

CITY OF WHITEHORSE
COMMITTEE of the WHOLE

Thursday, December 9, 2021– 5:30 p.m.
Council Chambers, City Hall

CALL TO ORDER

ADOPTION OF AGENDA

1. Review of Business License Revocation - Into the Wild Adventures

ADJOURNMENT

ADMINISTRATIVE REPORT

TO:	Committee of the Whole
FROM:	Administration
DATE:	December 9, 2021
RE:	Review of Revocation of Business License: Into the Wild Adventures – 185 Fish Lake Road

ISSUE

Council review of an appeal of a Designated Officer's revocation of business license related to enforcement action of a sled dog tourism business operated by "Into the Wild Adventures" at 185 Fish Lake Road.

REFERENCE

- *Municipal Act* (2002)
- Business License Bylaw 2017-24
- Zoning Bylaw 2012-20
- Building and Plumbing Bylaw 99-50
- Notice of Violation Letter May 1, 2017
- Development Permit 2017-0699
- Notice of Violation Letter November 27, 2019
- Notice of Violation Letter December 24, 2019
- Notice of Violation Letter July 21, 2021
- Location Sketch

HISTORY

Business License #7436 was issued to Ms. Marine Gastard for Into the Wild Adventures on June 27, 2014 for the operation of a business described as a "tour operator". The property where the business was located was identified as Km. 4.2 of Fish Lake Road (formerly part of the Icy Waters Ltd. property). At that time, Zoning Bylaw 2012-20 identified the zoning designation for the Icy Waters Ltd. property as AG – Agricultural, and "kennels" was included as a secondary use in the zone.

In 2015, a 2.24-hectare portion of the Icy Waters Ltd. property was subdivided and sold to Mr. Matthieu Renner. This subdivided property (now described as Lot 1294, Quad 105 D/11, Plan 2015-0034) was readdressed to 185 Fish Lake Road and included the area on which Ms. Gastard's Into the Wild Adventures operation was located.

Through the investigation of a noise complaint initiated to Bylaw Services in late 2016, it was discovered that no principal or secondary use development permits had been issued under Zoning Bylaw 2012-20 to authorize the businesses operating on the property of Lot 1294 (Into the Wild Farms operated by Mr. Renner and Into the Wild Adventures operated by Ms. Gastard).

On March 29, 2017, City Administration provided Mr. Renner with a summary of the permitting requirements for Lot 1294 and the process to obtain the required permits to enable legitimization of the existing structures and the businesses located thereon.

First Notice of Violation – May 1, 2017

On May 1, 2017, a Notice of Violation was issued pursuant to Zoning Bylaw 2012-20 identifying contraventions related to the operation of an agricultural use and a kennel use (sled dogs) without valid development permits. The Notice of Violation identified the submission of a complete development permit application as the corrective measure required to satisfy the contraventions with a deadline of May 9, 2017.

On June 1, 2017, Development Permit 2017-0699 was issued authorizing a major agricultural use as a principal use and kennel (sled dogs) as a secondary use, however subject to certain conditions including:

- building permits being obtained for all existing structures and all structures being constructed to the National Building Code and the City's Building and Plumbing Bylaw;
- no new structures being developed until all existing structures are properly permitted; and
- a dwelling unit being established on the site prior to beginning the secondary use of kennel (sled dogs).

Following issuance of Development Permit 2017-0699, Mr. Renner made inquiries in June, 2017 regarding specific building code and permitting requirements to achieve occupancy approval for the existing two-storey structure. However, no building permits were obtained and no actions to comply with the conditions of Development Permit 2017-0699 were taken by Mr. Renner and Ms. Gastard.

In April of 2018, a series of amendments to Zoning Bylaw 2012-20 were passed by Council under Bylaw 2018-12 which included the reclassification of 'kennels' from a secondary use, to a conditional use, under the AG-Agriculture zoning designation.

Section 4.13 of Zoning Bylaw 2012-20 stipulates that development must commence within twelve months of permit issuance for a development permit to remain valid (as stated on the face of all issued development permits). Therefore, all development authorized under Development Permit 2017-0699, including the agricultural principal use and the kennel (sled dogs) secondary use, expired on June 1, 2018 as the conditions of the permit had not been satisfied within twelve months of the permit being issued.

In early June 2018, Mr. Renner again made an email inquiry contemplating advancement of an alternate building plan for the required dwelling. Administration responded to Mr. Renner indicating that his proposal didn't present any concerns and provided further steps for Mr. Renner to take to renew the development permit and secure building permits.

Administration emailed Mr. Renner on November 6, 2018 to highlight the lack of compliance to the development permit conditions and expiry of Development Permit 2017-0699. Additionally, Administration advised Mr. Renner that Zoning Bylaw 2012-20 now classified the kennel use as a conditional use that would require Council approval. Notwithstanding that the expiry date for Development Permit 2017-0699 had passed, Administration offered to delay cancellation of the development permit if Mr. Renner initiated the building permit processes to comply with the development permit conditions in all due haste.

Mr. Renner responded on November 12, 2018 and indicated that they were considering another alternate proposal that included moving the kennel yard and proposed new dwelling in an effort to mitigate the noise issues for the complainant neighbour. However, no building permits were requested by Mr. Renner or Ms. Gastard to advance this proposal.

Second Notice of Violation – November 27, 2019

Additional noise complaints related to the kennel operation and sled dogs were received by Bylaw Services in late 2019. It was also discovered at this time that the owners were living in an unpermitted structure on the property and that the required building permits still had not been obtained. On November 27, 2019, a second Notice of Violation was issued for the operation of a kennel for sled dogs on the subject property without a valid development permit. The contraventions identified included:

- failure to obtain building permits for structures already built on the property;
- occupancy of unpermitted structures on the property; and
- operation of a kennel use (sled dogs) without a valid development permit.

The corrective measures in this second notice specified removal of all unpermitted structures from the property, cease operation of the kennel use and remove all dogs from the property by January 1, 2020. The notice further identified operation of a business without an approved development permit as a contravention of the Business License Bylaw 2013-23 and that the license for Into the Wild Adventures may be revoked in accordance with the Business License Bylaw provisions.

On December 10, 2019, an email was received from Mr. Renner laying out a plan for achieving compliance with the permitting requirements identified in the Notice of Violation and also detailing the operation of the Into the Wild Adventures business and care for the sled dogs on the property over the winter.

Revised Second Notice of Violation – December 24, 2019

On December 24, 2019, following review of Mr. Renner's December 10, 2019 email, a revised second Notice of Violation was issued that altered the corrective measures as follows:

- cease occupancy of all buildings on the property by January 1, 2020;
- remove all unpermitted structures from the property, or apply for development and building permit applications for all structures in excess of 10 square metres in gross floor area by March 31, 2020; and
- acquire building permit approvals for all current structures on the property by June 30, 2020.

Based on Mr. Renner's submission that they would be temporarily residing in a caretaker suite on the adjacent Icy Waters Ltd. property, the revised notice allowed for the kennel operation to remain on the property and be managed per the operation plan submitted by Mr. Renner on December 10, 2019.

In addition to the corrective measures noted above, the revised notice further specified that failure to complete these corrective measures and establish a permitted residence on the property by the noted timelines will result in the Into the Wild Adventures business license being revoked.

In late March 2020, Mr. Renner applied for building permits for the existing structures on the property and supplied an engineer's assessment of the structures and as-built floor plans in support of the applications. Building Permits 2020-0515 (existing heated two-storey storage

building), 2020-0516 (existing storage shed) and 2020-0517 (existing livestock shelter) were issued on April 20, 2020.

The engineer's assessment indicated the following:

- none of the buildings were being used as a residential dwelling and would be classified as out-buildings;
- the livestock shelter was constructed as a shelter for animals;
- the storage shed's structural components met the standards of the National Building Code;
- the two-storey heated storage building was being used as a warmup area for clients taking part in the dog sled rides;
- the two-storey heated storage building will not be used on a commercial basis, however the floor had been constructed to meet the National Building Code requirements for a commercial building;
- the buildings had been constructed to a standard that meets the use of the building; and
- the buildings are not approved for residential occupancy but are approved for their intended use.

No building inspections were requested for any of these structures and no approvals for occupancy were issued for these building permits.

