safe communities.

John Phelps, Chair, Yukon Police Council

To see more results from the survey, please visit:

yukon.ca/yukon-police-council



Photo courtesy of Government of Yukon

2020-21

Yukon Police Council Members

Elodie Dulac

Haines Junction

Maureen Johnstone

Whitehorse

Tracy MacPherson

Whitehorse

Simon Nagano

Dawson City

Rob Schneider

Marsh Lake

Dr. Janet Welch

Whitehorse

John Phelps, Chair

Whitehorse



Your community voice.

Yukon Police Council

Serving Yukoners by promoting ongoing dialogue to foster positive relationships between Yukon citizens, the Yukon RCMP ("M" Division) and the Department of Justice.

Note: The Community Perceptions of the RCMP survey was primarily conducted online due to COVID-19 in the fall of 2020. Nearly 2,000 respondents participated from every community and representative of many demographics.

Building Relationships of Trust

Public messages to the RCMP

- ▶ **Promote safer communities.** Strengthen efforts to combat crime associated with gangs and drug dealers operating in our communities, property theft and damage, domestic violence, alcohol and drugs, and greater enforcement of the rules that govern traffic safety.
- ▶ **Increase inclusivity.** Continue efforts to understand and support the policing needs of youth, Elders, Indigenous people, visible minorities and the LGBTQ2S+ community.
- ▶ **Focus on client service.** Demonstrate greater consistency in showing patience, courtesy and respect when dealing with the public, particularly the victims of crime and their families.



Photo courtesy of Government of Yukon

- ▶ **Improve approach to dealing with mental health challenges.** Ensure members are better trained and more appropriately equipped to deal with the mental health and wellness of those they serve.
- ▶ **Address racism.** Acknowledge and reduce systemic factors that contribute to racism while making sure all Yukoners receive culturally-sensitive and appropriate policing services.
- ▶ **Increase visibility and presence.** Enhance public visibility by increasing foot patrols and in person attendance so that members connect with Yukoners more frequently and in more meaningful ways.
- ▶ **Promote traffic and pedestrian safety.** Increase initiatives that keep our roadways safe by enforcing traffic laws, and cracking down on distracted and impaired driving.
- ▶ **Demonstrate greater accountability.** Ensure that members are held accountable for their actions and for the level of service they provide. This is a key step in building and maintaining relationships of trust with all Yukon communities.

For more information,
please contact the
Yukon Police Council

- 867.456.6758
- yukonpolicecouncil@yukon.ca
- PO Box 2703 J-10, Whitehorse, YT Y1A 2C6

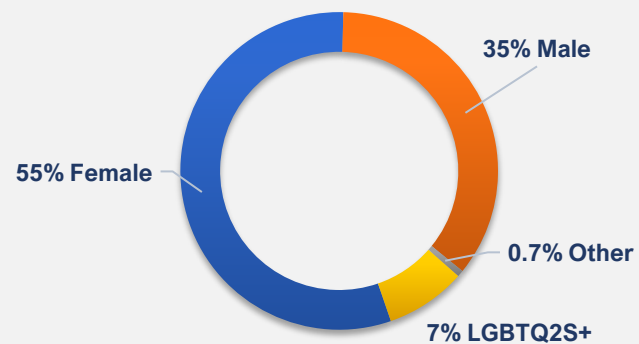
Community Perceptions of the RCMP in Yukon: Themes and Charts

In this Report:

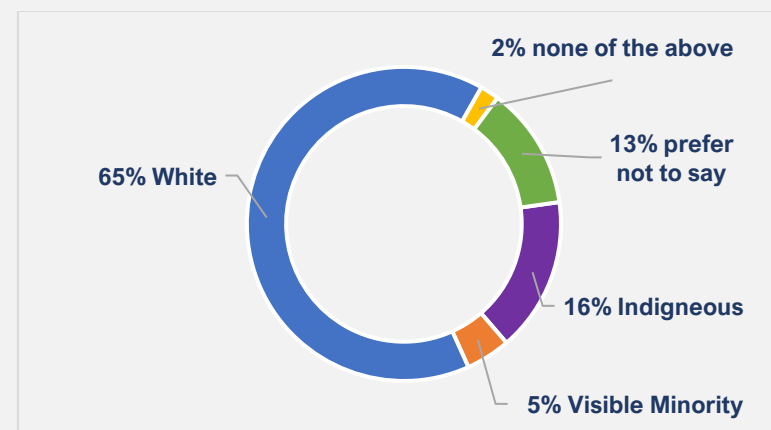
About the Survey Respondents: Key Demographic Information	page 1
A. What should the RCMP focus on in terms of community policing priorities?	page 3
B. How the RCMP fares at building relationships of trust and engagement with Yukoners.	page 4
C. How the RCMP fares at enforcing laws equally and fairly.	page 5
D. Critical factors in establishing trust with Yukoners.	page 6
E. The extent to which the RCMP currently exhibits certain trust-building qualities.	page 7
F. How the RCMP can continue to build relationships of trust: Key Themes	page 8
G. The RCMP and community perceptions of trust: Key Themes	page 10
Appendix Notes on a "Glitch" regarding the Survey's implementation	page 12

