

**City of Port Colborne  
Special Council Meeting 19-18 – Public Hearing  
Monday, August 27, 2018 – 6:30 p.m.  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

1. **Call to Order:** Mayor John Maloney
2. **National Anthem:** Joel Longfellow
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Public Hearing Under the Development Charges Act:**

Planning and Development, Planning Division, Report 2018-111, Subject: Public Meeting Report – Proposed Amendment to the Development Charges By-law 6131/97/14: 1-year Waiving of Charges for Residential and Non-Residential Uses

- (i) Presentation of Proposed Amendment to Development Charges By-law:
- (ii) Questions of Clarification to Planning Staff:
- (iii) Oral Presentations and/or Questions from the Public:

6. **Adjournment:**

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Report Number: 2018-111

Date: August 27, 2018

**SUBJECT: Public Meeting Report – Proposed Amendment to the Development Charges By-law 6131/97/14: 1-year Waiving of Charges for Residential and Non-Residential Uses**

**1) PURPOSE:**

The purpose of this report is to provide Council and the public with information regarding a proposed change to the City of Port Colborne Development Charge By-law 6131/97/14 to waive the development charges imposed on all residential and non-residential uses.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES:**

On September 8, 2014, Council approved By-law 6131/97/14 being a by-law to impose development charges for the City of Port Colborne. In accordance with the provisions of the *Development Charges Act*, a development charge background study was completed in August of 2014, and the Development Charges By-law was passed. This by-law waived residential charges for 2 years (September 9, 2014 to September 8, 2016) and charges \$1.52 (rural) and \$3.16 (urban) for Commercial/Institutional Uses and \$0.58 (rural) and \$1.20 (urban) for Industrial Uses.

On January 26, 2015, Council passed By-law 6182/08/15, which waived development charges on all residential and non-residential development in the City for one year. In 2016, Council approved By-law 6405/85/16, which waived development charges on all residential and non-residential development for a further year until September 8, 2017. In 2017, Council approved By-law 6505/72/17, which once again waived development charges on all residential and non-residential development for a further year.

This public meeting report will provide information regarding a final exemption of development charges until the approval of a new background study and by-law.

**3) STAFF COMMENTS AND DISCUSSIONS:**

Development charges provide for the recovery of growth-related capital expenditures from new development. The *Development Charges Act* is the statutory basis to recover these charges.

If there were no exemption in effect, the development charges for a single detached dwelling would be \$5,817 in the rural area and \$8,587 in the urban area. Non-residential commercial and institutional charges at \$3.16 per square foot for full services and \$1.52 for rural and industrial charges at \$1.21 per square foot on full services and \$0.57 for rural. It is important to note that this does not include Regional Development Charge fees.

## Community Improvement Plans

The City has six Community Improvement Plans with the following development charge reductions in place:

<u>CIP</u>	<u>DC Reduction</u>
Brownfield Community Improvement Plan	70% reduction through the Development Charge By-law
Downtown Central Business District Community Improvement Plan	100% reduction through the Development Charge By-law
Gateway Community Improvement Plan *	100% Grant (applicant pays the fees upfront and upon completion of the project can receive up to \$1.5 million back in development charges paid) <b>IF</b> they apply for and qualify as an "exceptional" project under the Tax Increment Based Grant
Industrial Community Improvement Plan	100% Grant (applicant pays the fees upfront and upon completion of the project receives the development charges paid) <b>IF</b> they apply for and qualify under one of the other programs in the Industrial CIP
Olde Humberstone Main Street Community Improvement Plan	100% reduction through the Development Charge By-law
East Waterfront Community Improvement Plan	100% reduction through the Development Charge By-law

\*Note: The Gateway Community Improvement Plan refunds the development charge.

Based on past Council decisions, Staff propose to waive the development charges collected for residential and non-residential development until September 8, 2019. This will mean that the City will not collect development charges on any new or expanding developments for the next year.

### *Residential Charges*

The following building permit applications would have been eligible for the collection of development charges:

2015 15 building permits \$105,730 in forgone development charges

2016 15 building permits \$130,251 in forgone development charges

2017 19 building permits \$161,323 in forgone development charges  
2018 19 building permits \$161,323 in forgone development charges

In summary, the City has forgone a total of \$866,711 in residential Development Charges since waiving all charges in 2014.

The following building permit applications for single-family homes would have been eligible for the collection of Development Charges:

2014 September 8 to December 31 - No applications  
2015 15 building permits \$105,730 in forgone Development Charges  
2016 15 building permits \$130,251 in forgone Development Charges  
2017 19 building permits \$161,323 in forgone Development Charges  
2018 19 building permits \$161,323 in forgone Development Charges

In 2015, \$49,144 was forgone for townhouse units at 220 Erie Street and in 2017, \$258,936 was forgone for apartment units at 57 Minto Street.

### Conclusions

If Council chooses to waive development charges entirely for residential and non-residential uses for an additional year, the City would have to raise taxes by approximately 0.2% in order to make up for the potential loss in development charges collected in 2018. Staff will bring a request to do so during the 2019 budget deliberations for Council's consideration.

The Notice of Public Meeting was published in the Niagara this Week on August 2, 2018. Staff had received no comments from the public as of August 16, 2018.

The Planning and Development Department will provide Council with its recommendation report on the proposed amendment to the Development Charge By-law after receiving comments from the Public Meeting. This report will be presented at the next scheduled Council meeting for consideration.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

As indicated above, due to the potential loss of development charges that may come from this exemption, Council will need to consider an increase in taxes during 2019 budget deliberations to make up for any shortfalls by approximately 0.2% if approved.

##### **b) Other Options**

Council could choose to end the practice of waiving development charges. If Council chooses to do so, the development charges provided in the Development Charge By-law would be collected as part of the building permit process.

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:**

Not applicable.

**6) ATTACHMENTS:**

Appendix A: Draft By-law

**7) RECOMMENDATION:**

That Planning and Development Department, Planning Division Report 2018-111  
Subject: Public Meeting Report – Proposed Amendment to the Development Charges By-law 6131/97/14: 1-year Waiving of Charges for Residential and Non-Residential Uses, be received for information.

**8) SIGNATURES:**

Prepared on August 17, 2018 by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

The Corporation of the City of Port Colborne

By-law No. Xxx/xx/18  
 Being a by-law to amend by-law 6131/97/14, being a by-law to  
 impose development charges for the City of Port Colborne

Whereas the Council of the City of Port Colborne passed By-law 6131/97/14 on  
 September 8, 2014; and

Whereas Council wishes to further amend By-law 6131/97/14; and

Whereas the *Development Charges Act, S.O. 1997, c.27*, as amended, (the  
 "Act") provides that the Council of a municipality may amend a by-law imposing  
 development charges; and

Whereas a development charge background study was completed in 2014 in  
 accordance with the Act; and

Whereas the Council of the City of Port Colborne has given notice of and held a  
 public meeting on the 27th day of August in accordance with the Act and the regulations  
 thereto;

Now therefore the Council of The Corporation of the City of Port Colborne enacts  
 as follows:

1. That Section 3.11 (b), is hereby amended by replacing the existing policy  
 with the following:
  - b) In regards to Schedule B, the following percentage of each service  
 for residential uses, as provided below, shall be imposed for the  
 period of September 9, 2014 to September 8, 2019.

Percentage of Schedule "B" Charges to be Imposed					
Service	RESIDENTIAL				
	09/09/14 to 09/08/15	09/09/15 to 09/08/16	09/09/16 to 09/08/17	09/09/17 to 09/08/18	09/09/18 to 09/08/19
City-Wide Services:					
Roads Services	0%	0%	0%	0%	0%
Public Works	0%	0%	0%	0%	0%
Fire Protection	0%	0%	0%	0%	0%
Services	0%	0%	0%	0%	0%
Outdoor Recreation	0%	0%	0%	0%	0%
Indoor Recreation	0%	0%	0%	0%	0%
Library Services	0%	0%	0%	0%	0%
Administration					
Urban Area Services:	0%	0%	0%	0%	0%
Wastewater Services	0%	0%	0%	0%	0%
Water Services					

2. That Section 3.12 (b), is hereby amended by replacing the existing policy  
 with the following:
  - b) In regards to Schedule B, the following percentage of each service  
 for commercial, institutional and industrial uses, as provided below,  
 shall be imposed for the period of September 9, 2014 to September  
 8, 2019.

Appendix A  
 Public Meeting Report – Proposed Amendment to the Development Charges By-law  
 6131/97/14: 1-year Waiving of Charges for Residential and Non-Residential Uses

Percentage of Schedule "B" Charges to be Imposed					
Service	COMMERCIAL/INSTITUTIONAL				
	09/09/14 to 09/08/15	09/09/15 to 09/08/16	09/09/16 to 09/08/17	09/09/17 to 09/08/18	09/09/18 to 09/08/19
City-Wide Services:					
Roads Services	0%	0%	0%	0%	0%
Public Works	0%	0%	0%	0%	0%
Fire Protection	0%	0%	0%	0%	0%
Services	0%	0%	0%	0%	0%
Outdoor Recreation	0%	0%	0%	0%	0%
Indoor Recreation	0%	0%	0%	0%	0%
Library Services	0%	0%	0%	0%	0%
Administration					
Urban Area Services:	0%	0%	0%	0%	0%
Wastewater Services	0%	0%	0%	0%	0%
Water Services					

Percentage of Schedule "B" Charges to be Imposed					
Service	INDUSTRIAL				
	09/09/14 to 09/08/15	09/09/15 to 09/08/16	09/09/16 to 09/08/17	09/09/17 to 09/08/18	09/09/18 to 09/08/19
City-Wide Services:					
Roads Services	0%	0%	0%	0%	0%
Public Works	0%	0%	0%	0%	0%
Fire Protection	0%	0%	0%	0%	0%
Services	0%	0%	0%	0%	0%
Outdoor Recreation	0%	0%	0%	0%	0%
Indoor Recreation	0%	0%	0%	0%	0%
Library Services	0%	0%	0%	0%	0%
Administration					
Urban Area Services:	0%	0%	0%	0%	0%
Wastewater Services	0%	0%	0%	0%	0%
Water Services					

Enacted and passed this XX day of XXXX, 2018.

\_\_\_\_\_  
 John Maloney  
 Mayor

\_\_\_\_\_  
 Amber LaPointe  
 City Clerk





**City of Port Colborne**  
**Regular Meeting of Committee of the Whole 17-18**  
**Monday, August 27, 2018**  
**following the Special Meeting of Council**  
**Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

1. **Call to Order:** Mayor John Maloney
2. **Introduction of Addendum and Delegation Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
  - (a) Regular meeting of Committee of the Whole 16-18, held on July 23, 2018
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Presentations:**

Nil.
9. **Delegations (10 Minutes Maximum):**
  - (a) Luke Corbeil regarding a request for relief from City By-law in order to allow for an additional driveway space at 978 Steele Street (Page No. 17)
  - (b) Rosangela Alessandrini regarding a request for Fees to be waived under Lot Maintenance By-law 6574/29/18 charged for grass cutting – Omer Avenue (Page No. 19)
10. **Mayor's Report:**
11. **Regional Councillor's Report:**
12. **Councillors' Items:**
  - (a) Councillors' Issues/Enquiries
  - (b) Staff Responses to Previous Councillors' Enquiries
13. **Consideration of Items Requiring Separate Discussion:**
14. **Notice of Motion:**

**15. Adjournment:****Upcoming Committee of the Whole and Council Meetings**

Monday, September 10, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, September 24, 2018	Committee of the Whole/Council – 6:30 P.M.
Tuesday, October 9, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, October 22, 2018	Cancelled – Due to Municipal Elections
Tuesday, November 13, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, November 26, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, December 10, 2018	Committee of the Whole/Council – 6:30 P.M.

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

## Committee Items:

Notes	Item	Description / Recommendation	Page
JDM BB RB AD FD YD DE BK JM	1.	<p><b><u>Planning and Development, Planning Division, Report No. 2018-110, Subject: Westwood Estates Sidewalk Construction</u></b></p> <p>That Planning and Development Department, Planning Division Report 2018-110 Subject: Westwood Estates Sidewalk Construction, be received for information.</p> <p><b>Delegation:</b></p> <ul style="list-style-type: none"> <li>Todd Shoalts, Lester Shoalts Limited (Page No. 29)</li> </ul> <p><b>Note:</b> This item needs to be pulled for separate consideration.</p>	31
JDM BB RB AD FD YD DE BK JM	2.	<p><b><u>Planning and Development, Planning Division, Report 2018-100, Subject: Recommended Consultant for the Completion of the 2019 Development Charges Study and By-law</u></b></p> <p>That a by-law be adopted authorizing the Mayor and Clerk to sign an agreement with Watson and Associates for the completion of a Development Charges study and updated by-law at a total cost of \$35,800 exclusive of HST.</p>	37
JDM BB RB AD FD YD DE BK JM	3.	<p><b><u>Planning and Development, By-law Enforcement Division, Report 2018-117, Subject: Fence Variance – 19 Lena Crescent</u></b></p> <p>That a fence variance request be approved for 19 Lena Crescent.</p>	39
JDM BB RB AD FD YD DE BK JM	4.	<p><b><u>Planning and Development, By-law Enforcement Division, Report 2018-119, Subject: Fence Variance – 656 Fielden Avenue</u></b></p> <p>That the fence variance request for 656 Fielden Avenue be approved.</p>	47
JDM BB RB AD FD YD DE BK JM	5.	<p><b><u>Planning and Development, By-law Enforcement Division, Report 2018-120, Subject: Encroachment Request – 162 West Street</u></b></p> <p>That the encroachment application be approved for 162 West Street and that staff be authorized to enter into a License Agreement with the applicant, owner, and the St. Lawrence Seaway Management Corporation.</p>	53

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JDM AD DE	BB FD BK	RB YD JM	6.	<p><b><u>Fire and Emergency Services, Report 2018-92, Subject: Municipal Establishing and Regulating By-Law</u></b></p> <p>That the proposed by-law be adopted as the City of Port Colborne's Fire Department Establishing and Regulating By-law, and that By-law No. 5054/109/07 be repealed; and</p> <p>That the Mayor and City Clerk be authorized to execute the appropriate documents.</p>	57
JDM AD DE	BB FD BK	RB YD JM	7.	<p><b><u>Fire and Emergency Services, Report 2018-115, Subject: Cost Recovery Program</u></b></p> <p>That option number 5 outlined in Fire and Emergency Services Department Report 2018-115 and as provided for in Mr. McAvoy's report attached thereto, be adopted, requiring City staff to bill for fire fighting services using a third party, as necessary; and</p> <p>That Segwick Canada be authorized to support the billing for fire fighting services; and</p> <p>That staff be directed to modify the Fire Department's fee schedule to reflect the fees using the applicable Ministry of Transportation hourly rate; and</p> <p>That funds raised as a result of billing for fire fighting services be transferred to a Fire Department major capital reserve fund for purchases such as apparatus, rescue equipment and breathing apparatus, etc.</p>	61
JDM AD DE	BB FD BK	RB YD JM	8.	<p><b><u>Corporate Services, Clerk's Division, Report 2018-114, Subject: Appointments to Boards and Committees</u></b></p> <p>That Alison Chambers be appointed to the Accessibility Advisory Committee for a term ending December 31, 2022; and</p> <p>That Connie Butler be appointed to the Senior Citizen Advisory Council for a term ending December 31, 2019.</p> <p>That the Clerk be directed to bring forward the necessary by-law for approval.</p>	95

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JDM AD DE	BB FD BK	RB YD JM	9.	<p><b><u>Community and Economic Development, Parks and Recreation Division, Report No. 2018-118, Subject: Thirty Eighth Annual Terry Fox Run</u></b></p> <p>That the request to host the thirty eighth annual Terry Fox Run on September 16, 2018 at 1:00 p.m., and the twelfth annual head shave at 12:30 p.m. at the H.H. Knoll Lakeview Park bandshell, be approved; and</p> <p>That the permit fee for the use of the H.H. Knoll Lakeview Park bandshell be waived; and</p> <p>That the request for the Terry Fox Run flag to be raised over City Hall the week of August 20, 2018, be approved and referred to the Mayor's office for response; and</p> <p>That the request for a 10' x 10' stall at the Port Colborne Farmers' Market on September 7, 2018 and September 14, 2018 to sell licensed Terry Fox t-shirts and distribute pledge forms, be approved and referred to the Market Clerk for response; and</p> <p>That the Event Organizer file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$5,000,000, in advance of the event.</p>	99
JDM AD DE	BB FD BK	RB YD JM	10.	<p><b><u>Corporate Services, Finance Division, Report 2018-122, Subject: Niagara Central Airport Commission – Financing for Capital Projects – Loan Agreement</u></b></p> <p>That the loan agreement with the Niagara Central Airport Commission be approved in the amount of \$32,870 with terms of repayment to be amortized over 10 years, annual interest rate at 4.3%, with annual payments due August 24th commencing on August 24th 2019; and</p> <p>That the Mayor and City Clerk be authorized to sign the appropriate loan agreement and by-law.</p>	105
JDM AD DE	BB FD BK	RB YD JM	11.	<p><b><u>Engineering and Operations, Engineering Division, Report 2018-123, Subject: Information Report on the Proposed Staging and Funding of the Downtown Community Improvement Plan Project</u></b></p> <p>That staff be directed to apply for all of the funding sources as detailed in Engineering and Operations Department, Engineering Division Report 2018-123 Subject: Proposed Staging and Funding of the Downtown Community Improvement Plan Project and that a phasing of the Downtown Community Improvement Plan project be entertained once the funding is realized.</p>	109

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Miscellaneous Correspondence						
JDM	BB	RB	12.	<b><u>Katie and Ben Atkins Re: Request for Fees to be Dismissed that were charged for Grass Cutting at 507 Sugarloaf Street</u></b>	113	
AD	FD	YD				
DE	BK	JM		Council direction is required.		
JDM	BB	RB	13.	<b><u>Niagara Health Foundation Re: Donor Impact Report</u></b>	115	
AD	FD	YD				
DE	BK	JM		That the correspondence received from Roger D. Ali, President & CEO, Niagara Health Foundation Re: Donor Impact Report, be received for information.		
JDM	BB	RB	14.	<b><u>Region of Niagara Re: Results of Stakeholder Engagement for Vacancy Rebate Program Revisions (CSD 41-2018)</u></b>	119	
AD	FD	YD				
DE	BK	JM		That the correspondence received from the Region of Niagara Re: Results of Stakeholder Engagement for Vacancy Rebated Program Revisions (CSD 41-2018), be received for information.		
Outside Resolutions – Requests for Endorsement						
JDM	BB	RB	15.	<b><u>Town of Pelham Re: Cannabis Odour Enforcement</u></b>	139	
AD	FD	YD				
DE	BK	JM		That the resolution received from the Town of Pelham Re: Cannabis Odour Enforcement be supported.		
JDM	BB	RB	16.	<b><u>Town of Fort Erie, City of Thorold and City of Welland Re: Niagara Regional Council resolution – Trade with United States and Protecting Canadian Jobs</u></b>	143	
AD	FD	YD				
DE	BK	JM		That the resolutions received from the Town of Fort Erie, City of Thorold and the City of Welland in support of the Regional Council resolution regarding Trade with United States and Protecting Canadian Jobs, be received for information.		
				<b>Note:</b> At its meeting of July 9, 2018 Council received the above resolution.		

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JDM	BB	RB	17.	<b>City of St. Catharines, Town of Fort Erie, City of Thorold, City of Niagara Falls and City of Welland Re: Support of Federal Government's Negotiations with United States in Regard to Tariffs on Steel and Aluminum</b>	147
AD	FD	YD			
DE	BK	JM		That the resolutions received from the City of St. Catharines, Town of Fort Erie, City of Thorold, City of Niagara Falls and City of Welland, Re: Support of Federal Government's Negotiations with United States in Regard to Tariffs on Steel and Aluminum, be received for information.	
JDM	BB	RB	18.	<b>City of Toronto Re: Immediate Steps to Address Gun Violence</b>	155
AD	FD	YD			
DE	BK	JM		That the resolution received from the City of Toronto Re: Immediate Steps to Address Gun Violence, be received for information.	
<b>Responses to City of Port Colborne Resolutions</b>					
<b>Nil.</b>					

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

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**Delegation Request - Luke Corbeil**  
Amber LaPointe to: Brenda Heidebrecht

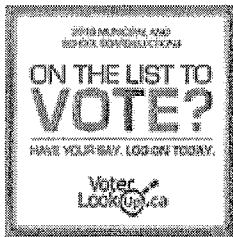
08/20/2018 11:33 AM

Hi Brenda,

Please add Luke Corbeil to the list of delegations at the August 27 meeting of Council.  
Mr. Corbeil will be appearing to seek relief from a City by-law in order to allow additional driveway space at 978 Steele Street.

Thank you,

**Amber LaPointe**  
**Manager of Legislative Services/City Clerk**  
Corporate Services Department, City of Port Colborne  
66 Charlotte Street, Port Colborne, ON L3K 3C8  
905-835-2900 x106 Fax: 905-835-2969  
cityclerk@portcolborne.ca  
[www.portcolborne.ca](http://www.portcolborne.ca)



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From: "Rosangela Alessandrini" <[REDACTED]>  
To: "amberlapointe@portcolborne.ca" <amberlapointe@portcolborne.ca>  
Date: 2018-08-21 03:08 PM  
Subject: Omer Ave Grass Cutting Fee

Dear The City Port Colborne Council members:

I am requesting to reverse the charge of \$1,134.46 plus any interest incurred for grass mowing on Omer Ave which occurred in early June.

as I **never** received the request to have it mowed.

Previously any request for grass cutting have been carried out and I have always paid any fees that were necessary to pay.

Canada Post states the letter was delivered yet when I spoke to their representative he stated they only have a postal code on file and not the address. In addition to this there is no confirmation that the envelope was delivered to the correct address.

Mistakes happen, on June 27 I received an empty Canada post envelope from the City of Port Colborne. The envelope was delivered, yet it was empty.

I am also attaching all of my email correspondence with your staff for your reference.

I never received this grass mowing request for Omer Ave. and this is why I have travelled from Toronto to come and present my situation and request for this fee to be reversed.

Thank you for allowing me the opportunity to speak.

Rosangela Alessandrini

Cc: "[bylawenforcement@portcolborne.ca](mailto:bylawenforcement@portcolborne.ca)" <[bylawenforcement@portcolborne.ca](mailto:bylawenforcement@portcolborne.ca)>, "[cao@portcolborne.ca](mailto:cao@portcolborne.ca)" <[cao@portcolborne.ca](mailto:cao@portcolborne.ca)>, "[sherryhanson@portcolborne.ca](mailto:sherryhanson@portcolborne.ca)" <[sherryhanson@portcolborne.ca](mailto:sherryhanson@portcolborne.ca)>

Subject: Re: Letter from CPC Customer Service - Omer Ave grass cutting

Hi Mr. Dan Aquilina and Ms. Amber Lapointe

Please see my responses in red below.

On 2018-08-08, 4:21 PM, "[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)" <[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)> wrote:

Hi Rosangela,

sorry for the delay in responding (it takes time to properly look into complaints received). I have completed my review and provide the following:

- The City has confirmation that Canada Post delivered the letter from By-law Enforcement to the owner' address at 170 Chapman, Weston, ON M9P 1G4.

I spoke to Canada Post and they stated they "only have a postal code as verification and no address in the system." Once again without a signature you can not prove this letter was successfully delivered to my home.

- Sherry Hanson was out of the office on July 9, 10, 12, 13, 16, 17, 19, 20, 24, 25, 26 and 27th.

You stated Ms. Hanson was out of the office but I spoke to her...

Tuesday July 17th I spoke with Sherry She took down all of my information, the Canada post ticket number, etc. and said she would look into this. This was her first day back from holidays as her voice mail stated she would return to the office on July 17th.

- Sherry Hanson had her voicemail and out-of-office enabled as per our 5C service policy.

I never received any call back or correspondence from Sherry.

On Friday July 20th I left two messages, (If I had heard an out of office message I would not have left any messages on her voice mail) one in the morning, the other one at 3:53pm asking Sherry if she had sent the information to Canada Post and to let me know the status and to give me any updates. Once again I left my work number, cell number so she would have no problems contacting me. I did not receive any calls.

On Monday July 23, I left another message for Sherry around 1:00 pm, no return call.

(Until the morning of July 24th, there was no out of office message.) On Tuesday July 24 Sherry's voice mail stated she would not be returning until July 30th.

- On July 26, 2018, your voicemail to Sylvie was forwarded to By-law Enforcement staff and Enforcement Officer Carter McColl visited the Post Office as requested and returned your call on July 26, 2018.

To clarify, as per my notes, **I contacted** Carter on the 24th, he promised to call me back after visiting Canada Post that day but never did.

I left a message for Sylvie as I had not heard from Carter, and again no reply.

To reiterate the point that I have left numerous messages with numerous people and no one attempted to call me back.

I do not understand how you are able to state that your 5C service policy has been carried out. This is not customer service and I do not feel at all that I have been "treated fairly or equitably".

- City Council made changes to the Lot Maintenance By-law for quicker compliance time to have long grass cut.

Once again, I have not been out of compliance. Once I receive your request I act on it immediately.

**Mistakes happen—As I stated below I received an empty Canada Post envelope from your office, I contacted your office to find out what this was about and Ms. Hanson stated the clerk had forgotten to enclose the letter.**

**I understand mistakes happen, even though I have not made a mistake I want some understanding and cooperation here as well-as I did not receive this envelope.**

- A complaint was received on the length of grass on your property.

- City Council provided direction to have proactive enforcement. for long grass on all properties and for repeat offenders.

- The City's By-law was properly enforced and costs were correctly calculated given the size of your lot.

Staff have no ability to cancel or reduce charges when there are no errors found on the enforcement of the by-law. Only City Council can cancel or reduce charges under the by-law. Any request to Council would need to be made through the City Clerk, Amber LaPointe.

Dear Ms. Lapointe

I would like you to request to city Council a credit towards my tax account. I never received this letter, there is no proof, without a proof of delivery signature that I received this letter and the service I have received from your office

certainly not in accordance with your 5C policy.

Thank you, I look forward to your response.

Rosangela

As you mentioned costs were unacceptable for the City's contractor to cut, may I suggest that your contractor monitors your property and ensures that the grass does not exceed 6" in height which would ensure compliance and no need for the City's involvement.

Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development  
905-835-2901 Ext. 203  
Fax: 905-835-2939  
[www.portcolborne.ca](http://www.portcolborne.ca)

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From: "Rosangela Alessandrini" [REDACTED]  
To: "[amberlapointe@portcolborne.ca](mailto:amberlapointe@portcolborne.ca)" <[amberlapointe@portcolborne.ca](mailto:amberlapointe@portcolborne.ca)>,  
"[bylawenforcement@portcolborne.ca](mailto:bylawenforcement@portcolborne.ca)" <[bylawenforcement@portcolborne.ca](mailto:bylawenforcement@portcolborne.ca)>,  
"[cao@portcolborne.ca](mailto:cao@portcolborne.ca)" <[cao@portcolborne.ca](mailto:cao@portcolborne.ca)>, "[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)" <[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)>  
Cc: "[sherryhanson@portcolborne.ca](mailto:sherryhanson@portcolborne.ca)" <[sherryhanson@portcolborne.ca](mailto:sherryhanson@portcolborne.ca)>  
Date: 2018-08-01 03:40 PM  
Subject: Re: Letter from CPC Customer Service - Omer Ave grass cutting

Hello Everyone

I am looking for someone who is able to assist me in reversing a grass cutting fee of \$1,134.46

(which normally only cost me \$100.00) that has been added to my tax roll account # 030-030-07100-0000 by Sherry Hanson. She has added this charge to my account and says she does not have the authority to reverse the charge.

As I have mentioned many times to Sherry I did not receive the letter dated in June requesting to cut the grass on Omer Ave. I only became aware of this situation when I received the letter stating the charge would be added to my tax account.

Any time in the past when I received any request from the City of Port Colborne to cut my grass I have done it promptly. I have a landscaper who lives in Port Colborne (I only use local contractors to assist the economy of Port Colborne) and he only charges \$100.00 per cutting. So being charged \$1,134.46 is unacceptable. I am not the type of person who enjoys confrontations or wants to challenge anyone but this is too much and not fair.

I would like to mention a few other points:

On June 25th, Sherry Hanson sent me a request to cut the grass on my other property on Killaly Street. The Canada Post Package was empty!! I immediately phoned Sherry to ask why I had received an empty envelope? She stated the clerk had forgotten to enclose the letter. So I asked what was the letter about and she told me it was a request to cut the grass on Killaly Street. I contacted my landscaper immediately and the grass was cut the next day.

Mistakes happen I understand and in regards to the Omer Ave I did not receive the request. Having a tracking number and confirmation that it was delivered without a signature means nothing. The envelope could have been dropped, fallen out the mailbag, delivered to the house next door or blocks away? No one knows without a proof of delivery signature.

Also, here is the timeline showing all my efforts and time in an attempt to get this resolved and the frustration I have experienced:

On Friday July 6th I received a letter from Sherry Hanson stating she was charging my tax roll account # 030-030-07100-0000 for cleanup and grass mowing for my Omer property in the amount of \$1,134.46. You could imagine my dismay at this letter!

On July 9th through 12th I called Sherry numerous times in hopes of speaking to her directly about this charge but failed to be able to speak to her directly. Sherry's initial message which she left me was unclear and I could not understand the tracking number. I left her two other messages asking her to call me back stating the tracking number clearly. As a result of the numerous telephone calls and the delay in getting answers I was unable to contact Canada Post until Fri. July 13th in order to begin an investigation. Canada Post stated that nothing can be done from the recipients end.

On Tuesday July 17th I spoke with Sherry and she took down all of my information, the Canada post ticket number, etc. and said she would look into this. This was her first day back from holidays as her voice mail stated she would return to the office on July 17th.

I never received any call back or correspondence from Sherry.

On Thursday July 19th I followed up with Canada Post and they said that no claims had been registered at this time and it is the senders responsibility to submit the request.

I was under the assumption the request was already completed as I had not heard from Sherry.

On Friday July 20th I left two messages, one in the morning, the other one at 3:53pm asking Sherry if she had sent the information to Canada Post and to let me know the status and to give me any updates.

Once again I left my work number, cell number so she would have no problems contacting me. I did not receive any calls.

On Monday July 23, I left another message for Sherry around 1:00 pm, no return call.

On the morning of Tuesday July 24 Sherry's voice mail stated she would not be returning until July 30th. So I had to phone the Town and finally got a hold of Carter from your office, which I was told Sherry had assigned this case to him. Until this moment I had no idea what was happening or even that Carter was involved in this. Carter assured me he would be going to Canada Post today and would let me know what was happening. Again, no return phone call from Carter.

On Tuesday July 24 late in the evening after not hearing from Carter, I called Canada post for an update, assuming Carter had put in the request,

but Canada Post said nothing had been done.

That is when I sent an email to Port Colborne as no one was returning my calls.

On Thursday July 26th, I left a message for Slyvie and no reply, once again I am trying to get some information.

On Monday July 30th, I left a message for Sherry at noon and no reply until I received Sherry's email message at 2:00 pm.

Again to reiterate the whole point of this email is \$1,134.46 is unacceptable for cutting grass which would normally only cost me \$100.00. Secondly,

I pay taxes always on time without fail for the last twenty plus years to the City of Port Colborne, I employ locals from Port Colborne, I invest in



Port Colborne and I think that my request is not unreasonable especially since I have not received the request. The City of Port Colborne has a page related to Customer Service-"5C" Service Program and I feel that I have not been treated with respect and have not received proper customer service. I have forward this to the City of Port Colborne complaint department and I would like someone to reverse my charge and to get back to me.

Thank you  
Investor and tax payer to the City of Port Colborne

Rosangela Alessandrini

[REDACTED]

From: "[sherryhanson@portcolborne.ca](mailto:sherryhanson@portcolborne.ca)" <[sherryhanson@portcolborne.ca](mailto:sherryhanson@portcolborne.ca)>  
Date: Tuesday, July 31, 2018 at 8:23 AM  
To: Rosangela [REDACTED]  
Cc: "[amberlapointe@portcolborne.ca](mailto:amberlapointe@portcolborne.ca)" <[amberlapointe@portcolborne.ca](mailto:amberlapointe@portcolborne.ca)>, "[bylawenforcement@portcolborne.ca](mailto:bylawenforcement@portcolborne.ca)" <[bylawenforcement@portcolborne.ca](mailto:bylawenforcement@portcolborne.ca)>, "[cao@portcolborne.ca](mailto:cao@portcolborne.ca)" <[cao@portcolborne.ca](mailto:cao@portcolborne.ca)>, "[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)" <[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)>  
Subject: Re: Letter from CPC Customer Service - Omer Ave grass cutting

Roseangela Alessandrini

I have reviewed the file and the gps tracking of the parcel with Canada Post. Each step is documented with gps tracking and the parcel was delivered to the assigned address. The City of Port Colborne is satisfied with the full review of the documentation provided by Canada Post  
Thank you for expressing your concerns regarding the Canada Post Xpresspost delivery which is used by the City of Port Colborne

Sherry Hanson, C.P.S.O.  
Supervisor, By-law Enforcement Division  
City of Port Colborne

( 905.835.2901 Ext 210  
Ê 905.835.2939  
\* [sherryhanson@portcolborne.ca](mailto:sherryhanson@portcolborne.ca)  
8 <http://www.portcolborne.ca>

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From: "Rosangela Alessandrini" <[REDACTED]>  
To: "[sherryhanson@portcolborne.ca](mailto:sherryhanson@portcolborne.ca)" <[sherryhanson@portcolborne.ca](mailto:sherryhanson@portcolborne.ca)>  
Cc: "[bylawenforcement@portcolborne.ca](mailto:bylawenforcement@portcolborne.ca)" <[bylawenforcement@portcolborne.ca](mailto:bylawenforcement@portcolborne.ca)>, "[amberlapointe@portcolborne.ca](mailto:amberlapointe@portcolborne.ca)" <[amberlapointe@portcolborne.ca](mailto:amberlapointe@portcolborne.ca)>, "[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)" <[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)>, "[cao@portcolborne.ca](mailto:cao@portcolborne.ca)" <[cao@portcolborne.ca](mailto:cao@portcolborne.ca)>  
Date: 2018-07-30 02:18 PM  
Subject: Re: Letter from CPC Customer Service - Omer Ave grass cutting

Hi Sherry

Thank you for replying but I have not received this letter or I would have acted on it as I have done so in the past.

Canada post has told me to ask you, the sender, to submit the request that I did not receive the package.

They will not assist me unless it originates from the Sender.

So please put in the request that I can pursue this with Canada post and please keep me posted.

Also, going forward can we please have a signature for receiving the letters you send in order to avoid this situation repeating itself.

Thank you

Rosangela

From: "[sherryhanson@portcolborne.ca](mailto:sherryhanson@portcolborne.ca)" <[sherryhanson@portcolborne.ca](mailto:sherryhanson@portcolborne.ca)>  
Date: Monday, July 30, 2018 at 2:10 PM  
To: Rosangela [REDACTED]  
Cc: "[bylawenforcement@portcolborne.ca](mailto:bylawenforcement@portcolborne.ca)" <[bylawenforcement@portcolborne.ca](mailto:bylawenforcement@portcolborne.ca)>, "[amberlapointe@portcolborne.ca](mailto:amberlapointe@portcolborne.ca)" <[amberlapointe@portcolborne.ca](mailto:amberlapointe@portcolborne.ca)>, "[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)" <[danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)>, "[cao@portcolborne.ca](mailto:cao@portcolborne.ca)" <[cao@portcolborne.ca](mailto:cao@portcolborne.ca)>  
Subject: Re: FW: Letter from CPC Customer Service - Omer Ave grass cutting

Roseangela Alessandrini

Thank you for your phone calls and emails.

My out of office was activated for both my phone and email. I apologize if you did not receive the message.

I assigned the file to Carter as I was going to be away from the office.

Canada Post advises the letter was delivered. Canada post has gps tracking and confirms it was sent to the appropriate address.

The City of Port Colborne also reviews the tracking and history if any questions arise. Item was delivered at 12:43pm June 4, 2018.

Once again, I did not receive the letter requesting to cut the grass at the Omer Ave property. If I had received the letter I would have called my landscaper and ask him to cut it immediately as I have done in the past.

The bill of \$1,134.46 is astronomical and unacceptable and furthermore unreasonable. This is more than one year of my contract for grass cutting.

Please understand this is a lot of money for me and as I mentioned as soon as I received your letter I would act on it.

As I have not received the letter please credit my account the full amount minus \$100.00 which is what I would have paid my landscaper.

I hope to hear from you soon

Thank you  
Rosangela

From: "DONOTREPLY\_NEPASREPONDRE@CANADAPOST"

<[DONOTREPLY\\_NEPASREPONDRE@CANADAPOST.CA](mailto:DONOTREPLY_NEPASREPONDRE@CANADAPOST.CA)>

Date: Tuesday, July 24, 2018 at 3:10 PM

To: Rosangela <[REDACTED]>

Subject: Letter from CPC Customer Service

\*\*\*\* DO NOT DELETE / NE PAS SUPPRIMER \*\*\*\*

{ticketno:[126484247]}

\*\*\*\* DO NOT DELETE/ NE PAS SUPPRIMER \*\*\*\* [attachment

"005056010A1A1EE8A2B9944426DE4C5E0001000.pdf" deleted by Sherry Hanson/Port\_Notes]

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June 5, 2018

City of Port Colborne,  
66 Charlotte Street  
Port Colborne, ON L3K 3C8

Attn: Mayor Maloney and Members of Port Colborne City Council

**RE: Westwood Estates - Sidewalks**

Dear Mayor Maloney and Members of Port Colborne City Council,

I am writing regarding the decision by Port Colborne City Council on April 23<sup>rd</sup>, 2018 to defer installation of sidewalks in Phase 1 of the Westwood Estates subdivision expansion. The decision appears to have been made based on one complaint from a homeowner on Renfield Street. I was contacted by this homeowner who expressed his concerns regarding the installation of sidewalks. I advised him that sidewalk installation was imminent and any concerns should be discussed with the Mayor or members of Council.

Council considered this homeowner complaint at the April 23<sup>rd</sup> Council meeting. Unfortunately I was not contacted by Staff or invited to appear at this Council meeting. I was disappointed not to be part of these discussions before Council made a decision to defer sidewalk construction. This decision is counter to our Subdivision Agreement. I was contacted by text and email on that Monday evening and given instructions that sidewalk construction should not commence on April 24<sup>th</sup> as previously scheduled. As a developer, this is an extremely unusual process.

Sacco Construction had been contracted to install the sidewalks in Westwood Estates on April the 24<sup>th</sup>. After receiving instructions from Dan Aquilina in the evening on April the 23<sup>rd</sup>, fortunately I was able to contact Sacco before they mobilized and began their work.

The construction of sidewalks (essentially on one side of the street) in the extension of Westwood Estates was part of the Subdivision agreement dated June 15<sup>th</sup>, 2016 negotiated with the City of Port Colborne over a lengthy period of time. We have posted Letters of Credit for, amongst other things, the construction of sidewalks. During these negotiations, City staff were adamant that sidewalks would be constructed in the Subdivision extension. We accepted this decision and agreed to it as part of the Subdivision agreement.

LESTER SHOALTS LIMITED  
214 WEST STREET, PORT COLBORNE, ONTARIO, L3K 4E3

PHONE: 905-835-2177  
FAX: 905-835-2151

I understand that the Director of Planning has been instructed by Council to contact each lot owner in Phase 1 and 2 to ask their opinion as to sidewalks, which will likely lead to more confusion and uncertainty. Ultimately as the developer, we are required to carry out the decision of City Council. However, I would have appreciated an opportunity to discuss this with Council before the deferral decision was made. I would appreciate some clarity regarding the decision making process on sidewalk construction, the timing of this decision and the implications for our signed Subdivision Agreement. I look forward to further discussions on this matter.

Yours truly,



Todd Shoalts, CPA, CA  
Lester Shoalts Limited  
C: 289-213-2344

CC: Dan Aquilina  
Director of Planning

Report Number: 2018-110

Date: August 27, 2018

**SUBJECT: Westwood Estates Sidewalk Construction**

**1) PURPOSE**

The purpose of this report is to provide information regarding the construction of sidewalks in Westwood Estates Phase 1 and Phase 2.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

At the April 23, 2018 meeting, Council provided the following direction:

“That the Director of Planning and Development be directed to contact the developer to request the delay of the sidewalk installation on Renfield Street in order that the homeowners and lot owners can be consulted.”

That evening the developer was contacted to delay the construction of sidewalks for Phase 2 of Westwood Estates.

The following is a history of Phase 1 and 2 of Westwood Estates and matters relating to sidewalk construction.

Phase 1 of Westwood Estates

Phase 1 received draft plan approval from the Niagara Region in 1988 for 58 single-detached residential lots as they were the approval authority at that time for plans of subdivision. In 1989, the City entered into a subdivision agreement for the development of Westwood Estates Phase 1. In 1997, the Region delegated approval for all plans of subdivisions and in 1999 the City agreed to the transfer of Westwood Estates.