Third Notice of Violation – July 21, 2021

Noise complaints related to the kennel operation and sled dogs continued to be submitted to Bylaw Services and Land and Building Services through 2021. As well, the corrective measures specified in the second Notice of Violation dated December 24, 2019 were not completed. Accordingly, a third Notice of Violation was issued on July 21, 2021 for failure to establish a permitted and occupiable residential premise on the property in conjunction with the operation of a kennel (for sled dogs) in contravention of Zoning Bylaw 2012-20.

This third Notice of Violation acknowledged receipt of the engineer's assessment for Building Permits 2020-0515, 2020-0516 and 2020-0517 for the existing, unpermitted structures, however it was noted that none of the buildings had been authorized for occupancy as a residence through the engineer's assessment and the building permits had not been completed.

The corrective measure identified in this third Notice of Violation was to remove all animals associated with the kennel operation from the property by August 23, 2021. Additionally, as a result of the non-conforming kennel operation, the business license for Into the Wild Adventures was revoked, effective immediately.

On July 23, 2021, Mr. Renner contacted Administration to indicate that they had not followed through on the development permit due to prohibitive materials costs and they were looking at an alternate proposal of a used wellsite trailer as the dwelling unit. Administration responded to Mr. Renner indicating that such a trailer would likely require substantial upgrades to meet National Building Code and Building and Plumbing Bylaw standards and Mr. Renner should contact Building Inspections to confirm the likelihood of achieving occupancy within his allocated budget.

On August 9, 2021, Mr. Renner was advised that the corrective measure noted in the July 21, 2021 Notice of Violation relating to the kennel operation must be completed by August 23, 2021, regardless of the status of the initiative to establish a dwelling on the property. This communication further reiterated the requirement for a conditional use development permit approval, subject to Council review and public input process.

On August 10, 2021, Ms. Gastard indicated that they were in the process of selling the property and moving outside of Whitehorse and requested an extension of two months for the kennel operation. Administration indicated on August 10, 2021 that no extension would be granted based on the lengthy history of the enforcement and numerous complaints received.

Business License Bylaw 2017-24 provides that a licensee may appeal a revocation in writing to Council in writing within 30 days after the license was revoked. The licensee submitted a request for an appeal to Council in writing on August 20, 2021.

ALTERNATIVES

1. Confirm the revocation of the business license.
2. Reinstate the business license.

ANALYSIS

Zoning Bylaw 2012-20 provides a regulatory framework for the orderly use and development of land located within the municipality in conformance with the *Municipal Act*. Section 4.1.1 of Zoning Bylaw 2012-20 provides as follows:

“4.1.1 Except as provided in section 4.2 and in section 5 of this bylaw, no person shall:

- a) undertake any development on land or in any building or structure or use;*
- b) occupy any land, building, or structure; or*
- c) continue to use or occupy any land, building, or structure*

unless a development permit has been issued therefore pursuant to this bylaw.

Except for specific scenarios that are exempted in the bylaw, a development permit is required to be issued prior to the commencement of any development, use or occupation of any land, building or structure within the municipality.

Development Permit 2017-0699, to authorize the agricultural activities of Into the Wild Farm and the kennel (sled dogs) activities of Into the Wild Adventures, was issued conditionally to the requirement for building permits being obtained for all existing structures on the property and a dwelling unit being established prior to beginning the kennel operation on the property. No building permits were completed and no dwelling unit was ever established on the property. As the conditions of Development Permit 2017-0699 had not been satisfied within twelve months of the permit issuance, the permit expired on June 1, 2018 in accordance with Zoning Bylaw 2012-20.

Mr. Renner applied for building permits for three existing structures in April, 2020. Structural engineering reports were provided by Mr. Renner for these structures which confirmed their structural integrity and noted their intended use as cold-storage, accessory buildings. None of these structures were authorized for use as a dwelling unit on the property. A wood stove noted in one of the structures in 2019 has not been permitted to date.

As a result of the continued noise complaints, the continued absence of a permitted dwelling unit and occupancy approvals for any of the existing structures on the property as were required through the prior development permit and Notices of Violation issued, the third Notice of Violation dated July 21, 2021 deemed the kennel operation of Into the Wild Adventures on the property to be in non-conformance with Zoning Bylaw 2012-20.

Business License Bylaw 2017-24, section 50(4) states that a business license may be suspended or revoked if the licensee “...has ceased to meet the conditions prerequisite to the issuance of the business license or the premises named in the business license do not comply with the requirements of any municipal bylaw or any federal or Yukon enactment.”

Therefore, due to the identified non-conformance and unpermitted kennel operation, Business License #7436 for Into the Wild Adventures was revoked on July 21, 2021.

All business licenses issued by the City are required to comply with the City's Zoning Bylaw and Business Licence Bylaw. A development permit is issued pursuant to the Zoning Bylaw prior to a business license being issued to provide confirmation that the proposed business use and activities will be compliant to the land uses and regulations as specified in the Zoning Bylaw and allow for conditions to be considered and placed on the business operation.

The City's review processes associated with the issuance of a development permit and business license exist to ensure the health, safety and welfare of citizens and visitors who will utilize the business and participate in activities being promoted by the business. The absence of the required development permit and building occupancy permits/approvals and the licensee's continued non-compliance to the City's bylaws present a significant risk to their business, clients and to the City. Of particular concern is the assertion in the engineer's assessment that the two-storey storage building was being used commercially by Ms. Gastard as a warmup area for her clients.

Finally, it should be noted that despite the Into the Wild Adventures Business License #7436 having been revoked since August 23, 2021, Ms. Gastard's website is still active and continues to promote the business and accept client bookings in contravention of the City's Business License Bylaw.

Reinstatement of the Into the Wild Adventures business license should only be considered once compliance with all permitting requirements have been achieved.

Should Council choose to confirm the revocation of the business license, all dogs associated with the Into the Wild Adventures business will need to be removed immediately from the property.

ADMINISTRATIVE RECOMMENDATION

That Council confirm the revocation of Business License #7436 of July 21, 2021 as delivered to Into the Wild Adventures and continue with Zoning Bylaw enforcement processes to have all animals associated with the kennel operation removed from the property located at Lot 1294, Quad 105 D/11, Whitehorse, Yukon, Plan 2015-0034 (185 Fish Lake Road).

BUSINESS LICENSE

2014 - 7436



City of Whitehorse

2121 SECOND AVENUE
WHITEHORSE, YUKON
Y1A 1C2
(867) 667-6401

LICENSEE (NAME AND PLACE OF BUSINESS)

INTO THE WILD ADVENTURES
4.2 FISH LAKE ROAD
WHITEHORSE, YUKON

MAILING ADDRESS:

GASTARD, MARINE
P.O. BOX 21351
WHITEHORSE YT Y1A 6R7
CANADA

IS LICENSED TO CARRY ON THE BUSINESS OF:

TOUR OPERATOR


PAID

JUN 27 2014

CITY OF WHITEHORSE
PLANNING & DEVELOPMENT

THE LICENSEE HEREIN NAMED, HAVING PAID THE PRESCRIBED FEE, IS HEREBY LICENSED WITHIN THE CITY OF WHITEHORSE TO CARRY ON THE BUSINESS, TRADE OR PROFESSION STATED HEREIN UNLESS THE LICENSE IS CANCELLED, SUSPENDED OR FORFEITED. THIS LICENSE IS ISSUED SUBJECT TO ALL APPLICABLE CITY OF WHITEHORSE BYLAWS NOW AND HEREAFTER IN FORCE AND ANY AMENDMENTS THAT MAY HEREAFTER BE MADE TO THE APPLICABLE BYLAWS DURING THE TERM OF THIS LICENSE.

IN THE EVENT THAT THE NATURE OF THE BUSINESS IS CHANGED OR THE ADDRESS FROM WHICH THE BUSINESS IS CARRIED ON IS CHANGED, THE LICENSE INSPECTOR MUST BE NOTIFIED.