About the Respondents: Key Demographic Information

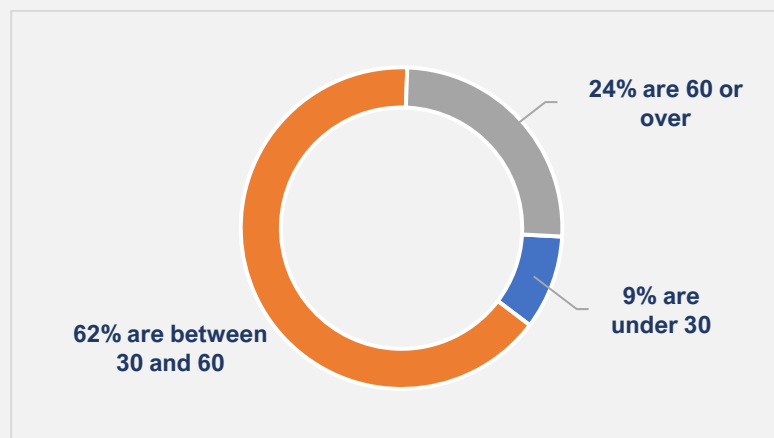
By Gender Identity



By How They Self-Identify

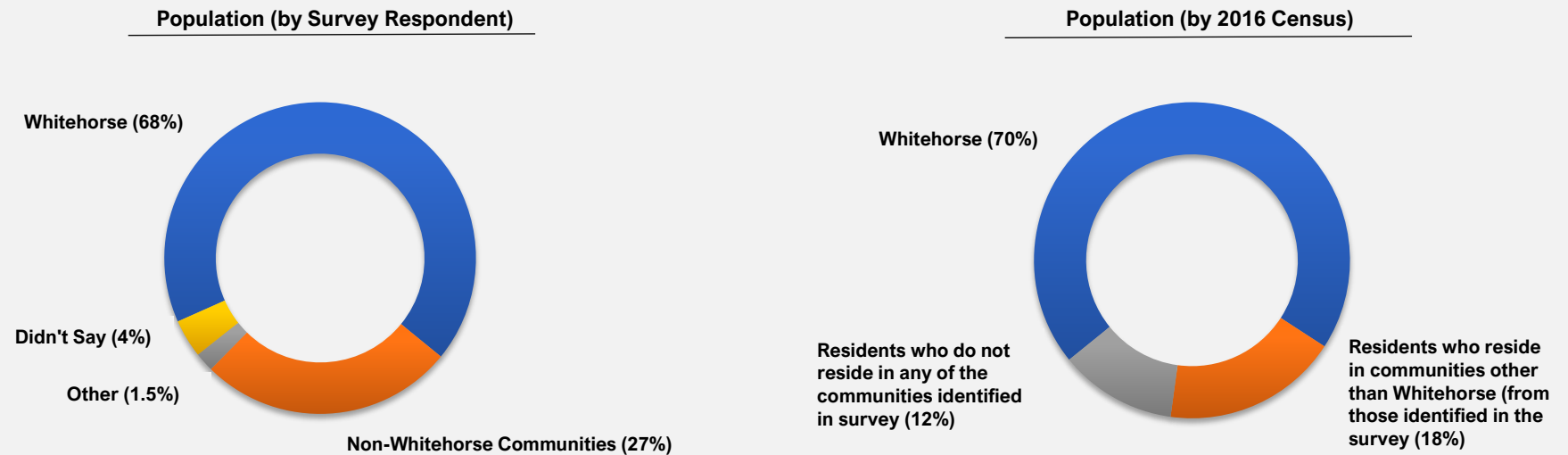


By Age Distribution



Population, by Region¹

This chart shows the population distribution of the survey relative to Yukon's population (as identified by the 2016 Census).