The 1989 subdivision agreement required the construction of sidewalks on the north side of Clarence Street by the developer and Lester Shoalts Limited had deposited securities for its completion. As reported to Council on April 23, 2018, the construction of sidewalks was put on hold due to resident opposition. In 1993, the following City Council minutes were recorded:

“(b) Planning Department Report No. 93-51 Relocation of Sidewalk Westwood Estates Plan of Subdivision, North Side of Clarence Street

Moved by Vice Chairman Davison that Planning Department Report No. 93-51 be approved and the following recommendations be carried out:

"That in respect to a request from Lester Shoalts Limited (on behalf of the Westwood Estates Plan of Subdivision Phase 1) respecting the proposal to change the location of the required sidewalk on Clarence Street West from the north boulevard to the south boulevard; Council hereby agrees and directs as follows:

1. The City is not opposed to the proposed relocation of the sidewalk provided all owners within the Westwood Estates Phase I Plan of Subdivision (and their encumbrancers) are in agreement;
  2. That the principal of the Westwood Estates Plan of Subdivision (Lester Shoalts Ltd.) be informed that such change in the requirements of the applicable subdivision agreement (registered as Instrument No. 60934 on April 21, 1991 between Stone and Wellington Inc. and the Corporation of the City of Port Colborne) will require amending agreements with each owner (and their encumbrancers) within the subdivision, and, for registration on title to the lands;
  3. Council direct staff and the City Solicitor to prepare sample amending agreement(s) implementing the above;
  4. That the principal be informed that the City will not be responsible for seeking concurrence of landowners within the subdivision, and, that such responsibility will be that of the subdivider;
  5. That once Amending Agreements have been executed by all affected parties excluding the City, staff be directed to forward further report to Council authorizing execution of the Agreements by the Mayor and Clerk, and, registration of the same by the City Solicitor.
  6. That Lester Shoalts Ltd. be so informed."
- Carried."

In 1997, Council received an Operational Services Director's report and the minutes recorded the following:

"IV PRESENTATION OF REPORTS

(a) OPERATIONAL SERVICES DIVISION - DIRECTOR'S REPORT 97-61 - WESTWOOD ESTATES SUBDIVISION

A petition opposing the construction of a sidewalk along the north side of Clarence Street within the Subdivision was circulated with tonight's agenda. Director Cotterill stated the City has an agreement that indicates the sidewalk should be on the north side, but at the present time the sidewalk is not deemed necessary. The sidewalk would only be placed if this road is connected to the Cement Plant Road.



Moved by Chairman DiBartolomeo that Operational Services Division Director's Report 97-61 be approved and the following recommendation be carried out:

"The City receive funds equivalent to the value of the proposed sidewalk, to be placed into Reserves for the construction of the proposed sidewalk, when Phase II of the Subdivision is completed to Cement Road."  
Carried."

### Phase 2 of Westwood Estates

In 2016, a subdivision agreement for Phase 2 was entered into with Lester Shoalts Limited for 70 single detached dwelling lots, a semi-detached dwelling lot and 13 street townhouse dwelling lots. On July 17, 2018, after receiving the contact information for all 17 lot owners in Phase 2 of Westwood Estates from Todd Shoalts, an email was sent out that providing background information and the following question was asked:

"As an owner in this subdivision are you in favour of sidewalks being constructed by Lester Shoalts Limited?"

The email indicated that responses would remain confidential but would provide information for Council.

### **3) STAFF COMMENTS AND DISCUSSIONS**

#### Westwood Estates Phase 1

The City has \$7,600 in reserve for securities to complete remaining works (sidewalks) for this phase. However, this amount would not cover City costs to do so in 2018. The developer has been contacted regarding sidewalk completion and has no interest in completing them based on 2018 construction costs.

The City's policy as reported in the 1997 Operations Report stated that the sidewalks were not required on local roads but were on collector roads. Clarence Street was recognized as a collector road. In 1997, Council approved that sidewalks be constructed when Clarence Street connected to Cement Road and that monies be kept in reserve. Phase 2 now has Clarence Street connected to Cement Road.

## Westwood Estates Phase 2

Staff received 13 email responses out of the 17 emails sent. The following chart displays positions on sidewalk construction:

Opposed to sidewalks	6
In favour of sidewalks	5
Indifferent	1
Delay sidewalks until more lots are built on	1

Comments received from those in favour cite safety as the primary reason. No comments were received from those objecting.

### Conclusions

In 2009, Council approved a policy brought forward through Engineering and Operations Report 2009-38 for new sidewalk installation however; the policy applies to City initiated construction. As stated in the 1997 Operational Services Report, the policy in new developments is to have sidewalks constructed on collector roads but not on local roads. The City's 2013 Official Plan now has transportation policies regarding sidewalk installation on collector and local roads and within the Westwood Estates Secondary Plan.

The developer, Mr. Todd Shoalts is in favour of the construction of sidewalks in Phase 2 but does not want to be responsible for construction costs in Phase 1. Mr. Shoalts has submitted \$84,680 in securities for Stages 1 to 3 of Phase 2 for sidewalk construction.

As the City has entered into legal agreements with Lester Shoalts Ltd. For Phase 1 and 2, sidewalks will be constructed as set out in Westwood Estates Phase 2. The construction of sidewalks in Phase 1 will be a budget consideration as part of the 2019 budget process. The lot owners in Westwood Estates Phase 1 and 2 will be notified regarding sidewalk construction.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

##### **a) Do nothing.**

Doing nothing is the preferred action as Council has already approved sidewalks being constructed in both subdivision agreements with the developer.

##### **b) Other Options**

N/A

5) **COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

N/A

6) **ATTACHMENTS**

N/A

7) **RECOMMENDATION**

That Planning and Development Department, Planning Division Report 2018-110  
Subject: Westwood Estates Sidewalk Construction, be received for information.

8) **SIGNATURES:**

Prepared on August 16, 2018 by:



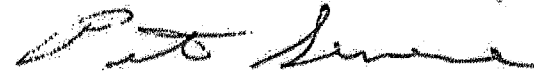
Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed by:



Chris Lee  
Director of Engineering and Operations

Reviewed by:



Peter Senese  
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

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**Planning and Development Department  
Planning Division**

**Report Number: 2018-100**

**Date: August 27, 2018**

**SUBJECT: Recommended consultant for the completion of the 2019 Development Charges study and by-law**

**1) PURPOSE:**

The purpose of this report is to seek Council's approval for Watson and Associates to complete a Development Charges study and updated Development Charges by-law.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES:**

The *Development Charges Act* requires municipalities to update their Development Charges by-law every 5 years, including a background study and creation of a new by-law.

The first Development Charges study was completed in 1999, with additional studies by Watson and Associates in 2004, 2009 and 2014.

In accordance with the City's purchasing policy, staff only received one proposal from Watson and Associates to complete a new Development Charges study and updated Development Charges by-law.

**3) STAFF COMMENTS AND DISCUSSIONS:**

An updated Development Charge by-law will ensure conformity with the *Development Charges Act* and provide updated data in terms of growth projections, infrastructure requirements and capital budgeting. Watson and Associates have completed the past three Development Charge studies undertaken by the City and as such, staff is confident that they have the experience and knowledge to complete the project once again.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

The cost of this study will be funded from the Development Charge Reserve and is a recoverable cost under the new study.

**a) Do nothing**

This is not an option as the City is required under the *Development Charges Act* to complete a Study every 5 years.

**b) Other Options**

Not applicable.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:**

The Development Charges Background Study will be developed based on the current strategic plan and any initiatives identified by Council.

**6) ATTACHMENTS:**

None.

**7) RECOMMENDATION:**

That a by-law be adopted authorizing the Mayor and Clerk to sign an agreement with Watson and Associates for the completion of a Development Charges study and updated by-law at a total cost of \$35,800 exclusive of HST.

**8) SIGNATURES:**

Prepared on July 27, 2018 by:



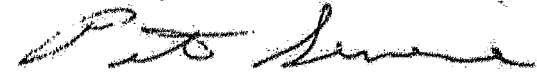
Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

Reviewed by:



Peter Senese  
Director of Corporate Services

Report Number: 2018-117

Date: August 27, 2018

Subject: Fence Variance - 19 Lena Crescent

### 1) PURPOSE

This report was prepared by Sherry Hanson, Supervisor, By-law Enforcement Division under the direction of Dan Aquilina, Director of Planning and Development. The purpose of this report is to present Council with a fence variance request from Michael Hili of 19 Lena Crescent.

### 2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

It is Council Policy to review any variance requests for fences and decide on each case based on the information presented to them. The property is located at the corner of Lena Crescent and Olga Drive. The front entry to the dwelling is on Olga and the fence is located in the exterior side yard.



### 3) STAFF COMMENTS AND DISCUSSIONS

The current Fence By-law 5510/107/10, Section 3.3, establishes fence heights of 2 m (6.56 ft) above the effective ground level in any rear or side yards. The owner is requesting a variance to 2.25 m (7.38 ft) in some locations as the effective ground level changes throughout the property. Further, the definition of "Effective Ground Level" – "means the

mean level of the ground within a radius of 1.25 m of the fence location being considered”

Although the fence is located on a corner lot, the fence is not within the 10.5 m sight triangle and thus does not cause any visibility concerns at this cul-de-sac.

Engineering Comments:

The Engineering and Operations Department has no adverse comments.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

**a) Do Nothing**

This sections is not applicable.

**b) Other Options**

This section is not applicable.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

This section is not applicable.

**6) ATTACHMENTS**

The fence variance application form and attachments

**7) RECOMMENDATION**


That a fence variance request be approved for 19 Lena Crescent.

**8) SIGNATURES**

Prepared on August 15, 2018 by:

  
Sherry Hansen, CPSO  
Supervisor, By-law Enforcement Division

Reviewed by:

  
Dan Aquilina, RPP, MCIP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:

  
C. Scott Luey  
Chief Administrative Officer





Application Form

Request for Relief from Fence By-law

Applicant

1) Name: MICHAEL HILI

2) Address: 19 LENA CRESCENT



Area in question

Site Plan Attached

Address: 19 LENA CRESCENT.

Location: (check all that apply)

- Front Yard
- Side Yard
- Exterior Side Yard
- Required Front Yard
- Rear Yard
- Corner Lot

Fence Construction:  Open  Closed

Existing Fence Height: 79" → 88" 2.25m Proposed Fence Height: SAME m

Is the Fence adjacent to a driveway	<u>NO</u>	Is there an easement/swale on the property	<u>NO</u>
Is there an existing Site Plan Agreement	<u>NO</u>	Is there a Pool on the property	<u>NO</u>

Comments: FENCE HEIGHT VARIES DUE TO SCOPE IN TERRAIN. SOIL IS HIGHER INSIDE FENCE COMPARED TO OUTSIDE FENCE.

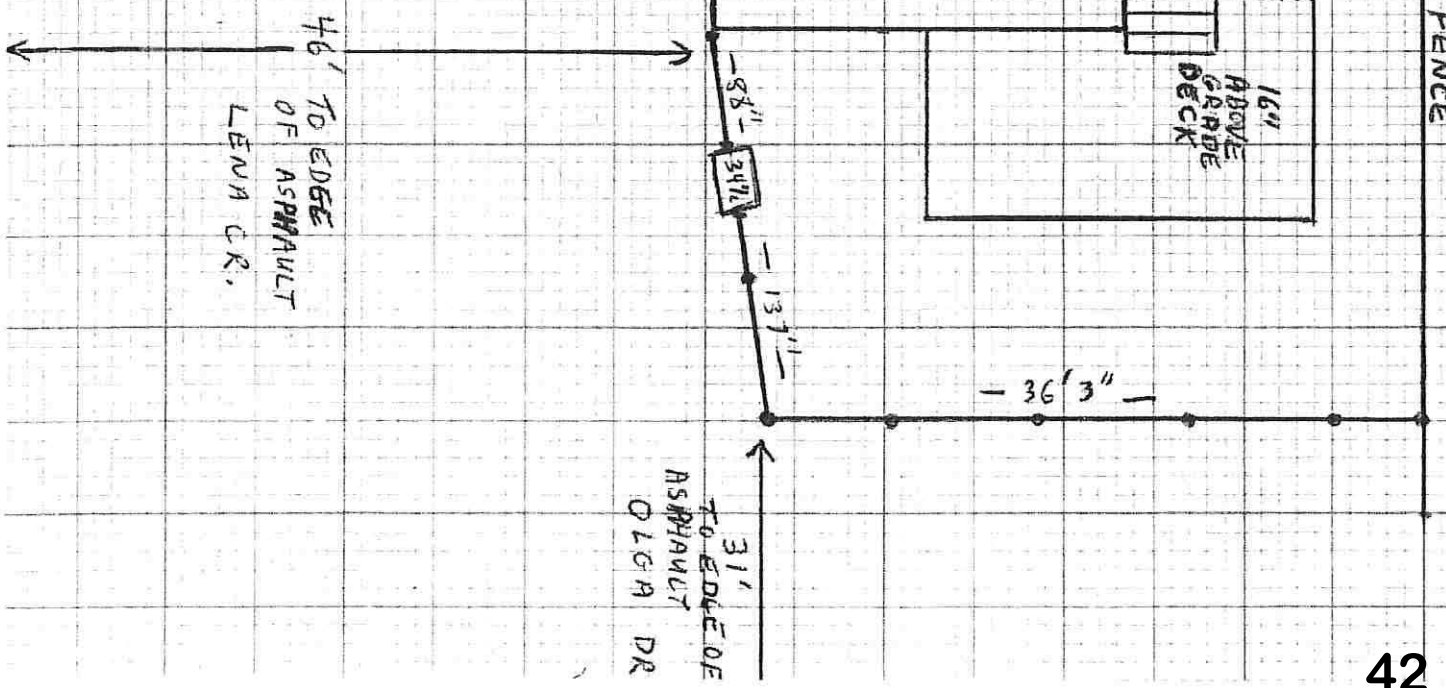
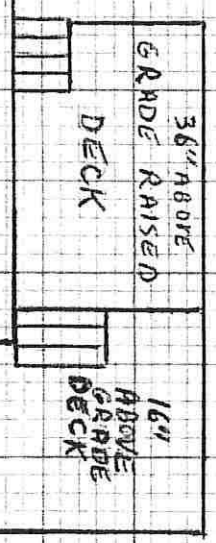
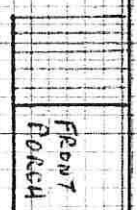
Applicant Signature Michael Hill Date: JULY 18 / 18

Office Use Only:

Variance Fee	\$450.00	Zoning	
Paid by:		Date	

EXISTING NEIGHBORS FENCE

House



LEGEND 1" = 10 FEET









Report Number: 2018-119

Date: August 27, 2018

Subject: Fence Variance - 656 Fielden Avenue

**1) PURPOSE**

This report was prepared by Sherry Hanson, Supervisor, By-law Enforcement Division under the direction of Dan Aquilina, Director of Planning and Development. The purpose of this report is to present Council with a fence variance request from Rob McCulligh of 656 Fielden Avenue.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

It is Council Policy to review any variance requests for fences and decide on each case based on the information presented. The property is located on Fielden Avenue adjacent to Vimy Park.



**3) STAFF COMMENTS AND DISCUSSIONS**

The current Fence By-law 5510/107/10, Section 3.3, establishes fence heights of 2 m (6.56 ft) above the effective ground level in any rear or side yards. The owner is requesting a variance to 2.44 m (8 ft) across the rear lot line to reduce the number of basketballs and children entering his rear yard where his two dogs are housed.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

**a) Do Nothing**

This sections is not applicable.

**b) Other Options**

This section is not applicable.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

This section is not applicable.

**6) ATTACHMENTS**


The fence variance application form and attachments

**7) RECOMMENDATION**


That the fence variance request for 656 Fielden Avenue be approved.

**8) SIGNATURES**

Prepared on August 15, 2018 by:

  
Sherry Hansen, CPSO  
Supervisor, By-law Enforcement Division

Reviewed by:

  
Dan Aquilina, RPP, MCIP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:

  
C. Scott Luey  
Chief Administrative Officer





Request for Relief from Fence By-law

Applicant

- 1) Name: ROB McCULLIGH
- 2) Address: 656 FIELDEN AVE
- 3) Phone #: [REDACTED]
- 4) Email: [REDACTED]

Area in question Site Plan Attached

Address: 656 FIELDEN AVE

Location: (check all that apply)

- Front Yard
- Required Front Yard
- Side Yard
- Rear Yard
- Exterior Side Yard
- Corner Lot

Fence Construction:  Open  Closed

Existing Fence Height: 2.44 m Proposed Fence Height: 2.44 m

Is the Fence adjacent to a driveway	<u>NO</u>	Is there an easement/swale on the property	<u>NO</u>
Is there an existing Site Plan Agreement	<u>NO</u>	Is there a Pool on the property	<u>YES</u>

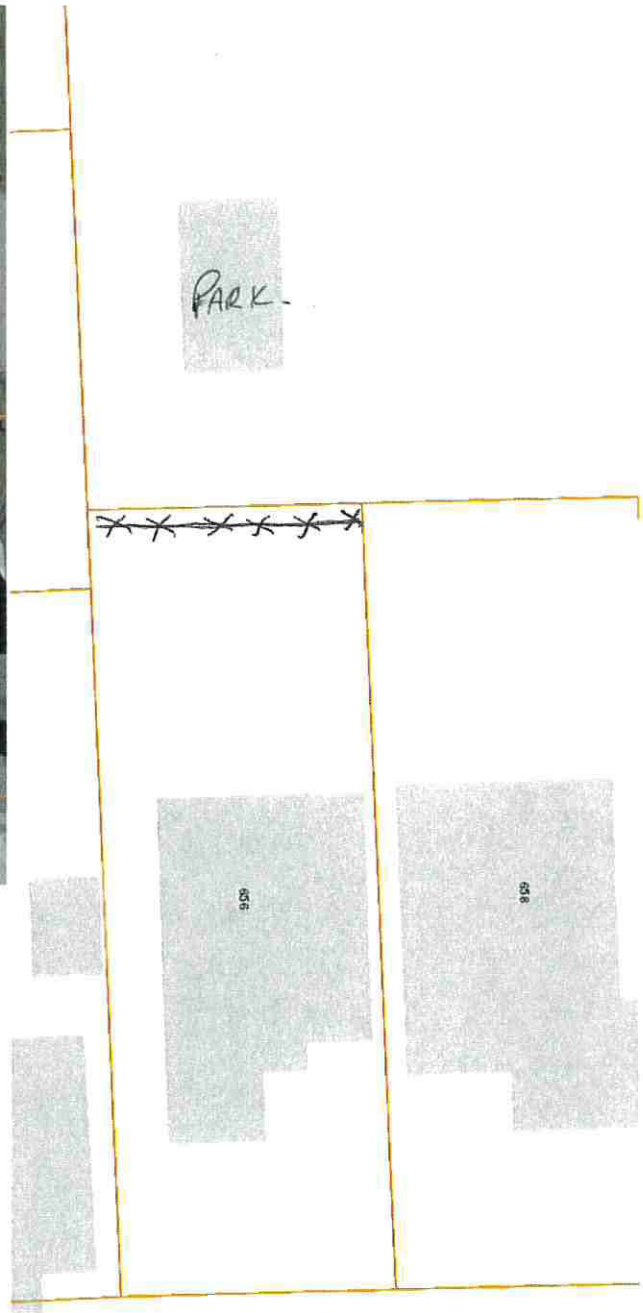
Comments: BASKETBALL COURT & PARK ARE IN THE BACK. BALLS COME INTO THE YARD. REGULARLY. WE HAVE 2 DOGS THAT HANG IN THE BACK YARD. KIDS JUMPING FENCE.

Applicant Signature Rob McCull Date: AUG 15/18.

Office Use Only:

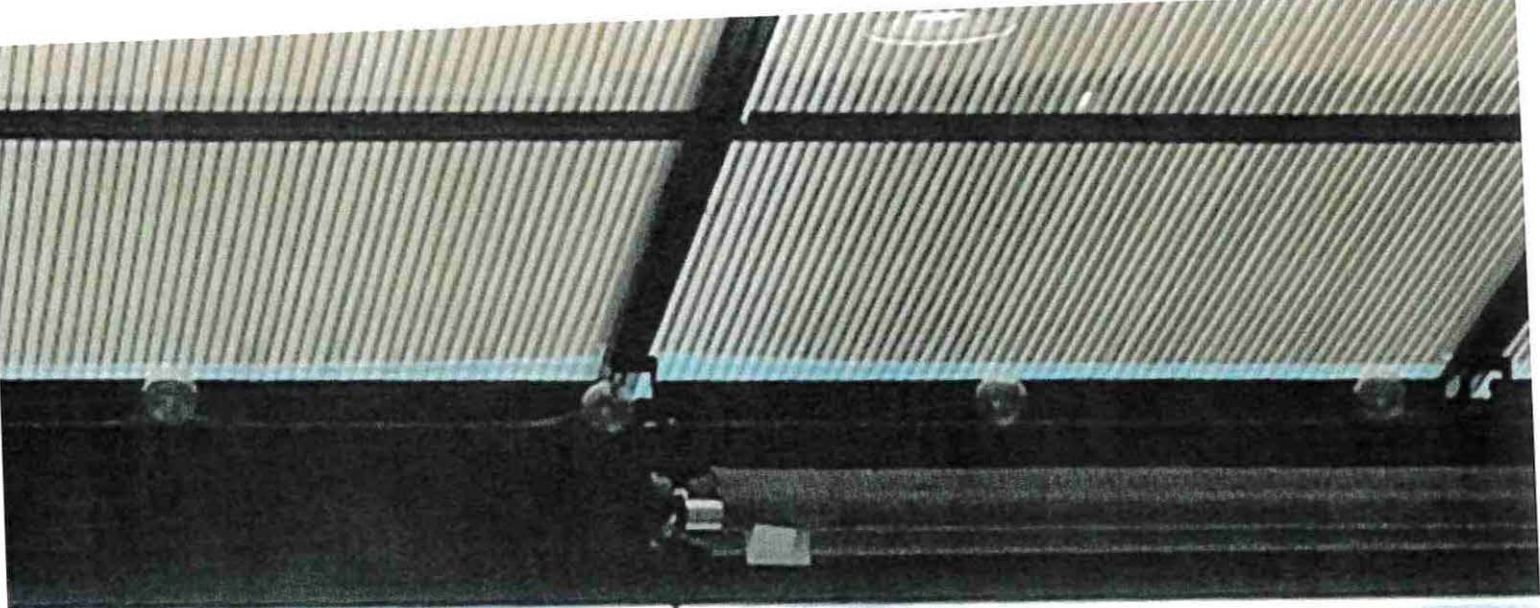
Variance Fee	\$450.00	Zoning	
Paid by:	<u>AUG 15 2018</u>	Date	<u>AUG 15/18</u>

# SITE PLAN.



656 FIELDEN AVE







Report Number: 2018-120

Date: August 27, 2018

Subject: Encroachment Request - 162 West Street

### 1) PURPOSE

This report was prepared by Sherry Hanson, Supervisor, By-law Enforcement Division under the direction of Dan Aquilina, Director of Planning and Development. The purpose of this report is to present Council with an encroachment request from the tenant Jesse Boles of the Green Apple Coffee House to have patio tables and chairs on West Street.

### 2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The Encroachment application fee has been temporarily waived as per Council directive. The owner of the property as well as the tenant are required to sign the License Agreement regarding the encroachment of two (2) tables and four (4) chairs. Encroachment requirements:

- Complete application form and pay (payment temporarily waived);
- Provide site plan of proposed encroachment;
- Provide \$5 million liability insurance naming the Corporation of the City of Port Colborne and the St. Lawrence Seaway Management Corporation as additional insured with a 30-day cancellation certificate;
- Both Owner and Tenant to sign and abide by the Encroachment License Agreement;
- Unobstructed pedestrian corridor minimum 1.54 m (5');
- \$50 yearly renewal fee (fee temporarily waived) and current insurance.

### 3) STAFF COMMENTS AND DISCUSSIONS

#### By-law Enforcement Division Comments:

By-law Enforcement offers no adverse comments to this application.

#### Engineering Division Comments:

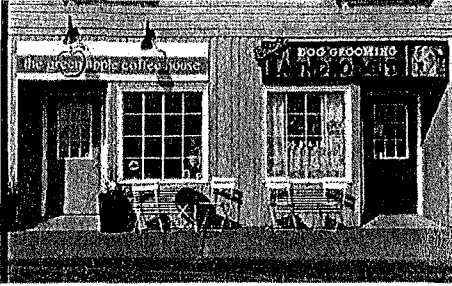
The Engineering Division offers no adverse comments to this application.

#### Building Division Comments:

The Building Division offers no adverse comments to this application.

#### Planning Division Comments:

The Planning Division no adverse comments to this application.



**4) OPTIONS AND FINANCIAL CONSIDERATIONS**

**a) Do Nothing**

If Council chooses to do nothing, the owner will not be able to move forward with the patio tables and chairs.

**b) Other Options**

This section is not applicable.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

This section is not applicable.

**6) ATTACHMENTS**

Appendix 1 – Proposed Application

**7) RECOMMENDATION**


That the encroachment application be approved for 162 West Street and that staff be authorized to enter into a License Agreement with the applicant, owner, and the St. Lawrence Seaway Management Corporation.

**8) SIGNATURES**

Prepared on August 8, 2018 by:

  
Sherry Hanson, C.P.S.O.  
Supervisor, By-law Enforcement Division

Reviewed by:

  
Dan Aquilina, RPP, MCIP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:

  
C. Scott Luey  
Chief Administrative Officer



# ENCROACHMENT APPLICATION

RECEIVED  
JUN 27 2018  
BUILDING DEPT.



## WHAT YOU NEED TO START

- Complete the below application
- \$300 Application fee or (\$150 if in the CIP area) \$60 Register Encroachment on Title
- Apply for CIP Funding if available
- Be able to obtain and provide \$2 or \$5 million dollars liability Insurance, naming the City as additional Insured with a 30 day cancellation certificate. (depends on the nature of the encroachment)
- Attached a sketch/ site plan of the proposed encroachment with accurate measurements
- Specify the dates and times required for the encroachment

### 1. APPLICATION

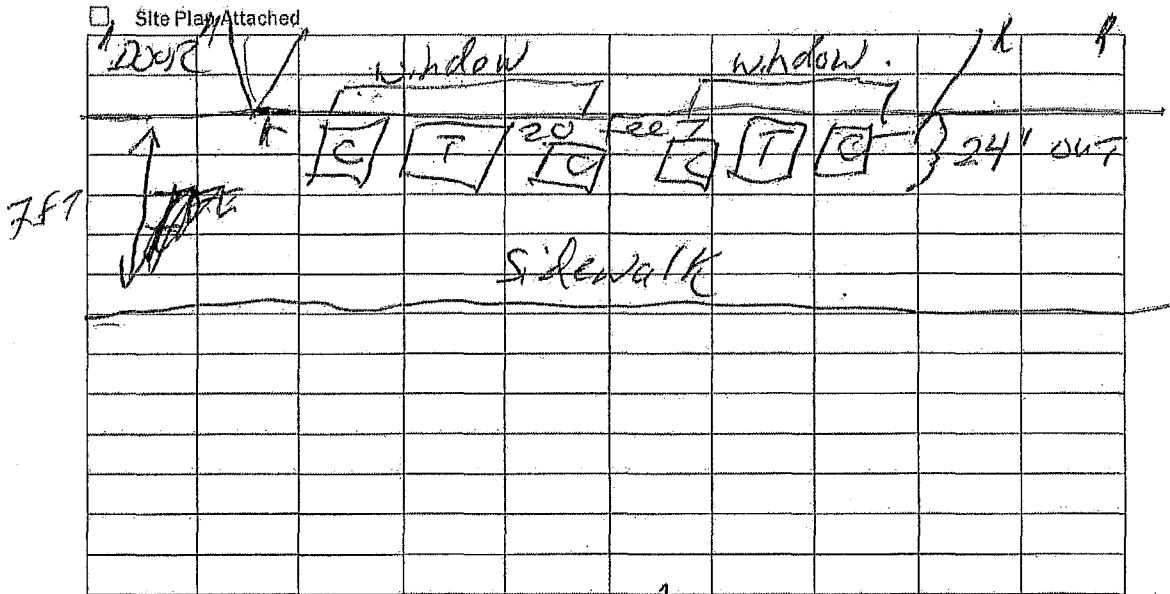
<input checked="" type="checkbox"/>	Applicant	The Green Apple Coffee House
	Name	Jesse William Boles
	Address	Unit 2 - 162 West St.
	Phone Number	905 834 7528
	Email Address	greenapplecoffeehouse@gmail.com
<input checked="" type="checkbox"/>	Owner	
	Name:	
	Address:	
	Phone Number:	
	Email Address:	

### 2. THE ENCROACHMENT

<input checked="" type="checkbox"/>	Location of Encroachment	Sidewalk
	Address:	Unit 2 - 162 West St.
	Roll Number	
	PIN#	
	Legal Description	
<input type="checkbox"/>	Type of Encroachment	
<input type="checkbox"/>	Awning	<input checked="" type="checkbox"/> Tables and Chairs - No Alcohol
<input type="checkbox"/>	Sign	<input type="checkbox"/> Tables and Chairs - Alcohol is being served
<input checked="" type="checkbox"/>	Bench	<input checked="" type="checkbox"/> Encroachment located on St. Lawrence Management Corporation Property
<input type="checkbox"/>	Ramp	<input type="checkbox"/> Other - Specify

<input type="checkbox"/> Duration of Encroachment	SEASONAL May - OCTOBER
Seasonal - specify dates and times	
Permanent - year round	
Temporary - Specify dates	
Other:	

3. SITE PLAN



4. SIGNATURE

2 TABLES w/ chairs in front of windows

Date:	June 27, 2018
Print Name:	Jesse BOLES
Signature:	<i>Jesse Boles</i>

5. OFFICE USE ONLY

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Form Complete      | <input type="checkbox"/> Site Plan complete       | <input type="checkbox"/> \$2 Million Insurance        |
| <input type="checkbox"/> Owner of property  | <input type="checkbox"/> Building Permit Required | <input type="checkbox"/> \$5 Million Insurance        |
| <input type="checkbox"/> Tenant of property | <input type="checkbox"/> CIP Funding available    | <input type="checkbox"/> Registered on Title Fee \$60 |
| <input type="checkbox"/> Seaway Property    | <input type="checkbox"/> Regional Property        | <input type="checkbox"/> New Application              |
| <input type="checkbox"/> Fee paid \$300     | <input type="checkbox"/> Fee Paid \$150           | <input type="checkbox"/> Renewal                      |
| <input type="checkbox"/> Reviewed By: _____ | <input type="checkbox"/> Other: please specify    |   |





## Fire and Emergency Services Department

Report Number: 2018-92

Date: August 27, 2018

**SUBJECT: Municipal Establishing and Regulating By-Law**

### **1) PURPOSE**

The Fire Chief prepared this report to provide City Council with information concerning proposed updates to the City of Port Colborne's Fire Department Establishing and Regulating By-law. The Fire Marshal provided information in October 2017, identifying several areas that must be included within the by-law.

### **2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The City of Port Colborne's Fire Department Establishing and Regulating By-law was last updated in 2007. Although the by-law has served the City and its Fire Department well, several things required updating. Some of those changes are part of the Fire Marshals communique dated October 2017, (attached as Appendix "A").

The revised by-law incorporated the changes where needed as well as other minor tweaks that have taken place over the years. These include an updated flow chart that shows how the Fire Department is structured. The updated by-law also includes an up-to-date core service listing (no changes), as well as rules and regulations (no changes) and strategic plan (minor changes to reflect legislative requirements). The changes within the by-law show the existing as well as the proposed changes.

### **3) STAFF COMMENTS AND DISCUSSIONS**

The proposed by-law includes a change to the time required for volunteers to respond to the fire station from their residence from ten (10) minutes to thirty (30) minutes. This will enable the department to recruit from a wider area. The revised by-law also includes the position of Deputy Fire Chief.

The Fire Chief believes the updated version will serve the City well into the future. It reflects the department's current operating procedures, guidelines, policies and the recommendations from the Fire Marshal.

### **4) OPTIONS AND FINANCIAL CONSIDERATIONS**

#### **a) Do nothing**

Not recommended.

**b) Other Options**

It is recommended that Council adopt the proposed establishing and regulating by-law. The proposed by-law confirms the Fire Department's current levels of service, as well as meeting legislative requirements.

**Financial Considerations**

The proposed by-law will not affect the Fire Department's operations or add additional costs that would not normally be addressed through budget deliberations.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

**6) ATTACHMENTS**

Appendix "A" – Communiqué – Fire Marshal – October 2017

**7) RECOMMENDATION**

That the proposed by-law be adopted as the City of Port Colborne's Fire Department Establishing and Regulating By-law, and that By-law No. 5054/109/07 be repealed; and

That the Mayor and City Clerk be authorized to execute the appropriate documents.

**8) SIGNATURES**

Prepared on June 18, 2018

Reviewed and respectfully submitted by:



Thomas B. Cartwright,  
City Fire Chief



C. Scott Luey,  
Chief Administrative Officer

Fire Marshal's

# COMMUNIQUE

du commissaire des incendies

## MUNICIPAL ESTABLISHING AND REGULATING BYLAWS

### Communiqué 2017-06

October 10, 2017

In accordance with **recommendations** from the jury of the coroner's Inquest into the deaths of Gary Kendall and Adam Brunt, the Office of the Fire Marshal and Emergency Management (OFMEM) is providing information to Ontario fire departments about establishing and regulating bylaws for fire department services, and encouraging them to review their respective establishing and regulating bylaw in regard to "Ice / cold 'swift' water rescue services", if applicable in their jurisdiction.

The administration and governance of a fire department may be guided by an establishing and regulating bylaw, other municipal bylaws<sup>[1]</sup>, council resolutions, agreements, policies, operating guidelines, and the interaction of the fire department with other municipal services, departments, committees and officials. Through bylaws and resolutions, municipal council has the means to identify the core services of the fire department, and the types and level of fire protection services it provides, based on local needs and circumstances.

Please note that, under section 14 of the *Municipal Act, 2001*, when there is a conflict between a bylaw and a provincial or federal statute or regulation, the latter prevails.

An establishing and regulating bylaw is a municipal council document outlining policy for fire departments. It can be used to show how the municipality delivers fire protection services it has determined are necessary according to its needs and circumstances, as is required by the *Fire Protection and Prevention Act, 1997* (FPPA). An establishing and regulating bylaw can state the type and level of fire protection services provided and may include policy direction in the following areas:

- legislative/regulatory requirements that may affect the delivery of fire protection services (e.g., FPPA, *Occupational Health and Safety Act*, and *Environmental Protection Act*);
- Fire Marshal directives;
- best practices (e.g., Ontario Fire Service Section 21 Advisory Committee guidance notes, National Fire Protection Association standards);
- general functions and core services to be delivered;
- goals and objectives of the fire department;
- general responsibilities of fire department personnel;
- organizational structure;
- authority to proceed beyond established response areas;
- authority to apply costs to property owners for fire investigations; and
- authority to effect necessary fire department operations, in consultation with the municipality's legal resources.

When setting or amending the levels of service in the establishing and regulating bylaw, municipal council, in consultation with the fire chief, should keep in mind the following considerations:

- the current needs and circumstances of the municipality;
- requirements and expectations, such as the following:
  - training requirements based on current standards and practices;
  - acquisition and maintenance of appropriate equipment; and
  - appropriate record keeping.
- the extent of fire department funding necessary to achieve and maintain the stated levels of service.

The OFMEM recommends that municipal councils review their establishing and regulating bylaws annually to ensure the level of services they are providing are in accordance with the current needs and circumstances of their municipality.

Fire chiefs are encouraged to share the present communiqué with municipal councils and clerks, as appropriate.

Enquiries regarding establishing and regulating bylaws should be directed to Field and Advisory Services; staff members can be reached by telephone at 1-844-638-9560 (toll free) or by e-mail at **OFMEM-FAS-AA@ontario.ca**.

[1] These bylaws may include bylaws to authorize or regulate the following; records retention; service delivery agreements (e.g., for inspections or investigations); open air burning; fees for service; cost recovery for demolition during fire suppression and fire investigations; safe handling, storage, sale and discharge of fireworks; and anything requiring council authorization by law.



Report Number: 2018-115

Date: August 27, 2018

**SUBJECT: COST RECOVERY PROGRAM**

**1) PURPOSE**

The Fire Chief prepared this report as a result of a decision made by Council at its April 23, 2018, meeting to investigate further cost recovery opportunities from insurance providers.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

Report Number 2018-48, dated April 23, 2018, was presented to Council at which time a proposal by Fire Marque was discussed. The cost recovery proposal dealt with recovery of costs for fire fighting services through already existing insurance policy formats that provide fees for service in cases of fires on properties or in structures. Fire Marque has provided a collection service for numerous clients/municipalities for a number of years.

It was determined that most insurance policies do, in fact, have a section that will pay fire departments a fee for services. Those fees vary from policy to policy and are dependent on premiums paid and the value of the policy.

Staff met with the City's Broker, Tim McAvoy, of McAvoy, Belan and Campbell and discussed various options. Mr. McAvoy researched this opportunity and reported back to the Corporation. A request for proposal was prepared and circulated by Mr. McAvoy. The results of the proposal, as well as a recommendation by Mr. McAvoy are attached as Appendices "A", "B" and "C".

**3) STAFF COMMENTS AND DISCUSSIONS**

The results of Mr. McAvoy's proposal offer the following five options:

- a) Do Nothing
  - Continue to respond to fires and forego charging/billing the insurance companies, where applicable.
- b) Passive Approach
  - Provide a letter to the property/vehicle owner asking them to submit the Fire Department's cost/bill to their insurance company.
  - City would receive 100% of the recovered costs.

- c) Direct Approach
  - Fire department would bill the insurer directly with the knowledge and consent of the property/vehicle owner.
  - City would recover 100% of the recovered cost.
- d) Third Party Approach
  - All incidents are forwarded to an outside firm.
  - Third party fees would be applicable.
  - No staff time.
- e) Hybrid Approach
  - Direct approach by staff.
  - Use passive approach, as necessary.
  - Use a third party, as necessary.

Concerns have been raised about the addition of fees. Although the City of Port Colborne currently does not charge fees for several fire fighting services, an in-depth fee schedule does provide opportunities to collect fees under certain circumstances.

The currently proposed fees would only be charged if the property/vehicle owner's insurance policy provided the coverage and only up to the maximum payable. Appendix "C" outlines varying options with respect to this matter. The constant is that the property/vehicle owner will not be charged a fee for fires unless it is otherwise identified within the City's current fee schedule.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS**

The Fire Chief recommends that funds raised through this initiative be put in a reserve fund for Fire Department purchases of major capital equipment such as vehicles/engines, rescue equipment and breathing apparatus. Council has been advised that equipment such as this has a dedicated life span and requires funding. A source of funding such as what is being proposed would assist in deferring some of those costs.

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

#### **6) ATTACHMENTS**

- a) Appendix "A" – Request for proposal
- b) Appendix "B" - Analysis of cost recovery
- c) Appendix "C" – Mr. McAvoy's report dated July 6, 2018
- d) Appendix "D" – Insurance Bureau of Canada
- e) Appendix "E" – Report Number: 2018-48 (dated April 23, 2018)
- f) Appendix "F" – Information from Fire Marque

**7) RECOMMENDATION**

That option number 5 outlined in Fire and Emergency Services Department Report 2018-115 and as provided for in Mr. McAvoy's report attached thereto, be adopted, requiring City staff to bill for fire fighting services using a third party, as necessary; and

That Segwick Canada be authorized to support the billing for fire fighting services; and

That staff be directed to modify the Fire Department's fee schedule to reflect the fees using the applicable Ministry of Transportation hourly rate; and

That funds raised as a result of billing for fire fighting services be transferred to a Fire Department major capital reserve fund for purchases such as apparatus, rescue equipment and breathing apparatus, etc.

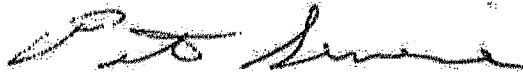
**8) SIGNATURES**

Prepared on August 13, 2018

Reviewed by:



Thomas B. Cartwright,  
City Fire Chief



Peter Senese,  
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey,  
Chief Administrative Officer



June 11, 2018

**Request for Proposals: Port Colborne Fire Department Cost Recovery Program**

Purpose

The City of Port Colborne, herein referred to as the City, wishes to obtain proposals from Proponents who are willing to assist in the recovery of costs incurred from dispatched Fire Department calls.

History

Other than MTO regulated recoveries, the City has only sought cost recovery for fire calls in unusual circumstances such as arson. As such, this would be a new program.

Required Information for the Proposal

Each Proponent is encouraged to provide a formal proposal outlining their organization's services and attributes. At a minimum, the proposals need to address the following:

- Outline the process to be used where costs will be recovered on behalf of the City including the handling of citizens with limited insurance coverage or who do not submit a claim
- Outline the fee schedule to be used and provide any tiered pricing options
- A complete copy of the contract that the City would have to sign
- Outline any available hybrid solutions where the City may handle certain claims
- Describe what resources are required of the City
- Provide the qualifications for the individuals dealing with the citizens of Port Colborne including their:
  - Designations
  - Licensing
  - Education
- Advise if the individuals working on behalf of the City are direct employees, sub-contractors or both. If both provide the circumstance as to when & how engaged.
- If sub-contractors are used, what additional fees are involved and what, if any fees, are apportioned to the City
- How inter-municipal agreements are handled
- Describe the legal resources you may have, how or when they would be used and if the use of legal would accrue additional costs to the City



Insurance

In the event that their operations bring a legal action against the municipality, the City requires their contractors to carry a Commercial General Liability policy for no less than \$5,000,000 (five million dollars). Please provide a certificate detailing your current coverage and confirm that, in the event that a contract is agreed upon, the City will be added as an Additional Insured.

Submission Deadline

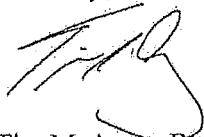
Proponents will submit their proposals no later than 3:00 pm, June 22, 2018.