License Inspector

Renew by June 27, 2015



4210-4th Avenue
Whitehorse, YT
Y1A 1C2
P: (867) 668-8346
F: (867) 668-8395

Business License Application

7436
CAST 5002

Filing Date

This is an application for: (check all that apply)		
<input checked="" type="checkbox"/> New Business	<input type="checkbox"/> Change of Ownership	<input type="checkbox"/> Change of Mailing Address
<input type="checkbox"/> Change of Address (requires zoning approval)		
<input type="checkbox"/> Change of Business Name – (Current business name: _____)		
Business Name <u>Into the Wild Adventures</u>		
Nature of Business <u>guiding</u>		Number of Local Employees (include self) <u>1</u>
Owner(s)/Licencee(s) <u>Marine Gasland</u>		
Business Location <u>km 4.2 Fish Lake Road Y1A 6R7 WHITEHORSE</u>		
Mailing Address (if different from Business Location) <u>PO BOX 21351 Y1A 6R7 WHITEHORSE</u>		
Business Telephone # <u>867 336 0121</u>	Business Fax # <u>/</u>	Business Email Address <u>saluki@hotmail.com</u>
Local Contact <u>Matthieu Renner</u>	Emergency Telephone # <u>332 6031</u>	Business Start Date
Type of Business (check all that apply and indicate total floor area in square feet or square metres)		
<input type="checkbox"/> Retail (_____)	<input type="checkbox"/> Liquor Licenced (_____)	<input checked="" type="checkbox"/> Home-based (requires Development Permit)
<input type="checkbox"/> Wholesale (_____)	<input type="checkbox"/> Accommodation (# of Rooms/units _____)	<input type="checkbox"/> Mobile Home Park (# of spaces _____)
<input type="checkbox"/> Other (see below)		
Other Business Description		
Are you renovating or altering the premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If Yes please describe:

IMPORTANT NOTICE

By submitting this Business License Application, the above-named applicant hereby declares that all the above information is correct and that they will comply with the bylaws and regulations of the City of Whitehorse.

Signature

This Section for Office Use Only

Department	Approval	Date	Comments	Other
City Planning				
City Building Inspection				
Yukon Government - Environmental Health				
Workers Compensation				
Corporate Affairs & Expiry Date	License # & Class Code			Fee

Marine Gastard

Km 4.2 Fish Lake Road

Y1A 6R7 Whitehorse

Phone : 867 336 0121

To : Planning services of the City of Whitehorse

Into the Wild Adventures : Application for a minor home based business.

My plan is to operate a small dog sled tours operation. I will use the sled dogs that are based at Into the Wild Farm dog yard. The tours will start from there, or I will truck the dogs and sleds to another location outside the City limits. I will take no more than two clients at the same time, and will do no more than two different tours each day (half day or full day). I will be the only guide. The trails I would like to use are mostly beyond the City limits (Fish Lake area). I also would like to use some public land trails such as the Trans Canadian Trail from the Mc Intyre Marsh to Mount Sima (Copper Road) and from Mc Intyre Marsh to the old landfill, and the trail going up Haeckel Hill. Dog teams already regularly use all those trails.

My plan is to offer a very personalized service to a small number of guests and to give a great image of the dog sled business (my dogs are not tied up but live loose in pens, they are fixed for most of them, up to date with all vaccines and regularly checked up by vets).

I hope you'll find all the information you need and if you have more questions don't hesitate to contact me,

Sincerely,

Marine Gastard

PARTNERSHIP AND BUSINESS NAMES ACT

**CONFIRMATION OF REGISTRATION
OF BUSINESS NAME**

According to the records of the
Registrar of Corporations

GASTARD, MARINE

filed a declaration of the use of

INTO THE WILD ADVENTURES

as a business name under the
Partnerships and Business Names Act
of the Yukon on

2013-06-14

and the registration of the business name
will expire on

2016-06-14

Dated

2013-06-18



 REGISTRAR OF CORPORATIONS/ REGISTRAIRE DES SOCIÉTÉS
FRED PRETORIUS

BUSINESS LICENSE

2016 - 7436



City of Whitehorse

2121 SECOND AVENUE
WHITEHORSE, YUKON
Y1A 1C2
(867) 667-6401

LICENSEE (NAME AND PLACE OF BUSINESS)

INTO THE WILD ADVENTURES

4.2 FISH LAKE ROAD

WHITEHORSE, YUKON

MAILING ADDRESS:

GASTARD, MARINE
P.O. BOX 21351
WHITEHORSE YT Y1A 6R7
CANADA

IS LICENSED TO CARRY ON THE BUSINESS OF:

TOUR OPERATOR

PAID

MAY 30 2016

CITY OF WHITEHORSE
CITY HALL

THE LICENSEE HEREIN NAMED, HAVING PAID THE PRESCRIBED FEE, IS HEREBY LICENSED WITHIN THE CITY OF WHITEHORSE TO CARRY ON THE BUSINESS, TRADE OR PROFESSION STATED HEREIN UNLESS THE LICENSE IS CANCELLED, SUSPENDED OR FORFEITED. THIS LICENSE IS ISSUED SUBJECT TO ALL APPLICABLE CITY OF WHITEHORSE BYLAWS NOW AND HEREAFTER IN FORCE AND ANY AMENDMENTS THAT MAY HEREAFTER BE MADE TO THE APPLICABLE BYLAWS DURING THE TERM OF THIS LICENSE.

IN THE EVENT THAT THE NATURE OF THE BUSINESS IS CHANGED OR THE ADDRESS FROM WHICH THE BUSINESS IS CARRIED ON IS CHANGED, THE LICENSE INSPECTOR MUST BE NOTIFIED.


License Inspector

Renew by June 27, 2017

BUSINESS LICENSE

2017 - 7436



City of Whitehorse

2121 SECOND AVENUE
WHITEHORSE, YUKON
Y1A 1C2
(867) 667-6401

LICENSEE (NAME AND PLACE OF BUSINESS)

INTO THE WILD ADVENTURES

4.2 FISH LAKE ROAD
WHITEHORSE, YUKON

MAILING ADDRESS:

GASTARD, MARINE
P.O. BOX 21351
WHITEHORSE YT Y1A 6R7
CANADA

PAID

JUN - 2 2017

CITY OF WHITEHORSE
CITY HALL

IS LICENSED TO CARRY ON THE BUSINESS OF:

TOUR OPERATOR

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License Inspector

Renew by June 27, 2018

BUSINESS LICENSE

2018 - 7436



City of Whitehorse

2121 SECOND AVENUE
WHITEHORSE, YUKON
Y1A 1C2
(867) 667-6401

LICENSEE (NAME AND PLACE OF BUSINESS)

INTO THE WILD ADVENTURES

4.2 FISH LAKE ROAD

WHITEHORSE, YUKON

MAILING ADDRESS:

GASTARD, MARINE
P.O. BOX 21351
WHITEHORSE YT Y1A 6R7
CANADA

PAID

JUN 05 2018

**CITY OF WHITEHORSE
PLANNING & BUILDING SERVICES**

IS LICENSED TO CARRY ON THE BUSINESS OF:

TOUR OPERATOR

THE LICENSEE HEREIN NAMED, HAVING PAID THE PRESCRIBED FEE, IS HEREBY LICENSED WITHIN THE CITY OF WHITEHORSE TO CARRY ON THE BUSINESS, TRADE OR PROFESSION STATED HEREIN UNLESS THE LICENSE IS CANCELLED, SUSPENDED OR FORFEITED. THIS LICENSE IS ISSUED SUBJECT TO ALL APPLICABLE CITY OF WHITEHORSE BYLAWS NOW AND HEREAFTER IN FORCE AND ANY AMENDMENTS THAT MAY HEREAFTER BE MADE TO THE APPLICABLE BYLAWS DURING THE TERM OF THIS LICENSE.

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License Inspector

Renew by June 27, 2019

BUSINESS LICENSE

2019 - 7436



City of Whitehorse

2121 SECOND AVENUE
WHITEHORSE, YUKON
Y1A 1C2
(867) 667-6401

LICENSEE (NAME AND PLACE OF BUSINESS)

INTO THE WILD ADVENTURES

4.2 FISH LAKE ROAD
WHITEHORSE, YUKON

MAILING ADDRESS:

GASTARD, MARINE
P.O. BOX 21356
WHITEHORSE YT Y1A 6R7
CANADA

IS LICENSED TO CARRY ON THE BUSINESS OF:

TOUR OPERATOR

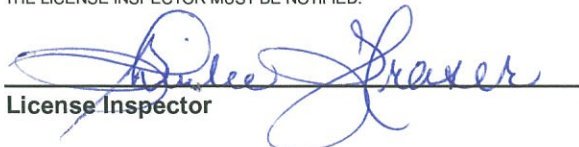
PAID

JUN 24 2019

CITY OF WHITEHORSE
PLANNING & BUILDING SERVICES

THE LICENSEE HEREIN NAMED, HAVING PAID THE PRESCRIBED FEE, IS HEREBY LICENSED WITHIN THE CITY OF WHITEHORSE TO CARRY ON THE BUSINESS, TRADE OR PROFESSION STATED HEREIN UNLESS THE LICENSE IS CANCELLED, SUSPENDED OR FORFEITED. THIS LICENSE IS ISSUED SUBJECT TO ALL APPLICABLE CITY OF WHITEHORSE BYLAWS NOW AND HEREAFTER IN FORCE AND ANY AMENDMENTS THAT MAY HEREAFTER BE MADE TO THE APPLICABLE BYLAWS DURING THE TERM OF THIS LICENSE.