Non-Whitehorse Communities (from Survey):

West Region (5% response rate, but 2% of Yukon population)

Haines Junction, Beaver Creek, Burwash Landing

North Region (13% response rate, but 10% of population)

Carmacks, Dawson, Faro, Ross River, Mayo, Old Crow, Pelly Crossing

Southern Lakes Region (9% response rate, but 8% of population)

Marsh Lake, Carcross, Tagish, Mt. Lorne, Watson Lake, Teslin

¹ The population percentage for each community is based on Census 2016 statistics. While the Yukon Stats Bureau has 2019 population figures, these are actually estimates based on the Census, and for which the populations of Marsh Lake and Mt. Lorne were included in Whitehorse's numbers, which is not conducive for this study.

A. What should the RCMP focus on in terms of community policing priorities?

(by Selected Demographic Groups)

RANK		All Yukoners	LGBTQ2S+	Females	Males	Vis. Minorities	Indigenous	White
1	gangs/drug-dealers	68%	56%	69%	65%	63%	72%	68%
2	property theft/B&E	54%	45%	53%	56%	65%	51%	54%
3	domestic violence	47%	54%	51%	42%	40%	56%	46%
4	alcohol/drug offences	46%	47%	49%	48%	48%	55%	44%
5	speeding/traffic safety	43%	37%	38%	45%	40%	37%	45%
6	violence against Indigenous Women and Girls	40%	66%	43%	31%	42%	56%	38%
7	sexual violence	39%	54%	41%	35%	42%	56%	37%
8	working with children/youth	33%	19%	38%	31%	35%	40%	31%
9	needs of vulnerable populations	31%	47%	34%	25%	30%	46%	29%
10	local gov't/NGOs partnerships	28%	42%	32%	25%	32%	37%	27%
11	Indigenous approaches	27%	52%	31%	21%	26%	49%	24%
12	people/sex trafficking	22%	24%	23%	18%	25%	28%	23%

B. How the RCMP fares at building relationships of trust and engagement with Yukoners.

		Excellent Job	Reasonable Job	Poor Job	
Excellent Job, Ranked	All Respondents	16%	39%	36%	Poor Job, Ranked
1. Males (23%)	Females	15%	39%	36%	1. LGBTQ2S+ (55%)
2. Non-Whitehorse (22%)	Males	23%	39%	32%	2. Indigenous (48%)
3. White (16%)	LGBTQ2S+	5%	32%	55%	3. Visible Minority (42%)
4. ALL (16%)	White	16%	41%	34%	4. Whitehorse (38%)
5. Females (15%)	Indigenous	14%	30%	48%	5. Females (36%)
6. Visible Minority (15%)	Visible Minority	15%	33%	42%	6. ALL (36%)
7. Indigenous (14%)					7. Non-Whitehorse (35%)
8. Whitehorse (13%)	Whitehorse	13%	41%	38%	8. White (34%)
9. LGBTQ2S+ (5%)	Non-Whitehorse	22%	36%	35%	9. Males (32%)
Requested Analysis:					
	LGBTQ2S+ Whitehorse	13%	41%	38%	
	LGBTQ2S+ Non-Whitehorse	22%	36%	35%	
	Indigenous Females	16%	41%	34%	
	Non-Indigenous Females	14%	30%	48%	

C. How the RCMP fares at enforcing laws equally and fairly.

	race and/or culture	income level	gender identity	age	sexual orientation
Excellent Job	26%	27%	29%	30%	28%
Reasonable Job	35%	29%	32%	35%	30%
Poor Job	27%	27%	19%	17%	15%
Don't Know/No Opinion	12%	17%	21%	18%	27%