Proposal Submissions & Questions to submitted in writing as follows via Canada Post,

Courier or email to:

Tim McAvoy  
McAvoy, Belan & Campbell Insurance and Financial Services Ltd.  
350 King Street  
Port Colborne, ON, L3K 4H3  
tmcavoy@mbcfinancial.ca

Sincerely,



Tim McAvoy, B.A., R.I.B.  
CEO McAvoy, Belan & Campbell

**Analysis of Fire Cost Recovery Proposals**

	<b>Fire Marque (FM)</b>	<b>Segwick / Cunningham-Lindsey (SCL)</b>
<b>Outline the process to be used where costs will be recovered on behalf of the City including the handling of citizens with limited insurance coverage or who do not submit a claim</b>	Under the Federal Definition of Indemnification Technology©- only the insurance company pays. If the property owner doesn't put in a claim in to his insurance company, no claim is put in by Fire Marque. If there is a caveat or a limitation of coverage on the property owner's policy, the recovery is made up to the Fire Department Coverage limits of the policy.	The City would have final oversight on pursuing the party responsible for payment in legal action or deciding whether the City will choose to abandon its pursuit of recovery. We understand and acknowledge that certain cases may be abandoned due to the circumstances of the parties involved.
<b>Outline the fee schedule to be used and provide any tiered pricing options</b>	30% (plus applicable taxes) of all recovered costs in the initial contract	25% up to \$7,500 20% of \$7,501 to \$12,500 15% of \$12,501+ \$95 fee per file handled
<b>A complete copy of the contract that the City would have to sign</b>	Agency Agreement provided	Service Agreement provided
<b>Outline any available hybrid solutions where the City may handle certain claims</b>	None offered	The City would have the ability to triage the assignments and assign only the files they wish for SCL to manage on their behalf.
<b>Resources required of the City</b>	Provide FM with all the completed Incident Reports relating to its attendance at all Incident Sites during the period, setting forth in reasonable detail the services provided and the costs and expenses incurred by the Fire Department in attending such Incident Sites and providing information as to the applicable insured, the insurance company and the policy number of the Incident Site.	The City would be required to facilitate and document the services rendered by the fire department. The invoices and fees will be required to be broken down to outline the number of hours, personnel and disbursements incurred in order to properly pursue recovery. Otherwise, no additional resources would be required of the City.

<b>Provide the qualifications for the individuals dealing with the citizens including their Designations, Licensing, Education</b>	None provided. Firm has all required Provincial and Federal Licenses	CVs provided for the proposed account manager, district manager and dedicated adjuster, outlining their designations, licensing and education. Each person is a licensed multi-line adjuster in Ontario
<b>Advise if the individuals working on behalf of the City are direct employees, sub-contractors or both. If both provide the circumstance as to when &amp; how subs are engaged</b>	Direct employees of FM. No location specified. No sub-contractors	Direct employees of SCL located in St. Catharines. No sub-contractors
<b>Inter-municipal agreements</b>	The Municipality shall negotiate an appropriate allocation of the Emergency Cost Recovery Proceeds with Third Party Fire Departments. In the event a distribution cannot be agreed upon, FM may choose to force a legal action and pay the recovered funds into court.	Inter-municipal agreements are managed by review of the agreement, and liaison contacts within the agreement are observed and managed. Should there be a relief or outlined deferral in the agreement, SCL would require the City to review and confirm alternative handling for the recovery of the fire department fee.
<b>Legal resources you have, how or when they would be used and if the use of legal would accrue additional costs to the City</b>	Have corporate law firm and in-house council. No extra cost to the City	SCL does not employ legal providers to act on behalf of a client. In the event the City has no preferred legal provider, the account manager would make a recommendation for appropriate counsel who would act in the best interests of the City
<b>Insurance:</b>	\$2,000,000 Commercial General Liability \$2,000,000 Professional Liability \$50,000 Fidelity	\$6,000,000 Commercial General Liability \$10,000,000 Professional Liability \$5,000,000 Fidelity
<b>Termination of contract</b>	30 days	60 days



McAvoy, Belan & Campbell  
Insurance and Financial Services Ltd.

July 6, 2018

To: City of Port Colborne  
Att: T. Cartwright, Fire Chief  
From: Tim McAvoy, McAvoy, Belan & Campbell (MBC)  
Re: Fire Department Cost Recovery Program

#### Background

The City was approached by a firm requesting the opportunity to provide a service whereby they would recover Fire Department costs, from dispatched calls, when a property owner submitted an insurance claim and their policy provided the applicable coverage. Staff was directed to provide more information, and to look at all potential options. In meeting with the Fire Chief, DCCS and CAO, it was decided to seek out proposals from interested parties and examine internal options.

#### Identified Alternatives

Three potential alternatives to recover Fire Department fees were found:

- 1) Fire Marque Inc.
- 2) Segwick CMD Canada Inc. (formerly Cunningham-Lindsey Insurance Adjusters)
- 3) Port Colborne Fire Department Staff

Request for Proposals were sent to the first two and information was gathered from the third. Please refer to **Appendix A** for the RFP outline and **Appendix B** for a summary of the answers.

#### Information gathered from the Fire Department

MBC conducted interviews with Fire Department staff which is summarized below.

- The department responds to approximately 30 property fires a year with 15-20 being potentially billable
- Other calls involve vehicle fires and those on MTO controlled roads are already being billed back to the owner's insurance
- Fire incidents are initially handled by Fire Services people who automatically obtain the necessary insurance information within hours. Information gathered is password protected and stored in Lotus Notes
- In many instances the insurer's adjuster initiates contact with the department
- Staff time is available for handling a small number of recovery files

### Summary of Results

Fire Marque identified a large list of municipal clients and specializes in Fire Department cost recovery. They referenced collecting funds through "Indemnification Technology®" but did not provide any information regarding the function of this "Technology" nor if it affects collection results. They have their own legal resources which, if required, are at no additional cost. They provided no information regarding their employees' qualifications. Liability insurance limits are lower than what the City requires. Their Agency Agreement obligates the municipality to turn over all files to them for recovery. Their fee is 30% of collected funds regardless of size.

Segwick Canada carries out all forms of subrogation work but does not specialize in Fire Department cost recovery. They have carried out subrogation work for the City in the past. They would use licensed adjusters for their cost recovery. They provided satisfactory answers to the required items in the RFP. They would allow the City to triage the claims and employ them when we choose to. They charge a flat fee of \$95 per file assigned and the recovery percentage, starting at 25%, reduces to 15% for larger claims.

The Fire Department currently has basic knowledge in cost recovery via the MTO claims. Staff time is available to handle a small number of claims but there may be a lack of expertise if more complicated issues arise. Vital insurance information, needed for any recovery, is automatically gathered by the Fire Department. Assistance from MBC, and perhaps the City's Adjuster, would be required to design a process and draft sample correspondence.

### Options

- 1) Do nothing
- 2) Passive approach
  - o Letter to citizen asking them to submit the Fire Department costs if they are making an insurance claim
  - o Follow-up phone call to assess potential
  - o 100% of recovered cost are retained
- 3) Direct Approach
  - o The Fire Department is often contacted by adjusters to confirm the exact circumstances of a fire prior so they may process their Insured's claim.
  - o The Insurer's information, including the available policy coverage, would be at hand and the Department would invoice them directly
  - o 100% of recovered costs are retained

4) Third Party Approach

- All incidents are automatically forwarded to an outside firm for handling.
- Third Party fees are deducted for a lower net recovery
- No extra staff time is required

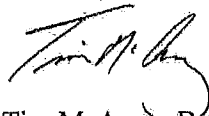
5) Hybrid Approach

- For those Insurers who contact us, the Direct Approach would be used
- For those incidents where we are not contacted by the adjuster, the Passive Approach would be used
- For circumstances where the Passive or Direct Approach isn't appropriate or isn't working, use the Third Party to assist. Examples:
  - Catastrophe incident
  - Too many claims to handle
  - Extra expertise required
  - Unknown Insurer

Recommendation

If a cost recovery program is adopted, I have not seen any evidence that automatically using a Third Party would generate the best overall return. I believe the Fire Department has sufficient resources on hand to recommend Option 5 (the Hybrid Approach) on a twelve-month trial basis. Based on their superior proposal, I would further recommend that Segwick Canada be contracted to provide support on any files we need assistance on.

Sincerely,




Tim McAvoy, B.A., R.I.B.  
CEO McAvoy, Belan & Campbell


# Are fire service charges fair or necessary?


0 Comments ([https://www.insblogs.com/uncategorized/are-fire-service-charges-fair-or-necessary/8482#disqus\\_thread](https://www.insblogs.com/uncategorized/are-fire-service-charges-fair-or-necessary/8482#disqus_thread))


August 7, 2018 at 10:12 am by Steve Kee (<https://www.insblogs.com/author/stevekee>)


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A letter from Amanda Dean, Vice-President, Atlantic Canada, Insurance Bureau of Canada:

Saint John City

(<http://www.saintjohn.ca/en/home/default.aspx>)

Council recently enacted the Fire Protection Fees By-Law, which establishes fees to be paid by property owners or occupants to cover the city's costs of responding to fires on private property. Many property

owners might assume that the cost of fire services is included in their municipal taxes, but this new by-law allows the city to collect for a second time by charging an additional fee payable by the property owner or occupant.

Homeowners who have suffered a loss resulting from fire can now expect a bill for fire response services from the municipality or its third-party collection organization. Depending on their insurance coverage, homeowners may be able to submit the bill to their insurance company and be reimbursed. The municipality's claim, based on inaccurate information that its officials received from a vendor, that a third-party service provider will be able to bill insurers directly is misguided.



Since the municipality is not a named party in the homeowner's insurance contracts, it cannot enable a third party to submit claims on its behalf directly to the insurer, without the consent of the property owner or occupant.


It's also unclear if all property owners and occupants will be made to pay the extra charge. It is Insurance Bureau of Canada's (<http://www.IBC.ca/nb/>) understanding that the municipality and third-party service provider do not intend to recover costs from those who don't have insurance coverage. Not every Saint John resident will have insurance coverage for fire service charges. Some residents may have only a limited amount, if any insurance at all. Does this mean the municipality will collect more from homeowners who have a higher amount of coverage? It appears that the third-party service provider will make arbitrary assessments on the amount that can be extracted from Saint John taxpayers. This is not equal treatment.


Based on the by-law and city Council's related discussion, IBC believes that Council's decision-making process has been based on incomplete or incorrect information, which could have unintended effects on residents. Insurance works because the losses of few are paid for by the premiums of many in a given year. Funds are not set aside for individuals but rather are pooled together and drawn from when a claim occurs. If more money is drawn from the pooled funds in Saint John than what is contributed, claims costs will go up – and we all know that claims costs affect premiums.


It's troubling that so little information was gathered on this issue. What little information city Council did have was provided by the third-party service provider, who stands to profit from this new arrangement. IBC is willing to work with any municipal official to provide accurate information about how insurance works.


I personally urge the municipality of Saint John to give the Fire Protection Fees by-law a sober second look and reconsider whether it is in the best interest of the residents of Saint John.


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Fire and Emergency Services Department

Report Number: 2018-48

Date: April 23, 2018

**SUBJECT: Fire Marque Indemnification Technology®**

**1) PURPOSE**

This report was prepared by the Fire Chief as a result of an inquiry from Mr. Chris Carrier, National Municipal Accounts Manager, Fire Marque.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

Fire Marque is a licensed Canadian company that could provide funding to the Fire Department by billing insurance companies when the City's Fire Department responds to fires.

A modification of the City's fee schedule established for the Fire Department under By-law No. 6558/13/18 would be required. In addition, a by-law entering into an agreement with Fire Marque and the Corporation of the City of Port Colborne would also be required. The Fire Marque program would not cost the municipality any money. A percentage of the fees collected would be retained by Fire Marque.

Some frequently asked questions are the following:

**Will local insurance rates go up as a result of the Fire Marque program?**

No. Property insurance policies already have fire department expense coverage in it.

**Why do auto premiums go up after an accident and property premiums do not?**

Auto policies are rated on the driver's driving record including the driver's age, sex, experience, vehicle use, as well as the type of vehicle driven. Any changes, such as an accident or ticket, will result in a driving record adjustment and therefore, may result in a premium change.

Property insurance is rated on the building and contents. Some of the factors underwriters consider include: how close a building is to a fire hydrant, what the replacement cost of the building is and whether there is an alarm system, a wood stove, etc.

**When Fire Marques' invoice is more than the insurance coverage, what happens then?**

The insurance company will pay the claim to the limit of the policy's coverage. The municipality absorbs the balance.

**Property taxes include the cost of fire department services, so is the department charging again for their service?**

No, the municipality is not charging again. The property owner has already paid for fire department expense coverage in their insurance policy. Indemnification Technology® makes it possible to tap into that coverage.

**Does Fire Marque have a legal right to claim reimbursement of these expenses?**

Yes, In addition to the user's fee schedule by-law, Fire Marque sets up an agreement with the municipality. This gives Fire Marque the legal right to collect funds through Indemnification Technology®. All municipal agreements are available under the Freedom of Information Act.

**Do the funds Fire Marque collects go to the Fire Department?**

Yes, all funds must go to the Fire Department. That is clearly stipulated in the legal agreement between Fire Marque and your municipality.

**What happens if the insurance company simply does not pay?**

In such cases, Fire Marque makes a request to the Superintendent of Insurance to investigate in accordance with the Insurance Act. When an insurer charges a premium for a coverage, they are obligated to pay the claim as per the coverage.

**What happens if there is a disagreement with the costs?**

Fire Marque invoices are in accordance with the established Provincial Transportation Rates and the municipality's by-laws. Should a disagreement arise, Fire Marque sits down with the insurance company and discusses the costs to reach a resolution.

**What happens with any personal information collected?**

As per Fire Marques' Privacy Policy, personal information is deleted from records after the file is paid or closed.

**Will the Fire Department charges reduce the insurance payout or the amount of insurance coverage for the property policy holder?**

No. The coverage for Fire Department expenses in a property policy is usually over and above the policy limits. However, on some policies the Fire Department Expense Coverage is part of the limits of the total coverage. For example, if the cost to put out the fire is \$10,000 and the remaining coverage available after the structure is rebuilt is only \$5,000 then the recovery would only be \$5,000. Fire Marque will only submit a claim for fire department expense coverage according to the limits and wordings of the insurance policy. This is defined in the federal definition of Indemnification Technology®.

Within many insurance policies the following statement appears:

#### Fire Department service charges

- We will pay for the reasonable additional expenses you incur when the fire department is called to save or protect "covered property" from "covered cause of loss" occurring at a "premise".
- Fire department service charges are those resulting from the cost of fire extinguishing materials expended and:
  - a) assumed by contract or agreement prior to loss or damage; or
  - b) required by local ordinance

### 3) STAFF COMMENTS AND DISCUSSIONS

The Fire Chief has discussed this opportunity with the Chief Administrator Officer, as well as senior staff. Additionally, members of Council, specifically the Mayor, was approached at a recent AMO Conference by a representative of Fire Marque. A decision was made that a brief report should be provided to Council as well as asking a representative of Fire Marque to attend a Council meeting to answer any questions that members of Council may have.

This proposal/program does provide additional funding opportunities that can be added to the Fire Department's fee schedule. Funds raised through this program must be earmarked towards fire equipment, public education and fire safety programs within the city.

Those yet to be determined amounts would allow on-going safety programs to continue to be funded with limited strain on budgets. Indicated within the information provided by Fire Marque that only the insurance companies will be billed and not the homeowner. Should there be no homeowner insurance no bill would be processed.

### 4) OPTIONS AND FINANCIAL CONSIDERATIONS

#### a) Option 1

Council could determine that it does not want to enter into an agreement with Fire Marque.

**Not Recommended**

#### b) Option 2

Council could determine that an agreement with Fire Marque would be beneficial to the City and provide additional funding that would have no negative affect on taxpayers.

**Recommended**

#### Financial Considerations

Should Council determine that the City should enter into an agreement with Fire Marque

the City will receive 70% of all money collected. The fees are based on the current appraisal rate at the time of the call, plus the wages of those attending the call.

Example: Three apparatus - \$459.45 times 3

Wages – full-time – per person

Wages – volunteers - person

The Fire Department operates within a point system. Rate would be determined off the average point value of the previous year. For example: 2017 rate was approximately \$42 per hour.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

**6) ATTACHMENTS**

Appendix "A" – List of Municipalities participating in program.

**7) RECOMMENDATION**

That entering into an agreement with Fire Marque be approved; and

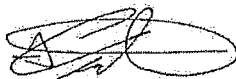
That the Mayor and City Clerk be authorized to execute the agreement with Fire Marque; and

That the City's fee schedule be amended incorporating the appropriate fees as per the agreement with Fire Marque.

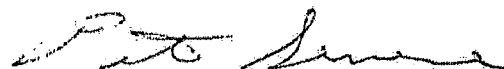
**8) SIGNATURES**

Prepared on March 26, 2018

Reviewed by:



Thomas B. Cartwright,  
City Fire Chief



Peter Senese,  
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey,  
Chief Administrative Officer



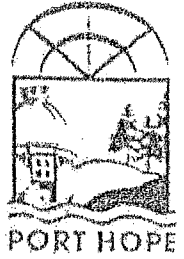
# Some of Fire Marque's Clients



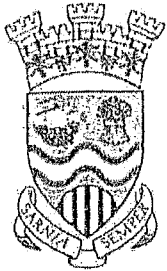


The City of *Temiskaming Shores*

**WAWKESBURY**



# Some of Fire Marque's Clients



Hanover



TOWN OF **Lincoln**



KITCHENER



**Brock**  
breathe it in.



West Nipissing Quest



BRACEBRIDGE

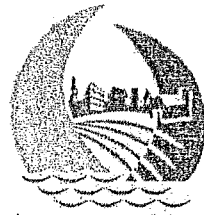
**GODERICH**



CLEARVIEW



**Oshawa**  
Prepare To Be Amazed

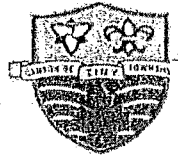


Clarence-Rockland



TOWN OF **WHITCHURCH-STOUFFVILLE**

*Mapleton*



THE CORPORATION OF THE TOWN OF **GANANOQUE**

TOWNSHIP OF **CAVAN MONAGHAN**



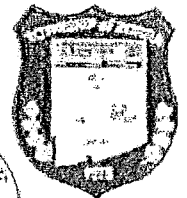
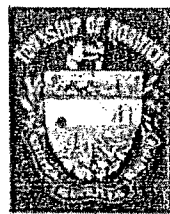
Chatsworth



Centre Wellington

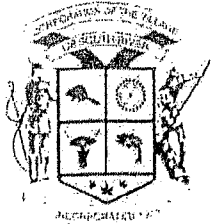


**NORTH BAY**



French River  
Municipalité de la Rivière des Français

Lucan Biddulph

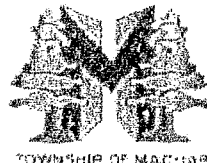


**BROCKVILLE**  
CITY OF THE 1000 ISLANDS



The Township of Perry  
Municipalité de la Vallée de la Rivière de la Perle

TOWN OF **ERIN**



**NORTH HURON**





Indemnification Technology®

May 29, 2018

The Corporation of the City of Port Colborne,  
66 Charlotte Street,  
Port Colbourne, ON L3K 3C8

**Re: The Fire Marque Program**

Dear Mayor Maloney and Members of Port Colborne Council,

Thank you for considering the Fire Marque Program.

Prior to deciding whether the City will be adopting the Fire Marque Intellectual Property into your Fees and Charges By-Law, I'd like to provide some background information as to why you (and other municipalities) routinely experience "push back" from Insurance Brokers.

Brokers acknowledge there is Fire Department coverage in your residents' insurance property policies. So why not have the insurance companies just honour the coverage they are the charging the residents for?

The answer is somewhat complex.

Under the law, Brokers are deemed to be "agents" of the insurance companies. The Ontario Insurance Act, R.S.O. 1990, c. I.8 states:

Agent or broker deemed to be insurer's agent

*394 (1) An agent or broker shall, for the purpose of receiving any premium for a contract of insurance, be deemed to be the agent of the insurer despite any conditions or stipulations to the contrary.*

A broker is paid in two ways:

First, brokers always receive a commission that may vary between 7.5 and 27.5% when the policy is sold.

East Office  
P.O. Box 2018  
Thornton, ON  
L1T 2N0

www.firemarque.com  
Toll Free: 1-855-424-5991  
Tel: 705-424-5991  
Fax: 705-424-5702

West Office  
2050, 11300 Tuscany Blvd. N.W.  
PO Box 27148 Tuscany  
Calgary AB T3E 2V0

Second, brokers are also compensated through a "**Contingent Profit Commission**" scheme which is generally based on the amount of money paid out. Simply put, the less money paid out, the more money a broker makes.

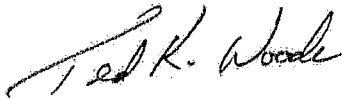
As Joseph Jackson famously said, "It's all about the money."

Enclosed are two articles that you may find of interest related to this matter:

- "What your insurance broker doesn't want you to know," publish twice by the Globe and Mail.
- "Aviva Insurance Company of Canada Broker Compensation" and "Contingent Profit Commission (CPC)" [www.avivacanda.com/legal](http://www.avivacanda.com/legal)

It is our sincere hope that you will join the other Canadian municipalities who are benefiting from the Fire Marque program.

Yours truly,



Ted K. Woods, CET, CIP  
President

Enclosures -2

*East Office*

P.O Box 2018  
Thornton, ON  
L0L 2N0

[www.firemarque.com](http://www.firemarque.com)

Toll Free: 1-855-424-5991  
Tel: 705-424-5991  
Fax: 705-424-5702

*West Office*

2050-11300 Tuscany Blvd. N.W  
P.O Box 27148 Tuscany  
Calgary, AB T3L 2V0





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As the Internet is worldwide if you are visiting this site from outside Canada your visit will necessarily result in the transfer of information across international borders.

By visiting this site and communicating electronically with us you are consenting to these transfers.

#### Aviva Insurance Company of Canada Broker Compensation

As an insurer, Aviva Insurance Company of Canada (Aviva) has agency contracts with insurance brokers who provide advice and purchase insurance cover on their client's behalf.

We take great care to ensure that our brokers who are under contract will operate to the highest professional standards. They earn their brokerage compensation as part of the insurance premium paid in the form of a commission.

Brokers have a duty to disclose their commission earnings on a given policy to their client if so requested. The standard commissions paid by Aviva are:

Private Passenger Automobile	10.0 - 13.5%
Personal Household & Property	15.0 - 25.0%
Personal umbrella	15.0%
Commercial Property	20.0%
Commercial Casualty	20.0%
Commercial automobile	7.5 - 25.0%
Commercial Surety	15.0 - 27.5%
Other classes of insurance	15.0 - 20.0%

Aviva Insurance Company of Canada may from time to time enter into non-standard arrangements which could have compensation terms that fall outside these ranges.

#### Contingent Profit Commissions (CPC)

As part of our contracts with brokers/agents, Aviva recognizes broker efforts through the potential payment of Contingent Profit Commissions. CPC payments are not guaranteed – and are based on a share of the profitability of business submitted by the broker over an extended period – typically 3 years.

Profitability is measured by comparing premium revenue against expenses (eg claims cost, broker commission, staff salaries and premises costs etc).

Between 2010 to 2012, Aviva paid profit commissions of 2.2% of total revenues.

#### Other Services

A small number of Aviva brokers carry out additional services on our behalf. These may include data entry, processing claims payments and conducting site surveys. This additional work is compensated by payment of an agreed fee or commission.

#### Broker Ownership and Business Loans

Aviva, from time to time, has provided and will continue to provide financial support to a small number of brokers/agents for the purposes of succession continuity and business expansion. These may take the form of an equity position or loans. We expect these arrangements would in no way impact the advice given to customers but these ownership and financial arrangements should be disclosed by brokers to their clients.

From time to time, as part of normal business practice, we may invite individuals from broker offices to participate in entertainment events.

If you have any queries, please write to [info@avivacanada.com](mailto:info@avivacanada.com) or contact your insurance broker.

#### Traders General Insurance Company Broker Compensation

As an insurer, Traders General Insurance Company (Traders) has agency contracts with insurance brokers and independent agents who provide advice and purchase insurance cover on their client's behalf.

We take great care to ensure that our brokers and agents who are under contract will operate to the highest professional standards. They earn their compensation as part of the insurance premium paid in the form of a commission.

Brokers and agents have a duty to disclose their commission earnings on a given policy to their client if so requested. The standard commissions paid by Traders vary by the extent to which either the broker, or Traders undertake certain tasks at first placement and at policy renewal.

This explains the range of possible commissions:

Private passenger automobile	7.0 - 14.0%
Personal household & property	15.0 - 21.5%

Traders General Insurance Company may from time to time enter into non-standard arrangements which could have compensation terms that fall outside these ranges.

#### Contingent Profit Commissions (CPC)

As part of our contracts with brokers/agents, Traders recognizes broker efforts through the potential payment of Contingent Profit Commissions. CPC payments are not guaranteed - and are based on a share of the profitability of business submitted by the broker over an extended period - typically 3 years.

Profitability is measured by comparing premium revenue against expenses (e.g. claims cost, broker commission, staff salaries and premises costs etc.).

Between 2010 to 2012, Traders paid profit commissions of 2.3% of total revenues.

#### Other Services

A small number of Traders brokers and agents carry out additional services on our behalf. These may include data entry, processing claims payments and conducting site surveys. This additional work is compensated by payment of an agreed fee or commission.

From time to time, as part of normal business practice, we may invite individuals from broker and agent offices to participate in entertainment events.

If you have any queries, please write to [info@avivacanada.com](mailto:info@avivacanada.com) or contact your insurance adviser.

#### Elite Insurance Company Broker Compensation

As an insurer, Elite Insurance Company (Elite) has agency contracts with insurance brokers and independent agents who provide advice and purchase insurance cover on their client's behalf.

We take great care to ensure that our brokers and agents who are under contract will operate to the highest professional standards. They earn their compensation as part of the insurance premium paid in the form of a commission.

Brokers and agents have a duty to disclose their commission earnings on a given policy to their client if so requested. The standard commissions paid by Elite are:

Private passenger automobile	12.5%
Personal household & property	12.5%
Other (craft / trailers etc)	15.0 - 20.0%

Elite Insurance Company may from time to time enter into non-standard arrangements which could have compensation terms that fall outside these ranges.

#### Contingent Profit Commissions (CPC)

As part of our contracts with brokers/agents, Elite recognizes broker efforts through the potential payment of Contingent Profit Commissions. CPC payments are not guaranteed - and are based on a share of the profitability of business submitted by the broker over an extended period - typically 3 years.

Profitability is measured by comparing premium revenue against expenses (e.g. claims cost, broker commission, staff salaries and premises costs etc.).

Between 2010 to 2012, Elite paid profit commissions of 2.2% of total revenues.

#### Other Services

A small number of Elite brokers and agents carry out additional services on our behalf. These may include data entry, processing claims payments and conducting site surveys. This additional work is compensated by payment of an agreed fee or commission.

From time to time, as part of normal business practice, we may invite individuals from broker and agent offices to participate in entertainment events.

If you have any queries, please write to [info@avivacanada.com](mailto:info@avivacanada.com) or contact your insurance adviser.

From time to time, as part of normal business practice, we may invite individuals from broker and agent offices to participate in entertainment events.

#### S&Y Insurance Company Compensation

As an insurer, S&Y Insurance Company (S&Y) has agency contracts with insurance brokers and independent agents who provide advice and purchase insurance cover on their client's behalf.

We take great care to ensure that our brokers and agents who are under contract will operate to the highest professional standards. They earn their compensation as part of the insurance premium paid in the form of a commission.

Brokers and agents have a duty to disclose their commission earnings on a given policy to their client if so requested. The standard commissions paid by S&Y vary by the extent to which either the broker / agent, or S&Y undertake certain tasks at first placement and at policy renewal. This explains the range of possible commissions:

Private Passenger Automobile	10.0 - 12.5%
------------------------------	--------------

S&Y may from time to time enter into non-standard arrangements which could have compensation terms that fall outside these ranges.

#### Contingent Profit Commissions (CPC)

As part of our contracts with brokers/agents, S&York recognizes broker efforts through the potential payment of Contingent Profit Commissions. CPC payments are not guaranteed - and are based on a share of the profitability of business submitted by the broker over an extended period - typically 3 years.

Profitability is measured by comparing premium revenue against expenses (e.g., claims cost, broker commission, staff salaries and premises costs etc.).

Between 2010 to 2012, S&Y paid profit commissions of 2.6% of total revenues.

#### Other Services

A small number of S&Y brokers carry out additional services on our behalf. These may include data entry, processing claims payments and conducting site surveys. This additional work is compensated by payment of an agreed fee or commission.

From time to time, as part of normal business practice, we may invite individuals from broker and agent offices to participate in entertainment events.

If you have any queries, please write to [info@avivacanada.com](mailto:info@avivacanada.com) or contact your insurance broker.



## What your insurance broker doesn't want you to know



GRANT ROBERTSON > AND TARA PERKINS

PUBLISHED DECEMBER 21, 2010

UPDATED MARCH 26, 2017

In a closed-door meeting this summer, executives at one of Canada's best-known life insurance companies gathered at its headquarters to plot the latest moves in their industry's secret war.

It's a war fought with weapons that look harmless on the surface: deluxe trips to sunny destinations, offered to the independent brokers on whom the insurers rely to sell their life policies.

The executives knew they would have to spend at least \$8,000 to \$12,000 per broker to be competitive. And the trip had to be enticing - something on the order of a Brazilian beach getaway or a luxury trek through Asia.



a competitor offering better compensation and perks.

Two key parameters had to be kept in mind. First, a few hours during the week-long trip had to be set aside for a seminar, so that the company could deem the excursion an educational conference. And second, the budget had to include a guest for each broker - even though this doubled the cost.

Buttering up each broker's better half was all part of the strategy. "We say, 'If you want to come here again as a guest, you better tell your guy to sell our stuff,'" said a senior executive present at the meeting.

Although the battle to win brokers' affections has become a defining characteristic of Canada's life insurance industry, it's kept well out of the sight of the consumers, businesses and corporations who are buying policies - and who, the insurers admit, are paying for the trips, too.

Regulators and the industry examined the issue six years ago, and publicly acknowledged that some practices - including how brokers are compensated - weren't in alignment with the customers' best interests. But the brokers pushed back, and little changed.

An investigation by The Globe and Mail has found that attempts to improve transparency in Canada have been thwarted by the industry's successful efforts to water down proposed reforms. Yet at the same time the industry has kept compensation details under wraps, many of its products have evolved into complex financial instruments that are hard for average consumers to comprehend.

When Canadians purchase life insurance now, their broker typically hands them an industry form letter promising that "any insurance product I recommend will be the one I deem to be best suited to meet your needs, without regard to the compensation practices of any one company."

But the promise does not reflect the reality of the business for the big underwriters, such as Manulife Financial Corp., Sun Life Financial Inc., Great-West Lifeco Inc., Standard Life Assurance Co. of Canada, and Industrial Alliance Insurance and Financial Services Inc., and the thousands of brokers across the country.



one or two insurers, according to a number of high-ranking insurance executives interviewed by The Globe. They favour the ones that reimburse them most generously in commissions, bonuses and perks, such as those all-expenses-paid trips to break up the monotony of a long Canadian winter.

The incentives have distorted the sales process for a sophisticated product and broken the bonds of trust that the insurance industry was built on. The problem, these executives say, is becoming more acute: The industry is locked in a kind of compensation race as brokers push for ever-richer incentives and insurers know they must match or better their rivals' offerings.

Insurance broker representatives don't agree there is a problem. "I don't see consumers worried about compensation in the industry," said Greg Pollock, the head of Advocis, a Canadian association that represents advisers and agents in the financial services industry. "I don't see that there's an issue that needs to be addressed."

Authorities on compensation rules in Ontario told The Globe and Mail they have decided that consumers are better off without the details of trips, commissions and bonuses clouding their decision. And the industry has worked hard to keep it that way.

Spokespeople for major insurers including Manulife, Sun Life, Great-West Lifeco, and Standard Life declined to comment on the issue and referred the questions to the Canadian Life and Health Insurance Association. Frank Swedlove, the association's president, said in an e-mailed statement that "the issue of conflicts of interest - real or perceived - arising from compensation is one that the life and health insurance industry, and its regulators, take very seriously."

But several high-ranking executives at Canada's largest insurance companies talked to The Globe and Mail about the lack of disclosure and the problems it has created. They only did so on condition of anonymity, because they feared that by speaking publicly they could face a backlash from the brokers who sell their products.

"We've gone out and said we want to discontinue the incentives, but essentially the brokers won't give you policies if you did that," one senior executive said.

"The incentives breed a type of behaviour that's not good for the industry."



buying insurance, and must manage file cabinets full of complex policies to cover everything from city employees to construction sites.

"If you come in from the outside and look at the insurance industry, you think, 'How could this be so unregulated?' " Mr. Schaafsma says.

"And you think, why would people accept this - handshake deals, and millions of dollars moving around and not really understanding how it's moving? The premium goes up, the premium goes down, and nobody knows why."

Canadians pay about \$15-billion in life insurance premiums each year, and another \$40-billion in premiums on property and casualty (P&C) policies, primarily for home and car insurance. Last year about 757,200 individual life insurance policies were sold, averaging \$271,600 each. New individual policies sold today are almost twice the size they were 10 years ago.

Billions of dollars in commissions flow every year from these sales. Canadian-based life insurers paid \$7.2-billion to agents worldwide in 2009, up 26 per cent from \$5.7-billion at the end of 2005. A significant proportion of that money was paid to agents in Canada. Foreign-based life companies paid nearly \$600-million in commissions in this country, up slightly from \$590-million in 2005. Canadian property and casualty insurers shelled out another \$3.74-billion in commissions in 2009, which rose 17 per cent since 2005, according to data the companies file with the Office of the Superintendent of Financial Institutions.

Many of the incentives have little, if anything, to do with serving the customer; rather, they're paid by insurance companies to keep the brokers coming back to them.

"For claiming to be independent and working in the best interests of their clients, brokers keep their cards quite close to their chest in terms of what they're being paid and by whom," Mr. Schaafsma said. "It's the wild west."

### **Commissions, bonuses, perks**

Until the early 1990s, major life insurers like Manulife and Sun Life sold the majority of their policies through in-house sales agents, dubbed "captives." But in the past two decades, the



As much as 70 per cent of all life insurance policies now sold in Canada are handled by independent brokers who are compensated primarily through commissions and perks. The agents often work through intermediaries known as managing general agents, which can contract several hundred brokers at one time, giving them more clout with the insurers. The vast majority of P&C sales also occur through brokers.

A good insurance broker in Canada can earn \$100,000 annually, but it is not uncommon for take-home incomes to be significantly higher.

Insurance companies use three kinds of incentives to entice agents and brokers to direct business to them. There are upfront commissions when the sale is made; back-end commissions, usually called bonuses or "contingent" commissions, which are often based on the volume of business a broker does with that insurer; and perks.

The latter two are structured with one purpose in mind: to promote loyalty and encourage brokers to bring as many customers to that insurer as possible. The more the broker consolidates his clients' business with a particular insurer, the more lucrative the deal gets.

In life insurance, the upfront commissions have traditionally been high compared with other industries, because the product has always been a tough sell compared with other consumer purchases.

If a customer buys a universal life insurance policy that requires him to pay \$1,000 in premiums the first year, the agent is likely to earn a commission of about \$600 up front and a further \$1,200 in a bonus at the end of the year, provided certain sales levels are met. That doesn't include incentives such as trips, nor commissions for keeping the policy in force in future years.

Brokers also can get paid extra for bringing in an insurer's favourite kind of customers - the kind who stay, or who don't make claims. For example, a broker who sells five group life insurance accounts for Standard Life paying total annual premiums of \$3-million could earn a bonus of \$30,000 if none of the clients take their business elsewhere. P&C insurers sometimes offer bonus payments for signing policies with "good customers" who file fewer claims.





Don Bailey, who stepped down last month as the head of Canadian operations for Willis Group, one of North America's largest insurance brokers for corporate and business clients, says the industry and regulators need to tackle the transparency problem.

"What you see is agencies and brokers knowing what their targets are, and knowing that if I can shift this much premium volume to another carrier before the end of the month, or before the end of the quarter, then I can trigger a cheque," Mr. Bailey said. "These [sums] are not incidental. They are significant amounts of money.

"If I'm the buyer, that should put in doubt why somebody is recommending one carrier over another. Is it because they truly believe that carrier is better? Or is it because they have a big cheque coming?"

**'White sandy beaches'**

Free trips are used by the insurance companies to tell brokers about their products, but they are also tools for instilling loyalty, ensuring that brokers are not tempted to direct business to rival firms, especially in the life insurance industry. The insurance companies detailed this strategy to The Globe and Mail.

Like consumers who sign up for loyalty programs or use premium credit cards, life agents accumulate points as they sell policies for a particular firm.

"I know some agents who say, 'Okay, I'm going to do business with [another] company this year because they've got this convention somewhere, or it's too difficult to meet your criteria to go to your convention,'" said Bruno Michaud, senior vice-president of administration and sales at Industrial Alliance. "At the end of the day, we see a convention for advisers as an award for the advisers for doing business with us. And it's a good occasion to develop a stronger sense of belonging to the company."

In the standard disclosure letter given to consumers at the time of purchasing a life insurance policy, there is a line stating: "From time to time, some companies may offer other types of compensation such as travel incentives or education opportunities."

But well out of the consumer's sight, internal industry documents detailing these perks are fashioned conspicuously like vacation brochures for clients, glob



sweeping white sandy beaches... Soak up the rays in a world-class resort." RBC Insurance's 'California Dreamin' conference was held at a resort near San Diego.

Two of Canada's biggest life insurers found out the hard way that perks distort the market. Senior executives at both firms told The Globe and Mail they raised the price of a universal life policy, only to watch sales of their other products - including the ones whose prices hadn't changed - take a hit. The price increase made the product harder to sell. Brokers told one of the companies that the price change meant it just wasn't worth their time to stay up to date on the insurer's other products.

The competitive pressure to provide incentives comes at a time when more Canadians need impartial advice on their insurance options. For example, Ontario has just decreased the amount of medical benefit coverage that insurers must offer drivers, but consumers can now choose to buy additional coverage. That leaves drivers in the province having to make important decisions on their policies this year. When it comes to life insurance, competition for the coveted baby boomer market has prompted life companies to release a wider array of products, adding more complexity to an industry that is already difficult for many consumers to navigate without the help of an expert.

Yet the brokers have convinced regulators that the inability of Canadian consumers to grasp complicated financial matters is exactly why they shouldn't have to provide detailed disclosure of compensation, according to discussions with insurers, regulators and brokers.

### **Brokers push back**

Critiques of the current compensation system are seldom heard. Consumers Association of Canada says that, owing to limited resources, it is not looking into the matter. The issue is invisible in the political arena.

Proponents of the industry's compensation structure nevertheless say criticism of perks and commissions is overblown. In their view, contrary to what the public might believe, a broker's main job is to prod people to buy life insurance and to plan for their financial futures - not to shop around. "If they spend all their time trying to find the absolute lowest price, chances are they're not spending their time on what they're truly being paid to do," says the top executive at one insurer. "Which is help bring the person to action on som ' ' ' ' v ' ' ' t ' done on their own."



and back-end commissions are a problem.

"You get a trip to Hawaii - that's a benefit that isn't going to the consumer, it has to flow into the price," he says.

Earlier this year, his professional association, the Risk and Insurance Management Society, issued a paper calling for better disclosure.

The paper, however, has had no tangible impact on igniting a debate that insurance brokers would prefer to avoid - and one that they skillfully extinguished earlier this decade.

The Canadian Council of Insurance Regulators, the umbrella group for provincial regulators, began to probe how insurance is sold in late 2004. The move came after a crackdown was announced in the United States to deal with allegations that a small number of U.S. brokers had rigged the sale of P&C policies to boost their commissions.

The committee found that while some brokers may argue that bonuses and perks do not influence their advice to clients, they may "appear ... to result in a potential conflict of interest."

The committee made three proposals. It recommended new legislation or regulation to clarify that the client's interest was to be placed first. It proposed to limit "performance-linked benefits" to insurance brokers, including contingent commissions that are hidden from the consumer. Finally, the committee said there should be greater disclosure of ownership and other financial ties between a broker and an insurer, including the common practice of insurers lending money to brokers to expand their businesses.

The ensuing backlash revealed a broker community unequivocally opposed to these ideas. One of many groups to argue against the changes was the Insurance Brokers Association of B.C. Citing a lack of consumer complaints on the matter, the group implied there was no difference between selling insurance policies and furniture or cars. "Name any industry and you'll find mechanisms in place for motivating the sales force," the association wrote in its response to the committee.

Advocis, the Financial Advisors Association of Canada, warned that new restrictions would bind the industry in red tape.



structure could disrupt the workings of a multibillion-dollar industry.

The pushback from the broker community worked. By the time of its final report in 2008, the committee's three key recommendations had been watered down. It no longer backed the idea that "clients first" should be enshrined in regulations, or that limits should be placed on commissions or perks. But the industry would have to start disclosing to the consumer any possible conflicts of interest.

Advocis endorsed the proposals, saying the industry was in fact already adhering to them. And on Dec. 8, 2008, the council of insurance regulators declared the debate over, and thanked the committee for "a job well done."

Brokers are expected to make customers aware of actual or perceived conflicts of interest, but this disclosure takes many forms.

"As you likely already know, agents and brokers in the life insurance business in Canada are compensated by commissions, bonuses and other inducements from the companies we do business with," says a letter that one broker group makes available to clients. Customers are asked to sign the letter, which describes "incentive-based compensation" as an "industry-wide practice," but makes no mention of specific figures.

This is enough disclosure, says Greg Pollock, the head of Advocis. "For the most part, we believe that the current structure of compensation in this country works well."

When it comes to auto and home insurance, the Insurance Brokers Association of Canada, which speaks for 33,000 property and casualty brokers, said its code of conduct requires brokers to disclose compensation - if a consumer asks. "The broker is required to divulge the method by which he is being compensated," said Steve Masnyk, a spokesman for the Insurance Brokers Association of Canada.

For instance, the broker might disclose that he or she will be paid a commission of between 10 and 15 per cent of premiums. Insurers also make general disclosure statements about compensation, usually on their websites, but details are limited.