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License Inspector

Renew by June 27, 2020



Business License Application

4210-4th Avenue
Whitehorse, YT
Y1A 1C2
P: (867) 668-8346
F: (867) 668-8395

Filing Date <u>June 24 / 19</u>		
This is an application for: (check all that apply) <input type="checkbox"/> New Business <input type="checkbox"/> Personal Name Change <input checked="" type="checkbox"/> Change of Mailing Address <input type="checkbox"/> Change of Address (requires zoning approval) <input type="checkbox"/> Change of Business Name – (Current business name: _____)		
Business Name <u>Into the Wild Adventures</u>		
Nature of Business <u>Tour Operator</u>	Number of Local Employees (include self) <u>1</u>	
Owner(s)/Licensee(s) <u>Marine Gaskard</u>		
Business Location <u>km 4.2 Fish Lake Road</u>		
Mailing Address (if different from Business Location) <u>PO BOX 21356 Y1A 6R7 WHITEHORSE</u>		
Business Telephone # <u>867 336 0121</u>	Business Fax #	Business Email Address <u>intothewildadventures@gmail.com</u>
Local Contact	Emergency Telephone #	Business Start Date
Type of Business (check all that apply and indicate total floor area in square feet or square metres) <input type="checkbox"/> Retail (_____) <input type="checkbox"/> Liquor Licensed (_____) <input checked="" type="checkbox"/> Home-based (requires Development Permit) <input type="checkbox"/> Food Services (_____) <input type="checkbox"/> Accommodation/Mobile Home Park (# of Rooms/units/pads _____) <input type="checkbox"/> Food Service Provider <input type="checkbox"/> Retail Services, Restricted		
Other Business Description		
Are you renovating or altering the premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If Yes please describe:

IMPORTANT NOTICE

By submitting this Business License Application, the above-named applicant hereby declares that all the above information is correct and that they will comply with the bylaws and regulations of the City of Whitehorse.

Signature 

This Section for Office Use Only

Department	Approval	Date	Comments	Other
City Planning				
Water & Waste Environmental Tech.				
Yukon Government - Environmental Health				
Workers Compensation				
Corporate Affairs & Expiry Date	License # & Class Code			Fee

BUSINESS LICENSE

2019 - 7436



City of Whitehorse

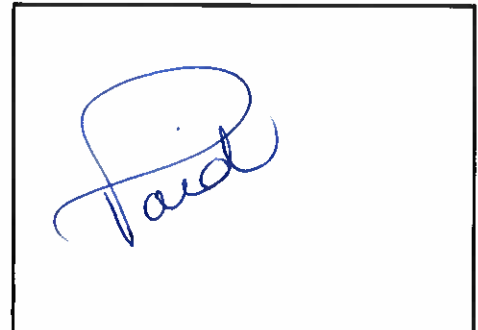
2121 SECOND AVENUE
WHITEHORSE, YUKON
Y1A 1C2
(867) 667-6401

LICENSEE (NAME AND PLACE OF BUSINESS)

INTO THE WILD ADVENTURES
185 FISH LAKE ROAD
WHITEHORSE, YUKON

MAILING ADDRESS:

GASTARD, MARINE
P.O. BOX 21356
WHITEHORSE YT Y1A 6R7
CANADA

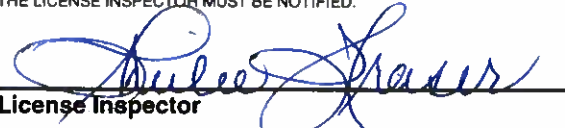


IS LICENSED TO CARRY ON THE BUSINESS OF:

TOUR OPERATOR

THE LICENSEE HEREIN NAMED, HAVING PAID THE PRESCRIBED FEE, IS HEREBY LICENSED WITHIN THE CITY OF WHITEHORSE TO CARRY ON THE BUSINESS, TRADE OR PROFESSION STATED HEREIN UNLESS THE LICENSE IS CANCELLED, SUSPENDED OR FORFEITED. THIS LICENSE IS ISSUED SUBJECT TO ALL APPLICABLE CITY OF WHITEHORSE BYLAWS NOW AND HEREAFTER IN FORCE AND ANY AMENDMENTS THAT MAY HEREAFTER BE MADE TO THE APPLICABLE BYLAWS DURING THE TERM OF THIS LICENSE.

IN THE EVENT THAT THE NATURE OF THE BUSINESS IS CHANGED OR THE ADDRESS FROM WHICH THE BUSINESS IS CARRIED ON IS CHANGED, THE LICENSE INSPECTOR MUST BE NOTIFIED.


License Inspector

Renew by June 27, 2020



Business License Application

4210-4th Avenue
Whitehorse, YT
Y1A 1C2
P: (867) 668-8346
F: (867) 668-8395

Filing Date

Jan 22/20

This is an application for: (check all that apply)

- ☐ New Business ☐ Personal Name Change ☒ Change of Mailing Address ☒ Change of Address (requires zoning approval)
☐ Change of Business Name -- (Current business name: _____)

Business Name

- Into The Wild adventures

Nature of Business

tour guide

Number of Local Employees
(include self) _____

Owner(s)/Licensee(s)

- Marine Gastard

Business Location

- 185 Fish Lake Rd

Mailing Address (if different from Business Location)

Business Telephone #

Business Fax #

Business Email Address

Local Contact

Emergency Telephone #

Business Start Date

Type of Business (check all that apply and indicate total floor area in square feet or square metres)

- ☐ Retail (_____) ☐ Liquor Licensed (_____) ☐ Home-based (requires Development Permit)
☐ Food Services (_____) ☐ Accommodation/Mobile Home Park
(# of Rooms/units/pads _____) ☐ Food Service Provider ☐ Retail Services,
Restricted

Other Business Description

Are you renovating or altering the premises?

☐ Yes

☐ No

If Yes please describe:

IMPORTANT NOTICE

By submitting this Business License Application, the above-named applicant hereby declares that all the above information is correct and that they will comply with the bylaws and regulations of the City of Whitehorse.

Signature

This Section for Office Use Only

Department	Approval	Date	Comments	Other
City Planning				
Water & Waste Environmental Tech.				
Yukon Government - Environmental Health				
Workers Compensation				
Corporate Affairs & Expiry Date	License # & Class Code			Fee

BUSINESS LICENSE

2020 - 7436



City of Whitehorse

2121 SECOND AVENUE
WHITEHORSE, YUKON
Y1A 1C2
(867) 667-6401

LICENSEE (NAME AND PLACE OF BUSINESS)

INTO THE WILD ADVENTURES
185 FISH LAKE ROAD
WHITEHORSE, YUKON

MAILING ADDRESS:

GASTARD, MARINE
P.O. BOX 21356
WHITEHORSE YT Y1A 6R7
CANADA

PAID

JUN 26 2020

IS LICENSED TO CARRY ON THE BUSINESS OF:

TOUR OPERATOR

CITY OF WHITEHORSE
PLANNING & BUILDING SERVICES

THE LICENSEE HEREIN NAMED, HAVING PAID THE PRESCRIBED FEE, IS HEREBY LICENSED WITHIN THE CITY OF WHITEHORSE TO CARRY ON THE BUSINESS, TRADE OR PROFESSION STATED HEREIN UNLESS THE LICENSE IS CANCELLED, SUSPENDED OR FORFEITED. THIS LICENSE IS ISSUED SUBJECT TO ALL APPLICABLE CITY OF WHITEHORSE BYLAWS NOW AND HEREAFTER IN FORCE AND ANY AMENDMENTS THAT MAY HEREAFTER BE MADE TO THE APPLICABLE BYLAWS DURING THE TERM OF THIS LICENSE.

IN THE EVENT THAT THE NATURE OF THE BUSINESS IS CHANGED OR THE ADDRESS FROM WHICH THE BUSINESS IS CARRIED ON IS CHANGED, THE LICENSE INSPECTOR MUST BE NOTIFIED.