By Selected Demographic Groups	race and/or culture		income level		gender identity		age		sexual orientation	
	excellent	poor	excellent	poor	excellent	poor	excellent	poor	excellent	poor
Male	37%	23%	39%	23%	39%	16%	41%	15%	39%	13%
Female	24%	26%	23%	24%	26%	18%	27%	14%	25%	13%
LGBTQ2S+	10%	48%	13%	45%	13%	32%	16%	23%	15%	30%
Indigenous	19%	39%	19%	37%	19%	29%	20%	27%	20%	23%
White	27%	24%	27%	24%	29%	17%	31%	14%	28%	13%
Visible Minority	31%	31%	31%	33%	33%	25%	33%	22%	33%	16%
from Whitehorse	25%	27%	27%	27%	28%	19%	30%	16%	28%	14%
non-Whitehorse	29%	27%	27%	25%	30%	20%	30%	19%	29%	16%

D. Critical factors in establishing trust with Yukoners.

(out of 12 options, by Demographic Group)

	#1	#2	#3	#4
All Respondents	understand my community and its people (84%)	timely, sincere communication (80%)	seen as a partner in crime prevention/education (78%)	openness about their work in the community (73%)
Men	understand my community and its people (75%)	seen as a partner in crime prevention/education (74%)	timely, sincere communication (70%)	openness about their work in the community (68%)
Women	understand my community and its people (90%)	timely, sincere communication (86%)	seen as a partner in crime prevention/education (84%)	understanding Yukon history and Indigenous Relations (82%)
LGBTQ2S+	understanding Yukon history and Indigenous Relations (90%)	understand my community and its people (89%)	a clear process to address complaints (87%)	timely, sincere communication (82%)
	#1	#2	#3	#4
White	understand my community and its people (85%)	timely, sincere communication (82%)	seen as a partner in crime prevention/education (79%)	openness about their work in the community (76%)
Indigenous	understand my community and its people (89%)	understanding Yukon history and Indigenous Relations (86%)	a clear process to address complaints (79%)	timely, sincere communication (79%)
Visible Minority	timely, sincere communication (85%)	understand my community and its people (83%)	seen as a partner in crime prevention/education (76%)	openness about their work in the community (75%)
	#1	#2	#3	#4
Whitehorse	understand my community and its people (81%)	timely, sincere communication (80%)	seen as a partner in crime prevention/education (76%)	openness about their work in the community (73%)
Non-Whitehorse	understand my community and its people (89%)	timely, sincere communication (82%)	seen as a partner in crime prevention/education (82%)	understanding Yukon history and Indigenous Relations (79%)
West Region	understand my community and its people (83%)	openness about their work in the community (80%)	timely, sincere communication (79%)	seen as a partner in crime prevention/education (78%)
North Region	understand my community and its people (91%)	seen as a partner in crime prevention/education (85%)	timely, sincere communication (83%)	understanding Yukon history and Indigenous Relations (83%)
Southern Lakes	understand my community and its people (88%)	timely, sincere communication (82%)	seen as a partner in crime prevention/education (81%)	a clear process to address complaints (79%)

E. The extent to which the RCMP currently exhibits certain trust-building qualities.

Overall Ranking	1		2		3		4		5		6		7		8	
	visible and present in the community		demonstrates integrity and honesty		understands the issues facing my community		involved in the social fabric of my community		understands my community and its people		provides timely and sincere communication		demonstrates transparency and openness		understands Yukon history and impact on Indigenous people	
I agree	47%		44%		42%		39%		36%		36%		28%		26%	
I'm neutral	27%		25%		26%		31%		31%		28%		29%		27%	
I disagree	25%		27%		24%		18%		26%		30%		35%		28%	
<div>↓</div> <div>↓</div> <div>↓</div> <div>↓</div> <div>↓</div> <div>↓</div> <div>↓</div>																
By Selected Demographic Groups	visible and present in the community		demonstrates integrity and honesty		understands the issues facing my community		involved in the social fabric of my community		understands my community and its people		provides timely and sincere communication		demonstrates transparency and openness		understands Yukon history and impact on Indigenous people	
	Agree	Disagree	Agree	Disagree	Agree	Disagree	Agree	Disagree	Agree	Disagree	Agree	Disagree	Agree	Disagree	Agree	Disagree
Male	51%	23%	53%	24%	41%	22%	43%	15%	41%	22%	38%	27%	34%	32%	31%	23%
Female	47%	25%	41%	26%	44%	25%	40%	18%	35%	27%	39%	27%	29%	34%	24%	30%
LGBTQ2S+	34%	24%	21%	48%	16%	55%	31%	29%	18%	53%	19%	44%	18%	61%	11%	55%
Indigenous	41%	28%	30%	39%	33%	43%	39%	26%	27%	45%	24%	42%	24%	48%	22%	49%
White	46%	25%	48%	24%	44%	20%	39%	15%	37%	21%	40%	26%	29%	32%	25%	23%
Visible Minority	54%	15%	39%	30%	42%	30%	34%	19%	34%	28%	24%	34%	27%	43%	22%	34%
in Whitehorse	44%	25%	46%	26%	43%	22%	34%	17%	35%	23%	39%	27%	29%	35%	25%	28%
non-Whitehorse	53%	22%	41%	30%	43%	31%	53%	19%	38%	31%	37%	31%	27%	36%	29%	28%