The Registered Insurance Brokers of Ontario, the self-regulatory body for property and casualty brokers in Canada's largest province, also requires mer



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But ~~RIBO~~ **mail** uncovers cases in which agents do not have copies of the disclosure statement they are supposed to provide, through audits it conducts every three to five years. Tim Goff, manager of complaints and investigations at RIBO, says there is "95 to 99 per cent" compliance among brokers on this form.

The Insurance Council of British Columbia, meanwhile, has encountered cases where a broker has told a consumer incorrect information after the consumer asked for details of their compensation.

Mr. Bailey, the former head of an insurance broker, suggests the current system is not enough.

"[Brokers] should declare to the buyer: 'Just so you know, I represent the insurance company and not you. And I'm making significantly more money than you think I am,' " Mr. Bailey said. "Just disclosing the conflicts, in our mind, does nothing."

The 2008 detente with regulators signalled the campaign to head off reform succeeded. The industry diluted the suggested fixes down to a small number of voluntary measures.

"If you look at the system, the compensation, the way it all works, you'd be protecting it too," said a senior executive at a major insurer. "You don't want people asking questions, you don't want to disclose it, you don't want them to know you're going on a trip - because it's pretty good."

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MORE ON THIS STORY

FINANCIAL SERVICES

Deflation 'worst possible world' for life insurers

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Report Number: 2018-114

Date: August 27, 2018

**SUBJECT: Appointments to Boards and Committees**

**1) PURPOSE**

The purpose of this report is to obtain approval regarding appointments to boards and committees.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

In 2006 staggered terms were introduced for many of the City's boards and committees and citizens were appointed for terms of two, three and four years. Future appointments were to be for four year terms in order to maintain the staggered structure established by the 2006 appointments. Council's current policy regarding the making of appointments to Boards and Committees was adopted by Council on November 10, 2008. A copy of the policy is available on the City's website.

New appointments to fill an expired term are for a four-year term. The term of appointments to fill vacancies created by resignations is for the balance of the term of the appointee who resigned. Notice is provided to each Board/Committee member with an expiring term.

**3) STAFF COMMENTS AND DISCUSSIONS**

The following information was made available to Council at the closed session portion of the July 23, 2018 Council meeting and is provided now for the benefit of the public.

**Accessibility Advisory Committee:**

The Terms of Reference for the Accessibility Advisory Committee AAC provide for the appointment of a minimum of three members. Currently, there are five members serving on the AAC and the AAC continually seeks to recruit additional members.

**Alison Chambers**

Alison Chambers has worked as an occupational therapist and is currently employed by Niagara Region Mental Health. As an occupational therapist, Ms. Chambers was also an authorized prescriber for mobility devices thus has a good knowledge of the requirements for accessibility in the community. Ms. Chambers is seeking appointment to the Committee because she believes that her skills and knowledge would be a positive contribution to the community.

### **Senior Citizen Advisory Council:**

The activities of the Senior Citizen Advisory Council (SCAC) were suspended in March of 2018 due to difficulties achieving quorum and staff resources were required for projects such as implementation of the recommendations from the Age Friendly Needs Assessment. The new Health Services Coordinator recently began planning to resume the activities of the SCAC. The SCAC has one vacancy due to the resignation of a member.

#### **Connie Butler**

Connie Butler is a retired Registered Nurse who holds a Bachelor of Arts, Bachelor of Education, Bachelor of Science and Masters of Education and who served for more than twenty-five years as a nurse educator, general educator and Infection Control Practitioner. Ms. Butler is seeking appointment to the Committee and advises that she has experience serving on a number of committees and she is interested in helping the community become a safe place to live for seniors where they have good access to health care.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS**

##### **a) Do nothing.**

This is not a practical option. In accordance with the City's policy, Council should consider the applications. All appointments are at the discretion of Council.

##### **b) Other Options**

Council may choose to provide additional direction with regard to future recruitment.

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

#### **6) ATTACHMENTS**

None.

#### **7) RECOMMENDATION**

That Alison Chambers be appointed to the Accessibility Advisory Committee for a term ending December 31, 2022; and

That Connie Butler be appointed to the Senior Citizen Advisory Council for a term ending December, 31, 2019.

That the Clerk be directed to bring forward the necessary by-law for approval.



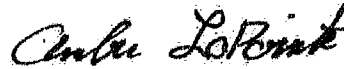
8) **SIGNATURES**

Prepared on August 7, 2018 by:



Carrie McIntosh  
Deputy Clerk

Reviewed by:




Amber LaPointe  
Manager of Legislative Services/  
City Clerk

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

Reviewed by:



Peter Senese  
Director of Corporate Services

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**Community and Economic Development Department  
Parks and Recreation Division**

**Report Number: 2018-118**

**Date: August 27, 2018**

**SUBJECT: Thirty Eighth Annual Terry Fox Run**

**1) PURPOSE:**

The purpose of this report is to present a request to host the Thirty Eighth Annual Terry Fox Run.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

Nancy Salvage, Terry Fox Run Organizer (the “Event Organizer”) has submitted a request to host the Thirty Eighth Annual Terry Fox Run (the “Event”) on on September 16, 2018 at 1:00 p.m., and the twelfth annual head shave immediately prior, at 12:30 p.m. at the H.H. Knoll Lakeview Park bandshell. A copy of the request is attached as Appendix “A”. The Terry Fox Run is an annual event, taking place in a variety of locations across Canada to raise funds for Canadian cancer research.

The City’s policies and procedures concerning festivals and events outline guidelines for the City to provide assistance to local associations and organizations to host special events in municipally owned facilities and/or property. To manage municipal resources for these events and ensure public safety (as per the City’s User Pay Policy), event organizers may request to borrow certain City-owned equipment and materials. Equipment such as picnic tables, waste receptacles, snow fencing, barricades, and traffic barriers/pylons may be loaned by the City, providing the event organizer reimburses the City for any additional costs that may be incurred (i.e. through the transportation and delivery of materials, staff overtime, and equipment, etc.). Event organizers are also responsible for any loss and/or damage to municipal facilities/property, including equipment/materials on loan, that are subject to full recovery charges for the actual replacement/repair costs incurred by the City.

In addition to other conditions of approval that the City may impose, the City’s festivals and events insurance policy requires event organizers to carry a minimum of \$2 million in general liability insurance (or \$5 million for an event involving alcohol). The organizer is required to file a Certificate of Insurance, naming the City as an additional insured, to the City prior to the event. Further, event organizers are required to submit an application for a Noise By-law exemption to the By-law Enforcement Division, if they are intending to provide amplified music during the event.

**3) STAFF COMMENTS AND DISCUSSIONS**

As outlined above, the Event Organizer has requested the use of H.H. Knoll Lakeview Park bandshell. Further, the Event Organizer has requested financial support from the City, by requesting Council waive the associated bandshell permit fee, totaling \$50.00 (plus Harmonized Sales Tax). Council has waived this fee in the past.

Road closures are not requested or required for the event, as sidewalks are available

**Appendix "A" to Community and Economic  
Development, Parks and Recreation Division  
Report 2018-118**

July 17, 2018

Dear Mayor Maloney and Members of City Council,



The Terry Fox Run Committee of Port Colborne has begun planning for the 38th Annual Terry Fox Run. We look forward to another fun and successful day, honouring Terry Fox and raising money for the best in Canadian cancer research, made cutting edge in no small part by more than half a billion dollars raised in the last 38 years through the Terry Fox Run.

This year's run will be held on Sunday, Sept. 16th, with an official starting time of 1PM. Our 12<sup>th</sup> annual head shave will take place at 12:30. We request use of the bandshell at HH Knoll Park for that day, and request the waiving of fees for this. We want to continue the community run/walk/bike route we started four years ago, through the city with total distances of 1KM, 3 km, and 5 KM, marked out. I am including the map route in this request. Sidewalks are available throughout the route. We would be honoured to have Mayor Maloney officially start our event at 1PM.

We would also like to have the Terry Fox flag raised over City Hall the week of Aug 20th with the mayor if possible. Our final request is for a spot at the market to sell licensed Terry Fox T-shirts, and give out pledge sheets, on Sept. 7<sup>th</sup> and 14<sup>th</sup>.

Thank you, Mayor Maloney and City Council, for your assistance and continued support!

Sincerely,

  
Nancy Salvage, Organizer  
Terry Fox Run in Port  


## Port Colborne Terry Fox Run Route for Sun. Sept. 16, 2018

This route will take us through neighbourhoods, a bit of downtown, and along the canal...starting and finishing at H.H. Knoll Park. We will have a shortcut for those wishing to use it.

From H.H. Knoll Park, we will go around Northland Pointe and arrive at the four way Steele St and Sugarloaf cross.

West down Sugarloaf to Hampton St.

North on Hampton to Clarence St.

East down Clarence to Steele St.

At this point, the shortcut for a 3km distance is south on Steele St returning to the park

To continue the route, we will travel down Clarence St to West St.

At this point, we will join up with the Canal Trail all the way back to H.H. Knoll Park for the 5km distance. Those wanting to do 10km will be invited to repeat the route.

We will supply maps for those unfamiliar with our streets, and will have students at all corners to cheer and point participants in the right direction.

We planned this route to ensure there are sidewalks available for all distances. As this is not a competitive event, we will not be providing assistance with street crossings.

Port Colborne Terry Fox Run



**THE TERRY FOX  
FOUNDATION**

May 2018

To Whom It May Concern:

**Charitable Business Number 10809 9979 RR0001**

**38<sup>th</sup> Annual Terry Fox Run – Sunday September 16, 2018**

The Terry Fox Foundation is a non-profit charitable organization that relies on a corps of volunteers whose efforts ensure the Terry Fox Run remains vibrant in communities across Ontario.

All volunteer Organizers are responsible for planning and promoting the annual event as well as overseeing Run day activities. The coordination of the event includes consultation with town officials to obtain access to public areas, soliciting donations from local merchants, encouraging coverage by the media, distributing promotional materials, to name a few.

Foundation policies and guidelines dictate that all goods and services related to the Terry Fox Run must be donated in full. No monies raising during the event can be directed towards covering its expenses. For this reason, we are writing to express our hope that city/town fees be waived for your community's Terry Fox Run this year.

Your local Terry Fox Run Organizer will contact you directly for your response to this request. Thank you in advance.

Sincerely,

Martha McClew  
Provincial Director  
The Terry Fox Foundation



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**Corporate Services Department  
Finance Division**

**Report Number: 2018-122**

**Date: August 27, 2018**

**SUBJECT: Niagara Central Airport Commission - Financing for Capital  
Projects – Loan Agreement**

**1) PURPOSE:**

The purpose of this report is to obtain Council's approval to enter into a loan agreement with the Niagara Central Airport Commission for the City of Port Colborne's respective share of the capital projects, which was approved by Council in the 2018 budget, for \$32,870 for the following capital projects:

- a) Complete Repairs to Runways and Taxiways - \$173,000

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The Niagara Central Airport Commission has requested \$173,000 from the four municipal partners for the completion of repairs to Runways and Taxiways. The City of Port Colborne's share of the repairs amounts to \$32,780.

**3) STAFF COMMENTS AND DISCUSSIONS**

During the 2018 budget deliberations, Council was made aware that the other partner municipalities were asked to provide their individual loans to the Commission. Staff recommended in budget to issue a loan to the Commission for the City's share for \$32,870 to be funded from the Airport Reserve. Therefore, a Loan Agreement is to be entered into with the Commission.

Staff are presenting this report on behalf of the Niagara Central Airport Commission to approve and enter into a loan agreement for the projects noted above and approved by the Commission and endorsed by all four municipalities. The City of Port Colborne share is \$32,870 as per Schedule A.

Staff recommends financing the City's portion of \$32,870 internally, as approved at budget, with an annual interest rate of 4.3% with annual payments commencing in August 2019. The loan will be amortized over 10 years.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

- a) **Do nothing.**

This is not recommended as all four municipalities (Welland, Pelham, Wainfleet, and Port Colborne) have supported these projects.

**b) Other Options**

It is recommended that Council approve a loan agreement for Port Colborne's respective share of the \$173,000 capital project for \$32,870 with an annual interest rate of 4.3% amortized over a 10-year period and annual payments due August 24th commencing in 2019. This amount has been paid and funded in the 2018 budget.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

None.

**6) ATTACHMENTS**

Schedule A – Niagara Central Airport Commission Request

**7) RECOMMENDATION**

That the loan agreement with the Niagara Central Airport Commission be approved in the amount of \$32,870 with terms of repayment to be amortized over 10 years, annual interest rate at 4.3%, with annual payments due August 24th commencing on August 24th 2019; and

That the Mayor and City Clerk be authorized to sign the appropriate loan agreement and by-law.

**8) SIGNATURES**

Prepared on August 19, 2018 by:



Peter M. Senese  
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

NIAGARA CENTRAL AIRPORT COMMISSION  
2018 CAPITAL BUDGET

Complete Repairs to Runways and Taxiways	\$173,000.00
--	--------------

The breakdown of this funding from each municipality as follows:

City of Welland	\$96,880.00
City of Port Colborne	\$32,870.00
Town of Pelham	\$31,140.00
Township of Wainfleet	\$12,110.00

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Report Number: 2018-123

Date: August 27, 2018

**SUBJECT: Information Report on the Proposed Staging and Funding of the Downtown Community Improvement Plan Project**

**1) PURPOSE:**

This report was prepared by Chris Lee, Director of Engineering and Operations, with the assistance of Peter Senese, Director of Corporate Services. The purpose of this report is to inform Council and the public of staff's proposed action plan for the Downtown Central Business District Community Improvement Plan project, (CBD CIP) and to detail funding options/potentials to undertake these works.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES:**

The Downtown CIP was adopted by Council in September of 2010. Senior staff have initiated an exercise to investigate all possible funding options currently available to the municipality. At the direction of Council staff acquired the assistance of Public Service Digest to aid the Municipality in that quest.

A series of internal meetings to date has occurred with the Chief Administrative Officer, Engineering and Corporate Services staff, as well as the municipality's grant writing team from Public Service Digest. The intent of those meetings was to seek out, apply for and potentially secure any and all current funding possibilities for the implementation of the Downtown CIP project.

As detailed in previous reports to Council, the overall cost of the CIP project has been estimated (2017 dollars) at approximately \$20.5 million, excluding any necessary hydro infrastructure upgrades, which were separately estimated in excess of \$8.5 million.

That said, through an extensive search, it has been determined that there is not one funding program available for which the municipality is eligible to apply that will meet the financial funding requirements of this project.

As a result, in an effort to keep the project moving forward, with the aid of the City's grant writing consultant, Public Service Digest, staff has come up with the option of staging the project and then funding those stages with the existing available funding programs.

**3) STAFF COMMENTS AND DISCUSSIONS:**

The municipality currently qualifies for a number of funding programs, some of which are annual allotments. A detailed listing follows:

- OCIF Grant (Top-up Application) - 2018 application for 2019 funding @ \$1,176,900
- OCIF Formula Funding - for 2019/2020, total @ \$703,000
- OMPF Funding - for 2019/2020, total @ \$200,000
- Federal Gas Tax Funding - for 2019/2020, total @ \$320,000.
- Capital Levy contribution - for 2019/2020, total @ \$400,000
- Annual Sewer and Water Budgets - for 2019/2020, total @ \$1,200,000

The above totals approximately \$4,000,000 in full funding over a two year timeframe. These funding opportunities have the potential, if directed by Council, to be repeated every two years. Hence, the rationale behind phasing of the overall project.

An initial phase would be the section of Clarence Street from West Street to Catharine Street, currently estimated in 2019 dollars at \$4 million. This matches the funding currently available to the municipality in 2019/2020.

There would be subsequent following phases: (the following are examples only)

Phase 2 - Charlotte Street (West Street to Elm Street) estimated @ \$4 million.

Phase 3 - King Street (Elgin Street to Kent Street) estimated @ \$3 million.

Phase 4 - West Street (Princess Street to Sugarloaf Street) estimated @ \$3.2 million.

Phase 5 - Catharine Street (Princess Street to Kent Street) and Clarence Street (Catharine Street to Elm Street) estimated @ \$4.2 million.

Phase 6 – Elgin Street (Catharine Street to West Street), Park Street (West Street to King Street), Princess Street (Catharine Street to West Street), Kent Street (West Street to Catharine Street) and Elm Street (Princess Street to Catharine Street) estimated @ \$5.2 million.

The remainder of the phases have the potential to be funded in exactly the same manner as the first phase. Should any new or additional funding options become available, the municipality could take advantage of those new funds to speed up the phasing process.

#### **4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

##### **a) Do nothing.**

If no action is taken at this time, the project will remain stalled until such time as new funding sources become available.

##### **b) Other Options**

- Accept staff's recommendation to initiate funding applications as detailed, with the hope of receiving all of the dollars available from all of the current funding sources.
- Entertain the possibility of phasing the Downtown CIP project, pending application success.

#### **5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

The Downtown CBD CIP was made a priority during Council's 2009-2010 Strategic Planning sessions and reconfirmed in the 2018 Strategic Planning session.

#### **6) ATTACHMENTS**

None.

**7) RECOMMENDATION**

That staff be directed to apply for all of the funding sources as detailed in Engineering and Operations Department, Engineering Division Report 2018-123 Subject: Proposed Staging and Funding of the Downtown Community Improvement Plan Project and that a phasing of the Downtown Community Improvement Plan project be entertained once the funding is realized.

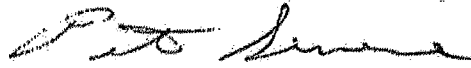
**8) SIGNATURES**

Prepared on August 21, 2018 by:



Chris Lee  
Director of Engineering and Operations

Reviewed by:



Peter Senese  
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer





AUG 22 2018

CORPORATE SERVICES  
DEPARTMENT

August 22, 2018

To the Distinguished members of the City Council of Port Colborne,

Thank you for including our concern in your council meeting this evening.

My husband and I request that you dismiss the one time lawn mowing fee we received from the by-law division of Port Colborne.

The owner of the home, Brenda Clark, was my husband's mother and my mother in law. She passed away in February 2018, and her house is currently vacant, sold with a closing date in September.

When Brenda died in February 2018, I contacted the City of Port Colborne tax department to notify them that the house was vacant and to forward us any bills and notices. We had also set up mail forwarding through Canada Post to ensure we receive any and all mail directed to Brenda Clark's affairs. I did receive a reply in confirmation from the tax department, acknowledging receipt of my email and we communicated about outstanding tax payments and Brenda Clark's affairs. My husband and I live in Napanee, Ontario, which is a 4+ hour drive away from Port Colborne. Unfortunately, we are unable to visit the home ourselves to review the maintenance of the home.

Subsequent to our notifying the City of Port Colborne, this summer a notice was hand delivered to Brenda's home in Port Colborne. We did not receive the notice because the house is vacant and this piece of mail was not forwarded via Canada Post or Purolator because it was hand delivered, not registered. If the notice was delivered via regular mail, we would have received it and acted upon it. We only received the bill for the lawn mowing fee via regular mail.

After the grass was cut by the city, we arranged to have the grass cut on a weekly basis through a lawn service. We will continue to pay for lawn services until the sold house closes in September 2018.

The bill that was sent to us for lawn mowing is for \$484.71. This is a lot of money for us, as we are still paying all Brenda's regular house bills (property tax, utilities, vacancy home insurance, etc.) until it closes.

We are writing in hopes that council will dismiss this bill, considering our circumstances and attempts to communicate openly with the city of Port Colborne.

Thank you for considering our request. We appreciate your time.

Sincerely,  
Katie & Ben Atkins

Ben Atkins  
Executor of the will for Brenda Clark,  
Resident of 507 Sugarloaf St, Port Colborne

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From: "Haldorson, Laura" <Laura.Haldorson@niagarahealth.on.ca>  
To: "amberlapointe@portcolborne.ca" <amberlapointe@portcolborne.ca>  
Date: 2018-07-27 09:51 AM  
Subject: Niagara Health Foundaton Donor Impact Report



Hello Amber LaPointe,

We are excited to bring you our first Donor Impact Report as **Niagara Health Foundation!** Since rebranding last November, we are more focused than ever on working with our community partners who share a passion for making a difference at our local hospitals.

Please take a moment to read about how donors are making a difference for healthcare in Niagara. In this edition, you will notice a number of clickable links, which will take you to videos, full stories and additional information.

We ask that you share our Donor Impact Report with your staff and your councilors to help build awareness of the great work being done by Niagara Health Foundation in your community. With the support of the community, we can ensure Niagara Health is well-equipped with the services and tools needed to provide extraordinary care for the thousands of patients who rely on our clinical services each year.

Thank you,

Roger

**Roger D. Ali, MBA, CFRE**  
**President & CEO**  
**Niagara Health Foundation**  
1200 Fourth Ave,  
St. Catharines ON L2S 0A9

Office: 905-378-4647 Ext 43862

Cell: 905-380-5647

Main 905-323-FUND (3863)

[www.NiagaraHealthFoundation.com](http://www.NiagaraHealthFoundation.com)

<http://www.niagarahealthfoundation.com/>

<https://twitter.com/NiagaraHealthFdn><https://www.facebook.com/NiagaraHealthFdn/>

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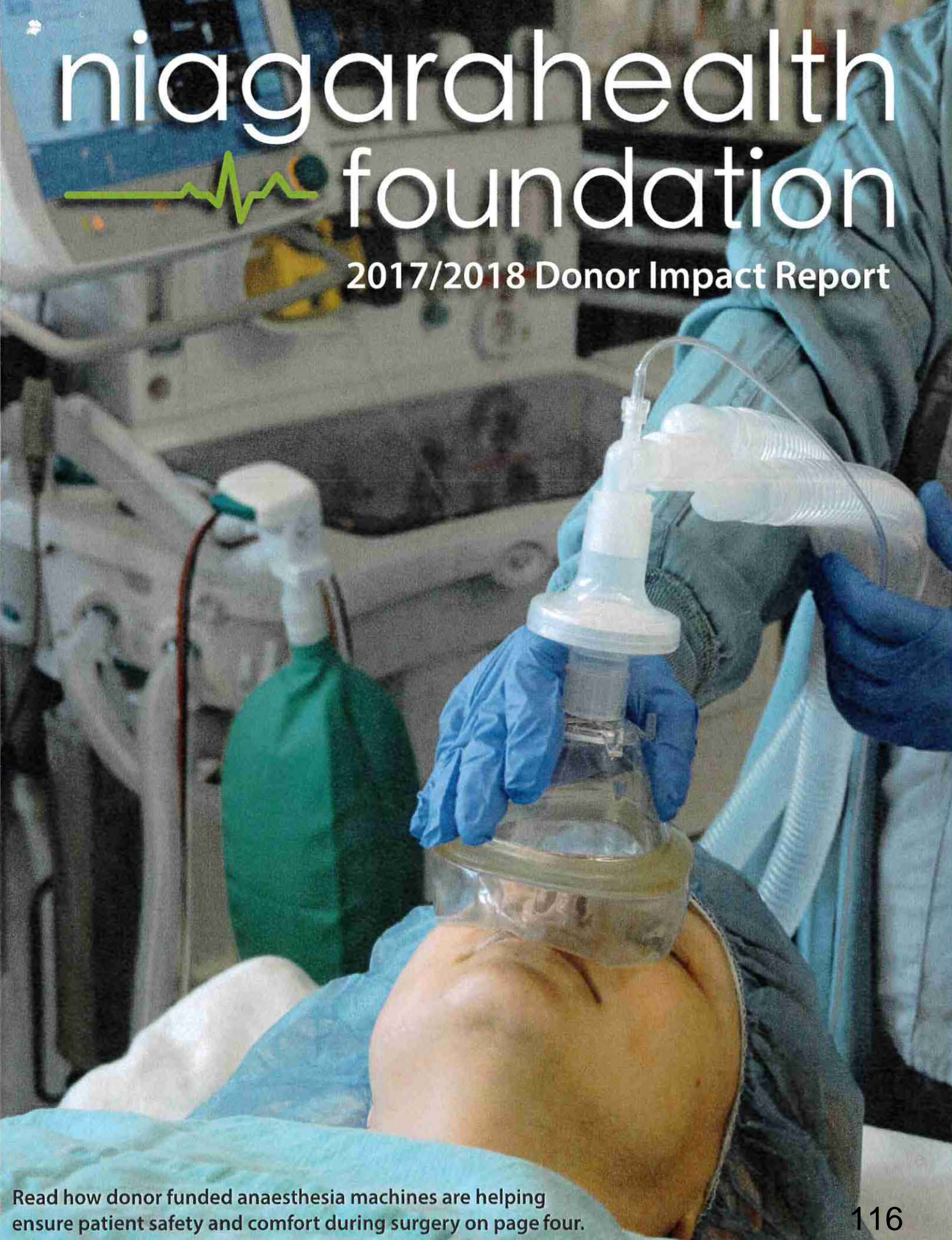
<http://www.bigmovecanceride.com/>

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# niagarahealth foundation

2017/2018 Donor Impact Report



Read how donor funded anaesthesia machines are helping ensure patient safety and comfort during surgery on page four.

Niagara Health Foundation would like to extend our sincere thanks to you, our donors. It is a joy and privilege to share the impact YOU and your community have had on healthcare in Niagara in this year's report. Together with your support, we have purchased urgently needed equipment across Niagara Health sites, including six anaesthesia machines used in over 16,000 surgeries annually! Your support has truly made a difference.

Thank you for helping us build a healthier Niagara,



Roger D. Ali  
President and CEO



The St. Catharines Site celebrated its 5th birthday in March 2018! Here is a snapshot of the care provided since the opening 5 years ago:



8,750 Cardiac Catheterizations performed



64,244 Radiation & 54,005 Chemotherapy treatments



14,383 Births & 9,928 Paediatric patients treated

**ONE MILLION+**  
ways we are providing care closer to home

To learn more about the care you have helped support at the St. Catharines Site, visit: [niagarahealth.on.ca](http://niagarahealth.on.ca)

Thank you Niagara for your caring support! You are truly helping us provide extraordinary care to patients across Niagara!

Click on the photos above to read donor stories and more...

**EQUIPMENT YOU HELPED FUND**



6 Anaesthesia Machines  
**\$825,000**



Patient Beds and Stretchers  
**\$105,425**



3 Vein Viewers for Emergency & Urgent Care  
**\$22,772**



Bladder Scanner  
**\$14,251**



24 Vital Signs Monitors  
**\$77,056**



Cardiac Echocardiogram System  
**\$61,133**

# THE IMPACT OF DONOR FUNDS

Time and time again, the Niagara community has come together to help fund the purchase of priority patient care equipment, redevelopment projects and special patient care programs at Niagara Health



## CLOSE-TO-HOME SURGICAL CARE FOR DAVID AND PAULA THOMAS

More than 40,000 surgeries are performed at Niagara Health each year between the Greater Niagara General, Welland and St. Catharines Sites.

For Fort Erie residents David and Paula Thomas, close-to-home surgical care was so important when they both required procedures last year.

When Paula had her right hip replaced at the Welland Site and David underwent surgery to remove a tumour from his bladder at the Greater Niagara General Site, both were impressed with the exceptional care they received.

Although the Thomas' surgeries were very different, the procedures shared an important commonality – in each case, some form of anaesthesia was required.

Thanks to generosity of donors, six new anaesthesia machines were purchased for Niagara Health, helping to standardize anaesthesia across all sites, ensuring patients are safe and comfortable throughout surgery.

## IMPACTING CARE YEAR-ROUND SANDRA AND CHUCK HEADEY

If you are ever at the Welland Site on Thursday afternoons or Friday mornings, you will be sure to find Sandra and Chuck working at the Auxiliary Gift Shop.

Sandra is proud to support local healthcare through the auxiliaries' fundraisers, volunteering in the gift shop, and supporting Niagara Health Foundation. And through it all, Chuck is by her side.

Through her work with the auxiliary, Sandra learned that hospital equipment is not funded by the government but instead through community donations. Having been a Niagara Health patient herself, Sandra knew firsthand how important it is to have quality healthcare close to home.

Recently, Sandra and Chuck became monthly donors. Their recurring gifts provide impact year-round through a steady stream of funding for the Foundation. Monthly donors, like Sandra and Chuck, help ensure Niagara Health has the equipment it needs to provide extraordinary care, every person, every time!



**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4E7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

[www.niagararegion.ca](http://www.niagararegion.ca)

August 1, 2018

**Council Session, July 26, 2018**  
**Corporate Services Committee Session, July 18, 2018**  
**CSD 41-2018, July 18, 2018**

**LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY**

Results of Stakeholder Engagement for Vacancy Rebate Program Revisions  
CSD 41-2018

Regional Council, at its meeting held on July 26, 2018, passed the following recommendation of its Corporate Services Committee:

That Report CSD 41-2018, dated July 18, 2018, respecting Results of Stakeholder Engagement for Vacancy Rebate Program Revisions, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the proposed amendments to the existing Commercial/Industrial Vacant Unit and Vacant/Excess Land Subclass property tax rate reduction and rebate programs **BE RECEIVED** as follows:
  - a. Vacant Unit Tax Rebate
    - i. Commercial Properties: Phase out the current program in its entirety, over three years, by reducing the eligible rebate percentage from the current rate of 30% in 2018, to 20% in 2019, 10% in 2020, and 0% in 2021 and onwards.
    - ii. Industrial Properties: Phase out the current program in its entirety, over three years, by reducing the eligible rebate percentage from the current rate of 30% in 2018, to 20% in 2019, 10% in 2020, and 0% in 2021 and onwards.
  - b. Vacant/Excess Land Tax Rate Reduction
    - i. Commercial Properties: Phase out the current program in its entirety, over four years starting 2021, by reducing the eligible rebate percentage from the current rate of 30% in 2018, to 22.5% in 2021, 15% in 2022, 7.5% in 2023 and 0% in 2024 and onwards.

- ii. Industrial Properties: Phase out the current program in its entirety, over four years starting 2021, by reducing the eligible rebate percentage from the current rate of 30% in 2018, to 22.5% in 2021, 15% in 2022, 7.5% in 2023 and 0% in 2024 and onwards;
2. That staff **BE DIRECTED** to undertake additional consultation with the local area municipalities and business associations, industrial associations, chambers of commerce and users of the program in order to ensure communication of the changes and input is achieved;
3. That this report **BE CIRCULATED** to the Councils of the area municipalities for information; and
4. That Regional staff **BE DIRECTED** to present a final report to Regional Council in prior to the end of this term of Council to confirm the above noted program revisions prior to submission to the Ministry of Finance.

A copy of CSD 41-2018 is enclosed for your reference.

Yours truly,



Ann-Marie Norio  
Regional Clerk

MJT

CLK-C 2018-100



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**Subject:** Results of Stakeholder Engagement for Vacancy Rebate Program Revisions

**Report to:** Corporate Services Committee

**Report date:** Wednesday, July 18, 2018

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## Recommendations

1. That the proposed amendments to the existing Commercial/Industrial Vacant Unit and Vacant/Excess Land Subclass property tax rate reduction and rebate programs **BE ENDORSED** as follows:
  - a. Vacant Unit Tax Rebate
    - i. Commercial Properties: Phase out the current program in its entirety, over three years, by reducing the eligible rebate percentage from the current rate of 30% in 2018, to 20% in 2019, 10% in 2020, and 0% in 2021 and onwards.
    - ii. Industrial Properties: Phase out the current program in its entirety, over three years, by reducing the eligible rebate percentage from the current rate of 30% in 2018, to 20% in 2019, 10% in 2020, and 0% in 2021 and onwards.
  - b. Vacant/Excess Land Tax Rate Reduction
    - i. Commercial Properties: Phase out the current program in its entirety, over four years starting 2021, by reducing the eligible rebate percentage from the current rate of 30% in 2018, to 22.5% in 2021, 15% in 2022, 7.5% in 2023 and 0% in 2024 and onwards.
    - ii. Industrial Properties: Phase out the current program in its entirety, over four years starting 2021, by reducing the eligible rebate percentage from the current rate of 30% in 2018, to 22.5% in 2021, 15% in 2022, 7.5% in 2023 and 0% in 2024 and onwards;
2. That Region staff conduct additional consultation with both the local area municipalities and business associations **BE ENDORSED** in order to ensure communication of the changes and input is achieved;
3. That this report **BE CIRCULATED** to the Councils of the area municipalities for information; and,
4. That Regional staff **BE DIRECTED** to present a final report to Regional Council in September 2018 to confirm the above noted program revisions prior to submission to the Ministry of Finance.

## Key Facts

- Commencing in 2017, the Province provided municipalities a greater range of options to modify or eliminate the Vacant Unit Property Tax Rebate and Commercial/Industrial Vacant/Excess Subclass property tax reduction programs.
- Currently, Niagara Region has adopted property tax rebate/reduction for the above noted programs of 30%.
- Through report CSD 77-2017 Commercial and Industrial Sub Class Tax Rate Reduction and Rebates, Regional Council approved a public consultation process to be conducted in order to solicit opinions on program alterations. Both area municipal staff and business associations were consulted.
- Based on the comments provided by local stakeholders, regional staff are proposing amendments to the existing rebate and reduction programs.

## Financial Considerations

**Vacant Unit Rebates** – The Region's vacancy rebate program is an application based program that provides for a 30% rebate to both commercial and industrial property classes if vacancies are experienced in year. Unlike the subclass reduction program described below, the Region and each municipality budget for the cost of providing these vacancy rebates. The Region's 2018 budget expense for providing this program is approximately \$1 Million or 0.28% of the tax levy. The impact on the local area municipal levies would be of a similar dollar magnitude. Elimination of this program could provide direct budget opportunities for both the Region and area municipality's budgets or could be used to provide mitigation against future budget increases.

**Subclass Rate Reduction** –The Region's vacant and excess land discount factor for commercial and industrial properties is 30% for 2018 for properties that are vacant or have excess land. The subclass reductions provided to commercial and industrial vacant/excess lands amounts to approximately \$1.6 million (Regional portion only). It is important to note, that any changes to this program would not provide direct budget relief to the tax levy. Any reduction of the subclass discount percentage would result in a tax shift away from all other classes (including the residential, farm, full commercial and industrial classes) onto the previously discounted commercial and industrial classes. Unlike the vacant unit rebates, discussed above, the property owners do not have to apply for the reduction. Eligibility for the subclasses is ultimately determined by MPAC and is reflected annually on the tax roll.

The impact to the average residential household of eliminating the vacant unit rebate plus the benefit of the tax shift from eliminating the subclass discounts is estimated at \$10.96 or 0.75% reduction for the average household for 2018 (Region portion only). For commercial and industrial properties assessed at \$1 million, the benefit of eliminating the discounts and rebates is \$74 and \$112, respectively for 2018.

## Analysis

Prior to the legislation being introduced, the Province also conducted public consultations with both municipal stakeholders as well as business owners. A summary of their findings is as follows:

### Support for the Programs:

- These programs represent financial assistance to the owners of non-residential properties during periods of economic hardship;
- Could be expanded further to allow for “pop-up”/seasonal business for period of less than 90 days that would otherwise encourage vacant buildings to be occupied for short periods during the year.

### Support for Eliminating the Programs:

- Existing programs place strain on current municipal budgets;
- No limitation on the number of years a property can be considered vacant and eligible which can lead to lack of incentive to develop properties or fill vacancies;
- Assessment practices have led to perceived “double-dipping” as properties can receive reduced assessed values related to vacancies, in addition to a vacancy tax rebate during the same period (as a result of built in assessment obsolescence factors by MPAC).

Based on the Provincial review, legislation was introduced providing flexibility for municipalities to modify the existing programs. The Province established requirements that must be completed prior to submitting changes for their consideration including a public consultation process. Regional Council approved the public consultation process to be undertaken by staff through CSD 77-2017 Commercial and Industrial Sub Class Tax Rate Reduction and Rebates. As such, Regional staff held public engagement sessions with staff from the area municipalities, the local business associations and residents. A survey was also created in order to solicit feedback from residents and business owners which was made available through both the property tax and news release sections of the Region’s website. Responses to the online survey were limited therefore it is not practical to draw conclusions from the results but they are provided for Council information in Appendix 2.

### Summary of Stakeholder Engagement

At both engagement sessions, Region staff delivered a presentation which summarized the current programs, the tax impacts that changes would have on local businesses (as was required by the Province), options for revisions and the rationale for proposed changes.

Staff had originally proposed a phase-out of both programs starting 2019. However, based on the feedback received at the engagement sessions, staff are now

recommending phasing out first the rebate program and delaying the phase-out of the vacant/excess land subclass reductions to 2021 (following the rebate phase-out) to allow property owners time to adjust.

The stakeholders noted a desire to create a made in Niagara approach and not just one reflective of the approach adopted by other Ontario municipalities. As noted in Appendix 1, many municipalities, have already completed a review of their existing vacant unit rebate program and have proposed program changes to the Province. As of March 2018,

- 39 municipalities have proposed changes to the existing vacant unit rebate program and
- 11 have proposed changes to the Vacant/Excess land subclass reduction programs with other municipalities currently in the review stage. Approximately half have opted to eliminate without a phase out in either 2018 or 2019 with the remainder adopting a multi-year phase out approach over 2 to 4 years.
- 4 municipalities have proposed changes to both programs.

Stakeholders also noted a preference for a program that is consistent for all Niagara municipalities. Having one approach will reduce any confusion that may result from having various programs in place across the Region.

There was also a strong correlation between comments provided by the Province and other feedback heard at the stakeholder sessions as summarized below and in more detail in Appendix 2:

**Vacant Unit Rebates** – the elimination of this program helps in addressing a majority of the current concerns with the existing vacant unit rebate program such as: chronic vacancies, abuse of existing programs, increased BIA and municipal expenditures, and perceived “double-dipping” of rebates/reductions.

Also, a common theme for those that currently or have previously benefited from the vacant unit rebate is that they do not want to see the program eliminated. However, it was noted that allocating the budget that is currently directed towards this program to other economic programs may be more beneficial for those owners that are attempting to make business improvements.

**Subclass Rate Reduction** – overall the comments received on the commercial/industrial vacant/excess land subclass reduction programs were more limited in comparison to the comments received for the vacant unit rebate program. The majority of the comments were received by local economic development staff from both the Region and area municipalities. Their comments indicated that commercial and industrial vacant land may take an extended period of time to fully develop and by eliminating the program to quickly may cause difficulties for those currently receiving the reduction while in the final stages of developing their properties into productive uses.

Recommendations

Based on the discussions from stakeholder engagement, staff are recommending that the below phase-out schedules for both programs be endorsed by Council subject to further public consultation and final Council resolution.

**Table 1: Recommended Program Phase-out Schedule**

Year	Vacant Unit Rebate %	Vacant/Excess Land Reduction %
2018	30%	30%
2019	20%	30%
2020	10%	30%
2021	0%	22.5%
2022	0%	15%
2023	0%	7.5%
2024 and onwards	0%	0%

The intent with the three year phase out starting 2018 for the vacant unit rebate program is to allow for business owners that would be effected by the program change to adjust their business plans (i.e. seek tenants, better utilize available building space, etc.). The intent of the four year phase-out starting 2021 for the vacant and excess land subclass reduction program is to provide time for commercial and industrial land owners to create productive land and to match MPAC’s assessment phase-in cycles allowing for a “fresh start” in 2024.

Further Consultation

Regional staff are proposing that prior to finalizing the submission to the Minister of Finance that one further stakeholder session be held to present the revised recommendations and to assess how the proposed changes are received by stakeholders.

Regional economic development staff have reviewed the proposed phase-out strategy and are supportive of the recommended approach as it allows more time for land owners to adjust.

**Alternatives Reviewed**

Continue both the commercial/industrial vacant unit and vacant/excess land subclass tax reduction programs as a status quo. This alternative is **NOT RECOMMENDED** as it does not respond to the concerns heard at the public consultation process.

Eliminate the vacant/excess land subclass reduction programs starting 2019. This option is **NOT RECOMMENDED** as it does not take into consideration the length of time it may take industrial and commercial property owners to adjust.

Eliminate both the vacant unit and vacant/excess land subclass rebate and reduction programs immediately without phase-out. This alternative is **NOT RECOMMENDED** as it would not provide sufficient time for local business owners to adjust their business plans accordingly.

### **Relationship to Council Strategic Priorities**

Options provided supports Council's priority of fostering an environment for economic prosperity.

### **Other Pertinent Reports**

CSD 79-2016 Recommended Actions for Correspondence from the City of St. Catharines respecting Tax Policy Change  
CSD 77-2017 Commercial and Industrial Sub Class Tax Rate Reductions and Rebates  
CWCD 142-2017 Response to enquiries from March 22, 2017 Corporate Services Committee meeting  
CSD 18-2018 Property Tax Policy, Ratios and Rates

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#### **Prepared by:**

Rob Fleming, MBA  
Senior Tax & Revenue Analyst  
Enterprise Resource Management  
Services

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#### **Recommended by:**

Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Enterprise Resource Management  
Services

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#### **Submitted by:**

Carmelo D'Angelo, BSc, MPA  
Chief Administrative Officer

*This report was prepared in consultation with Margaret Murphy, Associate Director, Budget Planning & Strategy, and reviewed by Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer.*

## **Appendices**

Appendix 1	March 8, 2018 Ontario Press Release – Vacancy Program Update
Appendix 2	Results of Public Engagement Sessions & Online Survey

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**THE BUSINESS VACANCY REBATE AND REDUCTION PROGRAMS UPDATE**  
**March 2018**

**Programs Update**

As announced in the *2016 Ontario Budget*, municipalities have broad flexibility to modify the business vacancy rebate and reduction programs to meet local circumstances, while considering the impact of such changes on the business community. The Province has also encouraged municipalities to engage with their local business community when considering program changes.

Since 2017, 46 upper- and single-tier municipalities have submitted a request for changes to the vacancy programs, provided details of the proposed changes and a council resolution. Program changes requested ranged from modifying eligibility criteria, to the phase-out and/or elimination of the programs.

- These municipalities represent two-thirds of all business properties in Ontario.
- Regulatory amendments were implemented for 28 municipalities that submitted program changes in 2017.
- 18 municipalities have requested changes since the start of 2018 (as of March 1).
- Additional municipalities have expressed interest in changes but have not yet submitted a formal request.