License Inspector

Renew by June 27, 2021

BUSINESS LICENSE

2021 - 7436



City of Whitehorse

2121 SECOND AVENUE
WHITEHORSE, YUKON
Y1A 1C2
(867) 667-6401

LICENSEE (NAME AND PLACE OF BUSINESS)

INTO THE WILD ADVENTURES

185 FISH LAKE ROAD
WHITEHORSE, YUKON

MAILING ADDRESS:

GASTARD, MARINE
P.O. BOX 21356
WHITEHORSE YT Y1A 6R7
CANADA

PAID

JUN 25 2021

CITY OF WHITEHORSE
PLANNING & BUILDING SERVICES

IS LICENSED TO CARRY ON THE BUSINESS OF:

TOUR OPERATOR

THE LICENSEE HEREIN NAMED, HAVING PAID THE PRESCRIBED FEE, IS HEREBY LICENSED WITHIN THE CITY OF WHITEHORSE TO CARRY ON THE BUSINESS, TRADE OR PROFESSION STATED HEREIN UNLESS THE LICENSE IS CANCELLED, SUSPENDED OR FORFEITED. THIS LICENSE IS ISSUED SUBJECT TO ALL APPLICABLE CITY OF WHITEHORSE BYLAWS NOW AND HEREAFTER IN FORCE AND ANY AMENDMENTS THAT MAY HEREAFTER BE MADE TO THE APPLICABLE BYLAWS DURING THE TERM OF THIS LICENSE.

IN THE EVENT THAT THE NATURE OF THE BUSINESS IS CHANGED OR THE ADDRESS FROM WHICH THE BUSINESS IS CARRIED ON IS CHANGED, THE LICENSE INSPECTOR MUST BE NOTIFIED.



License Inspector

Renew by June 27, 2022



City of Whitehorse

2121 Second Avenue, Whitehorse, YT, Y1A 1C2

Report Date

01/06/2017

2017-0699

Phone: (867) 668-8340

Fax: (867) 668-8395

Development Permit

Municipal Address:

185 Fish Lake ROAD

Roll #:

3570001294

Lot:	Block:	LTO Plan	Zoning	Subdivision
1294		2015-0034		

Permit Description:

Commercial - New GFA

Applicant/Customer:

Business:

RENNER, MATTHIEU
PO BOX 21351
WHITEHORSE YT Y1A 0H1

(867) 332-6031

Proposed Development:

Principal use: Agriculture, major
Secondary use: kennel (sled dogs)
16'x16' cabin, 10'x12' shop, 10'x10' pig shed,
8'x8' pig shed, 12'x32' goat greenhouse

CONDITIONS OF PERMIT

1. The site shall be developed as shown on the approved plan.
2. A building permit shall be obtained for all existing structures and the structures shall be constructed to the standards of National Building Code and City of Whitehorse Building and Plumbing Bylaw.
3. No new structures shall be development until all existing structures are properly permitted.
4. A dwelling unit shall be established on the site prior to beginning the secondary use of 'kennel' (for sled dogs).

as further described in application # **2017-0699** is hereby **Approved** subject to the above conditions

You are hereby authorized to proceed with the development specified provided that the conditions stated above are complied with; that development is in accordance with any approved plans and Application for a Development Permit; and, that a Building Permit is obtained where construction is involved.

Date Approved:

June 1, 2017

SIGNATURE OF DEVELOPMENT OFFICER:

IMPORTANT NOTICE:

1. THIS IS NOT A BUILDING PERMIT. Such a permit must be obtained separately.
2. This permit is valid for a period of twelve (12) months after the effective date. If at the expiry of this period, the development has not commenced or carried out with reasonable diligence this permit shall be null and void.



May 1, 2017

File No: 3240-02 185 Fish Lake Road

Matthieu Renner
PO Box 21351 Stn. Main
Whitehorse YT Y1A 6R7

Dear Property Owner:

RE: NOTICE OF VIOLATION – ZONING BYLAW 2012-20

The City of Whitehorse has investigated the following issues regarding your property at 185 Fish Lake Road:

1. Operation of an agricultural use without a development permit;
2. Operation of a kennel use (sled-dogs) without a development permit.

The Zoning Bylaw regulation which the abovementioned activities contravenes include:

“4.1.1 Except as provided in section 4.2 and in section 5 of this bylaw, no person shall:
a) undertake any development on land or in any building or structure or use;
b) occupy any land, building, or structure; or
c) continue to use or occupy any land, building, or structure;
unless a development permit has been issued therefore pursuant to this bylaw.”

The corrective measures required to bring the property into compliance will include the following:

1. Submit a complete development permit application with the fee enclosed.

The deadline to complete the corrective measures is: May 9, 2017.

This letter constitutes a notice of violation under section 14.4 of the Zoning Bylaw. Failure to complete the corrective measures may result in further bylaw enforcement, including one or more of the following actions:

- Pursuant to Subsection 14.6 – Offence Tickets – of Zoning Bylaw 2012-20 as amended, you may be issued an offence ticket in the amount specified in section 14.10.2.
- Pursuant to Subsection 14.8 – Orders – of Zoning Bylaw 2012-20 as amended, you may be issued an Order to comply with the provisions of the Zoning Bylaw in the manner identified above.
- Pursuant to Subsection 14.9 – Municipality Remedying Contravention – of Zoning Bylaw 2012-20 as amended, a Development Officer may take such action as is necessary to enforce the order. The costs and expenses incurred by the City of Whitehorse in carrying out an Order shall be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on the land.



In addition to Zoning Bylaw infractions, operation of a business without an approved development permit is a contravention of Business License Bylaw 2013-23. Pursuant to Subsection 46(3), your business licenses for 'Into the Wild Farm' and 'Into the Wild Adventures' may be suspended.

Further, the City has observed that there are several structures on the property. Building Permit approval may be required for some or all of these structures, pursuant to Building and Plumbing Bylaw 99-50.

The City requests that you grant access to the property for the purpose of conducting a site inspection. Please contact the undersigned at **668-8334**, or email darcy.mccord@whitehorse.ca to arrange an agreeable time.

If you have any questions or concerns please contact the undersigned.

Regards,

CITY OF WHITEHORSE

A handwritten signature in black ink, appearing to read "Darcy McCord", written in a cursive style.

Darcy McCord
Development Officer, Planning and Building Services

cc: Director of Development Services
 Manager of Planning and Building Services



City of Whitehorse 2121 - 2nd Avenue, Whitehorse, Yukon Y1A 1C2 Bus: (867) 667-6401 Fax: (867) 668-8398

December 24, 2019

File No: 3240-02 185 Fish Lake Road

Matthieu Renner
PO Box 21351 Stn. Main
Whitehorse YT Y1A 6R7

Sent by email: mrenner@icywaters.com

Dear Property Owner:

RE: NOTICE OF VIOLATION – ZONING BYLAW 2012-20

The City of Whitehorse has investigated the following issues regarding your property at 185 Fish Lake Road (Lot 1294, Plan 2015-0034 LTO YT) "the Property":

1. Failure to obtain building permits for structures on the Property;
2. Occupancy of unpermitted structures on the Property;
3. Operation of a kennel use (sled-dogs) without a valid development permit.

Development Permit #2017-0699 was issued to you on June 1, 2017. In accordance with section 4.13.1 of Zoning Bylaw 2012-20, and as stated on the permit, the development was required to commence within one year of issuance of the permit. No building permits were obtained following the issuance of the Development Permit, indicating that the development did not commence. Therefore Development Permit #2017-0699 is now deemed to be null and void.

The Zoning Bylaw regulation which the abovementioned activities contravenes include:

"4.1.1 Except as provided in section 4.2 and in section 5 of this bylaw, no person shall:
a) undertake any development on land or in any building or structure or use;
b) occupy any land, building, or structure; or
c) continue to use or occupy any land, building, or structure;
unless a development permit has been issued therefore pursuant to this bylaw."

The corrective measures required to bring the Property into compliance will include the following:

1. Cease occupancy of all buildings on the Property.

The deadline to complete the corrective measures is: January 1, 2020.

2. Remove all unpermitted structures from the Property, or, apply for development and building permit applications for all structures in excess of 10 square metres in gross floor area.

The deadline to complete the corrective measure is: March 31, 2020.

3. Acquire building permit approvals for all current structures on the Property.

The deadline to complete the corrective measure is: June 30, 2020.