The final two sections provide a summary of key themes that were expressed as comments or narrative contributions as respondents completed the survey. This summary, presented alongside the preceding charts, offers qualitative data that lends context to the RCMP's ongoing efforts to build relationships of trust with Yukoners.

F. How the RCMP can continue to build relationships of trust: Key Themes

- ▶ **Promote Road and Pedestrian Safety.** Related to the above theme, many indicated that the RCMP should place significantly more focus on traffic safety, particularly in terms of consistent enforcement of traffic laws, particularly those related to impaired, dangerous and distracted driving. *[Note that 54 respondents provided similar comments]*
- ▶ **Visibility and Presence.** A key theme expressed was the need for the RCMP to enhance its public visibility (for example, more foot patrols, more of a presence on highway system, etc.). Those who expressed this view suggested that people are much less likely to commit crimes if there is a consistent RCMP presence, especially in areas or at night where crime is more prevalent. Respondents also noted that RCMP officers need to connect better with Yukoners by being consistently friendly and helpful. *[Note that 34 respondents provided similar comments]*
- ▶ **Cultural Training.** A number of respondents felt that RCMP service delivery would be significantly improved with more focus and effort placed on understanding Indigenous cultural protocols, traditional teachings and values, as well as ensuring appropriate and respectful interactions with Elders. These respondents also indicated that RCMP officers – particularly those new to the Yukon – need to be equipped with a better understanding of the historical relationship between the RCMP and First Nations in Yukon. *[Note that 23 respondents provided similar comments]*
- ▶ **Resources.** Some respondents noted that the RCMP are under-resourced and under-supported, particularly given the number of priorities and expectations placed on the RCMP with respect to community policing. Improving service delivery likely means more policing resources, not less. *[Note that 19 respondents provided similar comments]*
- ▶ **Property Theft.** Numerous respondents specifically identified property damage, thefts and break-ins as an area where the RCMP could be more responsive, as many believe that this type of crime is not taken as seriously as it should be. *[Note that 18 respondents provided similar comments]*
- ▶ **Bootleggers and Drug Dealers.** Many respondents indicated that the RCMP need to do more to stem the tide of bootleggers in our communities, given the negative impact of drugs and alcohol on families and youth. *[Note that 15 respondents provided similar comments]*

- ▶ **More Focus on LGBTQ2S+/Visible Minority Community.** The RCMP need to build stronger relationships with certain groups, such as the LGBTQ2S+ community, visible minorities, Indigenous citizens and Elders. Some noted that they were disappointed that the RCMP did not respect requests to not wear their uniforms at a Pride event. Others noted that the RCMP need greater awareness of what is perceived to be a rise in the incidence of hate crimes, speech or language. *[Note that 11 respondents provided similar comments]*
- ▶ **RCMP in Schools.** A number of respondents indicated their concern that the RCMP not be more present and visible in schools, adding that it is 'not their place' to educate youth about crime, in part due to the RCMP's historical role in colonialism. *[Note that 9 respondents provided similar comments]*
- ▶ **Focus on Internet Crime.** Numerous respondents indicated that the RCMP need to be more vigilant and responsive to internet scams, particularly those targeting seniors, and computer pornography in relation to minors. *[Note that 8 respondents provided similar comments]*
- ▶ **Need for Community Liaisons.** Some respondents noted that each community should have an Indigenous liaison person (or an Indigenous community safety program) to facilitate interactions between the community and the RCMP. *[Note that 7 respondents provided similar comments]*
- ▶ **Public Accountability and Transparency.** Respondents continue to note the importance of holding RCMP officers accountable for poor behaviour - criminal or otherwise – and being more transparent about how complaints from the public are addressed. *[Note that 6 respondents provided similar comments]*