The first deadline for municipalities to submit a notification to the Minister for changes effective for 2018 and future years was March 1, 2018. The next deadline is scheduled for August 1, 2018.

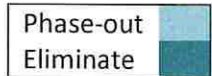
The tables below provide a summary of all municipal changes submitted to the Minister of Finance for consideration by March 1, 2018. For more information on specific municipal consultations or program changes, please contact the local municipality.



VACANT UNIT REBATE

TABLE 1: MUNICIPALITIES THAT PROPOSE TO PHASE-OUT AND ELIMINATE REBATE

Municipality	2017	2018	2019	2020
City of Brantford	Eliminate			
City of Peterborough	Eliminate			
Municipality of Charlton and Dack	Eliminate			
Prince Edward County	Eliminate			
Town of Parry Sound	Eliminate			
Town of Thessalon	Eliminate			
Village of Burk's Falls	Eliminate			
City of Toronto*	Phase-out	Eliminate		
Town of Espanola	Phase-out	Eliminate		
Town of Prescott	Phase-out	Eliminate		
City of Barrie		Eliminate		
City of Guelph		Eliminate		
City of Kawartha Lakes*		Eliminate		
City of Orillia		Eliminate		
City of Ottawa*		Eliminate		
City of St. Thomas		Eliminate		
District Municipality of Muskoka		Eliminate		
Elgin County		Eliminate		
Essex County		Eliminate		
Municipality of Dysart et al		Eliminate		
Municipality of Oliver Paipooonge		Eliminate		
Village of Hilton Beach		Eliminate		
York Region		Eliminate		
City of Hamilton		Phase-out	Eliminate	
City of London		Phase-out	Eliminate	
City of Thunder Bay*		Phase-out	Eliminate	
Durham Region		Phase-out	Eliminate	
Haldimand County		Phase-out	Eliminate	
Halton Region		Phase-out	Eliminate	
Norfolk County		Phase-out	Eliminate	
Town of Gananoque		Phase-out	Eliminate	
Township of Nairn and Hyman		Phase-out	Eliminate	
City of Cornwall*	Phase-out	Phase-out	Phase-out	Eliminate
Plummer Additional Township	Phase-out	Phase-out	Phase-out	Eliminate
City of Greater Sudbury*		Phase-out	Phase-out	Eliminate
Huron County		Phase-out	Phase-out	Eliminate
Municipality of Chatham-Kent		Phase-out	Phase-out	Eliminate
Peel Region*		Phase-out	Phase-out	Eliminate
Town of St. Marys		Phase-out	Phase-out	Eliminate



\*Municipalities that proposed to modify the program prior to eliminating. For additional details, please see Table 4

**TABLE 2: MUNICIPALITIES MODIFYING ELIGIBILITY AND MAINTAINING REBATE**

<b>MUNICIPALITY</b>
Town of Fort Frances
City of Brockville
City of Windsor
City of Sault Ste. Marie
Oxford County
Town of Smiths Falls
Wellington County: <ul style="list-style-type: none"> <li>• Town of Erin</li> <li>• Town of Minto</li> <li>• North Wellington</li> </ul>

**TABLE 3: HOW MUNICIPALITIES WILL PHASE-OUT REBATE**

<b>MUNICIPALITY</b>	<b>DESCRIPTION</b>
Town of Espanola	<ul style="list-style-type: none"> <li>• Reduce commercial and industrial rebate to 15% in 2017</li> </ul>
Town of Prescott	<ul style="list-style-type: none"> <li>• Reduce commercial and industrial rebate to 15% in 2017</li> </ul>
City of Hamilton	<ul style="list-style-type: none"> <li>• Reduce commercial and industrial rebate to 15% in 2018</li> </ul>
City of London	<ul style="list-style-type: none"> <li>• Reduce commercial and industrial rebate to 15% in 2018</li> </ul>
Durham Region	<ul style="list-style-type: none"> <li>• Reduce commercial rebate to 15% and industrial to 17.5% in 2018</li> </ul>
Haldimand County	<ul style="list-style-type: none"> <li>• Eliminate rebate for industrial in 2018</li> <li>• Reduce commercial rebate to 15% in 2018</li> </ul>
Halton Region	<ul style="list-style-type: none"> <li>• Reduce commercial rebate to 15% and industrial to 20% in 2018</li> </ul>
Norfolk County	<ul style="list-style-type: none"> <li>• Reduce commercial and industrial rebate to 16.5% in 2018</li> </ul>
Town of Gananoque	<ul style="list-style-type: none"> <li>• Reduce commercial rebate to 15% and industrial to 17.5% in 2018</li> </ul>
Huron County	<ul style="list-style-type: none"> <li>• Reduce commercial and industrial rebate to 20% in 2018 and 10% in 2019</li> </ul>
Municipality of Chatham-Kent	<ul style="list-style-type: none"> <li>• Reduce commercial and industrial rebate to 20% in 2018 and 10% in 2019</li> </ul>
Plummer Additional Township	<ul style="list-style-type: none"> <li>• Reduce rebate to 30% for industrial properties in 2017, 20% in 2018 and 10% in 2019 for commercial and industrial properties</li> </ul>
Town of St. Marys	<ul style="list-style-type: none"> <li>• Reduce commercial and industrial rebate to 20% in 2018 and 10% in 2019</li> </ul>
Township of Nairn and Hyman	<ul style="list-style-type: none"> <li>• Reduce commercial and industrial rebate to 15% in 2018</li> </ul>

**TABLE 4: MUNICIPALITIES THAT PROPOSE TO MODIFY ELIGIBILITY AND PHASE-OUT REBATE**

MUNICIPALITY	DESCRIPTION
City of Kawartha Lakes	<ul style="list-style-type: none"> <li>• For 2017, include the following eligibility criteria:                             <ol style="list-style-type: none"> <li>1. The vacant building, or portion of, is not less than 1,000 contiguous square feet</li> <li>2. Adherence to the City's Property Standards By-law</li> <li>3. Establish an administration fee for the application</li> <li>4. A building, structure or portion of building would not be eligible for a rebate where the rebate percentage of 0.00% applies for a taxation year</li> <li>5. Ineligible if labour disruption was in progress</li> <li>6. Ineligible if there is property standards order against property</li> <li>7. Delay interest requirement for 120 days after regulatory authority is received</li> </ol> </li> <li>• Eliminate program in 2018</li> </ul>
City of Ottawa	<ul style="list-style-type: none"> <li>• Reduce commercial and industrial rebate to 15% in 2017</li> <li>• For 2017, also include the following eligibility criteria:                             <ol style="list-style-type: none"> <li>1. The vacant building, or portion of, is not less than 1,000 contiguous square feet</li> <li>2. Vacant portion was not used and was separated from any portion that was used</li> <li>3. Vacant portion supports an occupancy permit</li> <li>4. Vacant portion is capable of being leased</li> <li>5. Vacancy must be greater than or equal to 90 days</li> <li>6. Ineligible if not in compliance with property standards by-law</li> <li>7. Ineligible if labour disruption was in progress</li> <li>8. Ineligible if property standards order remains outstanding</li> <li>9. No interest to accrue until 60 days after MPAC's determination of value</li> <li>10. Ineligible if denied a request to inspect property</li> <li>11. Ineligible if false information provided</li> <li>12. Due date to be last day of March</li> <li>13. One application per year</li> </ol> </li> <li>• Eliminate program in 2018</li> </ul>
City of Toronto	<ul style="list-style-type: none"> <li>• Reduce commercial rebate to 15% effective July 1, 2017 to June 30, 2018.</li> <li>• To include a deadline date of February 28, 2018 for receipt of applications for vacancies occurring in 2017, and a deadline date of September 28, 2018 for receipt of applications for vacancies occurring in 2018</li> <li>• Eliminate commercial and industrial rebate effective July 1, 2018</li> </ul>
City of Thunder Bay	<ul style="list-style-type: none"> <li>• Reduce commercial and industrial rebate to 15% in 2018</li> <li>• Modify eligibility in 2018 to exclude:                             <ol style="list-style-type: none"> <li>1. Storage units and storage tanks</li> <li>2. Buildings/structures or parts thereof that are not capable of being leased for immediate occupation because it was undergoing or in need of repairs or renovations or was unfit for</li> </ol> </li> </ul>

	<p>occupation</p> <p>3. Buildings/structures or parts thereof that are not available for lease</p> <ul style="list-style-type: none"> <li>• Eliminate program in 2019</li> </ul>
City of Cornwall	<ul style="list-style-type: none"> <li>• Reduce commercial and industrial rebate to 25% in 2017, 20% in 2018 and 10% in 2019</li> <li>• To include in the eligibility guidelines beginning in 2017:             <ol style="list-style-type: none"> <li>1. The vacant portion of the building was not used and was separated by permanent or semi-permanent physical barriers from any portion of the building that was used</li> <li>2. The vacant portion of the building or structure supports an occupancy permit</li> <li>3. The vacant portion of the building or structure is capable of being leased and is available for lease (may be determined by Cornwall Fire Services and/or Cornwall Property Standards personnel)</li> <li>4. The vacancy must be equal to or greater than 90 consecutive days within the calendar year</li> <li>5. The property be ineligible if during the vacancy period the property is not in compliance with any by-law administered by the City of Cornwall, including those under the direction of Property Standards and Fire Services</li> <li>6. The property be ineligible if a strike, lockout or other labour disruption was in progress throughout the vacancy period</li> <li>7. The property be ineligible if a property standards order remains outstanding on the last day to submit an application for the vacancy rebate</li> <li>8. The property be ineligible if the nature of the business is seasonal</li> <li>9. No interest shall begin to accrue until 90 days after the City receives the determination of the value of the eligible property from MPAC</li> <li>10. The property be ineligible if a request to inspect the property for vacancy is not granted within 30 days of the initial request</li> <li>11. The property be ineligible if false or inaccurate information is provided in the application</li> <li>12. That the due date be the last day of February of the following taxation year</li> </ol> </li> <li>• Eliminate program in 2020</li> </ul>
City of Greater Sudbury	<ul style="list-style-type: none"> <li>• Reduce rebate on commercial to 20% in 2018 and 10% in 2019</li> <li>• Reduce rebate on industrial to 23% in 2018 and 12% in 2019</li> <li>• Modify eligibility in 2018 to exclude:             <ol style="list-style-type: none"> <li>1. Buildings with restricted access</li> <li>2. Buildings not available for lease</li> </ol> </li> <li>• Eliminate rebate for large industrial properties in 2018</li> <li>• Eliminate rebate for commercial and industrial properties in 2020</li> </ul>
Peel Region	<ul style="list-style-type: none"> <li>• Reduce commercial and industrial rebate to 20% in 2018 and to 10% in 2019</li> </ul>

	<ul style="list-style-type: none"> <li>• In 2017, modify following eligibility criteria:             <ol style="list-style-type: none"> <li>1. An eligible vacant unit must not include any non-permanent structures and not be used for any form of storage</li> <li>2. Not eligible if a rebate was provided in the last 3 consecutive years</li> <li>3. Storage units, hotels, fuel storage tanks, gravel pits, a business closed due to labour disruption and fixturing period are not eligible</li> <li>4. Supporting documentation must be received within 30 days of Notice for Applications with incomplete information</li> </ol> </li> <li>• Eliminate program in 2020</li> </ul>
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**TABLE 5: MUNICIPALITIES THAT PROPOSE CHANGES AND WILL MAINTAIN REBATE**

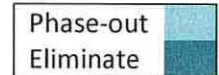
<b>MUNICIPALITY</b>	<b>DESCRIPTION</b>
Town of Fort Frances	<ul style="list-style-type: none"> <li>• Reduce industrial rebate to 30% in 2017</li> </ul>
City of Brockville	<ul style="list-style-type: none"> <li>• Beginning in 2017:             <ol style="list-style-type: none"> <li>1. Limit rebate to a period not to exceed two (2) calendar years</li> <li>2. The rebate amount is to be 100% of the current allowable amount in Year One and 50% of the current allowable amount in Year Two</li> <li>3. All current unit vacancies that have made historical applications for the entirety of both 2016 and 2017 taxation years will not be allowed to apply in the 2018 tax year or beyond until an occupancy has occurred and confirmed by permit or other means</li> </ol> </li> </ul>
City of Sault Ste. Marie	<ul style="list-style-type: none"> <li>• For 2017:             <ol style="list-style-type: none"> <li>1. Limit eligibility period to 3 years in a 10 year cycle for other commercial properties</li> <li>2. Temporary uses will not impact eligibility</li> </ol> </li> <li>• Eliminate rebate for industrial and shopping centre in 2017</li> </ul>
City of Windsor	<ul style="list-style-type: none"> <li>• Beginning in 2017:             <ol style="list-style-type: none"> <li>1. Restrict the rebate as it relates to individual annual applications within the Downtown Business Improvement Area for main street, ground level commercial properties (non-office towers)                 <ol style="list-style-type: none"> <li>a. In Year One, the rebate amount is to be 100% of the current allowable amount</li> <li>b. In Year Two, 50% of the current allowable amount</li> <li>c. In Year Three, 0%</li> </ol> </li> </ol> </li> </ul>
Oxford County	<ul style="list-style-type: none"> <li>• Modify eligibility starting in 2017:             <ol style="list-style-type: none"> <li>1. Any property that has benefitted from the program for five years, whether consecutive or not, will be eliminated from future eligibility</li> </ol> </li> </ul>
Town of Smiths Falls	<ul style="list-style-type: none"> <li>• To include in the eligibility guidelines beginning in 2017:             <ol style="list-style-type: none"> <li>1. The vacant portion of the building or structure is capable of being leased and is available for lease (advertised for lease and proof that applicant is actively trying to lease the property)</li> </ol> </li> </ul>

	<ol style="list-style-type: none"> <li>2. The building or portion must be vacant for at least 90 consecutive days to be eligible</li> <li>3. The building or portion must be vacant for at least 90 consecutive days within the calendar year</li> <li>4. The property shall be ineligible if during the vacancy period the property is not in compliance with Town’s Property Standards By-law, Zoning By-law, the building Code Act/Regulations, or the Fire Protection and Prevention Act/Regulations or Site Plan Control By-law (if applicable)</li> <li>5. The property shall be ineligible if a property standards order remains outstanding on the last day to submit an application for the vacancy rebate</li> <li>6. No interest to accrue until 90 days after MPAC’s determination of value</li> <li>7. The property be ineligible if a request to inspect the property for vacancy is not granted within 30 days of the initial request</li> <li>8. The property will be ineligible if a property re-assessment has been granted by MPAC or the ARB within the last two assessment cycles</li> <li>9. The property be ineligible if false or inaccurate information is provided in the application</li> <li>10. That the due date be the last day of February of the following taxation year</li> <li>11. Only one application/per property/per year may be submitted to a total maximum of 3 years for commercial properties and 5 years for industrial properties</li> <li>12. The vacant portion of the building was not used for any purpose, and was separated by permanent or semi-permanent physical barriers from any portion of the building that was used</li> </ol>
<p>Wellington County:                  Town of Erin</p>	<ul style="list-style-type: none"> <li>• Modify eligibility:                         <ol style="list-style-type: none"> <li>1. If the Town has made a grant or loan in respect of a property located in a Community Improvement Plan Area, the property would not be eligible for a rebate</li> </ol> </li> </ul>
<p>Wellington County:                  Town of Minto                  North Wellington</p>	<ul style="list-style-type: none"> <li>• Modify eligibility:                         <ol style="list-style-type: none"> <li>1. Must be located within the Community Improvement Plan boundaries and eligible for such municipal incentives as signage façade and structural grants</li> <li>2. Two year maximum rebate time limit</li> <li>3. Must be capable of being leased for immediate occupation</li> <li>4. Pop-Up Stores and other temporary uses do not affect eligibility</li> <li>5. Must be vacant for 90 consecutive days</li> <li>6. If active repairs or renovations are proven the property would be eligible</li> <li>7. Seasonal businesses do not qualify</li> <li>8. The property must be advertised for lease or for sale</li> <li>9. Must apply each year and be inspected</li> <li>10. All arrears for property taxes, water and sewer billings and other municipal charges must be paid</li> </ol> </li> </ul>

**VACANT AND EXCESS LAND SUBCLASSES**

**TABLE 6: MUNICIPALITIES THAT PROPOSE TO PHASE-OUT AND ELIMINATE DISCOUNT**

Municipality	2018	2019	2020	2021
City of Greater Sudbury	Phase-out			
City of St. Thomas	Phase-out			
Elgin County	Phase-out			
Town of Thessalon	Phase-out			
Village of Hilton Beach	Phase-out			
Town of Espanola	Phase-out	Eliminate		
Municipality of Oliver Paipooonge		Eliminate		
Township of Nairn and Hyman		Eliminate		
Durham Region	Phase-out	Phase-out	Eliminate	
Town of St. Marys	Phase-out	Phase-out	Eliminate	
Haldimand County	Phase-out	Phase-out	Phase-out	Eliminate



**TABLE 7: HOW MUNICIPALITIES WILL PHASE-OUT DISCOUNT**

MUNICIPALITY	DESCRIPTION
Town of Espanola	<ul style="list-style-type: none"> <li>Reduce commercial and industrial discounts to 15% in 2017</li> </ul>
Durham Region	<ul style="list-style-type: none"> <li>Reduce commercial discount to 20% in 2018 and 10% in 2019</li> <li>Reduce industrial discount to 23.33% in 2018 and 11.67% in 2019</li> </ul>
Town of St. Marys	<ul style="list-style-type: none"> <li>Reduce commercial and industrial discounts to 20% in 2018 and to 10% in 2019</li> </ul>
Haldimand County	<ul style="list-style-type: none"> <li>Reduce commercial discount to 22.5% in 2018, 15% in 2019 and 7.5% in 2020</li> <li>Reduce industrial discount to 26.25% in 2018, 17.5% in 2019 and 8.75% in 2020</li> </ul>

## **Appendix 2: Results of Public Engagement Sessions & Online Survey**

### **Local Area Municipality Stakeholder Impact Meeting – May 15, 2018 @ 1pm**

Meeting requests were sent to planning, economic development and finance staff from each area municipality. In total, there were 13 individuals in attendance (not including regional staff) representing 8 of the 12 area municipalities.

Common themes from the area municipalities meeting include:

- Vacant unit rebate should be eliminated, consideration to do so over an extended phase-out;
- Phase out of one of the programs first. This would lessen the upfront impact of program elimination;
- Many developments may not be what the market is looking for (location, size, age, etc.) making it difficult to occupy.
- Keep vacant unit rebate program but limit the number of years a property owner can apply.
- New developments are sometimes not fully occupied immediately, vacant unit rebates helps those owners in the first few years.

### **Public Forum – May 15, 2018 @ 5:30pm**

Save the dates in the form of an email invitation were distributed to the main contacts at each of the local downtown association, business improvement associations, chambers of commerce as well as the Niagara Industrial Association and a notification of the meeting date posted on the Region's website. Local Area Municipalities were also invite to distribute the meeting information to other interested parties. Included as part of the communication was a brief background on the current programs, the purpose of the forum, information on the flexibility provided by the Province to municipalities for amending the current program, and a link to the online survey.

In total, 5 individuals attended the evening public forum meeting. Four represented the local area Business Associations from St. Catharines, Lincoln and Welland and one attendee representing a real estate corporation.

Common themes from Stakeholder meeting include the following:

- BIAs were in support of eliminating vacant unit rebate program;
- Allocation of any budget savings should be allocated to other economic development activities (CIP/Building Façade);
- Current program discourages investment in maintenance of building and contributes to derelict building conditions,
- Poor building condition leads to lower property assessments which decreases BIA levy amounts.
- Rebates also reduce BIA levy amounts;



- Eliminating program could motivate building owners to rent/occupy space which requires better upkeep of buildings

### Online Survey Results

A survey was made available online starting May 4, 2018 and was closed on June 1, 2018, approximately a 1 month period. The intent of the survey was to determine the level of importance that the current rebate and reduction programs are to local business owners as well as an understanding of how eliminating the rebate or reduction would impact a resident's decision to start a business in Niagara.

In total, there were 25 survey sessions initiated. Of the 25 initiated, only 14 respondents provided answers (either in full or part) with the remainder of the respondents simply viewing the survey and providing no input.

Of the 7 business owners that completed the survey, 4 had identified themselves as having received the vacant unit rebate while the remainder stated they had not benefited from either program. 5 of the 7 responded that the vacant unit rebate was an important part of their business plans with 2 stating it was not important.

There were also a total of 7 non-business owners that responded to the survey as well. Of the 7 respondents, 5 indicated that they do not feel businesses should receive rebates or reductions for vacancies. 6 indicated that if the programs were eliminated it would not impact their decision to start a business in Niagara.

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July 18, 2018

Health Canada  
Address Locator 0900C2  
Ottawa, Ontario  
K1A 0K9

Dear Sirs:

### **Cannabis Odour Enforcement**

At their regular meeting of July 16<sup>th</sup>, 2018, Council of the Town of Pelham received a staff report regarding the above-noted matter and endorsed the following:

**WHEREAS, the Federal Government implemented new rules concerning access to cannabis for medical purposes on August 24, 2016; and**

**WHEREAS, Licensed Producers are required to comply with all requirements under the Access to Cannabis for Medical Purposes Regulations (ACMPR) including section 61, which requires that areas within a site where cannabis is present must be equipped with a system that filters air to prevent the escape of odours; and**

**WHEREAS, the Town of Pelham and the Federal Office of Medical Cannabis (OMC) have, and continue to, receive numerous complaints since January 2018 about the odour emitting from Commercial Federally Licenced Cannabis Grow Facilities (FACILITIES) in Pelham; and**

**WHEREAS, the odour being released from these FACILITIES is negatively affecting the residents of the Town of Pelham and the surrounding municipalities; and**

**WHEREAS, these FACILITIES have been under investigation by Inspectors from Health Canada's Cannabis Directorate since February of 2018 in regard to odour complaints with no resolution to date; and**

From the Clerk's Department



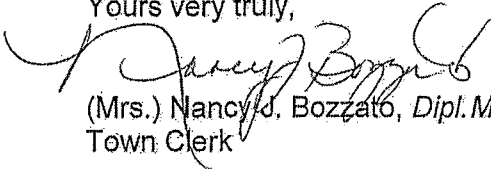
**Administrative  
Services**

**NOW THEREFORE BE IT RESOLVED THAT The Government of Canada and its regulating bodies including Health Canada, The Federal Office of Medical Cannabis, and the Federal Office of the Cannabis Directorate be requested to take whatever action is necessary to ensure these FACILITIES comply with section 61 of the ACMPR in regard to the elimination of the odour being released from these FACILITIES; and**

**THAT a copy of this resolution be circulated to local area Niagara Municipalities to consider endorsement, and to all local Members of Parliament.**

On behalf of Council, we ask that you receive our letter and support the Town of Pelham in enforcing section 61 of (ACMPR).

Yours very truly,



(Mrs.) Nancy J. Bozzato, *Dipl. M.M., AMCT*  
Town Clerk

/hw

cc: The Federal Office of Medical Cannabis  
Federal Office of the Cannabis Directorate  
Local Area Clerks  
Local Members of Parliament

From the Clerk's Department



**Administrative  
Services**



# Thorold

City of Port Colborne  
**RECEIVED**

**AUG 13 2018**

CORPORATE SERVICES  
DEPARTMENT

August 9, 2018

Town of Pelham  
20 Pelham Town Square  
P.O. Box 400  
Fonthill, ON L0S 1E0

Attention: Nancy Bozzato, Town Clerk

Dear Mrs. Bozzato:

**Re: Cannabis Odour Enforcement**

Please be advised Thorold City Council, at its August 7, 2018 meeting, adopted the following resolution:

That the correspondence received from the Town of Pelham from its Council meeting of July 16, 2018 requesting the Government of Canada and its regulating bodies including Health Canada, the Federal Office of Medical Cannabis and the Federal Office of the Cannabis Directorate be requested to take the necessary action to ensure cannabis grow facilities comply with Section 61 of the Access to Cannabis for Medical Purposes Regulations (ACMPR) in regard to the elimination of the odour released from these facilities, be received and supported.

Yours truly,

Donna Delvecchio  
City Clerk

DD:cd

cc: M. Dilwaria, Chief Administrative Officer

Health Canada  
Federal Office of Medical Cannabis  
Federal Office of the Cannabis Directorate  
V. Badawey, M. P., Niagara Centre  
Local Area Municipalities

---

**City of Thorold**

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

[www.thorold.com](http://www.thorold.com)

Tel: 905-227-8813

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## Community Services

### Legislative Services

City of Port Colborne  
RECEIVED

JUL 18 2018

CORPORATE SERVICES  
DEPARTMENT

July 17, 2018

File #120203

Sent via Email: [ann-marie.norio@niagararegion.ca](mailto:ann-marie.norio@niagararegion.ca)

Ann-Marie Norio, Acting Regional Clerk  
Niagara Region  
1815 Sir Issac Brock Way, P.O. Box 1042  
Thorold, ON L2V 4T7

Dear Ms. Norio:

#### Re: Trade with the United States and Protecting Canadian Jobs

The Municipal Council of the Town of Fort Erie at its meeting of July 16, 2018 received and supported Regional Council's resolution of June 14, 2018 regarding the Government of Canada and the Government of Ontario's efforts concerning trade with the United States and protecting Canadian jobs.

Trusting this information will be of assistance to you.

Yours very truly,

Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk  
[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

CS:dlk

- c.c. The Right Honourable Justin Trudeau, Prime Minister Sent via email: [Justin.trudeau@parl.gc.ca](mailto:Justin.trudeau@parl.gc.ca)  
The Honourable Doug Ford, Premier of Ontario Sent via email: [premier@ontario.ca](mailto:premier@ontario.ca)  
Rob Nicholson, MP-Niagara Falls, Parliament of Canada Sent via email: [rob.nicholson@parl.gc.ca](mailto:rob.nicholson@parl.gc.ca)  
Vance Badawey, MP-Niagara Centre, Sent via email: [vance.badawey@parl.gc.ca](mailto:vance.badawey@parl.gc.ca)  
Chris Bittle, MP-St. Catharines Sent via email: [chris.bittle@parl.gc.ca](mailto:chris.bittle@parl.gc.ca)  
Wayne Gates, MPP-Niagara Falls, Legislative Assembly of Ontario Sent via email: [wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)  
Sam Oosterhoff, MPP-Niagara West-Glanbrook, Legislative Assembly of Ontario Sent via email: [sam.oosterhoff@pc.ola.org](mailto:sam.oosterhoff@pc.ola.org)  
Jennifer Stevens, MPP-St. Catharines Sent via email: [JStevens-CO@ndp.on.ca](mailto:JStevens-CO@ndp.on.ca)  
Jeff Burch, MPP-Niagara Centre Sent via email: [JBurch-QP@ndp.on.ca](mailto:JBurch-QP@ndp.on.ca)  
Pat Vanini, Executive Director, AMO Sent via email: [pvanini@amo.on.ca](mailto:pvanini@amo.on.ca)  
Brock Carlton, CEO, Federation of Canadian Municipalities Sent via email: [ceo@fcm.ca](mailto:ceo@fcm.ca)  
Niagara Local Area Municipalities Sent via email

Mailing Address:

The Corporation of the Town of Fort Erie

1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: [www.forterie.ca](http://www.forterie.ca)

143



# Thorold

City of Port Colborne  
**RECEIVED**

**JUL 20 2018**

CORPORATE SERVICES  
DEPARTMENT

July 19, 2018

Regional Municipality of Niagara  
Office of the Regional Clerk  
1815 Sir Isaac Brock Way, P.O. Box 1042  
Thorold, ON L2V 4T7

Attention: Ann-Marie Norio, Acting Regional Clerk

[Ann-Marie.Norio@niagararegion.ca](mailto:Ann-Marie.Norio@niagararegion.ca)

Dear Ms. Norio:

**Re: Trade with the United States and Protecting Canadian Jobs**

Please be advised Thorold City Council, at its July 17, 2018 meeting, adopted the following resolution:

That the correspondence received from the Region of Niagara from its Council meeting of June 14, 2018 supporting the Government of Canada and the Government of Ontario in their efforts concerning trade with the United States and protecting Canadian jobs, be received and supported.

**CARRIED**

Yours truly,

Donna Delvecchio,  
City Clerk

DD:cd

cc: M. Dilwaria, Chief Administrative Officer

Prime Minister J. Trudeau, [justin.trudeau@parl.gc.ca](mailto:justin.trudeau@parl.gc.ca)  
Premier D. Ford, Premier of Ontario, [premier@ontario.ca](mailto:premier@ontario.ca)  
V. Badawey, MPP, Niagara Centre, [vance.badawey@parl.gc.ca](mailto:vance.badawey@parl.gc.ca)  
J. Burch, MPP, Niagara Centre, [jburch-co@ndp.on.ca](mailto:jburch-co@ndp.on.ca)  
Association of Municipalities of Ontario, [pvanini@amo.on.ca](mailto:pvanini@amo.on.ca)  
Federation of Canadian Municipalities, [info@fcm.ca](mailto:info@fcm.ca)  
Local Area Municipalities

**City of Thorold**

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

[www.thorold.com](http://www.thorold.com)

Tel: 905-227-6613

144





City of Welland  
Legislative Services  
Office of the City Clerk  
60 East Main Street, Welland, ON L3B 3X4  
Phone: 905-735-1700 Ext. 2280 | Fax: 905-732-1919  
Email: clerk@welland.ca | www.welland.ca

City of Port Colborne  
**RECEIVED**

**AUG 22 2018**

CORPORATE SERVICES  
DEPARTMENT

August 15, 2018

File No. 18-84

SENT VIA EMAIL

Niagara Region  
1815 Sir Isaac Brock Way  
P.O. Box 1042  
Thorold, ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Ann-Marie Norio:

**Re: July 24, 2018 – WELLAND CITY COUNCIL**

At its meeting of July 24, 2018, Welland City Council passed the following motion:

**“THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and endorses the correspondence from the Region of Niagara dated June 19, 2018 regarding Trade with the United States and Protecting Canadian Jobs Minute Item 14.1 CL 8-2018, June 14, 2018.”**

Yours truly,

Carmela Radice  
Acting City Clerk

CR:cap

c.c.: Local Area Municipalities, sent via email

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JUL 03 2018

CORPORATE SERVICES  
DEPARTMENT

June 29, 2018

To: Local Area Municipalities  
Association of Municipalities of Ontario ([pvanini@amo.on.ca](mailto:pvanini@amo.on.ca))  
Federation of Canadian Municipalities ([info@fcm.ca](mailto:info@fcm.ca))

**Re: Support of Federal Government's Negotiations with United States in regard to Tariffs on Steel and Aluminum**

Please be advised that the Council of the City of St. Catharines, at its meeting held on June 25, 2018, approved the following motion:

WHEREAS Niagara's economy is dependent on trade and cross border commerce; and

WHEREAS Niagara companies in the iron, steel and aluminum industry export more than \$120 million in value and import more than \$46 million in value; and

WHEREAS the metal manufacturing, steel mills and alloy manufacturing industries include more than 1,000 jobs in Niagara, in addition to thousands of auto manufacturing and supply chain jobs that would be impacted by tariffs and trade restrictions; and

WHEREAS the impacts of tariffs on steel, aluminum and metal products would be harmful to local businesses and jobs; and

THEREFORE BE IT RESOLVED that the City of St. Catharines supports the House of Commons' unanimous motion of support in recognizing Canada's mutually-beneficial trading relationship with the United States; and

BE IT FURTHER RESOLVED that the City stands with local workers, businesses and communities that depend on this trading relationship; and

BE IT FURTHER RESOLVED that the City stands in solidarity with the Government of Canada's decision to impose retaliatory tariffs on United States imports effective July 1, 2018; and

BE IT FURTHER RESOLVED that the City endorses the Region of Niagara motion in support of the Government of Canada and the Government of Ontario's efforts concerning trade with the United States; and

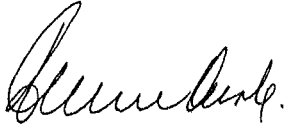
BE IT FURTHER RESOLVED that this resolution be circulated to local area municipalities, Association of Municipalities of Ontario, Federation of Canadian Municipalities, local Members of Parliament and Members of Provincial

PO Box 3012, 50 Church St., St. Catharines, ON L2R 7C2

Tel: 905.688.5600 | TTY: 905.688.4889 | [www.stcatharines.ca](http://www.stcatharines.ca)

Parliament for endorsement, Premier-designate Ford, Prime Minister Trudeau, Ontario Auto Mayor's Caucus, Niagara Industrial Association, Canadian Manufacturers and Exporters, and Excellence in Manufacturing Consortium.

If you have any questions, please contact the Office of the City Clerk at extension 1501.



Bonnie Nistico-Dunk, City Clerk  
Legal and Clerks Services, Office of the City Clerk  
:ks

CC: Mr. Vance Badawey, MP-Niagara Centre, Parliament of Canada ([vance.badawey@parl.gc.ca](mailto:vance.badawey@parl.gc.ca))  
Mr. Rob Nicholson, MP-Niagara Falls, Parliament of Canada ([Rob.Nicholson@parl.gc.ca](mailto:Rob.Nicholson@parl.gc.ca))  
Mr. Chris Bittle, MP-St. Catharines, Parliament of Canada ([Chris.Bittle@parl.gc.ca](mailto:Chris.Bittle@parl.gc.ca))  
Mr. Dean Allison, MP-Niagara West, Parliament of Canada ([Dean.Allison@parl.gc.ca](mailto:Dean.Allison@parl.gc.ca))  
Mrs. Jennie Stevens, MPP-St. Catharines ([jstevens-co@ndp.on.ca](mailto:jstevens-co@ndp.on.ca))  
Mr. Jeff Burch, MPP-Niagara Centre ([jburch-co@ndp.on.ca](mailto:jburch-co@ndp.on.ca))  
Mr. Wayne Gates, MPP-Niagara Falls ([wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca))  
Mr. Sam Oosterhoff, MPP-Niagara West ([sam.oosterhoffco@pc.ola.org](mailto:sam.oosterhoffco@pc.ola.org))  
Premier-designate Ford ([premier@ontario.ca](mailto:premier@ontario.ca))  
Prime Minister Trudeau ([Justin.trudeau@parl.gc.ca](mailto:Justin.trudeau@parl.gc.ca))  
Ontario Auto Mayor's Caucus ([mayors@automayors.ca](mailto:mayors@automayors.ca))  
Niagara Industrial Association ([wendy@niagaraindustry.com](mailto:wendy@niagaraindustry.com))  
Canadian Manufacturers and Exporters ([president@cme-mec.ca](mailto:president@cme-mec.ca))  
Excellence in Manufacturing Consortium ([wverbraeken@emccanada.org](mailto:wverbraeken@emccanada.org))



## Community Services

### Legislative Services

City of Port Colborne  
**RECEIVED**

JUL 18 2018

CORPORATE SERVICES  
DEPARTMENT

July 17, 2018

File #120203

Sent via Email: [bdunk@stcatharines.ca](mailto:bdunk@stcatharines.ca)

Bonnie Nistico-Dunk, Clerk  
City of St. Catharines  
P.O. Box 3012, 50 Church Street  
St. Catharines, ON L2R 7C2

Dear Ms. Nistico-Dunk:

**Re: Support of Federal Government's Negotiations with United States in Regard to Tariffs on Steel and Aluminum**

The Municipal Council of the Town of Fort Erie at its meeting of July 16, 2018 received and supported the City of St. Catharines' resolution of June 25, 2018 regarding the House of Commons' unanimous motion of support in recognizing Canada's mutually-beneficial trading relationship with the United States.

Trusting this information will be of assistance to you.

Yours very truly,

Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk  
[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

CS:dlk

- c.c. The Right Honourable Justin Trudeau, Prime Minister Sent via email: [Justin.trudeau@parl.gc.ca](mailto:Justin.trudeau@parl.gc.ca)  
The Honourable Doug Ford, Premier of Ontario Sent via email: [premier@ontario.ca](mailto:premier@ontario.ca)  
Rob Nicholson, MP-Niagara Falls, Parliament of Canada Sent via email: [rob.nicholson@parl.gc.ca](mailto:rob.nicholson@parl.gc.ca)  
Vance Badawey, MP-Niagara Centre Sent via email: [vance.badawey@parl.gc.ca](mailto:vance.badawey@parl.gc.ca)  
Chris Bittle, MP-St. Catharines Sent via email: [chris.bittle@parl.gc.ca](mailto:chris.bittle@parl.gc.ca)  
Wayne Gates, MPP-Niagara Falls, Legislative Assembly of Ontario Sent via email: [wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)  
Sam Oosterhoff, MPP-Niagara West-Glanbrook, Legislative Assembly of Ontario Sent via email: [sam.oosterhoff@pc.ola.org](mailto:sam.oosterhoff@pc.ola.org)  
Jennifer Stevens, MPP-St. Catharines Sent via email: [JStevens-CO@ndp.on.ca](mailto:JStevens-CO@ndp.on.ca)  
Jeff Burch, MPP-Niagara Centre Sent via email: [JBurch-QP@ndp.on.ca](mailto:JBurch-QP@ndp.on.ca)  
Pat Vanini, Executive Director, AMO Sent via email: [pvanini@amo.on.ca](mailto:pvanini@amo.on.ca)  
Brock Carlton, CEO, Federation of Canadian Municipalities Sent via email: [ceo@fcm.ca](mailto:ceo@fcm.ca)  
Ontario Auto Mayor's Caucus Sent via email: [mayors@automayors.ca](mailto:mayors@automayors.ca)  
Niagara Industrial Association Sent via email: [wendy@niagaraindustry.com](mailto:wendy@niagaraindustry.com)  
Canadian Manufacturers and Exporters Sent via email: [president@cme-mec.ca](mailto:president@cme-mec.ca)  
Excellence in Manufacturing Consortium Sent via email: [wverbraeken@emccanada.org](mailto:wverbraeken@emccanada.org)  
Niagara Local Area Municipalities Sent via email

Mailing Address:

The Corporation of the Town of Fort Erie

1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: [www.forterie.ca](http://www.forterie.ca) **149**



Where Ships Climb The Mountain...

July 19, 2018

City of St. Catharines  
P.O. box 3012, 50 Church Street  
St. Catharines, ON L2R 7C2

[bdunk@stcatharines.ca](mailto:bdunk@stcatharines.ca)

Attention: Bonnie Nistico-Dunk, City Clerk

Dear Ms. Nistico-Dunk:

**Re: Federal Governments' Negotiations with United States in regard to Tariffs  
on Steel and Aluminum**

Please be advised Thorold City Council, at its July 17, 2018 meeting, adopted the following resolution:

That the correspondence received from the City of St. Catharines from its Council meeting of June 25, 2018 standing in solidarity with the Government of Canada by supporting its decision to impose retaliatory tariffs on United States imports effective July 1, 2018, be received and supported.

**CARRIED**

Yours truly,

Donna Delvecchio,  
City Clerk

DD:cd

cc: M. Dilwarja, Chief Administrative Officer

Prime Minister J. Trudeau, [justin.trudeau@parl.gc.ca](mailto:justin.trudeau@parl.gc.ca)  
Premier D. Ford, Premier of Ontario, [premier@ontario.ca](mailto:premier@ontario.ca)  
V. Badawey, MPP, Niagara Centre, [vance.badawey@parl.gc.ca](mailto:vance.badawey@parl.gc.ca)  
J. Burch, MPP, Niagara Centre, [jburch-co@ndp.on.ca](mailto:jburch-co@ndp.on.ca)  
Association of Municipalities of Ontario, [pvanini@amo.on.ca](mailto:pvanini@amo.on.ca)  
Federation of Canadian Municipalities, [info@fcm.ca](mailto:info@fcm.ca)  
Regional Municipality of Niagara, [Ann-Marie.Norio@niagararegion.ca](mailto:Ann-Marie.Norio@niagararegion.ca)  
Local Area Municipalities

**City of Thorold**

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

[www.thorold.com](http://www.thorold.com)

Tel: 905-227-6613



City of Port Colborne  
**RECEIVED**  
JUL 26 2018  
CORPORATE SERVICES  
DEPARTMENT

# The City of Niagara Falls, Ontario

## Resolution

July 10, 2018

Moved by: **Councillor Thomson**

Seconded by: **Councillor Pietrangelo**

**WHEREAS**, the North American Free Trade Agreement (NAFTA) governs nearly every aspect of Canada and the United States economic relationship including manufacturing, agriculture, resources industries, and services;

**WHEREAS**, about 80% of all of Ontario's exports go to the United States and Ontario is the top trading partner of half of all American States;

**WHEREAS**, even minor changes to the established trade relationship between Canada and the United States could have significant consequences for workers, consumers, and governments on both sides of the border;

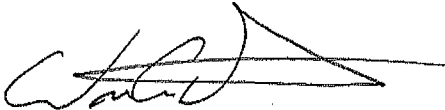
**WHEREAS**, Canada's and Ontario's economic future and the continued well-being of communities and their local economies depend on free and fair trading relationships based in current future trade agreements;

**Therefore be it resolved;** that Ontario municipal governments, represented by the Association of Municipalities of Ontario (AMO), stand together with the Federal and Ontario governments in their efforts to protect Canadian jobs and local economies;

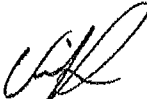
RESOLVED that AMO will work with the Province of Ontario to support the interests of municipalities and communities affected by trade disputes and during ongoing trade agreement negotiations;

RESOLVED that AMO will work with the Federation of Canadian Municipalities to ensure that Canada understands the municipal impacts affected by trade disputes and during ongoing trade agreement negotiations;

AND The Seal of the Corporation be hereto affixed.