In addition to Zoning Bylaw infractions, operation of a business without an approved development permit is a contravention of Business License Bylaw 2013-23. Pursuant to Subsection 46(3), your business license for 'Into the Wild Adventures' may be suspended. It is acknowledged that the kennel operations associated with "Into the Wild Adventures" existed on the Icy Waters property prior to the subdivision approval to create the Property. In light of this fact the City is prepared to allow for the kennel operations to remain on the Property and be managed as per your operations plan as submitted in your email of December 10, 2019 – 2:28pm. Please be advised that the current business license for "Into the Wild Adventures" is currently addressed to Km 4.2 Fish Lake Road which is no longer an active address in the City's system. This business must be re-addressed to reflect the municipal address of the Property (#185 Fish Lake Road) through application at the Lands and Building Services Department. Please note that the failure to completed the above noted corrective measures and established a permitted caretaker residence on the Property by the noted timelines will result in this business license being revoked.

In accordance with the Zoning Bylaw, Subsection 14.3 – Right of Entry, the City hereby gives notice that a **Development Officer and/or Bylaw Services Constable may enter the Property to conduct an inspection on or about the day following each of the corrective measure timelines.**

If you have any questions or concerns. please contact the undersigned at 668-8339 or email Patrick.Ross@whitehorse.ca

Regards,

CITY OF WHITEHORSE



Patrick Ross

Manager, Land & Building Services

cc: Director of Development Services
Manager, Bylaw Services

November 27, 2019

File No: 3240-02 185 Fish Lake Road

Matthieu Renner
PO Box 21351 Stn. Main
Whitehorse YT Y1A 6R7

Dear Property Owner:

RE: NOTICE OF VIOLATION – ZONING BYLAW 2012-20

The City of Whitehorse has investigated the following issues regarding your property at 185 Fish Lake Road (Lot 1294, Plan 2015-0034 LTO YT):

1. Failure to obtain building permits for structures on the property;
2. Occupancy of unpermitted structures on the property;
3. Operation of a kennel use (sled-dogs) without a valid development permit.

Development Permit #2017-0699 was issued to you on June 1, 2017. In accordance with section 4.13.1 of Zoning Bylaw 2012-20, and as stated on the permit, the development was required to commence within one year of issuance of the permit. No building permits were obtained following the issuance of the Development Permit, indicating that the development did not commence. Therefore Development Permit #2017-0699 is now deemed to be null and void.

The Zoning Bylaw regulation which the abovementioned activities contravenes include:

"4.1.1 Except as provided in section 4.2 and in section 5 of this bylaw, no person shall:
a) undertake any development on land or in any building or structure or use;
b) occupy any land, building, or structure; or
c) continue to use or occupy any land, building, or structure;
unless a development permit has been issued therefore pursuant to this bylaw."

The corrective measures required to bring the property into compliance will include the following:

1. Remove all unpermitted structures from the property;
2. Cease operation of the kennel use, and remove all dogs from the property.

The deadline to complete the corrective measures is: January 1, 2020.

This letter constitutes a Notice of Violation under section 14.4 of the Zoning Bylaw. Failure to complete the corrective measures may result in further bylaw enforcement, including one or more of the following actions:

- Pursuant to Subsection 14.6 – Offence Tickets – of Zoning Bylaw 2012-20 as amended, you may be issued an offence ticket in the amount specified in section 14.10.2.



- Pursuant to Subsection 14.8 – Orders – of Zoning Bylaw 2012-20 as amended, you may be issued an Order to comply with the provisions of the Zoning Bylaw in the manner identified above.
- Pursuant to Subsection 14.9 – Municipality Remedying Contravention – of Zoning Bylaw 2012-20 as amended, a Development Officer may take such action as is necessary to enforce the Order. The costs and expenses incurred by the City of Whitehorse in carrying out an Order shall be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on the land.

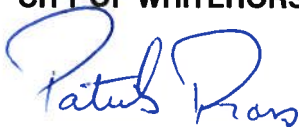
In addition to Zoning Bylaw infractions, operation of a business without an approved development permit is a contravention of Business License Bylaw 2013-23. Pursuant to Subsection 46(3), your business license for 'Into the Wild Adventures' may be suspended.

In accordance with the Zoning Bylaw, Subsection 14.3 – Right of Entry, the City hereby gives notice that **a Development Officer and/or Bylaw Services Constable will enter the property to conduct an inspection on or about January 2, 2020.**

If you have any questions or concerns please contact the undersigned at 668-8339 or email Patrick.Ross@whitehorse.ca

Regards,

CITY OF WHITEHORSE



Patrick Ross

Manager, Land & Building Services

cc: Director of Development Services
 Manager, Bylaw Services



July 21, 2021

File No: 3240-02 185 Fish Lake Road

Marine Gastard and Matthieu Renner
PO Box 21351 Stn. Main
Whitehorse YT Y1A 6R7

Sent by email: mrenner@icywaters.com

Dear Marine and Matthieu,

RE: #185 Fish Lake Road - Notice of Violation (Zoning Bylaw 2012-20) and Revocation of Business License "Into the Wild Adventures" (kennel operation).

The City of Whitehorse has investigated the following issues regarding your property at 185 Fish Lake Road (Lot 1294, Plan 2015-0034 LTO YT) "the Property":

1. Failure to establish a permitted and occupiable residential premise on the Property in conjunction with the operation of a kennel (for sled-dogs).

The City issued a Notice of Violation on May 1, 2017 which identified the operations of a kennel on the property without a valid development permit. City Development Permit 2017-0699 was issued on June 1, 2017 for a kennel as a secondary use subject to certain conditions noted on the permit. The development authorization for the kennel expired on June 1, 2018 as the conditions of the permit had not been completed. The City issued a second Notice of Violation on November 27, 2019 which identified the operations of a kennel on the property without a valid development permit. It was determined through a revised Notice of Violation (dated December 24, 2019) that the kennel operation would be authorized under development permit subject to the establishment of a permitted, residential premise on the Property, by June 30, 2020. As this requirement has not been completed to date, you are being issued a third Notice of Violation (July 21, 2021) regarding the unauthorized kennel operation at the Property.

The *Zoning Bylaw 2012-20* regulation which the abovementioned Item #1 contravenes include:

"4.1.1 Except as provided in section 4.2 and in section 5 of this bylaw, no person shall:

- a) undertake any development on land or in any building or structure or use;*
- b) occupy any land, building, or structure; or*
- c) continue to use or occupy any land, building, or structure;*

unless a development permit has been issued therefore pursuant to this bylaw."

It is noted that the City was supplied with structural engineering reports in relation to City Building Permits 2020-0515, -0516, and -0517 for the existing, unpermitted accessory structures located on the property in the spring of 2020. However, none of these buildings were authorized for occupancy as a residence through receipt of these reports and these building permits have not been completed. **In the historical and continued absence of a permitted residence on the Property, the kennel operation on the property is deemed to be in non-conformance with Zoning Bylaw 2012-20.**



Business License Bylaw 2017-24, Paragraph 50(4) states that a business license may be suspended or revoked if the licensee "...has ceased to meet the conditions prerequisite to the issuance of the business license or the premises named in the business license do not comply with the requirements of any municipal bylaw or any federal or Yukon enactment."

As a result of the non-conforming kennel operation, the business license for "Into the Wild Adventures" – City Business License #7436, is revoked, effective immediately.

Please be advised that you have the right to appeal the business license revocation in writing to Council within 30 days after the date of this letter and Council may grant the request for the issue or reinstatement of the business license.

The corrective measure required to bring the Property into compliance will include the following:

- Remove all animals associated with the kennel operation from the property.

The deadline to complete the corrective measure is: August 23, 2021.

Upon completion of the corrective measure, you may apply for a conditional use development permit approval for the establishment of a kennel in the AG- Agricultural zone. The conditional use application is subject to a Council review and public input process. Council may approve, deny, or approve with conditions applications for conditional use development permits and provide advice on conformance with the zoning requirements within 90 days from the date the complete application is received by a Development Officer. Note that the proposal and establishment of an approved residential premise to support the kennel operations will be required prior to the reinstatement of a kennel business license.