G. The RCMP and community perceptions of trust: Key Themes

- ▶ **Support for Policing.** There were many positive comments about the RCMP, mostly recognizing that they provide an invaluable service and do a 'tough, hard' job. *[Note that 78 respondents provided similar comments]*
- ▶ **Policing and Marginalized Groups.** The RCMP need to enhance its ability to deal with those with mental health issues and other marginalized groups. Many respondents acknowledged that the issue may be less about the RCMP and more about the inadequacies of Yukon's mental health systems, and that the RCMP cannot be expected to 'be everything, to everyone'. Many of the 'defund the police' comments were in this vein, advocating that policing resources should be redirected to community supports. However, most respondents indicated that they believe that the RCMP need more training in dealing with individuals with FASD, and mental health and other challenges, particularly in Indigenous communities. Many also noted that when dealing with these individuals or situations, the primary focus should be on using de-escalation techniques first before a decision to use force is made. *[Note that 51 respondents provided similar comments]*
- ▶ **Racism.** Many respondents raised the perception that the RCMP have a 'racism problem', both at the officer level and systemically. Some also noted that regardless of what the RCMP will do to address this perception, it will remain difficult for many Indigenous citizens and others to trust the RCMP, given historical incidents that they may have experienced earlier in their lives. *[Note that 48 respondents provided similar comments]*
- ▶ **Accountability.** Some indicated that there must be greater consequence and accountability for RCMP officers who engage in bad behaviour. Ensuring that these instances are addressed appropriately - and with full transparency - is key to building relationships of trust, as is ensuring that how complaints are addressed is both transparent and effective. *[Note that 23 respondents provided similar comments]*
- ▶ **Get Own House in Order First.** A number of respondents indicated that the RCMP need to do more to support its staff and officers, and to demonstrate diversity and inclusion in their hiring practices. Put another way, it is argued, having their own 'house in order' would demonstrate their commitment to representing and reflecting the communities they serve. *[Note that 14 respondents provided similar comments]*
- ▶ **Community Posting Policy.** Some argued that the RCMP's community posting policy has resulted in a lack of RCMP integration into the community, at least over the long run - once trust with a particular officer is built within the community, the officer is typically reassigned elsewhere and the process begins anew. One suggestion was for the RCMP to do more to help new officers and their families understand what life is like in a small community before they are hired for that post. *[Note that 14 respondents provided similar comments]*
- ▶ **Diversity.** The RCMP must do more to recruit and train Indigenous, visible minority and LGBTQ2S+ officers to reflect the Yukon's demographic make-up. More diversity would mean that more RCMP officers would better understand the needs and perspectives of various demographic groups, and act accordingly. *[Note that 13 respondents provided similar comments]*

- ▶ **Officer Supports.** Respondents also indicated concern that RCMP officers themselves need better access to mental health supports, given the difficult and dangerous nature of their job. *[Note that 9 respondents provided similar comments]*
- ▶ **Don't Need a Military.** Some respondents noted that the RCMP must take care not to resemble a military force (for example, wearing bulletproof vests, wearing sidearms when at coffee shops or at schools, etc.), as this can be very intimidating and triggering for some citizens. *[Note that 8 respondents provided similar comments]*
- ▶ **Equal and Fair Treatment – No Place for Bias.** Some respondents noted the need for the RCMP to initially treat each situation and each individual with fairness and respect, and to not presume facts or adopt bias prior to the situation being fully assessed. *[Note that 5 respondents provided similar comments]*

Technical Difficulties Encountered.

1. Despite a number of pilot tests conducted prior to the survey's launch, two minor survey glitches went undiscovered until approximately 360 respondents had already completed the survey.

The first glitch was that the LGBTQ2S+ selection choice was initially left off Question 15. To ensure that the percentage of those who self-identified as LGBTQ2S+ was reflected in the final results, a correction was applied by calculating the percentage of those who responded after the glitch, and applying this ratio to the initial 360 respondents. This correction was intended to ensure that the survey, as a whole, was representative of the LGBTQ2S+ community's contribution to the survey.

The second glitch, again involving only 360 respondents, involved an error in which those respondents who indicated that they were not a victim of crime (Question #8) were unable to bypass Questions 9-12 (which related to the experiences of those who did report being a victim of crime). Fortunately, this error did not affect those who indicated that they were a victim of crime, as they were still able to respond to Questions 9-12. This did not significantly skew the overall results.