WILLIAM G. MATSON  
ACTING CITY CLERK



VINCE KERRIO  
ACTING MAYOR





**CITY OF WELLAND**

City Clerk and Legal Services  
Office of the City Clerk  
Corporate Services  
60 East Main Street, Welland, ON L3B 3X4  
Phone: 905-735-1700 ext. 2280 Fax: 905-732-1919  
E-mail: [clerk@welland.ca](mailto:clerk@welland.ca)  
[www.welland.ca](http://www.welland.ca)

City of Port Colborne  
**RECEIVED**

**AUG 22 2018**

**CORPORATE SERVICES  
DEPARTMENT**

August 15, 2018

File No. 18-85

SENT VIA EMAIL

Association of Municipalities of Ontario  
200 University Avenue, Suite 801  
Toronto, Ontario M5H 3C6

Attention: Mr. Craig Reid, Senior Policy Advisor

Dear Mr. Reid:

**RE: July 24, 2018 – WELLAND CITY COUNCIL**

At its meeting of July 24, 2018, Welland City Council passed the following motion:

**"WHEREAS, the North American Free Trade Agreement (NAFTA) governs nearly every aspect of Canada and the United States economic relationship including manufacturing, agriculture, resources industries, and services;  
AND WHEREAS, about 80% of all of Ontario's exports go to the United States and Ontario is the top trading partner of half of all American States;  
AND WHEREAS, even minor changes to the established trade relationship between Canada and the United States could have significant consequences for workers, consumers, and governments on both sides of the border;  
AND WHEREAS, Canada's and Ontario's economic future and the continued well-being of communities and their local economies depend on free and fair trading relationships based in current future trade agreements.  
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND and Ontario municipal governments, represented by the Association of Municipalities of Ontario (AMO), stand together with the Federal and Ontario governments in their efforts to protect Canadian jobs and local economies; and further  
THAT AMO will work with the Province of Ontario to support the interests of municipalities and communities affected by trade disputes and during ongoing trade agreement negotiations; and further  
THAT AMO will work with the Federation of Canadian Municipalities to ensure that Canada understands the municipal impacts affected by trade disputes and during ongoing trade agreement negotiations; and further  
THAT the Corporation of the City of Welland supports AMO's resolution."**

Yours truly,

Carmela Radice  
Acting City Clerk

CR:cap

c.c.: Local Area Municipalities, sent via email

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City Clerk's Office

Secretariat  
Marilyn Toft  
Council Secretariat Support  
City Hall, 12<sup>th</sup> Floor, West  
100 Queen Street West  
Toronto, Ontario M5H 2N2

Tel: 416-392-7032  
Fax: 416-392-2980  
e-mail: Marilyn.Toft@toronto.ca  
web: www.toronto.ca

**In reply please quote:  
Ref.: 18-CC44.14**

August 1, 2018

**ALL MUNICIPALITIES IN ONTARIO:**

**Subject: New Business Item 44.14  
Immediate Steps to Address Gun Violence**

City Council on July 23, 24, 25, 26, 27 and 30, 2018, adopted this Item as amended, and among other things, has requested the Chief Coroner for Ontario to hold an inquest into gun violence related deaths in Toronto to make useful recommendations directed to the avoidance of further deaths due to gun violence.

Toronto City Council has also circulated this resolution to Ontario municipalities asking that they support this request for their communities.

for City Clerk

M. Toft/sb

Attachment

Sent to: Chief Coroner, Province of Ontario  
Medical Officer of Health  
President and Chief Executive Officer,  
Toronto Community Housing Corporation  
Chair, Toronto Police Services Board  
All Municipalities in Ontario  
All Interested Parties

c. City Manager

## City Council

### New Business and Business Previously Requested - Meeting 44

CC44.14	ACTION	Amended		Ward:All
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### Immediate Steps to Address Gun Violence

#### City Council Decision

City Council on July 23, 24, 25, 26, 27 and 30, 2018, adopted the following:

1. City Council urge the Federal Government to ban the sale of handguns in the City of Toronto.
2. City Council request the Government of Canada to strengthen its proposed gun control legislation in Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms, by:
  - a. restoring the 1977 controls on the sale of unrestricted firearms requiring firearms dealers to record the licence number, make, model and serial number of all firearms sold and subject these records to annual inspection so that police services can inspect records as needed to trace firearms used in crimes;
  - b. creating more stringent transport provisions for restricted firearms to limit transport outside of direct transfers between their place of storage and approved destination; and
  - c. prohibiting the availability, sale, possession and use of handguns, assault rifles and semi-automatic firearms in Canada, with the exception of the Canadian Armed Forces, police services or other entity that is authorized to possess firearms with legal obligations imposed by the municipal, provincial and federal governments.
3. City Council request the Federal Government to enact legislation:
  - a. to control guns coming into Canada along the American and Canadian border; and
  - b. to create gun repositories that require all long guns and hand guns to be locked up and only retrieved if and where there is a need for hunting or going to the range for target practice, such repositories to be developed in a private-public partnership.

4. City Council request the Mayor to convey to the Attorney General of Canada and Public Safety Minister City Council's request that relevant legislation, including but not limited to legislation currently before Parliament, be amended to:
  - a. include tougher penalties including mandatory-minimum sentences for gun traffickers;
  - b. direct more resources to tackle domestic firearm trafficking, specifically targeting large single purchasers of firearms; and
  - c. implement tougher screening for mental health and intimate partner violence issues for licensed gun owners and those seeking to acquire firearm permits.
5. City Council request the Minister of Border Security and Organized Crime Reduction and the Minister of Public Safety to advise the City of Toronto on:
  - a. how Ottawa can support efforts to deter or reduce the ongoing wave of gun and gangs violence in Toronto;
  - b. ways of stopping the free flow of illegal guns along the United States of America border into Canada; and
  - c. how the allocated federal funding will assist the City in eradicating the level of gun violence in Toronto.
6. City Council urge the Provincial Government to ban the sale of handgun ammunition in the City of Toronto.
7. City Council request the Government of Ontario to fulfill its campaign promise to provide an additional \$1.9 billion for mental health supports.
8. City Council request the Province of Ontario to review the Residential Tenancies Act or any other relevant legislation with a view to provide more tools to evict people for criminal behaviour specifically related to guns, gangs and drug trafficking and to provide more resources to the Landlord and Tenant Board to process evictions on a more timely basis.
9. City Council authorize the Executive Director, Social Development Finance and Administration to apply for, enter into any necessary agreements, receive, and allocate Federal Government funding for an amount of \$1.050 million in 2018 to immediately implement the Youth Violence Prevention Initiatives and expand the Community Crisis Response Program, as detailed in Revised Appendix B, #1, #3, #4 and #16 to the report (July 17, 2018) from the Interim City Manager.
10. City Council, upon receipt of Federal Government funding, authorize the Chief Financial Officer to adjust the 2018 Approved Operating Budgets for Social Development, Finance and Administration by \$0.900 million gross and \$0 net, which will support the addition of 8 temporary positions to the program complement; and Shelter, Support and Housing

Administration for \$0.150 million gross and \$0 net, contingent on receipt of funding from the Federal Government.

11. City Council authorize the Executive Director, Social Development Finance and Administration to apply for up to an additional \$29.0 million in Federal Government funding over a five year period beginning April 1, 2019, for ongoing investments in community violence intervention and prevention programming.
12. City Council authorize the City Manager to request, enter into any necessary agreements, receive, and allocate Provincial or Federal Government funding up to \$15.0 million to support enforcement initiatives, including enhanced surveillance activities and enhanced community security in local communities most impacted by gun violence as detailed in Revised Appendix B, #18, #19 and #20 to the report (July 17, 2018) from the Interim City Manager.
13. City Council authorize the City Manager to request, enter into any necessary agreements, receive, and allocate Provincial or Federal Government funding up to \$2.6 million to fund the implementation of measures in the approved Youth Equity Strategy that are deemed most effective at addressing the roots of youth violence by the General Manager, Social Development, Finance and Administration, and the Toronto Police Service.
14. City Council direct the City Manager to report through the 2019 budget process on the impact of these investments and any additional resources required to implement a proactive safe summer plan in 2019.
15. City Council request the City Manager, in collaboration with the Toronto Police Services Board, prior to awarding the contract to ShotSpotter, to consult with the office of the Ontario Information and Privacy Commissioner, and if any concerns are identified and not resolved to the satisfaction of the Ontario Information and Privacy Commissioner, that these matters be reported to the Executive Committee.
16. City Council require the City Manager to monitor the use, and potential community benefits of Shot Spotters in at-risk communities, in consultation with affected communities and the Toronto Police Services Board and to report back to City Council on the effectiveness of this technology in the first quarter of 2019.
17. City Council request the Toronto Police Services Board to immediately hire 100 new police officers, funded in 2018 through the Tax Rate Stabilization Fund, with the 2019 costs to be considered as part of the 2019 Budget Process.
18. City Council request the Toronto Police Services Board to request the Chief of Police to:
  - a. accelerate and increase the hiring of experienced community officers from other Services to be deployed City-wide; and
  - b. accelerate the implementation of a sustainable Neighbourhood Policing Model City-wide recommended through the Toronto Police Service modernization plan and to report to

the Budget Committee through the 2019 budget process to address if any additional funding is required; and

c. determine how the existing Police Community Partnerships within 11, 12 and 13 Divisions could be expanded to other parts of the City where local community organizations (i.e. Ratepayer and Tenant Associations, local Business Improvement Areas, community organizations and community leaders), working in partnership with the Toronto Police Service, can help in reducing the level of crime through crime prevention initiatives, at no cost to the Toronto Police Service.

19. City Council request the Toronto Police Service Board and the Province of Ontario to consider the recommendations in the April 2018 report, "Another Day, Another Janazah" published by the Somali Youth Research Initiative, a research project that works to analyze and better understand the scope, experience of violence and homicides among Somali-Canadian youth in Ontario, in particular, the report calls for the following recommendations:

a. the collection of disaggregated data to better address gaps in data and to do so in consultations with Somali-Canadian families and their community, regarding concerns that Somalis are dying at a greater rate than members of other community groups that are impacted by gun violence, in accordance with the Ontario Human Rights Code and the Canadian Human Rights Act;

b. the establishment of an advisory group composed of community leaders, victim families, police services, and community organizations to analyze and review current homicide investigation practices to identify existing gaps to improve clearance rates; and

c. investments in culturally-sensitive mental health resources for Somali-Canadian families by increasing the funding provisions of Enhanced Youth Outreach Workers and counsellors with a focus on mental health.

20. City Council request the Board of Directors of the Toronto Community Housing Corporation to report to the Executive Committee in the first quarter of 2019 on the concrete steps being undertaken by the Corporation to reduce the number of gun crimes in Toronto Community Housing.

21. City Council request the Chief Executive Officer, Toronto Community Housing Corporation to determine what additional resources are needed to take immediate steps to address gun and gang violence within the Toronto Community Housing Corporation complexes that are within Neighbourhood Improvement Areas, such as hiring on-site security 24 hours a day, 7 days a week, and to report back to the City Manager with any resources request for inclusion in the 2019 Operating Budget.

22. City Council direct the City Clerk to write to the Chief Coroner for Ontario, on behalf of Toronto City Council, to request an inquest be held into gun violence related deaths in Toronto to make useful recommendations directed to the avoidance of further deaths due to gun violence and to circulate this resolution to Ontario municipalities asking that they support this

request for their communities.

23. City Council direct the City Manager to report back on by-law and/or policy initiatives addressing gun violence that may be taken by the City of Toronto, including potential by-laws to control the sale of handguns in Toronto.

24. City Council direct the City Manager in consultation with the Toronto Police Services Board, to establish a Gun Amnesty/Buyback program and report to City Council in the first quarter of 2019 on the status of implementation.

25. City Council request the City Manager, in consultation with the Toronto Police Services Board, to conduct a review of existing municipal initiatives in Canada that have as their aim the reduction and/or regulation in the sale, storage, and use of ammunition, and to identify possible regulatory options that may be pursued by the City of Toronto in this regard.

26. City Council request the City Manager and the Executive Director, Municipal Licensing and Standards, in consultation with the Toronto Police Services Board, to report on the findings of their review of the powers under the licensing provisions of the City of Toronto Act to regulate/and or limit the sale of ammunition, similar to the regulations implemented for fireworks.

27. City Council request the City Manager to present City Council with a comprehensive analysis of the legislative tools available to City Council to regulate the sale, storage and use of ammunition with the City's borders.

28. City Council request the Chief Planner and Executive Director, City Planning to report back in the first quarter of 2019 to the Planning and Growth Management Committee with draft options for a zoning by-law amendment that would have the effect of the City of Toronto regulating, within its borders, the sale, storage, and use of ammunition for firearms, with the exception of ammunition that is stored or used by the Canadian Armed Forces, a police force, or other entity that is authorized to store or use ammunition in connection with a legal obligation imposed by the municipal, the provincial or the federal government.

29. City Council request the Executive Director, Municipal Licensing and Standards, in cooperation with the Chief Building Official and Executive Director, Toronto Building and the Chief Planner and Executive Director, City Planning, to investigate any operating gun clubs with a shooting range in the City of Toronto to determine if they are operating legally and take appropriate action if required.

30. City Council request the Director, Real Estate Services and the General Manager, Shelter, Support and Housing and Administration to investigate and determine the feasibility of acquiring and repurposing the remaining gun clubs with shooting ranges in the City of Toronto for civic purposes.

31. City Council direct the Executive Director, Social Development Finance and Administration, in consultation with the Medical Officer of Health, to work with relevant



community partners, the Toronto Community Housing Corporation and the Toronto Police Services Board, to ensure access to a range of support services and programs for victims, witnesses, and community members who experience violence.

32. City Council request the Executive Director, Social Development Finance and Administration to ensure that the Community Crisis Response Program and other trauma recovery programs include culturally appropriate methods and resources.
33. City Council request the Medical Officer of Health, the General Manager, Children Services and the Executive Director, Social Development, Finance and Administration to work together to ensure that the anti-violence strategy and initiatives include and benefit children in the middle childhood years, 9 to 14.
34. City Council request the Mayor to establish a Community Safety Advisory Body in the first quarter of 2019, composed of representatives from:
  - a. the City of Toronto;
  - b. the Ministry of Community Safety and Correctional Services;
  - c. the Ministry of the Attorney General;
  - d. members of the judiciary;
  - e. chairs of the Toronto District School Board and Toronto Catholic District School Board;
  - f. Toronto Community Housing Corporation;
  - g. the Toronto Police Services Board and the Toronto Police Service;
  - h. the Board of Health;
  - i. youth;
  - j. business;
  - k. individuals who have experienced incarceration;
  - l. labour;
  - m. the media; and
  - n. other individuals with extensive expertise and experience in the field,

to provide expert, informed guidance to the City and other orders of government on how to enhance community safety and effectively coordinate their enforcement and prevention

initiatives.

35. City Council direct the City Manager and appropriate staff to consult and work with the gender-based violence sector and women's organizations to develop an intersectional gender-based analysis and approach when carrying out the research, work and implementation as it relates to Items CC44.14 and HL28.6.

36. City Council forward this Item to the Boards of the Toronto Police Service and the Toronto Community Housing Corporation for information and to all not-for-profit organizations working with the City of Toronto through Social Development Finance and Administration initiatives.

### **City Council Decision Advice and Other Information**

City Council considered Items HL28.6 and CC44.14 together.

### **Summary**

At its meeting of June 26-28, 2018, Council directed the City Manager to request an emergency meeting with the Toronto Police Service, Toronto Community Housing Corporation and appropriate staff to determine what additional resources are needed to take immediate steps to address gun violence in the city, and report back to the July 23, 24 and 25, 2018 meeting of Council.

This report provides information on the emergency meeting, an overview of current initiatives to address gun violence (Appendix A), and a listing of proposed crime prevention actions for investment by the City (Appendix B) and other levels of government for Council's consideration.

This report also seeks authority for the Executive Director Social Development Finance and Administration to request funding of up to \$30.0 million from the Federal government to support Community Crime and Violence Intervention Initiatives and up to \$15.0 million from the Provincial government to support Enforcement initiatives.

The report also requests authority to increase the 2018 Approved Operating Budgets for Social Development, Finance and Administration and Shelter, Support and Housing Administration by \$1.050 million required to immediately implement responses to community violence, with expanded programming subject to confirmation of funding from Public Safety Canada.

### **Background Information (City Council)**

(July 17, 2018) Report from the Interim City Manager on Immediate Steps to Address Gun Violence (CC44.14)

(<http://www.toronto.ca/legdocs/mmis/2018/cc/bgrd/backgroundfile-119184.pdf>)

Appendix A - City of Toronto Current Violence Prevention Initiatives

(<http://www.toronto.ca/legdocs/mmis/2018/cc/bgrd/backgroundfile-119185.pdf>)

Revised Appendix B - Proposed Community Violence Intervention and Prevention Investments

(<http://www.toronto.ca/legdocs/mmis/2018/cc/bgrd/backgroundfile-119186.pdf>)

(July 17, 2018) Report from the Interim City Manager on Immediate Steps to Address Gun

Violence - Notice of Pending Report (CC44.14)

(<http://www.toronto.ca/legdocs/mmis/2018/cc/bgrd/backgroundfile-118879.pdf>)

(July 20, 2018) Supplementary report and Appendix from the Chair, Toronto Police Services Board on Toronto Police Services Board - Enforcement Investments to Combat Gun Violence  
(<http://www.toronto.ca/legdocs/mmis/2018/cc/bgrd/backgroundfile-119232.pdf>)

**Communications (City Council)**

(July 23, 2018) E-mail from Robin Buxton Potts (CC.New.CC44.14.1)

(July 23, 2018) E-mail from Avril Jacobson (CC.New.CC44.14.2)

(July 23, 2018) E-mail from Denna Berg (CC.New.CC44.14.3)

(July 23, 2018) E-mail from Lola Landekic (CC.New.CC44.14.4)

(July 23, 2018) E-mail from Gerry Brown (CC.New.CC44.14.5)

(July 24, 2018) E-mail from Donna Patterson (CC.New.CC44.14.6)

(July 24, 2018) Submission from Councillor Joe Mihevc, Ward 21, St. Paul's - News Article (CC.New.CC44.14.7)

(<http://www.toronto.ca/legdocs/mmis/2018/cc/comm/communicationfile-87041.pdf>)

(July 24, 2018) E-mail from Mercedes Rojas (CC.New.CC44.14.8)

(July 24, 2018) Letter from John Cartwright, President, Toronto and York Region Labour Council (CC.New.CC44.14.9)

(<http://www.toronto.ca/legdocs/mmis/2018/cc/comm/communicationfile-87043.pdf>)

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**City of Port Colborne  
Regular Committee of the Whole Meeting 16-18  
Minutes**

**Date:** July 23, 2018  
**Time:** 6:30 p.m.  
**Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

**Members Present:** R. Bodner, Councillor  
B. Butters, Councillor  
F. Danch, Councillor  
A. Desmarais, Councillor  
D. Elliott, Councillor  
B. Kenny, Councillor  
J. Maloney, Mayor (presiding officer)

**Absent:** Y. Doucet, Councillor (due to vacation)  
J. Mayne, Councillor (leave of absence)

**Staff Present:** D. Aquilina, Director of Planning and Development  
T. Cartwright, Fire Chief  
A. Grigg, Director of Community and Economic Development  
N. Halasz, Manager of Parks and Recreation  
A. LaPointe, Manager of Legislative Services/City Clerk (minutes)  
C. Lee, Director of Engineering and Operations  
S. Luey, Chief Administrative Officer  
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and WeeStream.

**1. Call to Order:**

Mayor Maloney called the meeting to order.

**2. Introduction of Addendum Items:**

Nil.

**3. Confirmation of Agenda:**

Moved by Councillor B. Kenny  
Seconded by Councillor A. Desmarais

That the agenda dated July 23, 2018 be confirmed, as circulated or as amended.

CARRIED.

4. **Disclosures of Interest:**

Nil.

5. **Adoption of Minutes:**

(a) **Regular meeting of Committee of the Whole 15-18, held on July 9, 2018**

Moved by Councillor R. Bodner  
Seconded by Councillor D. Elliott

(a) That the minutes of the regular meeting of the Committee of the Whole 15-18, held on July 9, 2018, be approved as presented.

CARRIED.

6. **Determination of Items Requiring Separate Discussion:**

The following items were identified for separate discussion:

Items 1, 2.

7. **Approval of Items Not Requiring Separate Discussion:**

Moved by Councillor A. Desmarais  
Seconded by Councillor B. Kenny

That items 1 to 7 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

**Items:**

3. **Corporate Services Department, Clerk's Division, Report 2018-109,  
Subject: Leave of Absence from Council**

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Committee of the Whole recommends:

That a leave of absence be approved for Councillor John Mayne for a period ending November 30, 2018, or until he resumes attendance, whichever occurs first.

4. **Corporate Services Department, Finance Division, Report 2018-108,  
Subject: Development Charge Reserve Funds – January 1, 2017 to  
December 31, 2017**

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Committee of the Whole recommends:

That report Corporate Services Department, Finance Division report 2018-108 with respect to Development Charge Reserve Funds January 1, 2017 to December 31, 2017 be received for information.

5. **Cynthia B. Skinner, Member of The Friends of Port Colborne Lighthouses Re: Request for Proclamation of Lighthouse Day, August 7, 2018**

Committee of the Whole recommends:

That August 7, 2018 be proclaimed as "Lighthouse Day" in the City of Port Colborne in accordance with the request received from Cynthia B. Skinner, Member, The Friends of Port Colborne Lighthouses.

6. **Region of Niagara Re: Comments of Province's Draft Agricultural Impact Assessment Guidance Document (PDS Report 29-2018)**

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Comments on Province's Draft Agricultural Impact Assessment Guidance Document (PDS Report 29-20178), be received for information.

7. **Niagara Central Airport Commission Re: 2<sup>nd</sup> Quarter Report 2018 for the Niagara Central Dorothy Rungeling Airport**

Committee of the Whole recommends:

That the correspondence received from Richard Rybiak, Chair, Niagara Central Airport Commission Re: Niagara Central Airport Commission 2<sup>nd</sup> Quarter Report for the Niagara Central Dorothy Rungeling Airport, be received for information.

CARRIED.

8. **Presentations:**

Nil.

9. **Delegations:**

- (a) **Cynthia B. Skinner, Member of The Friends of Port Colborne Lighthouses regarding a proclamation request for International Lighthouse Day, August 7, 2018**

Cynthia Skinner presented a request for Council to proclaim August 7, 2018 as International Lighthouse Day. A copy of the presentation is attached.

**(b) Dianna M. Carle regarding a request for an exemption to By-law 1117/64/81, Section 3.2.2 for 1056 Steele Street to Allow for a Second Curb/Driveway Cut**

Dianna Carle presented a request for Council to provide exemption to By-law 1117/64/81 to allow for a second curb cut for a driveway on her property. A copy of the presentation is attached.

Moved by Councillor B. Kenny  
Seconded by Councillor F. Danch

That Council grants an exemption of By-law 1117/64/81, Section 3.2.2, for 1056 Steele Street to allow for a second curb cut and driveway.

CARRIED.

**10. Mayor's Report:**

A copy of the Mayor's Report is attached.

**11. Regional Councillor's Report:**

Nil.

**12. Councillors' Items:**

**a) Left turn pavement marking – Intersection of Elm Street and Main Street (Danch)**

In response to a concern expressed by Councillor Danch about the left turn lane pavement marking that was not re-painted on the north side of Elm Street turning onto Main Street, the Director of Engineering and Operations advised that he forwarded the concern to the Region and would continue to pursue the issue with the Region. Mayor Maloney advised that he would also address the issue with the Region.

**b) Railway tracks on Killaly Street (Kenny)**

In response to an inquiry from Councillor Kenny about a date when the tracks would be repaired the Director of Engineering and Operations advised that staff is continuing discussions with Trillium Railway and the Region and is attempting to expedite the repairs.

**c) Niagara Regional Police and concerns within the community (Desmarais)**

Councillor Desmarais expressed concerns with respect to harassing behavior and drug paraphernalia in City parks and the East Village and the request for police to address the issues. Councillor Desmarais requested contact information to provide to residents so they can report drug paraphernalia in order that it can be properly cleaned up. The Chief Administrative Officer advised that he spoke to the Staff Sergeant at the Port Colborne Niagara



Regional Police detachment to apprise him of the concerns within the City related to criminal activity, drugs and traffic violations. The Chief Administrative Officer also advised that Staff Sergeant LaPlante intends to attend a future meeting of Council. Finally the Chief Administrative Officer advised residents to report every concern to the police. The Director of Community and Economic Development advised that Parks and Recreation Division staff have an ongoing dialogue with the NRPS with respect to safety and prohibited uses of trails and parks and police presence in City parks and the Vale Health & Wellness Centre. The Manager of Parks and Recreation advised that sharps disposal containers have been installed in City facilities and if sharps are located on City property, staff will be dispatched to dispose of the items when report can be made to the City.

### **Staff Responses to Previous Councillor Enquiries:**

#### **a) Community Based Risk Assessment (Luey)**

The Chief Administrative Officer advised that the Mayor mailed the Minister of the Environment with respect to resolution of the more than 20 years process to address the chemicals of concern in the soil created by historic emissions from the former Inco plant. The Chief Administrative Officer reported that Ministry staff advised that due to the changeover in government and the requirement to brief new elected officials and staff, the meeting between Ministry staff, Vale staff and City staff has been delayed and is expected to take place in September.

#### **b) Conviction for Fire Code violations, 53 Nickel Street (Cartwright)**

The Fire Chief advised that the fines against the owners of 53 Nickel Street in the amount of \$100,000 are divided as such: \$50,000 to the Niagara Region and \$50,000 divided on a per capita basis amongst the 12 Niagara municipalities

#### **c) Fire Station phone issues (Cartwright)**

The Fire Chief advised that the Fire Station is experiencing issues with its phone system that the City's IT staff and Bell Canada are working to fix the issues. In the meantime, anyone attempting to call the Fire Department who has difficulty getting through should call City Hall and they will be transferred.

#### **d) Signage on Pleasant Beach (Aquilina)**

The Director of Planning and Development advised that the signage incorrectly advising that dogs can be off leash located at Pleasant Beach was removed.

### **13. Consideration of Items Requiring Separate Discussion:**

**1. Planning and Development Department, Planning Division, Report 2018-105, Subject: Recommendation Report for Official Plan Amendment D09-01-18 & Zoning By-law Amendment D14-02-18, n/s Killaly Street West**

Moved by Councillor F. Danch  
Seconded by Councillor B. Kenny

That the Official Plan Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix A be approved, adding a special policy to the Highway Commercial designation to support the use of warehousing on the property; and

That the Zoning By-law Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix B be approved, rezoning the land from "HC – Highway Commercial" to "HC-48"; and

That staff be directed to prepare the Notice of Passing in accordance with the *Planning Act* and circulate to all applicable parties.

Moved in amendment by Councillor F. Danch  
Seconded by Councillor B. Kenny

That the motion be amended by adding thereto the following:

"That the Director of Planning and Development be directed to bring forward the site plan agreement for Council's consideration."

The vote was then taken on the main motion, as amended, as follows:

That the Official Plan Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix A be approved, adding a special policy to the Highway Commercial designation to support the use of warehousing on the property; and

That the Zoning By-law Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix B be approved, rezoning the land from "HC – Highway Commercial" to "HC-48"; and

That staff be directed to prepare the Notice of Passing in accordance with the *Planning Act* and circulate to all applicable parties; and

That the Director of Planning and Development be directed to bring forward the site plan agreement for Council's consideration.

CARRIED.

**2. Engineering and Operations Department, Engineering Division, Report 2018-103, Subject: Wignell, Michener, Port Colborne and Beaverdam Municipal Drains Engineer Appointment**

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Moved by Councillor R. Bodner  
Seconded by Councillor B. Butters

That the appointment of Paul Smeltzer P. Eng. of AMEC(FW) be rescinded as per Section 39(2) Chapter D.17 of the *Drainage Act R.S.O. 1990*; and

That Paul Marsh P. Eng. of EWA Engineers Inc. be appointed under Section 78(1) Chapter D.17 of the *Drainage Act R.S.O. 1990*, and that this appointment become effective once the conditions of Section 78(2) have been met; and

That staff be authorized to execute a petition under Section 4 Chapter D.17 of the *Drainage Act R.S.O. 1990* to initiate/incorporate any new works related to municipal roads and/or property; and

That Paul Marsh P. Eng. of EWA Engineers Inc., be appointed under Section 8 Chapter D.17 of the *Drainage Act R.S.O. 1990* for the new works contemplated and any additional petitions under Section 4, related to the Wignell, Michener Port Colborne and Beaver Dam Drains, that may come forward during the Drainage Act process; and

That the Mayor and Clerk be authorized to sign the requisite Engineering Services Agreement for the preparation of new engineer(s) reports for the Wignell, Michener, Port Colborne and Beaverdam Municipal Drains.

CARRIED.

**14. Notice of Motion:**

Nil.

**15. Adjournment:**

Moved by Councillor F. Danch  
Seconded by Councillor D. Elliott

That the Committee of the Whole meeting be adjourned at approximately 7:31p.m.

CARRIED.

AL/cm

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PRESENTATION BY DIANNA M. CARLE TO  
THE CITY COUNCIL OF PORT COLBORNE  
FOR AN EXCEPTION TO THE  
REQUIREMENTS OF SECTION 3.2.2. OF  
BY-LAW 1117/64/81, RELATIVE TO 1056  
STEELE STREET, PORT COLBORNE, TO  
BE PRESENTED AT JULY 23, 2018  
COUNCIL MEETING.

SUBMISSION TO CITY COUNCIL OF PORT COLBORNE, ONTARIO FOR AN EXCEPTION TO THE REQUIREMENTS OF SECTION 3.2.2 OF BY-LAW 1117/64/81 TO ALLOW FOR A SECOND CURB/DRIVEWAY CUT ON THE PROPERTY MUNICIPALLY KNOWN AS 1056 STEELE STREET, PORT COLBORNE.

I HAVE BEEN INFORMED THAT WE ARE 2 METERS (6.74 feet) SHORT OF THE REQUIREMENT TO HAVE A SECOND CURB/DRIVEWAY CUT UNDER THE TERMS OF THE BYLAW PASSED ON JULY 27, 1981 AND CURRENTLY IN PLACE . FOLLOWING ARE THE DETAILS OF MY REQUEST.

My name is Dianna Carle and together with my son, Bryan L'Ecuyer, I purchased the property municipally known as 1056 Steele Street, Port Colborne in November, 2016. I am requesting the subject by-law exception for the following reasons :-

- I am 74 years of age and I am mobility impaired due to severe arthritis and require a cane for stability when walking. My condition is compounded by two autoimmune disorders and elevated pain levels are a continuous part of my daily living.
- PICTURE 1 is taken from the opposite side of the street and shows our frontage and the residence, which was originally built in 1946 and expanded on at a date not known to us. On the left side of the picture you will see a set-back room with a large window and ground-level entry door to the premises.....this was the original garage prior to the previous owners expanding the residence to the right of the living quarters with a breezeway, double garage and driveway.
- PLEASE NOTE that the "breezeway" door does not provide entry to the home...it is merely a means of access from the front yard to the back yard.
- PLEASE NOTE that the area between the left side of the house (proposed driveway access) and the neighbouring residence is a substantial distance and a car coming and going as infrequently as I use my vehicle would not impose any undue noise or disturbance on the neighbours....indeed, this was for many years the original driveway in use at all times.
- PLEASE NOTE that the picture of the property currently available on Google is outdated. Since we have owned the home we have, among other upgrades, added two trees to the front lawn....these trees are not visible in older pictures.

- With the move of the garage to the right side of the house you will note that the front-porch handrail, which would normally be on the right (and was when the house was in its original configuration), is now on the left for anyone coming from the driveway and ascending the stairs. While this may not create difficulty for many it creates a great deal of difficulty for me. My left side is significantly weaker than my right and it is almost impossible to two-handedly “haul” myself up the steps if attempting to utilize the left-side railing. Therefore, as my right side is much stronger and, hence, my “working side” and although sounding and looking very awkward, I ascend the steps by placing my right hand and arm on the brick of the front of the house on the right side of the stairs and pull myself up.....needless to say this is inherently risky and very hard on my right hand and clothing.
- You will see my yellow vehicle in the position in which it is always parked in order to allow my son access to the left garage door to remove his personal vehicle when required....this provides a visual reference as to how long a walk making the continual trips back and forth to the house with parcels/groceries is for me.
- PICTURE 2 is a picture of the steps leading up to the front porch. As you will see they fall far from being built to code and present a very real hazard to a mobility challenged person.....both sets of stairs are the same.
- I would ask you now to attempt to visualize the difficulty I have gaining access to my home, particularly if bringing any packages (i.e. groceries) home. On that note, I cannot carry heavy bags and for a grocery order that many might handle with four bags, I will need at least eight. Winter weather and rain make this already difficult procedure a virtual “living hell” for me....I am soaked by either snow or rain and in constant fear of taking a debilitating fall.

Upon arrival home and parking my vehicle I must make numerous trips from the car to the steps with my grocery bags, which I pile on the steps to the left (railing side) as I need a clear area to the right to pull myself up along the brick wall. After these trips are made and my vehicle secured I proceed to pull myself up on the brick wall and unlock the front door. Following this I must make a number of trips back to the steps to retrieve my grocery bags and bring them into the house. I am very anxious when doing this as I am bending over picking up the bags which have been placed on the left-hand side of the stairs and fear that I will tumble down the steps some day.

All of the foregoing is a physically punishing and dangerous undertaking. If a curb/driveway cut were made where the driveway was originally located I could pull my

vehicle straight in, right up to the house....exit my vehicle....retrieve parcels and enter the home on ground level, totally eliminating using the stairs and the incredible difficulty I am presently experiencing by having to do so.

- Several suggestions have been presented to me as a means to alleviate my problem without the requested curb/driveway cut. None of those will offer any assistance to me at all, as outlined below.....

Suggestion 1....put in a ramp. I do not use a wheelchair or a walker and hope that this will not become necessary in the foreseeable future. A ramp would provide no relief to the distance I must travel due to the number of trips I must make back and forth from my vehicle to carry in parcels and I would still need to push myself up using the brick wall. In fact, a ramp would be inherently more dangerous in wet conditions due to the increased potential for a slip and debilitating fall.

Suggestion 2....run a sidewalk from the driveway across the front lawn in front of the garden and swing it round to the ground-level room. This would accomplish nothing to assist me in accessing the home in an efficient manner as it substantially increases the distance I would have to walk while ferrying parcels from my vehicle to the far door. The longer the walk, the greater the chance of a slip and fall and a marked escalation in my pain levels.

Suggestion 3....enlarge the existing driveway by cutting it across the front lawn and swinging it round to face the ground-level room which would allow me immediate access to the ground-level room. This suggestion would be, in my opinion, very unsightly and would, more importantly, be completely unmanageable for me. If the addition was to be placed low in the present driveway it would require two approximately 90-degree turns for me to end up facing the house and continue to the ground-level room. With the addition of the two trees on the front lawn any addition farther up the existing driveway would require a meandering course between the trees. In either of these scenarios backing out to the street when leaving the residence would be a complete impossibility for me as I have limited ability to turn my neck due to the degenerative progress of my condition.

- I would ask that Council consider the demographics of aging in Niagara, since the passing of the subject by-law in 1981. In 1981 I was 37 years old....in the ensuing 37 years the breakdown by age of Niagara's population is now shown as follows :-



“If Niagara was a village of 100 people...21 would be 0 - 19 years old....23 would be 20 - 39 years old....35 would be 40 - 64 years old and 21 would be 65+ years old” <https://www.niagararegion.ca/health/statistics/demographics/default.aspx>)

It's very clear from the above figures to see that in the not so distant future the 65+ number will be a combination of the 40-64 year old group and the present 65+ group and the majority of this very large number of seniors is going to require some type of assistance in their daily living. Given the move to keep as many seniors in their homes and out of our hospitals, due to the devastating lack of long-term care availability in the Region, anything that can be done to facilitate arrangements to do so should be of great importance to any municipality.

IN CLOSING I would like to ask that Council members, when considering my request, take into consideration the needs of its aging population and how a simple exception, such as the one I am requesting, can manifestly improve the quality of life of your older residents.

Relative to my personal issues, that consideration be given to how difficult getting in and out of my own home is for me because of a mere 6.74 feet (2 meters) and how simply this could be rectified by the granting of the subject exception which would not have any impact on “visibility” or create any “operational problems” (3.2.2.) by so granting.

I thank Council members for their time and consideration.

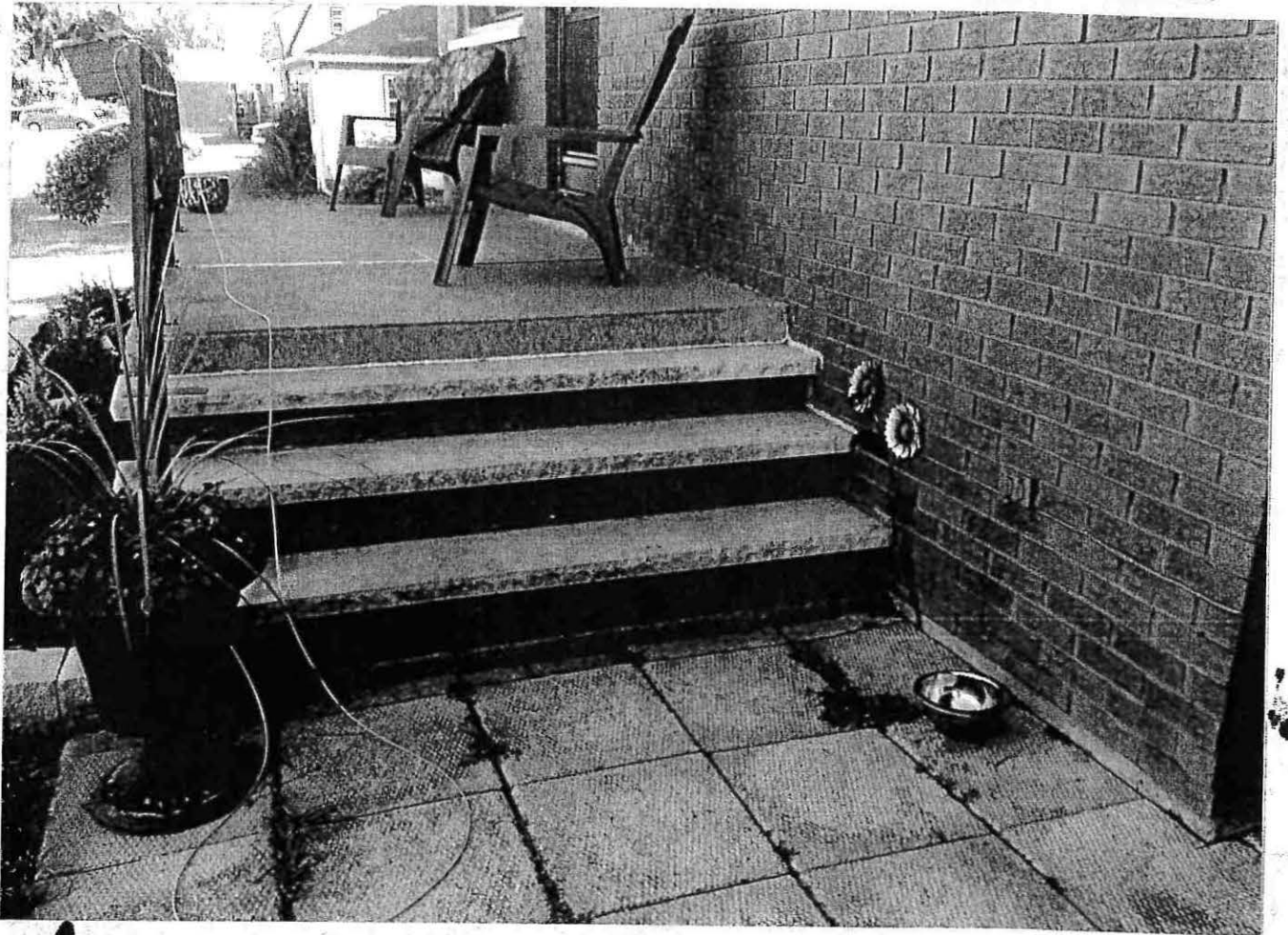
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DIANNA M. CARLE



★  
SECOND TREE

PICTURE 2



TOP of PORCH RAILING

|||||

15" (5")

17"

18"

10 1/2"

GROUND LEVEL

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## International Lighthouse Day Request

It is good to return to the council chambers and request that the city recognize International Lighthouse Day here in Pt Colborne on the occasion of the 40<sup>th</sup> anniversary of Canal Days festivities.

Lighthouse Day is recognized internationally on Aug 7<sup>th</sup>. As tourist interest continues to grow in lighthouses, more cities, home to Lighthouses are coming on board to recognize the importance that lighthouses played in their history, culture and economy.

Once again, our small group will man our stations for 4 days of non-stop tours. And I would be remiss if I didn't acknowledge the Goodwill shown us by making the Pavilion at the Marina available as our land base of operations. Additionally, we benefit from the Canal Days co-op advertising.

On behalf of our lighthouse tour efforts, I have been an exhibitor at Dunville Days. Here the visitors express much interest in our Lighthouses. Some relate stories of having known former Keepers - others, stories of having visited it back in the day. This summer I also attended a Morgan Pt event. Here it was obvious that they feel a connection to our lighthouses and much interest shown in our tours.

And Cheryl Fortin also does marketing for our group. She is often found on market day in front of Cowd Hall with her fliers and souvenirs.

We are not alone in our struggle to obtain more and better access to lighthouses. Hamilton now has a plot and a plan to have their light open to visitors down the road. That is good news for us, too. We will reap the ripple effect of nearby visitable lighthouses.

And in future, perhaps we can develop a plot and plan to participate in International Ham Radio lighthouse weekend later in Aug. On this weekend, Ham Radio groups worldwide broadcast from lighthouses - not necessarily from up in them - but from the adjacent space. Currently the nearest participant is at Dunkerly just across the lake. And Niagara currently has a vibrant Ham Radio group.

The more access we have to the lighthouses all summer, the more steady flow of tourists - leaving happy and leaving money in our merchants' coffers.

And a last Thankyou for raising our lighthouse flag over city hall for this event.