In accordance with the Zoning Bylaw, Subsection 14.3 – Right of Entry, the City hereby gives notice that **a Development Officer and/or Bylaw Services Constable may enter the Property to conduct an inspection on or about the day following the corrective measure timeline.**

If you have any questions or concerns, please contact the undersigned at 668-8339 or email Patrick.Ross@whitehorse.ca

Sincerely,

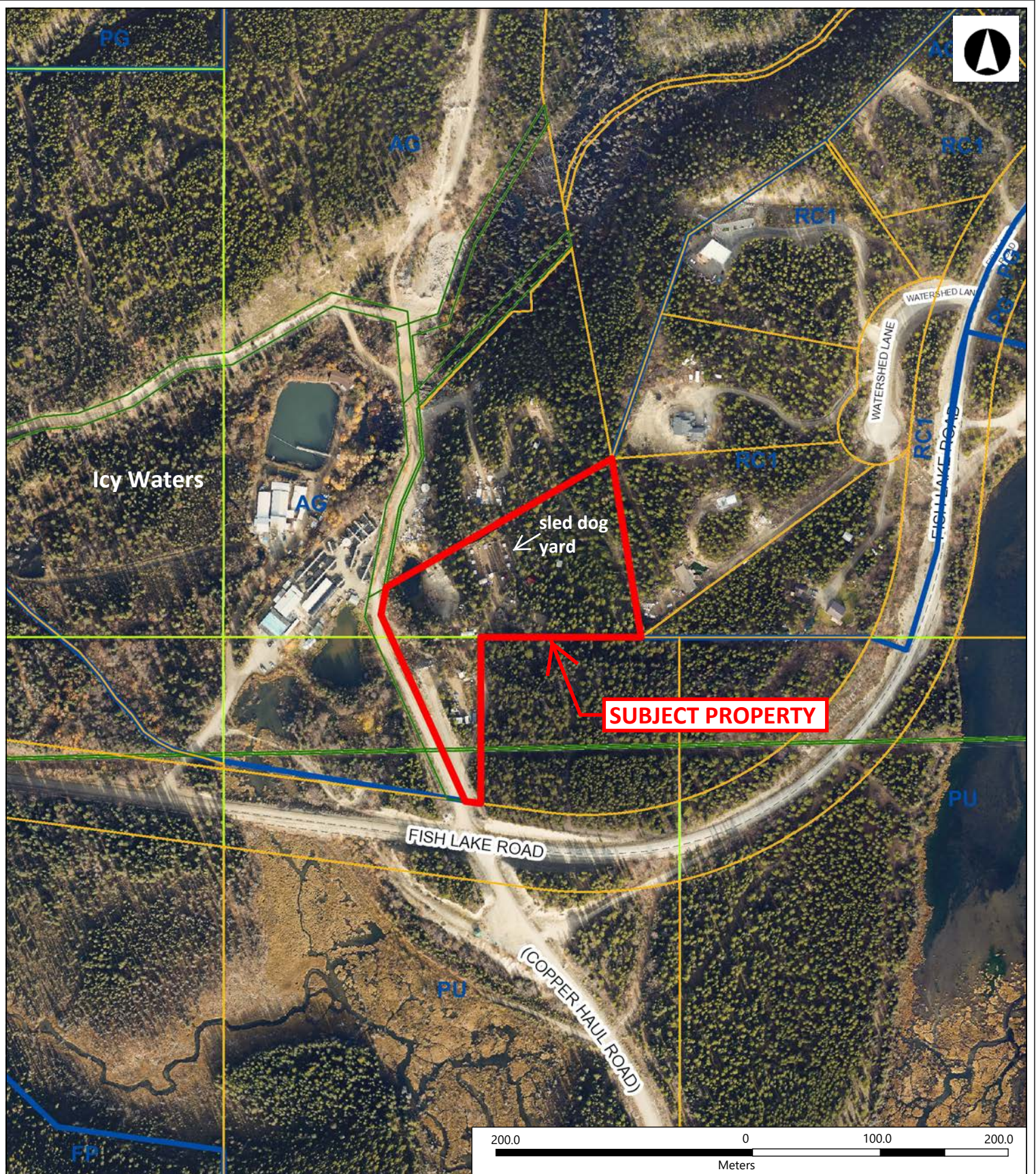
CITY OF WHITEHORSE



Patrick Ross

Manager, Land & Building Services

cc: Land Development Supervisor
Senior Development Officer
Manager, Bylaw Services



SCALE:
1: 4,000

DATE:
Dec 9, 2021

FILE:
#7436

R:\Development\Enforcement

DWN BY:
MLB

REV NO:
1

CITY OF WHITEHORSE - LAND AND BUILDING SERVICES

Location Sketch – 185 Fish Lake Road

Appeal of Business License Revocation for Into the Wild Adventures
LOT 1294 QUAD 105D/11, PLAN 2015-0034 LTO, WHITEHORSE



Summary of Correspondence with Into the Wild Adventures/Vincent Larochelle related to Appeal of Business License Revocation

From: Into the Wild Adventures [<mailto:intothewildadventures@gmail.com>]

Sent: Friday, August 20, 2021 10:34 AM

To: Mayor&Council <Mayor&Council@city.whitehorse.yk.ca>

Subject: appeal to File No: 3240-02 185 Fish Lake Road

Dear Council and Mayor of the City of Whitehorse,

We operate a dog sledding tours company on our property at 185, Fish Lake Road. The Land and Building department for the City of Whitehorse, sent us a letter on July 21st, stating that our business licence was revoked and all the animals associated with the dog sledding business had to be removed from the property on August 23rd. The reasons are the neighbours complaints and the fact that we have not yet built a dwelling.

Our business licence was first issued in 2014, and has been renewed every year since then. When first applying I wrote a letter that described precisely what our plans were, the kennel operation, and it was approved without any condition. Our land is zoned agricultural, which means the principal use is for agricultural non soiled based activities (we raise goats, layer hens, meat birds and pigs).

Secondary uses include dwellings, home based business, kennels. Kennels used to be a secondary use, and became a conditional use in 2018. Which means certain conditions have now to be met, the condition being building a dwelling. The dwelling has always been our plan, but due to Covid and then the hike in price of lumber we have not yet been able to do it.

We did not decide to buy a property and set up our dog sledding kennel beside a quiet subdivision. But a country residential subdivision was created right beside an active agricultural area with all the noise and smell associated, where dog kennels were authorized and had been established for a long time, and where dog mushing was very active. There used to be, and still are, sled dog races organized monthly in the area, and there have been up to three kennels established at the same time at the previous owners property.

Part of the land was subdivided about 10 years ago to create country residential lots, adjacent to where we kept our dog kennels. We officially bought our lot in 2016, but prior to that we already had the dogs at the exact same location, the only difference was that the place did not belong to us, and there had never been any issue. With more people coming and not expecting to live close to dog teams there started to be complaints especially from one of our neighbours, which is the reason why the City started to look at our case.

Into the Wild Adventures has proved to be a very serious and successful operation over the years, we have been unanimously praised for the quality of our tours, our professional rigour and the care given to our animals. We started a dog mushing school for kids last spring, with the help of the Elevate Program.

We have been in contact with the City Of Whitehorse, and tried to find a solution, but nothing has been accepted. We have asked for an extension of the deadline to remove

the dogs from the property, which was refused. Even if we build a house we would still have to remove the dogs from the property.

We totally understand that our operation of the sled dog kennel can be considered a nuisance by some of our neighbours, and that people who purchase land in a country residential subdivision expect to be in a quiet environment and not hear a big number of dogs barking. We have been to great lengths to reduce the nuisance: we bought a noise barrier fence, put no bark collars on the noisiest dogs, lock up the dogs inside at night...but obviously there will always be issues, whatever we do.

The City Of Whitehorse stated that once the dwelling is done, we can reapply for the business licence and kennel operation, which might be authorized after a public input process. To be clear, the business licence will never be authorized, as the neighbours will not allow it.

We have come to the conclusion that the best thing to do was selling our property and purchase land outside of the city limits. However, doing so in the 5 weeks that were given to us is totally unrealistic. The housing crisis in the Yukon already makes it hard for anybody, what about a family with a farm and a kennel to move? We have been actively looking for the last few weeks, and we are hopeful to move in the spring 2022.

What we're asking to the City of Whitehorse is an extension of the deadline to remove the dogs from the property and to have the business licence reinstated until then. We have had many inquiries for dog sledding tours for the winter, and people are very disappointed when they hear that we are not allowed to keep our business running, especially after the Covid hit the tourism industry so hard.