2. Despite a better-than-expected result in survey response, more effort will be required to ensure those who are unwilling or unable to respond to surveys (online or otherwise) – particularly those residing outside Whitehorse - have an opportunity to contribute their perspectives. Respondents recommended that the Yukon Police Council continue to employ surveys while also offering in-person community meetings (once COVID-19 ends) to ensure a balanced understanding of community perceptions with respect to Council outreach.



June 14, 2021

Wayne Potoroka
Mayor, City of Dawson
Box 308
Dawson, YT Y0B 1G0



Re: Dawson Reservoir Replacement

Dear Mayor Potoroka,

It is my pleasure to inform you that this project has been approved for funding under the Canada-Yukon Integrated Bilateral Agreement for Investing in Canada Infrastructure Program (ICIP). With this federal funding and Yukon government's financial contribution confirmed the project can now proceed.

The Government of Yukon will prepare a Service Agreement with Dawson City to ensure clarity on project implementation and asset transfer of the completed project. The Service Agreement will include full details of the funding parameters, reporting requirements and a communications protocol.

Officials from the Department of Community Services will be in touch with City of Dawson staff to finalize details of the Service Agreement and to coordinate a joint public announcement of this important project.

I would like to take this opportunity to thank you for your commitment to improving Yukon's important community infrastructure. I look forward to continuing to collaborate with the City of Dawson as we advance infrastructure priority projects that benefit Yukoners.

Sincerely,

Richard Mostyn
Minister of Community Services



June 17, 2021

Wayne Potoroka
Mayor
City of Dawson
PO Box 308
Dawson City, YT Y0B 1G0



Dear Mayor Potoroka,

Re: 2021-22 Federal Gas Tax Fund Allotment

I am pleased to inform you that Yukon's 2021-22 Federal Gas Tax Fund allocation has been received. This year's total installment has increased from \$16.5 million to \$17.25 million. Annual payments are typically made by Canada in two installments, one near the beginning of the fiscal year and the other closer to the end. However, to help continue to address the impacts of the pandemic and support communities, this year's full amount has been transferred to the Yukon as a one-time payment. Your annual allocation is now available for your immediate use.

\$865,566.29 has been added to your current fund balance and is available for projects in 18 eligible categories, such as Local Roads & Bridges; Water; Wastewater; Recreational Infrastructure; Cultural Infrastructure; Capacity Building; and many others. With this new payment included, your fund balance as of the date of this letter is \$6,262,226.38.

Canada has proposed an additional one-time top-up to Yukon's Gas Tax funding, equal to the 2020-21 allocation of \$16.5 million, and has indicated that they expect to flow this funding this year. We are still waiting for confirmation of the details and the timing of this one-time payment. Canada has also indicated that they intend to rename the program to the Canada Community-Building Fund. This name change will not alter or modify the objectives or requirements of the program.

Gas Tax funding is quite flexible to meet your local needs and priorities. Canada continues to encourage Yukon to utilize the funding to the fullest and while some communities are doing so, others have significant balances remaining. Recipients may choose to accumulate some of their annual funding until such time as it allows them to apply it to a planned larger scale project – this meets the goals of the fund. On the other hand, some recipients have indicated they may be saving the funds for a rainy day; this does not match with the spirit and intent of the funding.

If you need assistance with optimizing your Gas Tax funding to support your local priorities, or have general questions about the funding, please reach out to the Gas Tax Fund Manager, Patrick Sageaktook, at 867-332-0469 or patrick.sageaktook@yukon.ca or talk to your Community Advisor.

Sincerely,

A handwritten signature in blue ink, appearing to read 'RM', followed by a horizontal line.

Richard Mostyn
Minister of Community Services

c. Cory Bellmore, Chief Administrative Officer



June 18, 2021

Mayor Wayne Potoroka
The City of Dawson
PO Box 308
Dawson City, YT Y0B 1G0

Dear Mayor Potoroka:

Re: Mining in Municipal Boundaries Policy

Thank you for your letter dated March 3, 2021 regarding the status of the Mining in Municipal Boundaries policy work.

As you are aware, this issue is a priority for our government. Developing a policy for mining in municipalities that promotes sustainable development will ensure community values and plans are respected, as identified in the Speech from the Throne on May 11, 2021.