Thankyou

Cynthia B Skenner



**Mayor's Report to the  
July 23, 2018 Council Meeting**

## **Canal Days**

Canal Days will be upon us in only 11 days. We are busy putting the final touches on the city to get things ready to welcome thousands of visitors to one of Ontario's Top 100 Festivals.

Many exciting events are planned with top Canadian music artists joining us.

There are a few new restrictions in place this year that I want to remind you about tonight.

There will be no parking on the laneways between Sugarloaf Street and Clarence Street as well as no parking on the east side of Elm, Fielden and Steele Streets.

These restrictions are needed to ensure the safety of everyone during the festival.

The boat ramp will be closed all day Friday, August 3<sup>th</sup> and Saturday, August 4<sup>th</sup>.

Special rates for docking at the marina are available so you can have access to the lake during the day and a great spot to hear the concerts at night.

Melissa's Playground at H.H. Knoll Lakeview Park, which includes the Discovery Spray Pad will be closed each day, Friday and Saturday, from 4 pm to 7 am the next morning.

Families will still have access on Saturday 7:00 am to 4:00 pm before the main concert begins.

We want everyone to have a safe weekend and we thank you for your patience with these restrictions.



## **Visit from Minister Catherine McKenna**

Last week we hosted Minister of the Environment and Climate Change Canada, Catherine McKenna as she visited Port Colborne to announce \$8.95 million in funding over four years for 36 local on-the-ground projects under the Great Lakes Protection Initiative.

The Initiative supports projects across the Great Lakes Basin, which will help restore areas of concern, prevent toxic and nuisance algae, reduce the release of harmful chemicals, engage the public through citizen science, and engage Indigenous Peoples.

While funding wasn't specifically made available to local municipalities, all efforts to clean the Great Lakes are important.

## **Trillium Railway**

I'd like to extend my appreciation to Trillium Railway for the recent repaving of the crossing on Fielden Avenue. It is a great improvement.

We look forward to them beginning work on the Killaly Street crossing just east of King Street.

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**City of Port Colborne  
Regular Meeting of Council 20-18  
Monday, August 27, 2018  
following Committee of the Whole Meeting  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

1. **Call to Order:** Mayor John Maloney
2. **Introduction of Addendum Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
  - (a) Regular meeting of Council 23-18, held on July 23, 2018.
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Consideration of Items Requiring Separate Discussion:**
9. **Proclamations:**

Nil.
10. **Minutes of Boards, Commissions & Committees:**
  - (a) Port Colborne Historical Museum Board of Management Meeting of June 19, 2018
11. **Consideration of By-laws:**
12. **Council in Closed Session:**
  - (i) Motion to go into Closed Session

That Council do now proceed into closed session in order to address the following matter(s):

    - (a) Minutes of the closed session portion of the following Council meetings: July 23, 2018.
    - (b) Planning and Development Department, Planning Division Report 2018-112, concerning the potential sale of City-owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

(ii) Disclosures of Interest (closed session agenda):

(iii) Consideration of Closed Session Items:

(iv) Motion to Rise With Report:

**13. Disclosures of Interest Arising From Closed Session:**

**14. Report/Motions Arising From Closed Session:**

**15. Adjournment:**

## Council Items:

Notes	Item	Description / Recommendation
JDM BB RB AD FD YD DE BK JM	1.	<p><b><u>Planning and Development, Planning Division, Report No. 2018-110, Subject: Westwood Estates Sidewalk Construction</u></b></p> <p>That Planning and Development Department, Planning Division Report 2018-110 Subject: Westwood Estates Sidewalk Construction, be received for information.</p>
JDM BB RB AD FD YD DE BK JM	2.	<p><b><u>Planning and Development, Planning Division, Report 2018-100, Subject: Recommended Consultant for the Completion of the 2019 Development Charges Study and By-law</u></b></p> <p>That a by-law be adopted authorizing the Mayor and Clerk to sign an agreement with Watson and Associates for the completion of a Development Charges study and updated by-law at a total cost of \$35,800 exclusive of HST.</p>
JDM BB RB AD FD YD DE BK JM	3.	<p><b><u>Planning and Development, By-law Enforcement Division, Report 2018-117, Subject: Fence Variance – 19 Lena Crescent</u></b></p> <p>That a fence variance request be approved for 19 Lena Crescent.</p>
JDM BB RB AD FD YD DE BK JM	4.	<p><b><u>Planning and Development, By-law Enforcement Division, Report 2018-119, Subject: Fence Variance – 656 Fielden Avenue</u></b></p> <p>That the fence variance request for 656 Fielden Avenue be approved.</p>
JDM BB RB AD FD YD DE BK JM	5.	<p><b><u>Planning and Development, By-law Enforcement Division, Report 2018-120, Subject: Encroachment Request – 162 West Street</u></b></p> <p>That the encroachment application be approved for 162 West Street and that staff be authorized to enter into a License Agreement with the applicant, owner, and the St. Lawrence Seaway Management Corporation.</p>
JDM BB RB AD FD YD DE BK JM	6.	<p><b><u>Fire and Emergency Services, Report 2018-92, Subject: Municipal Establishing and Regulating By-Law</u></b></p> <p>That the proposed by-law be adopted as the City of Port Colborne's Fire Department Establishing and Regulating By-law, and that By-law No. 5054/109/07 be repealed; and</p> <p>That the Mayor and City Clerk be authorized to execute the appropriate documents.</p>

<p>JDM BB RB AD FD YD DE BK JM</p>	<p>7.</p>	<p><b><u>Fire and Emergency Services, Report 2018-115, Subject: Cost Recovery Program</u></b></p> <p>That option number 5 outlined in Fire and Emergency Services Department Report 2018-115 and as provided for in Mr. McAvoy's report attached thereto, be adopted, requiring City staff to bill for fire fighting services using a third party, as necessary; and</p> <p>That Segwick Canada be authorized to support the billing for fire fighting services; and</p> <p>That staff be directed to modify the Fire Department's fee schedule to reflect the fees using the applicable Ministry of Transportation hourly rate; and</p> <p>That funds raised as a result of billing for fire fighting services be transferred to a Fire Department major capital reserve fund for purchases such as apparatus, rescue equipment and breathing apparatus, etc.</p>
<p>JDM BB RB AD FD YD DE BK JM</p>	<p>8.</p>	<p><b><u>Corporate Services, Clerk's Division, Report 2018-114, Subject: Appointments to Boards and Committees</u></b></p> <p>That Alison Chambers be appointed to the Accessibility Advisory Committee for a term ending December 31, 2022; and</p> <p>That Connie Butler be appointed to the Senior Citizen Advisory Council for a term ending December 31, 2019.</p> <p>That the Clerk be directed to bring forward the necessary by-law for approval.</p>
<p>JDM BB RB AD FD YD DE BK JM</p>	<p>9.</p>	<p><b><u>Community and Economic Development, Parks and Recreation Division, Report No. 2018-118, Subject: Thirty Eighth Annual Terry Fox Run</u></b></p> <p>That the request to host the thirty eighth annual Terry Fox Run on September 16, 2018 at 1:00 p.m., and the twelfth annual head shave at 12:30 p.m. at the H.H. Knoll Lakeview Park bandshell, be approved; and</p> <p>That the permit fee for the use of the H.H. Knoll Lakeview Park bandshell be waived; and</p>

				<p>That the request for the Terry Fox Run flag to be raised over City Hall the week of August 20, 2018, be approved and referred to the Mayor's office for response; and</p> <p>That the request for a 10' x 10' stall at the Port Colborne Farmers' Market on September 7, 2018 and September 14, 2018 to sell licensed Terry Fox t-shirts and distribute pledge forms, be approved and referred to the Market Clerk for response; and</p> <p>That the Event Organizer file a Certificate of Insurance, naming the City as an additional insured, in the amount of \$5,000,000, in advance of the event.</p>
JDM AD DE	BB FD BK	RB YD JM	10.	<p><b><u>Corporate Services, Finance Division, Report 2018-122, Subject: Niagara Central Airport Commission – Financing for Capital Projects – Loan Agreement</u></b></p> <p>That the loan agreement with the Niagara Central Airport Commission be approved in the amount of \$32,870 with terms of repayment to be amortized over 10 years, annual interest rate at 4.3%, with annual payments due August 24th commencing on August 24th 2019; and</p> <p>That the Mayor and City Clerk be authorized to sign the appropriate loan agreement and by-law.</p>
JDM AD DE	BB FD BK	RB YD JM	11.	<p><b><u>Engineering and Operations, Engineering Division, Report 2018-123, Subject: Information Report on the Proposed Staging and Funding of the Downtown Community Improvement Plan Project</u></b></p> <p>That staff be directed to apply for all of the funding sources as detailed in Engineering and Operations Department, Engineering Division Report 2018-123 Subject: Proposed Staging and Funding of the Downtown Community Improvement Plan Project and that a phasing of the Downtown Community Improvement Plan project be entertained once the funding is realized.</p>
<b>Miscellaneous Correspondence</b>				
JDM AD DE	BB FD BK	RB YD JM	12.	<p><b><u>Katie and Ben Atkins Re: Request for Fees to be Dismissed that were charged for Grass Cutting at 507 Sugarloaf Street</u></b></p> <p>Council direction is required.</p>

JDM AD DE	BB FD BK	RB YD JM	13.	<p><b><u>Niagara Health Foundation Re: Donor Impact Report</u></b></p> <p>That the correspondence received from Roger D. Ali, President &amp; CEO, Niagara Health Foundation Re: Donor Impact Report, be received for information.</p>
JDM AD DE	BB FD BK	RB YD JM	14.	<p><b><u>Region of Niagara Re: Results of Stakeholder Engagement for Vacancy Rebate Program Revisions (CSD 41-2018)</u></b></p> <p>That the correspondence received from the Region of Niagara Re: Results of Stakeholder Engagement for Vacancy Rebated Program Revisions (CSD 41-2018), be received for information.</p>
<b>Outside Resolutions – Requests for Endorsement</b>				
JDM AD DE	BB FD BK	RB YD JM	15.	<p><b><u>Town of Pelham Re: Cannabis Odour Enforcement</u></b></p> <p>That the resolution received from the Town of Pelham Re: Cannabis Odour Enforcement be supported.</p>
JDM AD DE	BB FD BK	RB YD JM	16.	<p><b><u>Town of Fort Erie, City of Thorold and City of Welland Re: Niagara Regional Council resolution – Trade with United States and Protecting Canadian Jobs</u></b></p> <p>That the resolutions received from the Town of Fort Erie, City of Thorold and the City of Welland in support of the Regional Council resolution regarding Trade with United States and Protecting Canadian Jobs, be received for information.</p> <p><b>Note:</b> At its meeting of July 9, 2018 Council received the above resolution.</p>
JDM AD DE	BB FD BK	RB YD JM	17.	<p><b><u>City of St. Catharines, Town of Fort Erie, City of Thorold, City of Niagara Falls and City of Welland Re: Support of Federal Government’s Negotiations with United States in Regard to Tariffs on Steel and Aluminum</u></b></p> <p>That the resolutions received from the City of St. Catharines, Town of Fort Erie, City of Thorold, City of Niagara Falls and City of Welland, Re: Support of Federal Government’s Negotiations with United States in Regard to Tariffs on Steel and Aluminum, be received for information.</p>



JDM	BB	RB	18.	<b><u>City of Toronto Re: Immediate Steps to Address Gun Violence</u></b>
AD	FD	YD		That the resolution received from the City of Toronto Re: Immediate Steps to Address Gun Violence, be received for information.
DE	BK	JM		
<b>Responses to City of Port Colborne Resolutions</b>				
<b>Nil.</b>				

**Consideration of By-laws  
(Council Agenda Item 11)**

By-law No.	Title
6604/59/18	Being a By-law to Authorize Entering into an Agreement with Watson & Associates for the Completion of a Development Charges Study and Updated By-law
6605/60/18	Being a By-law to Authorize Entering Into a Licence Agreement with The St. Lawrence Seaway Management Corporation, Eric Roy Hughes, Dawn Kathleen Hughes and Jesse Boles (a/o The Green Apple Coffee House) regarding 162 West Street
6606/61/18	Being a By-law to Establish and Regulate the City of Port Colborne Fire and Emergency Services (Composite)
6607/62/18	Being a By-law to Confirm Appointments to Various Agencies, Boards and Committees
6608/63/18	Being a By-law to Authorize the Execution of a Loan Agreement with the Niagara Central Dorothy Rungeling Airport Commission
6609/64/18	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Special and Regular Meetings of August 27, 2018

The Corporation of the City of Port Colborne

By-law No. 6604/59/18

Being a by-law to authorize entering into an agreement with  
Watson & Associates for the completion of a  
development charges study and updated by-law

Whereas the Council of The Corporation of the City of Port Colborne approved the recommendations of Planning and Development Department, Planning Division Report 2018-100, Subject: Recommended Consultant for the Completion of the 2019 Development Charges Study and Updated By-law on August 27, 2018 and is desirous of entering into an agreement with Watson & Associates respecting the completion of the 2019 Development Charges Study and Updated By-law.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That The Corporation of the City of Port Colborne enter into an Agreement with Watson & Associates, which agreement is attached to this by-law as Schedule "A".
2. That the Mayor and Clerk be and hereby authorized and directed to sign the said Agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 27th day of August, 2018.

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John Maloney  
Mayor

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Amber LaPointe  
City Clerk

**CONSULTING/PROFESSIONAL SERVICES AGREEMENT**

This Agreement made this                    day of                    2018.

By and Between

The Corporation of the City of Port Colborne

(hereinafter referred to as “the City”)

and

Watson & Associates

(hereinafter referred to as “the Consultant”)

Whereas the City desires to undertake studies and work known as the City of Port Colborne Development Charges Study and Updated By-law (hereinafter referred to as the “Project”); and

Whereas in response to the “Request for Proposal” call for the Project, the Consultant submitted to the City a “Proposal” for the provision of certain services relating to the Project; and

Whereas the City intends to engage the services of the Consultant in connection with the provision of consulting services relating to the completion of the Project;

Now therefore this Agreement witnesses that the parties hereby agree as follows:

**ARTICLE I                    SCOPE OF SERVICES**

*1.1    General*

The Consultant shall render services to the City in a timely manner with that degree of care, skill and diligence normally provided in the performance of services on projects of a similar nature. The project is required to be completed within eleven (11) months from the executing of this Agreement.

*1.2    Scope of Professional Services*

The Consultant shall provide consulting services in accordance with the “Proposal” dated July 17, 2018, attached hereto as Appendix “A”.

*1.3    Additional Services*

The Consultant shall provide other professional services as may be required by the City, but only with prior written approval of the City.

**ARTICLE II                    CITY RESPONSIBILITIES**

*2.1    Information*

The City shall provide the Consultant, in a timely manner, access to all relevant information determined to be required by the Consultant to complete the Consulting Services and shall instruct the Consultant fully as to any City requirements. The Consultant shall be entitled to rely upon the accuracy and completeness of all such information and data made available.

2.2 *Authority*

The City shall provide the Consultant with the authority to act as its agent in all matters falling within the scope of the Consultant's services.

2.3 *Access*

To the greatest extent possible, the City shall arrange and make provision for the Consultant's entry and access to public and private property as is necessary to perform the services.

2.4 *Other*

The City shall:

- Directly engage the Consultant to perform services necessary to enable the Consultant to fully carry out their duties, such services to include legal advice;
- Promptly review all documentation submitted by the Consultant and inform the Consultant of decisions in time for the orderly progress of the Consultant's services, and, of the work;
- Arrange and pay for advertising for giving notice to the public of open houses, workshops, public meetings etc., being held through the course of the project; and
- Designate the Director of Planning & Development or his designate as the representative to have authority to transmit instructions to and receive information from the Consultant.

**ARTICLE 3                   CONSULTANT RESPONSIBILITIES**

3.1 *Deliverables*

The deliverables for the Project are as outlined in the "Proposal" included as Appendix "A" and, respectively, to this agreement.

3.2 *Progress Reports*

Monthly progress reports, in a form acceptable to the City, will be prepared by the Consultant and submitted to the City representative at the time of submission of invoices.

### 3.3 *Indemnities and Insurance*

The Consultant agrees to indemnify and hold the City harmless from and against any and all losses incurred or sustained or for which the City may become liable for, as a result of or in connection with or in relation to any matter arising under this Agreement or in consequence of any breach of any warranty, representation, term, obligation or covenant of the Consultant contained in this Agreement, any of the acts, omissions, or negligence of the Consultant or of any other person or any loss otherwise arising directly or indirectly in relation to the provision of services hereunder.

The Consultant shall insure and keep in force professional and/or general liability insurance against all demands, charges, damages or claims for damages or other claims for losses from an insurer satisfactory to the City. Such policy(ies) shall include the City as additional named insured. The Consultant shall deliver with this agreement, if not previously delivered, a certified copy of the policy(ies) or a certificate of insurance setting out the essential terms and conditions of insurance, the form and content of which shall be satisfactory to the City. Such policy(ies) shall be kept in full force and effect until all of the Consultant's obligations under this Agreement have been fulfilled and shall comply with the following provisions:

- The minimum limit of the insurance coverage shall be \$2,000,000 all inclusive;
- The policy(ies) shall provide for cross liability and severability of interest protecting the City against claims by the Consultant as if it were separately insured and providing that the City shall be insured notwithstanding any breach of any condition in the policy by any other insured; and
- The policy(ies) shall provide that the insurer shall not cancel or refuse to renew the policy without first giving the City a minimum of sixty (60) days prior written notice.

### 3.4 *Exclusivity*

The Consultant, including all sub-consultants, agrees that during the term of the Project it will not accept any further commission for a client located or doing business within the corporate limits of the City, without first obtaining written permission of the City.

## **ARTICLE IV            FEE BASIS**

### 4.1 *Professional Services*

The City agrees to compensate the Consultant for its professional services on the following basis:

Payment for services provided and billed on a monthly basis; fees to include professional services, disbursements and taxes on an "all-inclusive" basis and, to an "upset limit" of \$35,800.

**ARTICLE V DEFECTS IN SERVICE AND TERMINATION**

- 5.1 The City shall promptly report to the Consultant any defects or suspected defects in the Consultant's work or services to which the City becomes aware, so that the Consultant may take measures to minimize the consequences of such defects. Failure by the City to notify the Consultant in a timely manner shall relieve the Consultant of the costs of remedying the defects above the sum such remedy would have cost had prompt notification been given.
- 5.2 This Agreement may be terminated by the City upon fifteen (15) Business Days written notice should the Consultant fail to perform its obligations in accordance with the terms of this Agreement through no fault of the City. Notice of the failure with reasonable time to rectify, shall be provided prior to the issuance of written notice to terminate.
- 5.3 This Agreement may be terminated by the City upon ten (10) Business Days written notice to the consultant in the event that the Project is permanently abandoned.
- 5.4 In the event of termination, the consultant shall be compensated for all services rendered to the termination date, together with reimbursable expenses then due, less any amounts relating to any losses incurred by the City in relation to such termination.

**ARTICLE VI PAYMENT**

- 6.1 Invoices for professional services, including disbursements and taxes, shall be submitted to the City by the Consultant on a monthly basis. Invoices are due and payable upon receipt by the City and are overdue if not paid in full within 30 days of the invoice date.

**ARTICLE VII SUSPENSION OF SERVICES**

- 7.1 If the City fails to make payments when due, or otherwise is in breach of this Agreement, the Consultant may suspend performance of services upon ten (10) Business Days notice to the City. The Consultant shall have no liability whatsoever to the City for any costs or damages as result of such suspension.

**ARTICLE VIII OWNERSHIP OF DOCUMENTS/COPYRIGHT**

- 8.1 The Parties agree that copyright for the Deliverables prepared by the Consultant or any of the sub-consultants shall belong to the City. The Deliverables including all plans, sketches, drawings, graphic representations and specifications including computer generated designs shall be deemed to be instruments of the Consultant's Services and shall remain the property of the City. The Consultant shall be entitled to retain copies, including reproducible copies of all Deliverables and plans, sketches, drawings, graphic representations and specifications.

**ARTICLE IX OTHER**

- 9.1 *Confidentiality*

The Consultant shall not divulge any confidential information acquired in the course of carrying out the services provided for in this Agreement.

This requirement shall not prohibit the Consultant from:

- Complying with an order to provide information or data when such order is issued by a court or other authority with proper jurisdiction;
- Acting to correct or report a situation which the Consultant may reasonably believe to endanger the safety or welfare of the public.

**ARTICLE X GOVERNING LAW**

10.1 This Agreement shall be governed by the laws of the Province of Ontario.

**ARTICLE XI ASSIGNMENT**

11.1 Neither party may assign this Agreement without the prior consent in writing of the other party.

**ARTICLE XII NOTICE**

12.1 Notice pursuant to this Agreement shall be delivered in person, by prepaid first-class mail, or by facsimile transmission to the parties addressed at:

The City of Port Colborne  
66 Charlotte Street  
Port Colborne Ontario, L3K 3C8  
Attention: Dan Aquilina  
Fax: 905-835-2939

Watson & Associates  
Plaza Three  
101-2000 Argentia Road  
Mississauga Ontario, L5N 1V9  
Attention: Gary Scandlan  
Fax: 905-272-3602



Schedule A

In witness whereof the parties hereto have executed this Agreement all as of the day and year first above written.

The Corporation of the City of Port Colborne

Per: \_\_\_\_\_  
John Maloney, Mayor

SEAL

Per: \_\_\_\_\_  
Amber LaPointe, City Clerk  
(I have the authority to bind the City)

Watson & Associates

Per: \_\_\_\_\_  
Gary Scandlan, Director  
(I have authority to bind the Corporation)

SEAL

Appendix "A"

Professional Services "Proposal" dated July 17, 2018



## Request for Proposal

City of Port Colborne

---

Development Charges Background Study &  
By-law Update

SUBMITTED:

**July 17, 2018**

Watson & Associates Economists Ltd.

**Gary Scandlan**

905-272-3600 ext. 226

scandlan@watsonecon.ca



July 17, 2018

Mr. Dan Aquilina  
Director of Planning and Developments  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8

Dear Mr. Aquilina:

Re: Request for Proposal - Development Charges Background Study & By-law Update

Further to your request for proposal, Watson & Associates Economists Ltd. (Watson), is pleased to submit our proposal for the above-referenced assignment.

Our extensive experience assisting Ontario municipalities with development charges studies over the past 35 years, makes us well suited to this assignment. Watson's experience in the Development Charges (D.C.) field will allow us to provide the City with the knowledge and information necessary to continue to practice sound, defensible development charge policies. Historically, we have undertaken the City's previous D.C. study and have worked with most of the surrounding municipalities and the Region over the past 5 years.

Watson agrees to be bound by the proposal terms, conditions and descriptions of services to be provided as stated herein, upon acceptance of the proposal by the City. We trust the proposal includes the information you require. We would be pleased to discuss this proposal further if you have any questions.

Yours very truly,

Watson & Associates Economists Ltd.



Gary Scandlan, B.A., P.L.E.  
Director



# Table of Contents

1. Company Profile.....	4
2. Statement of Qualifications .....	4
3. Work Program.....	5
3.1 Our Perspective of the Requirements of the Assignment .....	5
3.2 Terms of Reference.....	6
3.3 Value Added from our Consulting Team.....	10
3.3.1 Local Service Policy .....	10
3.3.2 Asset Management Plan .....	11
3.3.3 Other Policies to be Considered.....	11
3.3.4 Accessibility.....	11
4. Qualifications and Background of Consultation Team.....	12
5. References.....	13
6. Schedule .....	14
7. Cost Estimate.....	16
8. Conflict of Interest .....	17









## 1. Company Profile

Watson & Associates Economists Ltd. is a firm of municipal economists, planners and accountants which has been in operation since 1982. With a municipal client base of more than 250 Ontario municipalities and utility commissions, many of which are long-term repeat clients, the firm is recognized as a leader in the municipal finance/local government field. The firm has a committed twenty-two person staff that has worked together for many years. The firm's principals have participated extensively as expert witnesses on municipal finance matters at the Ontario Municipal Board (currently known as the Local Planning Appeal Tribunal, L.P.A.T.) for over 35 years.

Our firm has undertaken over one-half of the consulting work completed in Ontario in the Development Charges (D.C.) field during the past decade. In addition to conducting policy studies and co-ordinating by-law preparation and adoption processes, we have carried out numerous special issue studies, provided continuing advice to municipalities on development charges in specific situations and have presented papers on the Development Charges Act (D.C.A.) at numerous municipal conferences. We have also participated in numerous O.M.B. hearings and processes thereon.

Our office is located at:

Watson & Associates Economists Ltd.  
101-2000 Argentia Rd.  
Plaza Three, Mississauga ON,  
L5N 1V9

## 2. Statement of Qualifications

Our firm has made a long-term commitment to the interpretation of D.C. legislation, development of implementation methodologies, and ongoing surveying to maintain data banks of information useful in D.C. matters. The knowledge gained from this investment, along with the wide-ranging experience of completing D.C. work for municipalities and utility commissions would provide the City with a firm basis for the preparation of their D.C. by-law, and the development of D.C. policies and practices.

Due to the large number of D.C. studies completed by our firm, Watson has the significant advantage of being able to assemble a solid information base, which when



coupled with our sound working relationships with municipal staff and others, enables us to facilitate the development of consensus around controversial issues. Our approach is designed to ensure that material is presented in an understandable format, in order to encourage public input in the development of recommendations and future directions as part of a study process.

## 3. Work Program

### 3.1 Our Perspective of the Requirements of the Assignment

---

The City of Port Colborne has requested a proposal to undertake a Development Charge (D.C.) Background Study and By-law Update. The D.C. Background Study will result in the emplacement of a D.C. by-law, meeting the requirements of the Development Charges Act, 1997, as amended (D.C.A.). In preparing this proposal, we recognize that the overall objective of such a study is to provide funds that will allow the City to finance capital works required for development and to permit the City to grow on a financially sound basis. To achieve this objective, Watson & Associates Economists Ltd. (Watson) will deliver a work plan that will:

- Review the City's current policies regarding recovery of capital expenditures from new development and recommend an appropriate development charge strategy;
- Review policies with staff, addressing issues such as exemptions, discounting and credits, phase-in strategies and indexing options, as well as credits for various classes of development including but not limited to; residential, institutional, commercial, and industrial developments;
- Comply with the requirements of the D.C.A. and its associated regulation, O.Reg. 82/98, as amended. This includes preparing a D.C. background study comprised of a forecast of anticipated development, determination of eligible services, estimated increased needs for each service, 10-year historical level of service, an asset management plan for projects included in the study, and rules for imposing the calculated charges.
- As per the amended Act, the Background Study must be released to the public at least 60 days prior to Council approval of the D.C. By-law;
- Undertake a Council workshop;



- Undertake the statutory public process requirements, including the need to hold at least one public meeting under the provisions of the legislation; and
- Ensure that financing is in place to pay for the services required to accommodate future development in the City.

For an overview of the requirement of the D.C.A. and the methodology for calculating the charge, please see Appendix C.

## 3.2 Terms of Reference

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With respect to specific requirements for this assignment, we would provide the following:

1. Co-ordination with City staff to gather all the necessary information required for the D.C. study (e.g. Master Plans undertaken within the past five years, servicing studies, etc.), as well as utilizing information that is currently being developed through ongoing studies, to ensure the D.C. study aligns with the vision and goals that are identified within;
2. Prepare growth projections (anticipated development) over 10-year and longer-term periods, based on the City's Official Plan and any other necessary plans or documents. The growth forecast will address residential, and non-residential development by time period, type, size and general location. Other categories may be discussed at project initiation. The growth projections will be allocated to various service areas, identified by staff, at the project initiation meeting;
3. Present at one (1) Council workshop to provide them with information about the project, its progress, and any other matter as staff requires;
4. Prepare the D.C. Background Study document for Staff input, presenting an analysis of the data collected, a development charge schedule based on a defined calculation methodology, having a sound legal basis, and policy recommendations. Prepare a draft D.C. By-Law for Staff and Council's consideration;
5. Present the study and proposed rates at a statutory Public Meeting;
6. Present the final background study and by-law to Council; and



7. Be available to the City as an expert witness at the Local Planning Appeal Tribunal (based on a separate budget), in the event of an appeal and provide post-adoption implementation support;

Further, we would give appropriate consideration to all of the matters addressed by the *Development Charges Act, 1997*, as amended, including:

- Discuss the services to be included in the D.C. calculations;
- The capital servicing requirements of the anticipated growth. We will meet with individual departments for an in-depth review of capital needs, understanding that changes to the growth forecast will require a change in the level of capital needs;
- Review the 10-year level of service standard inventory and replacement cost information;
- Review the capital requirements to service growth (based on the City's capital budgets and discussions with staff), which includes identifying deductions for benefit to existing development (i.e. property tax or non-D.C. funding), post planning period capacity, excess capacity, grants and other contributions, statutory 10% deduction for particular services, etc.;
- Review the City's annual D.C. reserve fund statements;
- Local service policy under Section 59(2) of the Act;
- Credits, full or partial exemptions, etc.;
- Collection policies and related administrative matters;
- The long-range capital and operating cost examination, as well as the asset management plan (described in more detail in the following section) required by the D.C.A.;
- The rules regarding D.C. implementation (e.g. phasing-in, indexing, municipal-wide versus area-specific charges, allocation between class of developments including mixed users and changes in use);
- As per the amended Act, area-rating of charges must and will be considered; and
- Preparation of a D.C. survey of peer municipalities.

Should this proposed work schedule not reflect the work plan anticipated by staff, Watson would be pleased to review and amend as necessary. Please see the following Figure 3-1 for a detailed breakdown of study tasks:



**Figure 3-1  
PROPOSED D.C. BACKGROUND STUDY WORKPLAN**

STUDY STEPS	KEY ELEMENTS
<b>PROJECT MANAGEMENT</b>	Upon award, Watson will establish communication between Watson staff and Municipal staff. We will ensure deliverables are met and staff are updated on project progress in a timely manner.
<b>1. STUDY START-UP/ TRANSITIONAL ISSUES</b>	1.1 Work program approval. 1.2 Identification of policies and other special issues to be addressed during the study process. 1.3 Watson will send a "D.C. Checklist" package to staff which overviews the D.C. process and includes sample Public Meeting notices and Notices of Passage. 1.4 Meet with Staff to review items 1.1-1.3 (study start-up meeting).
<b>2. DATA COLLECTION &amp; SERVICE STANDARDS</b>	2.1 Gather information regarding historical (past 10 yr.) asset inventories, replacement cost information, capital budget projections and future capital requirements to service future growth. 2.2 Review long-term debt and identification of any existing facility oversizing. 2.3 Determine historical service standard information from each applicable department. This will include an analysis of replacement cost and any related land cost for eligible facilities. 2.4 Review of existing and uncommitted reserve fund balances to determine appropriate use/allocations.
<b>3. GROWTH PROJECTION DEVELOPMENT</b>	3.1 Draft Growth forecast (residential, commercial, industrial and institutional) for timing and location.
<b>4. REVIEW OF BACKGROUND MATERIAL</b>	4.1 Review growth plans, any necessary master plans, and any other relevant background documents.



<p><b>5. DEVELOPMENT CHARGE CALCULATION AND RULES AND STAFF INTERVIEWS</b></p>	<p>5.1 Finalize the growth forecast, based on recommendations through discussions with staff.</p> <p>5.2 Estimation of the costs to meet the increase in the need for service attributable to development, the required works, existing facility oversizing, consistent with not exceeding ten-year service standard</p> <p>5.3 Meet with staff for interviews to review service standard and capital expenditure information</p> <p>5.4 Calculation of the development charges based on need for service identified in 5.1, reduced by:</p> <p>5.4.1 any existing capacity created for which Council did not indicate D.C.'s would be used (at the time the capacity was created).</p> <p>5.4.2 the extent to which existing development would benefit from the increase in service.</p> <p>5.4.3 anticipated capital grants, subsidies or other contributions in respect of the capital costs</p> <p>5.4.4 the percentages and capital cost exclusions as designated by the Act.</p> <p>5.5 Development of draft D.C. rules for exemptions, phase-ins, indexing, charges for redevelopment, etc.</p> <p>5.6 Discussion of potential services to be included in the D.C. recovery.</p> <p>5.7 Discussion of special charges (e.g. Wind Turbines, Solar Farms, etc.)</p> <p>5.8 Review and update the City's Local Service Policy as per Section 59 of the D.C.A.</p>
<p><b>6. EXAMINATION OF LONG TERM CAPITAL/ OPERATING COSTS/ ASSET MANAGEMENT PLAN</b></p>	<p>6.1 Examine the long-term capital and operating costs for capital infrastructure improvements.</p> <p>6.2 Prepare an asset management plan to deal with all assets whose capital costs are proposed to be funded under the development charge by-law and demonstrate that all the assets mentioned in the asset management plan are financially sustainable over their full life cycle.</p>
<p><b>7. COUNCIL WORKSHOP</b></p>	<p>7.1 Undertake a Council workshop to update Council on the D.C. process, Bill 73 education, and the draft findings of the study.</p>
<p><b>8. DRAFT DC BACKGROUND STUDY</b></p>	<p>8.1 Preparation of draft D.C. Background Study and By-law for Staff review.</p>



	8.2 Determination of preliminary recommendations on categories of services (for reserve fund and credit purposes), by-law commencement date, expiry date, collection timing.
<b>9. FINAL DC BACKGROUND STUDY</b>	9.1 Finalize D.C. background study and by-law to release to the Public as per the requirements of the D.C.A., as amended (60 days prior to by-law passage).
<b>10. PUBLIC MEETING PROCESS</b>	10.1 Advertisement and holding of public meeting 10.2 Release of D.C. background study and draft by-law 10.3 Public Meeting 10.4 Receipt and consideration of public submissions
<b>11. ADOPTION PROCESS</b>	11.1 Provide Staff with by-law(s) and any applicable documents for consideration of Council.
<b>12. IMPLEMENTATION PROCESS</b>	12.1 Collection Policies/Process 12.2 By-law indexation 12.3 Reserve fund reporting requirements

### 3.3 Value Added from our Consulting Team

#### 3.3.1 Local Service Policy

As part of Watson’s methodology and approach to completing a D.C. study, our firm includes a local service policy in all of our background studies. This states the City’s typical policies regarding the financial responsibility of developers as required through development agreements (i.e. subdivision, site plan, etc.) versus what portion is included in the D.C. The inclusion of a local service policy has become more important as a result of the changes brought forth by Bill 73. A new provision prohibits municipalities from imposing additional payments or requiring construction of a service not authorized under the D.C.A. except as permitted by this Act (i.e. Section 59, “Local Services”) or another Act (e.g. Local Improvements under the Municipal Act). Subsection (2) does allow for exceptions if a class of service or development, or an Act is prescribed, however, no provision is made in the Regulations at this time.



### **3.3.2 Asset Management Plan**

To conform to the amendments to the D.C.A. brought about through Bill 73, our firm has developed an approach to asset management that has been accepted in many municipalities. Our firm has assisted in the preparation of numerous D.C.by-laws, which have included the new requirements for asset management, which have not been appealed. Our firm's senior management team has worked together to develop the methodology to ensure it conforms to the legislation. Appendix B includes a flowchart which details our methodology, depending on the level of detail of a municipality's asset management plan. We will review the requirements of the Act with the City, relative to their current Asset Management Plan, and work with staff to determine the best approach for inclusion in the D.C. background study.

### **3.3.3 Other Policies to be Considered**

The study team will work with the City to develop policies related to any situations which have arisen since the adoption of the 2014 by-law. These policies may include phasing in of the charges, providing for full or partial exemptions for certain sectors or development areas, payment timing and cash flow agreements, etc. These policies will assist the City in encouraging development in certain sectors while recovering payments from others.

### **3.3.4 Accessibility**

Watson is committed to producing accessible documents that comply with municipal and AODA (Accessibility for Ontarians with Disabilities Act, 2005) guidelines, including adherence to CNIB Clear Print guidelines. Watson can provide reports as PDF files that pass the Adobe Version 10 Accessibility Checker. However, in cases where complex data tables are being provided as part of our reports, we will discuss any special circumstances with the municipality. Often these complex data tables would be included as a separate appendix in order that they can be separated from the main document when being published in the public domain (e.g. municipal website) where accessibility is required.





## 4. Qualifications and Background of Consultation Team

The following staff members are available and are committed to assisting the City in its preparation of a D.C. Background Study, By-law and the related public process.

**Gary Scandlan, B.A., P.L.E., Director**, would be the project manager for all facets of the study process. Mr. Scandlan has been with the firm of Watson & Associates Economists Ltd. since 1989, before which he worked for two Regional municipalities. In regard to the latter, he held senior managerial positions and was directly responsible for long range financial planning, long term rate and tax impact planning as well as all facets of capital financing. He is presently a member of the firm's senior management group, which develops interpretations of legislative requirements, as well as methodologies and formats and determines alternative policy strategies for all facets of the corporate assignments. Mr. Scandlan has undertaken in excess of 350 D.C. studies since 1989, including undertaking the previous D.C. studies for Port Colborne.

**Jamie Cook, M.C.I.P., R.P.P., P.L.E., Director**, will be responsible for overseeing the preparation of the growth forecast portion of the D.C. Study. Mr. Cook has approximately 17 years' experience in developing economic/fiscal impact studies and economic models across Canada. He is currently a member of the firm's senior management group which oversees all facets of corporate assignments and decision making. Mr. Cook has also defended his work at the Ontario Municipal Board (O.M.B.) on several occasions. He is a registered professional planner (R.P.P.), a professional land economist (P.L.E.) and a member of the Economic Developers Council of Ontario (E.D.C.O.).

**Byron Tan, M.B.E., Consultant**, will be responsible for the capital needs review, policy review, staff meetings, calculations, and the compilation and preparation of reports and presentations. Since joining the firm in 2013, Byron has assisted in gathering and compiling background information for development charge studies, water and wastewater rates & asset management studies and fiscal impact assessments. To date, Byron has worked on over 60 Development Charge studies, including the City's previous D.C. study. Byron holds a B.A. (Honours) degree in Economics and a Master of Business Economics from Brock University.



**Brad Post, P.L.E., M.C.I.P., R.P.P., Consultant**, would be responsible for the preparation of the long-term growth forecasts as well as assisting with report writing. Brad joined the firm in early 2014 and is primarily involved in preparing research and analysis for industrial lands studies, demographic forecasting, growth management studies and industrial land strategies. His previous experience includes ten years of experience in preparing site selection studies and retail demand and impact studies as a Market Analyst with a major retailer, a Market Network Analyst for a national courier company, and later as a consultant

Curriculum vitae and contact information for each of the above individuals are included in Appendix A and can also be found on the company's website [www.watson-econ.ca](http://www.watson-econ.ca).

We have not made provision to engage sub-consultants for this project. It is assumed that the consultant will rely on City staff to facilitate the gathering and production of information that is required during the D.C. Background Study preparation process.

## 5. References

As stated earlier, we have worked on the previous D.C. study for the City of Port Colborne. For a complete Development Charge client list, see Appendix A. We have included the following list of references:

### **Region of Niagara**

*1815 Sir Isaac Brock Way, Thorold, Ontario*

Project: 2017 Development Charge Study and By-law

Contact: Margaret Murphy, Associate Director, Budget Planning & Strategy  
(905) 685-4225 x3293, [margaret.murphy@niagararegion.ca](mailto:margaret.murphy@niagararegion.ca)

### **Town of Lincoln**

*4800 S Service Road, Beamsville, Ontario*

Project: 2018 Development Charge Study and By-law

Contact: Angela Cifani, Director of Finance/Treasurer  
(905) 563-8205 x228, [acifani@lincoln.ca](mailto:acifani@lincoln.ca)

### **Town of Niagara-on-the-Lake**

*1593 Four Mile Creek Road, Virgil, Ontario*



Project: 2018 Development Charge Study and By-law

Contact: Kyle Freeborn, Acting Director of Corporate Services/Treasurer  
(905) 468-3061 x296, [kfreeborn@notl.org](mailto:kfreeborn@notl.org)

## 6. Schedule

We have prepared a detailed work plan program for undertaking the Development Charge Background Study, By-law preparation and implementation on behalf of the City which is outlined above in Figure 3-1. Based on this work plan, a detailed study schedule is provided in Table 6-1 below.

Assuming project initiation with the first meeting in late August 2018, the study process has been designed to provide the City with a Development Charge Background Study and draft D.C. by-law by May 2019. Final adoption of a D.C. by-law by the City would be targeted for early July 2019 (in advance of expiry of the current by-law on September 8, 2019). The study is considered to be “complete” for purposes of the legislation at the time of Council approval prior to by-law passage. The proposed timeline is provided on the basis that all information is provided to us in a prompt fashion.



**Table 6-1  
Schedule of Task**

Details	2018					2019						
	August	September	October	November	December	January	February	March	April	May	June	July
<b>Development Charge Background Study</b>												
1 Study Start Up (1)	■											
2 Data Collection		■	■	■	■	■	■	■	■	■	■	■
3 Growth Projection Development		■	■	■	■	■	■	■	■	■	■	■
4 Staff Interviews (1)			■	■	■	■	■	■	■	■	■	■
5 DC Calculation & Rules			■	■	■	■	■	■	■	■	■	■
6 Examination of Long Term Capital/Operating			■	■	■	■	■	■	■	■	■	■
7 Asset Management Plan					■	■	■	■	■	■	■	■
8 Council Workshop (1)							■	■	■	■	■	■
9 Prepare draft DC Background Study								■	■	■	■	■
10 Public Meeting of Council (1)											■	■
11 By-Law Passage (1)											■	■
12 Implementation Process												■
13 Project Management												■
Meetings	ST		SI				CW		DR	FR	PM	BP

- ST - Start-up Meeting
- SI - Staff Interviews
- CW - Council Workshop
- DR - Draft Report
- FR - Final Report
- PM - Public Meeting
- BP - By-law Passage



## 7. Cost Estimate

Based on the work program identified above, our budget estimate to complete the development charge background study and public process for the City of Port Colborne is \$35,800, (exclusive of applicable taxes). Note that the budget provided herein is similar to the study budget identified in the 2014 D.C. study, however, it does include the extra elements required by Bill 73 (Asset Management, enhanced local service policy, consideration of area rating, etc.). A breakdown of the budget estimate by study step and by individual consultant is presented below.