As previously said, we totally understand the issues that come with a sled dog kennel for the neighbourhood, even if in our case the dog kennel was there before the residential lots. It is a big issue in the Yukon, and it is becoming increasingly difficult for dog mushers to find a place to live. The question is, what image does Whitehorse, and the Yukon, want to give to the public? If the plan is to ban dog mushing from the Yukon, at least let's be clear about it. And the cute husky should be removed from the territory flag.

We have also invested a huge amount of time and money in the business and the kennel, because we were told by the City of Whitehorse that we could go ahead with our plans and run our dog sledding business, without any requirement. We have made mistakes and bad choices, but the City is also responsible. We bought this property because we could have the farm and the kennel operation, otherwise we would not have lost our time, money and energy in such a project and we would have gone somewhere else instead.

What we are looking for is a compromise agreement, where we could keep our tour operator company and kennel operation until a date to be agreed upon. We can realistically say that we will be able to relocate by spring 2022 at the latest.

Thanks,

Marine Gastard
Into the Wild Adventures
185 Fish Lake Road
PoBox 21356
Y1A 6R7 Whitehorse, Yukon

web site : www.intothewildadventures.ca
tel : (867) 336-0121
email : intothewildadventures@gmail.com

follow us on : [facebook](#) - [instagram](#) - [tripadvisor](#) - [google+](#)



From: Vincent Larochelle

Sent: Monday, September 27, 2021 11:55 AM

To: Patrick.Ross@whitehorse.ca; kyle.morrison@whitehorse.ca

Cc: Tracey.McBride@yukon.ca; Kim.Stavert@yukon.ca; Ranj.Pillai@yukon.ca; dan.curtis@whitehorse.ca; mayorandcouncil@whitehorse.ca;

kate.white@yla.gov.yk.ca; blake.rodgers@tiayukon.ca; brian.white@whitehorse.ca

Subject: URGENT - City shutting down tourism operator

Dear Mr. Ross,

I have recently been retained as counsel by Ms. Gastard in relation to her business, *Into the Wild Adventures*. She tells me an astonishing tale about how City of Whitehorse is trying to shut down a perfectly legitimate and healthy tourism operator in these difficult times. All levels of Yukon government have been publicly supporting our struggling tourism industry in the wake of COVID-19. As recently as last [Friday](#), Minister Pillai made CBC headlines with respect to his commitment to the Yukon's tourism industry.

The City's conduct in this matter stands in stark contrast to its public commitment to our small businesses. It appears that a Zoning Bylaw amendment was passed in 2018 which specifically targeted Into the Wild Adventures lot, yet my client was never made aware of this amendment nor invited to make submissions on it. It further appears that my client's business may not sit well with some of her neighbours with strong connections to the City of Whitehorse.

My client was provided with a surprise notice from your office, revoking her business license immediately on July 21, 2021. This high-handed treatment of a small business is astounding. At that time, she had already started planning her winter sled tours, and had booked clients. Further, my client had taken steps to fulfil the conditions of her permit, which had been slowed down by COVID-19. The move to suspend my client's business out of the blue appears to be prompted by complaints about noise rather than by any legitimate concern about my client's business operations.

If so, this would be an inappropriate and colourable use of City powers. Perhaps ironically, this colourable attempt to remove my client's dogs from the property is doomed to fail. Indeed, the corrective measure which you imposed in your letter of July 21, 2021 (i.e., to remove all her dogs from the property) is not within City's authority to impose. My client's property is zoned agricultural. Therefore, there is no limit to the number of animals which she may keep on her land. She intends to keep all her dogs.

Further, the notice which you sent provided my client with an opportunity to appeal your decision to City Council within 30 days. My client did this, by e-mail dated August 20, 2021. She received no reply from anyone except Councillor Cabott. Her appeal was never heard, she was never invited to make any submissions to Council to explain the situation and impact of your decision on her business.

In short, the City of Whitehorse appears to have failed to observe its own policies, procedures and the dictates of natural justice. In the process, the City is threatening to destroy my client's business.

The end result of the City's actions is that my client will be keeping sled dogs on an agricultural lot, ready and willing to operate her business, but prevented from doing so for no reasonable or rational reason other than your surprise revocation of her business permit. This is nothing short of egregious, in light of everyone's commitment to help tourism operators and the times which we live in.

My client demands that you reinstate her business license **immediately**. She has suffered enough stress and anxiety wondering how she will make ends meet through the winter.

Please advise of your intentions urgently before we take action.

Best regards,

Vincent Larochelle



201-4133 Fourth Avenue
Whitehorse, YT Y1A 1H8

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From: Vincent Larochelle [<mailto:vincent@larochellelaw.ca>]
Sent: September 29, 2021 3:30 PM
To: Ross, Patrick <Patrick.Ross@whitehorse.ca>; Morrison, Kyle <Kyle.Morrison@whitehorse.ca>
Cc: Tracey.McBride@yukon.ca; Kim.Stavert@yukon.ca; Ranj.Pillai@yukon.ca; Curtis, Dan <Dan.Curtis@whitehorse.ca>; Mayor&Council <Mayor&Council@city.whitehorse.yk.ca>; blake.rodgers@tiayukon.ca; White, Brian <Brian.White@whitehorse.ca>; kate.white@yla.gov.yk.ca; O'Farrell, Jeff <Jeff.O'Farrell@whitehorse.ca>
Subject: RE: URGENT - City shutting down tourism operator

Dear Mr. Ross,

I remain without an answer to my e-mail of Monday, September 27. However, it has come to my attention that, after receiving my e-mail earlier this week, City of Whitehorse has sent out bylaw officers of its own initiative to some of my client's neighbors in order to inquire about whether they have any complaints about noise. These neighbors are surprised at City's conduct, and fully support my client. I share their surprise at City of Whitehorse's departure from a long-established tradition of complaint-driven enforcement of bylaws in order to apparently build a case in the face of the egregious circumstances of this matter.

Might I suggest that the City of Whitehorse reach out to me in order to resolve this matter instead of making covert inquiries in an attempt to disparage my client and build a non-existent case against it? My client is not unreasonable, and she has no desire for an open and public conflict in this matter. Such a conflict would reflect poorly on the City's administration, and I should therefore hope that you wish to avoid it as well. Your current course of action suggests otherwise.

Best regards,

Vincent Larochelle



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From: Luke Faught [mailto:LFaught@yukonlaw.com]
Sent: Tuesday, October 5, 2021 3:42 PM
To: Vincent Larochelle <vincent@larochellelaw.ca>
Cc: Dyson, Cathy <cathy.dyson@whitehorse.ca>
Subject: Marine Gastard

Dear Mr. Larochelle,

I act on behalf of the City of Whitehorse in the below matter. I will be sending a more fulsome response shortly, but wanted to acknowledge your below emails have been received.

The City acknowledges your client's written notice appeal of the decision to revoke her business license and is in the process of determining potential hearing dates. Her email is reproduced below at the end of this email.

I will be in touch with respect to anticipated hearing dates of your client's appeal to City Council.

Would you kindly direct all subsequent correspondence to me?

Thank you very much,

Luke Faught
Lawyer

Tucker Carruthers
Law Office
301–303 Alexander Street
Whitehorse, Yukon Y1A 2L5

- Phone: (867)667-2099
- Fax: 867-667-2109
- Website: www.tuckercarruthers.ca

Please consider the environment before printing this email

From: Vincent Larochelle [mailto:vincent@larochellelaw.ca]
Sent: Friday, October 8, 2021 11:46 AM
To: Luke Faught <LFaught@yukonlaw.com>
Cc: Dyson, Cathy <cathy.dyson@whitehorse.ca>
Subject: RE: Marine Gastard

Thank you Mr. Faught.

Can you please advise of the procedure which your client intends to follow in this matter. My client wishes to make submissions at this appeal and be consulted on the date of the hearing of the appeal.

Further, my client is review whether the initial decision made by your client is void given this serious procedural defect.

Best,

Vincent Larochelle



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+867.333.3608

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From: Luke Faught
Sent: Friday, October 15, 2021 2:57 PM
To: Vincent Larochelle <vincent@larochellelaw.ca>
Subject: RE: Marine Gastard

Hi Vince,

The procedure to be followed will be in accordance with Part 10 the Council Procedures Bylaw:

<https://www.whitehorse.ca/home/showpublisheddocument/85/637487351230570000>

As you know, there is a looming election for mayor and council, and the first few weeks of the new council's time is reserved for orientation.

The appeal is tentatively booked for December 9, 2021.

The time is TBD.

If the hearing will take less than an hour, it would be held at 12 PM.

Best,

Luke