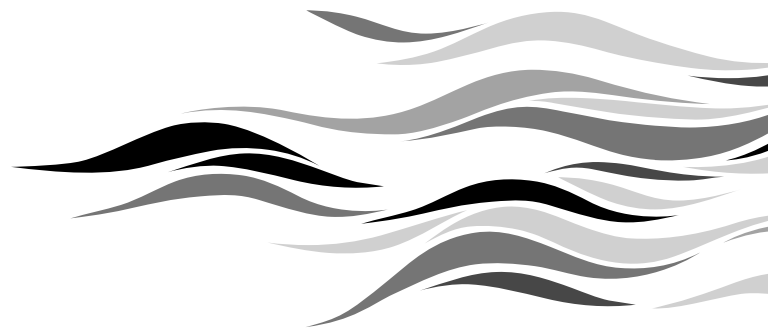
We are currently drafting a policy discussion paper based on what we have learned so far through the stakeholder engagement. The discussion paper will be used to complete consultations with municipalities, industry groups and stakeholders and inform the development of the policy.

We will communicate with the City of Dawson prior to the release of the public consultation document. As well, I recently reached out to Association of Yukon Communities President Gord Curran to explore how we can re-engage on the topic of mining in municipalities, and we flagged that this is a priority for Dawson. If you have any questions about the status of the policy development, please contact Rebecca Irish at Rebecca.Irish@yukon.ca or 867-456-6717.

Thank you for your continued commitment to this matter.

Sincerely,

John Streicker
Minister of Energy, Mines and Resources



Department of Energy, Mines and Resources
PO Box 2703, Whitehorse, Yukon Y1A 2C6

June 17, 2021

City of Dawson Mayor and Council
1336 Front Street
Box 308
City of Dawson, YT Y0B 1G0

By email: wayne.potoroka@cityofdawson.ca, natasha.ayoub@cityofdawson.ca, bill.kendrick@cityofdawson.ca,
stephen.johnson@cityofdawson.ca, molly.shore@cityofdawson.ca

Re: Clinton Creek Mine Project Update and Upcoming Meeting

Dear Mayor Wayne Potoroka, and Councillors Natasha Ayoub, Bill Kendrick, Stephen Johnson, and Molly Shore,

I am writing to provide you with an update on remediation planning for the Clinton Creek Mine Site (Clinton Creek) and advise you that Yukon government, Assessment and Abandoned Mines branch (AAM), in conjunction with Tr'ondëk Hwëch'in, is planning to host a public engagement session in the City of Dawson this fall.

Yukon government is responsible for care and control of Clinton Creek and is working with Government of Canada and Tr'ondëk Hwëch'in to advance a remediation design for the site. In March 2020, Yukon government's engineering design consultant, Wood PLC, delivered remediation designs to a 10 per cent level for six remediation options for the site. The three government partners must now select a preferred remediation option, following an agreed-upon options evaluation and selection process which includes consideration of public feedback. The preferred remediation option will be advanced to a 30 per cent level design following procurement of the project design team.

We are at a stage of remediation planning where we wish to engage with the public to 1) inform the community of the options evaluation and selection process developed for the closure options under consideration for Clinton Creek; and 2) solicit feedback on the closure objectives, and values, visions, and desires for the site after closure. The Clinton Creek project team will be in Dawson in the fall of 2021 (likely end of September/beginning of October) to conduct community engagement sessions. We would be pleased to invite Mayor and Council to attend the public engagement session. Alternatively, or in

Mayor and Council, City of Dawson
June 17, 2021
Page 2

addition, we would also be pleased to meet directly with Mayor and Council during our Dawson visit. We will reach out in the coming weeks with suggested meeting times, once our schedule is firmed up.

The project team is looking forward to discussing Clinton Creek with you further in the fall. Please don't hesitate to contact me at heather.mills@yukon.ca or (867) 332-4431 to answer any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Heather Mills".

Heather Mills
Director, Assessment and Abandoned Mines
Energy, Mines and Resources

Cc: Cory Bellmore, Chief Administrative Officer (cao@cityofdawson.ca)
Martin Guilbeault, Director, Environment - Yukon Region, Crown-Indigenous Relations and Northern Affairs Canada (martin.guilbeault@canada.ca)