**Table 7-1  
City of Port Colborne  
Detailed Estimate for Each Major Study Component**

	Watson & Associates Economists Ltd.				
	Gary Scandlan	Jamie Cook	Byron Tan	Brad Post	Total Resource
	Director	Director	Consultant	Consultant	
Hourly Rates	\$285	\$270	\$140	\$140	
1 Study Start Up (1)	6	-	7	-	13
2 Data Collection	2	2	9	6	19
3 Growth Projection Development	2	3	2	16	23
4 Staff Interviews (1)	10	-	10	-	20
5 DC Calculation & Rules	6	-	16	-	22
6 Examination of Long Term Capital/Operating	2	-	8	-	10
7 Asset Management Plan	2	-	4	-	6
8 Council Workshop (1)	6	-	8	-	14
9 Prepare draft DC Background Study	4	2	12	4	22
10 Public Meeting of Council (1)	6	-	8	-	14
11 By-Law Passage (1)	4	-	4	-	8
12 Implementation Process	2	-	2	-	4
13 Project Management	2	-	2	-	4
Total Number of Hours	54	7	92	26	179
<b>Total Fees</b>	<b>\$15,390</b>	<b>\$1,890</b>	<b>\$12,880</b>	<b>\$3,640</b>	<b>\$33,800</b>
Disbursements (travel, telephone, courier)					2,000
<b>Total Budget (excl. HST)</b>					<b>\$35,800</b>
<b>Total Budget (excl. HST) (Rounded)</b>					<b>\$35,800</b>

(#) - Indicates number of meetings

7.1 The budget relates to the calculations, report preparation and policy adoption only (including input into the by-law formation) and does not cover time should an appeal occur, or liability for the results thereof. Similarly, advertising and legal costs have not been incorporated herein.



7.2 Our proposal provides for five (5) meetings (start-up meeting, one staff interview meeting, Council Workshop, Public Meeting, and by-law passage) as well as the development of the D.C. report and by-law. If staff wish to have Watson attend additional meetings, we would be available to prepare for and attend at an upset budget of \$2,000 (includes preparation and travel).

7.3 Out-of-pocket disbursements for travel, long distance, copying and related expenses, are invoiced at cost. Budget does not include applicable taxes.

7.4 Our billings are submitted on a monthly basis for time worked on the project during the previous month. Billings are on a net 30-day basis.

7.5 Our estimated budget provides a contingency for unforeseen issues that may arise during the process due to the new requirements of the D.C. legislation.

7.6 The quotation provides for a digital copy of the draft and final reports along with a draft of the D.C. by-law in a form ready for final review by the City.

We believe based on our experience, that the budget accurately reflects the time required to undertake all the steps necessary for the completion of a defensible development charge calculation that will provide the necessary funds for the City to finance and accommodate new development. However, we are prepared to review our budget with the City should a different level of effort be envisioned. In addition, we believe that the investment in having the work done by a specialist firm such as Watson & Associates Economists Ltd. can potentially provide significant financial and long term economic benefit to the City. The development charge background study is D.C.-eligible cost and hence, 90% of the cost of the study is recoverable.

## 8. Conflict of Interest

Watson & Associates confirm that we have no non-municipal clients within the City and have no conflict of interest with undertaking this study.



We look forward to the opportunity of working with you on this important assignment. Should the above proposal meet your approval, please indicate by signing below and returning a copy for our records.

Having read the above Letter of Contract from Watson & Associates Economists Ltd., dated July 17, 2018, the City agrees to acceptance of this proposal and to engage Watson & Associates Economists Ltd. upon the terms set out therein.

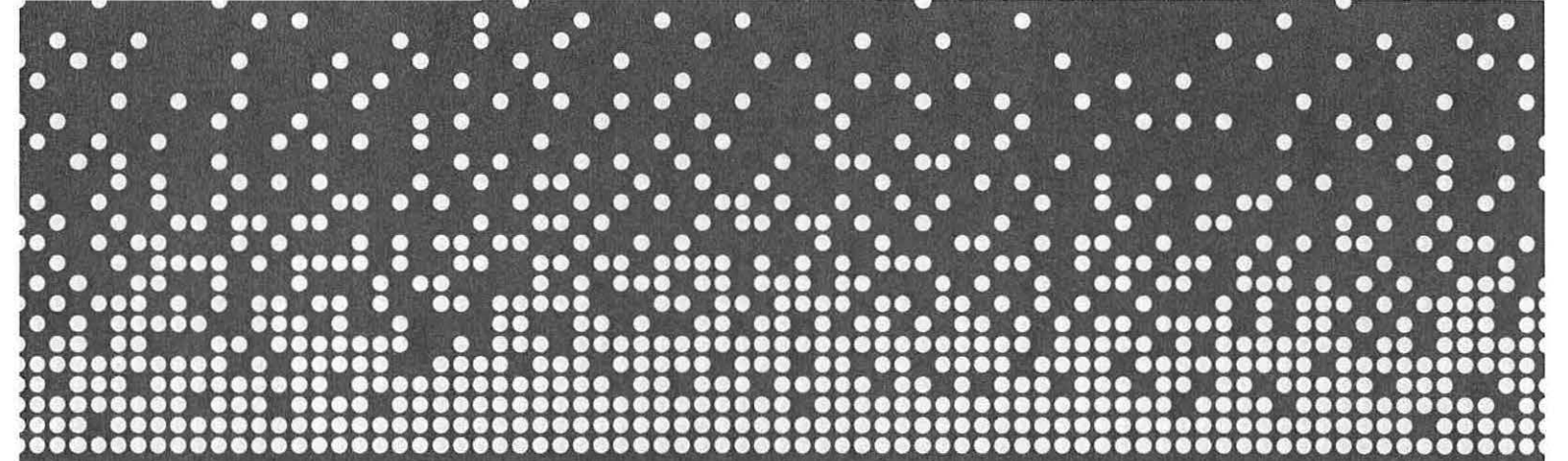
Signed: \_\_\_\_\_

Accepted on behalf of: City of Port Colborne

Date: \_\_\_\_\_







Appendix A - Watson  
& Associates  
Economists Ltd.



## CORPORATE PROFILE

Watson & Associates is one of Canada's leading economic consulting firms. Established in 1982, we offer a comprehensive range of fiscal planning and policy services to clients in government and the private sector throughout Ontario and beyond.

Our unique and dynamic team of specialists has assisted clients from over 250 municipalities, utilities and school boards, as well as private industry, and senior levels of government, to frame their financial and economic strategies.

Watson & Associates is widely recognized as a leading authority on the fiscal aspects of the municipal government sector. The firm has earned its reputation for quality of analysis, as well as pragmatic and insightful interpretation of the issues we manage. We are well known for achieving results that translate into successful outcomes for our clients.

“We are well known for achieving results that translate into successful outcomes for our clients.”



Plaza Three, 101-2000 Argentia Rd.  
Mississauga, Ontario Canada L5N 1V9  
Phone: (905) 272-3600  
Fax: (905) 272-3602  
e-mail: [info@watson-econ.ca](mailto:info@watson-econ.ca)

## OUR PHILOSOPHY

At Watson & Associates, we firmly believe that professional expertise, wide experience with local issues and the provincial legislative environment, and an understanding of client expectations are the basic fundamentals for analyzing issues and securing the desired results. With every assignment, we strive to identify the strategies that are best suited to meeting the challenges facing our clients. Since 1982, our integrated team of financial and economic specialists has provided quality research and analytical expertise to clients. In that time, we have built long-term relationships with a broad range of municipal, provincial and school board clients, who value our judgment and advice. Also, the firm has numerous working relationships with major law firms, planning and engineering companies, with whom we also work on multi-disciplinary assignments.

“We strive to identify the strategies that are best suited to meeting the challenges facing our clients.”



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## OUR SERVICES

We offer our clients a broad range of economic forecasting and financial planning services to help them plan for their future.

Our main areas of specialization include:

### MUNICIPAL, SCHOOL BOARD AND UTILITY FINANCIAL POLICY STUDIES

- Financial and economic impact assessment for major projects and new development areas
- Municipal capital and operating budget policy
- User rate studies (i.e. water, wastewater, stormwater, solid waste, development processing and building permits)
- Long range planning for school accommodation
- Asset management and PSAB
- Water and wastewater financial plans (O.Reg. 453/07)

### DEVELOPMENT CHARGE POLICY

- Municipal, utility and education development charges, including research and calculation of the charge, by-law adoption process, expert witness testimony, front-end financing, subdivision agreement links and implementation matters

### DEVELOPMENT MARKET AND DEMOGRAPHIC FORECASTING STUDIES

- Forecasts, feasibility studies and land needs assessment for a variety of land uses
- Population, household, non-residential space and employment forecasts
- Growth management studies

### SERVICE MASTERPLANNING AND ECONOMIC ASSESSMENT

- Assessment of long-term service needs
- Present value costing and financial affordability evaluation for major undertakings
- Property value impact and compensation policy
- Business, employment and other economic impacts

### LOCAL GOVERNMENT RESTRUCTURING AND GOVERNANCE

- Assessment of options and strategies
- Service evaluation and financial impact analysis
- Benchmarking and performance measurement
- Asset and liability distribution
- Ward boundary reviews

Our goal is to do the very best for our clients. We are determined to produce outstanding results by taking advantage of the most appropriate computer modelling, analytical techniques and up-to-date databases and research available. At Watson & Associates, our vision is to continue to strive for excellence. We endeavour to go beyond our clients' expectations of service and establish ourselves as the leading provider of top-quality economic consulting services in our selected markets.



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Phone: (905) 272-3600

Fax: (905) 272-3602

e-mail: [info@watson-econ.ca](mailto:info@watson-econ.ca)

## Development Charge Policy Studies

Development charges and related policies concerning cost-sharing, special area charges, subdivider emplacements and growth management are all ways of enabling municipalities to grow in a functional and financially sound manner.

The physical growth of municipalities requires significant investment in infrastructure. Much of that investment comes in the form of development charges (DCs) collected from the developers of new urban subdivisions as well as infill development.

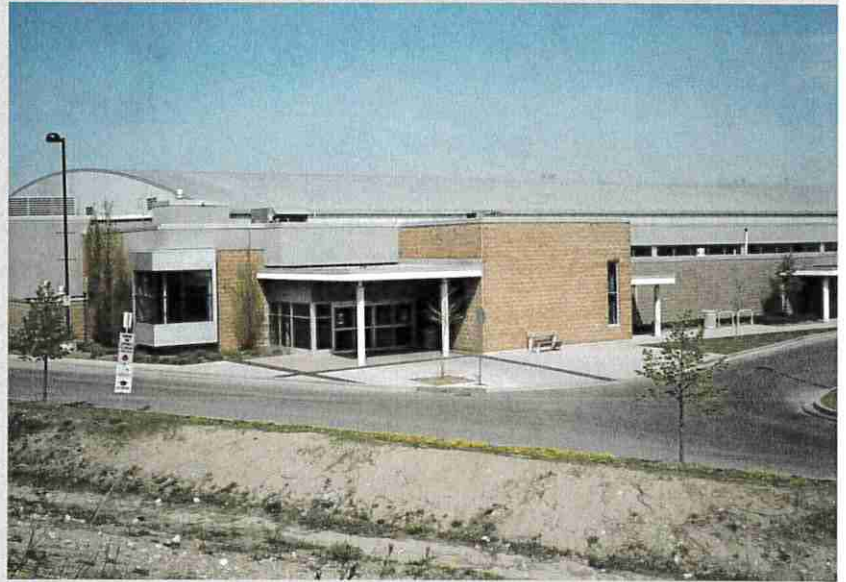
Development charges must be potentially justified to, and approved by, the Ontario Municipal Board if appealed.

Watson & Associates provides a proven approach to municipalities to enable them to qualify to collect these charges.

We have assisted in excess of 100 municipalities, most on multiple occasions, in moving successfully through the calculation and consultation process, as part of putting a by-law and funding scheme in place.

We continue to provide this service in response to more sophisticated developer appellant scrutiny and the ever-present municipal capital funding constraints. In addition, in recent years, our role has increasingly been directed toward:

- establishing workable capital financing schemes, which integrate development charge revenue with the necessary general fund contributions;
- devising sound exemption policies as part of an economic development strategy, downtown renewal schemes or the promotion of intensification;
- updating and amending by-laws, in order to keep current with increased municipal



cost responsibility as a result of environmental and other increased requirements;

- addressing newly emerging issues – inter-municipal development charge arrangements, coverage of new services, etc.

Watson & Associates also provides advice and assistance to municipalities on a continuing basis with respect to policy interpretations, amendments, and reserve fund questions, as part of the implementation process.

### Our specialists in this area include:

Gary Scandlan, Director	Nancy Neale, Senior Project Coordinator	Matt Bouroukis, Analyst
Andrew Grunda, Principal	Peter Simcisko, Senior Project Coordinator	Tina Chitsinde, Analyst
Jamie Cook, Director	Sean-Michael Stephen, Senior Consultant	Lynn Duong, Analyst
Cam Watson, Corporate Advisor	Byron Tan, Consultant	Vlad Petrov, Analyst
Barb O'Connor, Manager, Studies	Brad Post, Consultant	
Erik Karvinen, Manager	Daryl Abbs, Consultant	

# Gary D. Scandlan, B.A., PLE

## Director

### EDUCATION

- 1993 Professional Land Economist
- 1985 Completed nine courses towards the attainment of a Certified Management Accountant designation.
- 1978 Received Bachelor of Arts degree in Economics from McMaster University.

### EMPLOYMENT HISTORY

- 1989- Senior Consultant and latterly Director, Watson & Associates Economists Ltd. (formerly C.N. Watson and Associates Ltd.). Involved in studies related to Development Charge Studies, Local Government Finance and Restructuring, Financial Operations and Policy, Asset Management and Lifecycle Costing, and Industrial Market and Economic Forecasts.
- 1984-89 Manager of Economic Analysis and Policy Development, Regional Municipality of Halton. Responsible for Capital Budgets, Debt Management, Cash Management, Banking Relations, Reserve Management, Credit Rating, Financial and Economic Studies and Financial and Security Requirements on new development.
- 1983-84 Capital Budget and Debt Management Analyst, Regional Municipality of Halton. Responsible for Debt Management, Credit Rating, Work in Progress Accounting Control, Year End Financial Statement Preparation, Debenture Issues and Provincial Capital Grant Application and Audit.
- 1978-83 Held several finance positions including, Supervisor of Grants and Cash Management and Supervisor of Capital Programs, within the Regional Municipality of Hamilton-Wentworth. Experience gained in the areas of Cash Management, Accounts Receivable, Reserves Management, Provincial Grants, Banking Relations, Capital Budget, Work in Progress Accounting Control, Local Improvements, Credit Rating, Debt Management, Debenture Issues and Payroll.

Prior to joining Watson & Associates, Mr. Scandlan had eleven years' experience in a municipal finance environment, progressing to the senior management level. He has had direct responsibility and exposure to virtually all aspects of a Municipal Finance Department. During his tenure at the Region of Halton, Mr. Scandlan managed the Policy and Special Studies Section of the Finance Department, which provides internal financial, economic and administrative studies for the Corporation. Regional studies participated in included Residential Development Charge, Commercial/Industrial Development Charge, Development Processing Fees, Energy From Waste Financial Feasibility, Landfill Affordability and Impact Analysis, Recycling Program and Facility, Waterfront Parks and Municipal Marinas, Transit for the Disabled, Childcare, Liability Insurance, Administrative Space Needs, Museum Feasibility, and an Urban Structural Review.

Gary Scandlan has more than 24 years' experience as a consultant in economic, local government and planning matters. He has completed assignments in more than 125 municipalities, as well as for a number of private sector clients. His experience includes work in the Northwest Territories and throughout Ontario.

With respect to development charge studies, Mr. Scandlan has been study director for more than 150 policy studies, ranging from the large urban municipalities (eg. Cities of Hamilton, London, Guelph, Orillia, St. Thomas and Orangeville) to smaller urban centres (eg. Renfrew, Arnprior, Milton, Halton Hills, Leamington, Tecumseh, Centre Wellington, East Gwillimbury), and Townships and Villages (eg. Townships of Guelph-Eramosa, Centre

## **Gary D. Scandlan, B.A., PLE**

### **Director (Cont'd)**

Wellington, Wilmot, Central Elgin). In addition to undertaking development charge calculations and completing public processes, Mr. Scandlan is a member of the firm's senior management group, which interprets development charge legislative requirements, and develops innovative approaches to meet client needs within the legislative framework. Further, Mr. Scandlan provides continuing advice on development charge issues to his client base, and has been involved in a number of special studies and negotiation of front ending agreements and special development related contributions.

Mr. Scandlan has had considerable involvement in the changes being made to the Water and Wastewater industry in Ontario, participating in the Walkerton Inquiry on behalf of the Ontario Municipal Water Association and the Ontario Municipal Water Association and assisting in presenting a discussion paper to the province with regard to Bill 175 (Sustainable Water and Sewage Systems Act). He has prepared articles on the new Act and has undertaken numerous seminars and workshops on behalf of OWWA, OMWA, AMO, MFOA, ACMTO, OPWA and Trent University. He has assisted over 60 municipalities in developing water and wastewater rates which incorporate Sustainable Asset Management principles.

Mr. Scandlan is a member of the Municipal Finance Officers of Ontario, Canadian Water Works Association, Ontario Public Works Association and Toronto Area Business Economists. In addition, he is a Professional Land Economist.



# Jamie Cook, MCIP, RPP, PLE

## Director

### EDUCATION

- 1999 Queen's University  
M.PL. (Master's of Urban and Regional Planning) Concentration: Land Use and Real Estate, Environmental Planning & Management
- 1997 British Columbia Institute of Technology  
Selected Courses in Geographical Information Systems (GIS) and AutoCAD
- 1996 University of Guelph  
B.Sc. Honours (Environmental Science) Concentration: Natural Resource Management, Resource and Environmental Economics

### EMPLOYMENT HISTORY

- 2001- Joined Watson & Associates Economists Ltd. (formerly C.N. Watson and Associates Ltd.) as a Senior Consultant, progressing to Manager, Demographics and Land Needs Studies and to his current responsibilities as Director. Mr. Cook is involved in the preparation of a variety of municipal, utility and school board development charge studies, as well as, industrial/commercial market forecasting studies, municipal financial impact analysis, including research, report writing and computer modelling.
- 1999-00 Policy Advisor with the Ministry of Municipal Affairs & Housing. Analyzed and advised the Office for the Greater Toronto Area (OGTA) and the Minister's office on a number of issues related to land use planning, municipal infrastructure, telecommunications and regional economic competitiveness. Responsible for the completion of research studies, briefing notes, Minister's responses, and cabinet submissions related to GTA-wide issues.
- 1998 Planning Assistant/GIS Specialist for Natural Resources Canada, Strategic Planning Division. Involved in the development of an intranet based facilities management GIS for Natural Resources Canada's nation wide real property.
- 1997 Planning/GIS Technician: Regional Municipality of Halton Region, Planning & Public Works Department. Assisted municipal planners, engineers and other staff members with mapping services regarding various land use planning, environmental services, and transportation projects within the Halton Region.

Jamie Cook has over eighteen years' experience as an economic consultant and policy advisor/planner. Over this time period, he has worked for both the private and public sector in a variety of positions with increasing roles of responsibility.

Mr. Cook is an active member of the Canadian Institute of Planners (CIP) and the Ontario Professional Planners Institute (OPPI). He is also a Professional Land Economist (PLE) and a member of the Economic Developers Council of Ontario (EDCO) as well as the Lambda Alpha International Society of Land Economists.

# Byron J. Tan, BA (Honours), MBE

## Consultant

### EDUCATION

- 2013 Brock University  
Master of Business Economics (MBE)
- 2011 Brock University  
Bachelor of Arts (Honours) in Economics

### EMPLOYMENT HISTORY

- 2013 Joined Watson & Associates Economists Ltd. as an Analyst progressing to his current responsibilities as Consultant, focused in the areas of municipal finance, development charges, water and wastewater rate studies and fiscal impact assessments.
- 2012-13 Purchasing Analyst, Purchasing and Customs Department, TRW Canada Ltd., St. Catharines, Ontario. Responsible for plant finances with regard to the investigation and approval of unaccounted payments. Assisted in new program launches by sending out "Request for Quotes" and assessing prospective suppliers. Worked closely with other departments and global counterparts to build five-year budget forecasts, long-run projections and Global Competitive Sourcing of parts.
- 2011-13 Teaching Assistant to Dr. Tomson Ogwang & Professor Marilyn Cottrell, Brock University. Conducted labs and tutorials for the Goodman School of Business students in the areas of Macroeconomics, Microeconomics and Business Econometrics. Demonstrated the application of theory by using mathematical equations and regression software to analyze and interpret forecasting results.
- 2007 Logistics Officer, Department of National Defence, Kanata, Ontario. Worked as a civilian with an operating rank of 2<sup>nd</sup> Lieutenant. Responsibilities included operations management for living quarters of personnel and coordination with the Department of Public Works and Government Services to ensure infrastructure maintenance.

# Brad Post, BES, MCIP, RPP, PLE

## Consultant

### EDUCATION

- 2003 University of Waterloo  
Bachelor of Environmental Studies in Urban and Regional Planning (Honours)  
Major Areas of Study: Land-use Planning, Urban Geography, Urban Economics and GIS

### EMPLOYMENT HISTORY

- 2014- Joined Watson & Associates Economists Ltd. as an Analyst progressing to his current responsibilities as Consultant, dealing primarily with industrial lands studies, demographic forecasting and growth management studies.
- 2011-13 Self-Employed Consultant. Provided retail location analysis and GIS services to two major companies and two regional restaurant chains. Created sales prediction models and assisted clients in evaluating sites for new store locations.
- 2010-11 Senior Consultant with UrbanMetrics Inc., a real estate consulting firm based in Toronto. Assisted in the preparation of retail demand and impact studies, commercial policy reviews, highest and best use analysis and downtown revitalization studies. Provided assistance with preparing materials for Ontario Municipal Board hearings.
- 2007-10 Market Network Analyst with Purolator Courier Ltd. Provided real estate and retail analytical decision-making support for management, including providing recommendations for lease renewals, retail partner programs and new retail services and products. Collaborated with various departments including finance, marketing, corporate strategy and small business marketing on several key corporate initiatives.
- 2003-07 Intermediate Location Analyst with Sobeys Inc. Provided detailed market studies and sales projections for new store developments, primarily in Western Canada. Lead Analyst on major retail network studies and acquisition studies for Western Canada.



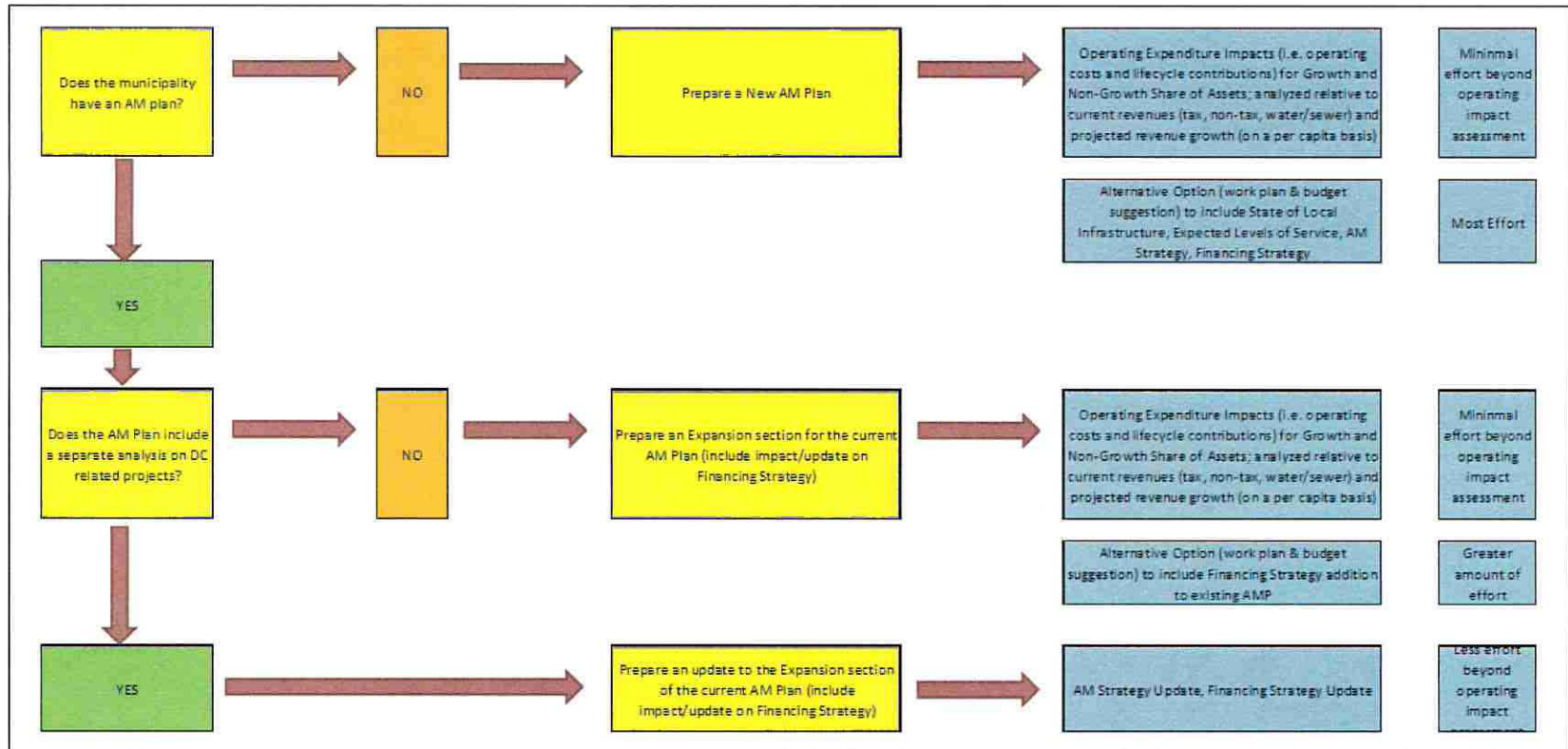


# Appendix B – Asset Management Flowchart



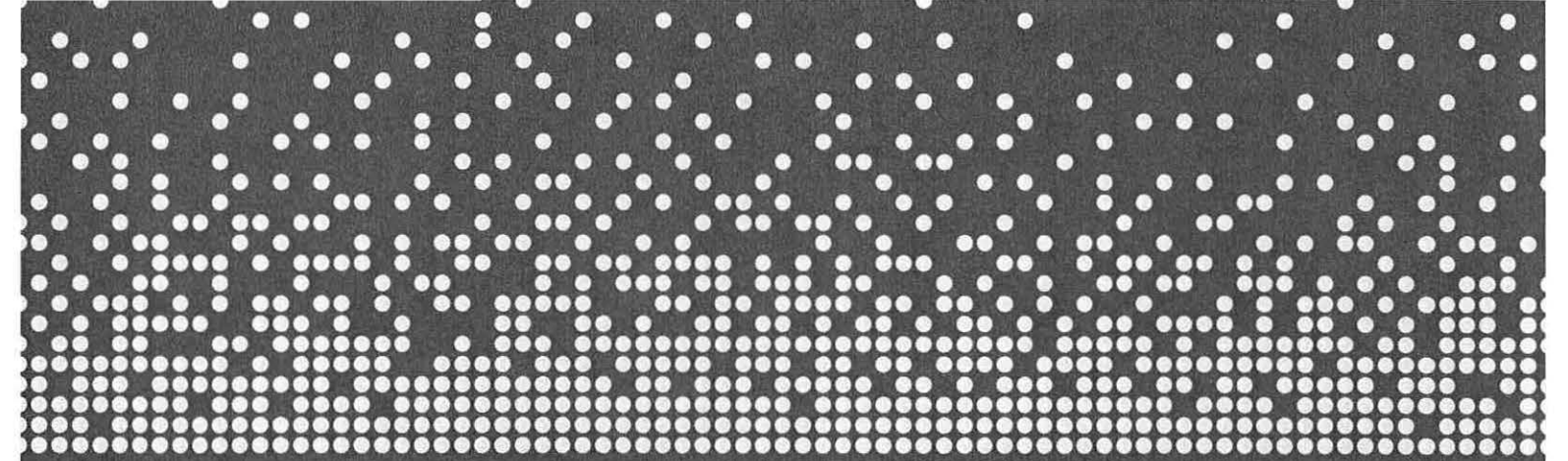


# Asset Management Flowchart









# Appendix C – D.C.A. Requirements and Methodology





## Methodology

The D.C.A. and its regulations provides a specified number of steps, which must be undertaken in the calculation of development charge. Figure C-1 illustrates diagrammatically our firm's understanding of the methodology required. A brief discussion is provided below:

**Step 1** involves estimating the anticipated amount, type and location of development for which development charges can be imposed. This estimate is needed for the first two five year periods and then to the end of the planning period. Annual estimates do not appear to be mandatory.

**Step 2** involves the exclusion of all ineligible services from the calculation, as any expenditure in this area must be made from the tax base, user rates, etc. The list of ineligible services has been amended and moved from the Act to the regulations. For example, waste diversion services are now an eligible service.

**Step 3** requires that "the increase in the need for service attributable to the anticipated development...be estimated for each service" that is involved. This replaces the "growth-related net capital cost" reference in the old Act. This estimate does not appear to require project-specific consideration at this stage as it refers to "need" and not to "project solutions" or the means by which such needs are to be met. It may therefore be appropriate to address it in terms of "service units." These are the same factors that can be used to measure past and future levels of service in a subsequent step.

**Step 4a** is to ensure that, for non-transit services (i.e. non-prescribed services), the increase in need included in Step 3 does "... not include an increase that would result in the level of service (for the anticipated development increment) exceeding the average level of that service provided in the municipality over the 10-year period immediately preceding the preparation of the background study. O.Reg. 82/98 (s.4) goes on to indicate that "... both the quantity and quality of a service shall be taken into account in determining the level of service and the average level of service."

**Step 4b** relates to transit services, requires a review process which differs from other services. The review process includes following the method and criteria to estimate the



planned level of service which includes calculating the level of service based on a forward looking forecast.

**Step 5** requires that for an increase in need to be included in Step 3, Council must indicate that it intends to ensure that such an increase in need will be met, presumably in accordance with the timing periods established in Step 1. Once again, this would appear to be a broad, need-related approval and not necessarily a long-range capital budget approval.

**Step 6** calls for an examination of the long-term capital and operating costs for capital infrastructure to be included in the development charge background study and considered by Council before passing a D.C. by-law. Ideally, this information would be available to Council when it takes Step 5, but this does not appear to be a requirement and is dependent on the timing of the steps in the process. Steps 3 and 5 are early steps and Step 6 could occur later.

**Step 7a** requires an asset management plan for non-transit services (i.e. non-prescribed services) which would include all assets whose capital costs are proposed to be funded under the development charges by-law(s). It must demonstrate those assets are financially sustainable over their full life cycle. The asset management plan must also contain any other information as prescribed in the regulations.

**Step 7b** requires an asset management plan for transit services that shall include the following:

- A section that sets out the state of local infrastructure;
- A section that sets out the proposed level of service;
- An asset management strategy; and
- A financial strategy.

**Step 8** involves removing from the D.C. calculation those kinds of local services for which the municipality can impose directly or indirectly a charge related to a development or a requirement to construct a service related to a development, by way of a condition or agreement under Section 51 or 53 of the *Planning Act*. It also involves ensuring that appropriate policies are established such that those services are, in fact, addressed subsequently in that fashion and are neither double-counted nor omitted.



Under section 59.1 of the amended D.C.A., no additional levies may be charged with regards to new developments except as permitted under the Development Charges Act, as amended.

**Step 9** involves detailing the resultant increase in needs. The calculation of the net costs which can be recovered via D.C.'s (Step 13) involves making four separate and additional deductions from the gross costs, as detailed in Steps 9-12.

**Step 10** represents a deduction from the increase in the need for service attributable to the anticipated development that can be met using the municipality's excess capacity, other than excess capacity which is "committed," i.e. where Council has indicated a clear intention that it would be paid for by D.C.'s or other similar charges, before or at the time it was created.

**Step 11** involves a further reduction to the need, by the extent to which such an increase in service would benefit existing development. The level of service restriction in Step 4 is related, but not the same as this test. This is a potentially difficult adjustment to make, in that it could be argued that almost any new facility would have some impact on, and provide some benefit to, existing development (possibly other than some sanitary, storm, and water works, neighbourhood parks and other works which are highly localized to growth areas).

**Step 12** involves reducing the capital costs necessary to provide the increased services (which is the first mention of such costs) by capital grants, subsidies and other contributions made or anticipated by Council and in accordance with various rules as to attribution between the share related to new versus existing development.

**Step 13** requires that a flat 10% reduction in capital costs be made for services such as day care, social service, and ambulance, administration facilities not falling into the headquarters for general administration category, as well as the cost of studies, borrowings, rolling stock, furniture and equipment, associated therewith. Note: as per Bill 73, this reduction is no longer required for transit.

**Step 14** involves tabulating the total capital costs considered above by service in terms of those that would benefit new development vs. those that would benefit existing development, and in each case, for those that will be incurred during the term of the



proposed by-law vs. those which will not. The estimated and actual value of credits being carried forward is to be noted as well.

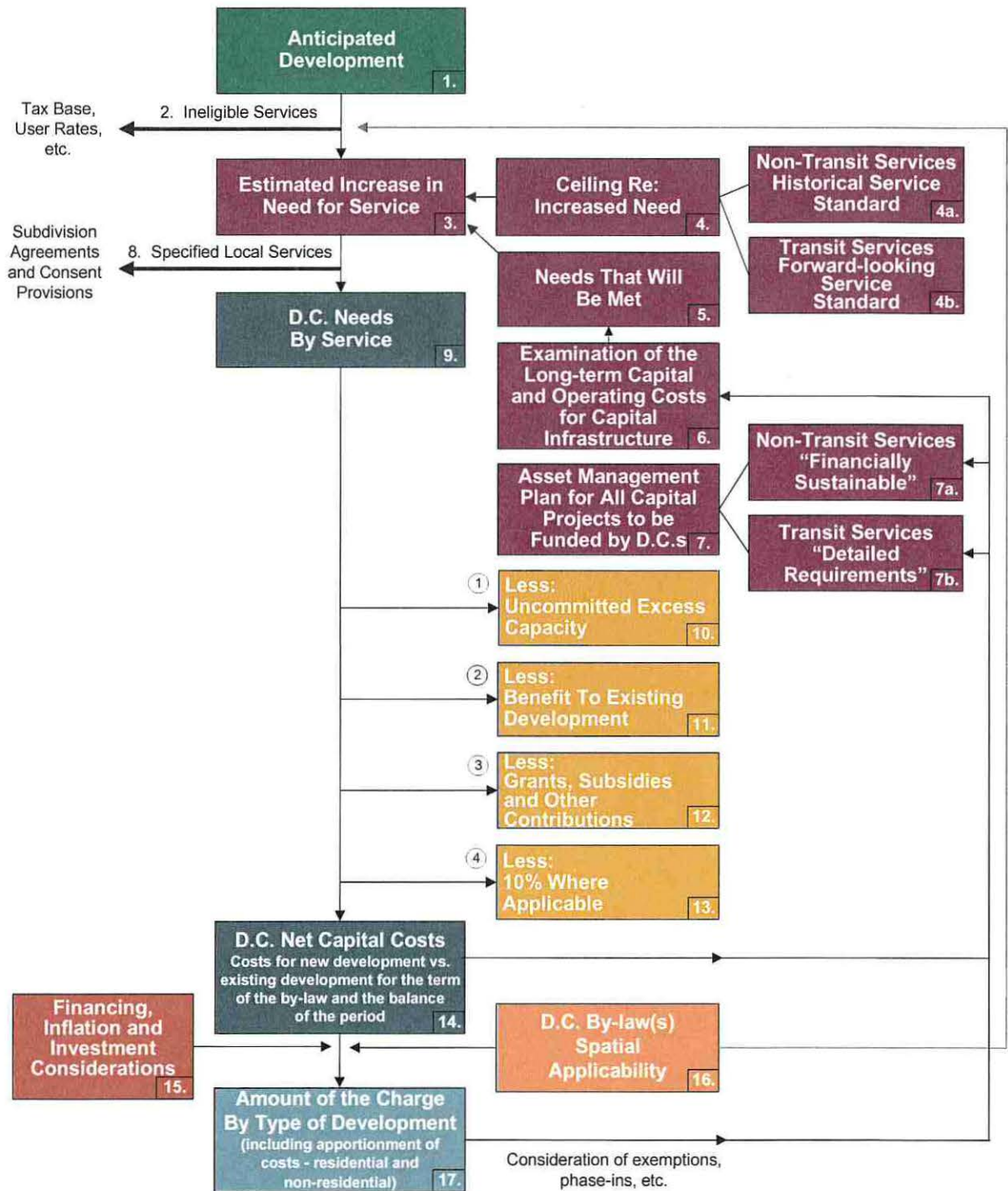
**Step 15** involves increasing the costs set out in Step 13 where debenture debt is required and a cash flow analysis reveals a net financing cost requirement.

**Step 16** involves determining whether all of the subject costs are to be recovered on a uniform municipal-wide basis or whether some or all are to be recovered on an area-specific basis. Under the amended D.C.A., it is now mandatory to “consider” area-rating of services (providing charges for specific areas and services), however, it is not mandatory to implement area-rating.

**Step 17** involves relating the costs involved to anticipated development for each period under consideration and using allocations between residential and non-residential development and between one type of development and another, to arrive at a schedule of charges.



The Process of Calculating a Development Charge under the Act that must be followed



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The Corporation of the City of Port Colborne

By-law no. 6606/61/18

Being a by-law to establish and regulate the  
City of Port Colborne Fire and Emergency Services (Composite)

Whereas the *Fire Protection and Prevention Act, 1997, S.O. 1997* permits the Council to enact a by-law to establish and regulate a Fire Department.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. In this by-law, unless the context otherwise requires;
  - a) "Approved" means approved by Council.
  - b) "Chief Administrative Officer" means the person appointed by Council to act as Chief Administrative Officer for the Corporation.
  - c) "Corporation" means The Corporation of the City of Port Colborne.
  - d) "Fire Fighter" means a Fire Chief and any other person employed in, or appointed to, a Fire Department and assigned to undertake fire protection services, and includes a Volunteer Fire Fighter.
  - e) "Council" means the Council of the City of Port Colborne.
  - f) "Deputy Fire Chief" means the person appointed by Council to act as the Deputy Fire Chief.
  - g) "Fire Chief" means the person appointed by Council to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the *Fire Protection and Prevention Act*.
  - h) "Fire Department" means the City of Port Colborne Fire and Emergency Services.
  - i) "Fire Protection Services" includes fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all those services.
  - j) "Member" means any persons employed in, or appointed to, a Fire Department and assigned to undertake fire protection services, and includes officers, full-time and part-time Volunteer Fire Fighters.
  - k) "Volunteer" means a Fire Fighter who provides fire protection services for a nominal consideration.
2. A department for the City of Port Colborne to be known as the City of Port Colborne Fire and Emergency Services is hereby established and the head of the department shall be known as the Fire Chief.
3. In addition to the Fire Chief, the department personnel may consist of Deputy Fire Chief, Fire Prevention Officer, and such number of full-time Captains, Acting Captains, Volunteer Captains and such number of full-time staff and volunteer staff as from time to time may be deemed necessary by Council.
4. If a City approved medical examiner finds a member is physically unfit to perform assigned duties, Council may assign the member to another position,

if available, deal with them in accordance with the collective agreement as in place, or retire them.

5. The department shall be structured in conformance with the approved organizational chart Appendix "A", forming part of this by-law.
6. The Fire Chief shall be appointed by by-law passed by the Council of the City of Port Colborne and shall hold office until such by-law is rescinded.
7. The Fire Chief may recommend to the Chief Administrative Officer the appointment of any qualified person as a Fire Fighter of the department, subject to the approved hiring policies of the City of Port Colborne.
  - a) Full-time officers below the rank of Fire Chief shall be appointed by the Chief Administrative Officer, after successfully completing the requirements within the collective agreements or City policy.
  - b) Volunteer Fire Fighters shall be appointed as members by the Fire Chief following approval by the Chief Administrative Officer of the City of Port Colborne. Persons approved and accepted as volunteers will serve a twelve (12) month probationary period in good standing before final acceptance.
  - c) Full-time employees employed in suppression or prevention may also be members of the volunteer section in their off-duty time, if approved by the Fire Chief in consultation with the Chief Administrative Officer.
  - d) A Volunteer Fire Fighter must be able to respond to Fire Department headquarters within thirty (30) minutes of the sounding of a general alarm from their residence; following Fire Department policies and guidelines and the *Highway Traffic Act*.
  - e) A Volunteer Fire Fighter shall not be eligible for a uniform until they have served one (1) year in the department.
8.
  - a) The Fire Chief may reprimand, suspend, or recommend dismissal of any member for insubordination, inefficiency, misconduct, tardiness, or for non-compliance with any provision of this by-law or general orders, department rules and regulations that in the opinion of the Fire Chief would be detrimental to the discipline and efficiency of the department.

Following the suspension of a member, the Fire Chief shall immediately report, in writing, the suspension and recommendation to the Chief Administrative Officer.
  - b) Any member of the department feeling grieved by the Fire Chief's decision has the right to follow the grievance procedures in place for both the full-time and volunteer members.
9. The remuneration of all Fire Fighters of the department shall be determined by the Council through contract negotiations and the budgetary process.
10. The Fire Chief is responsible to the Chief Administrative Officer and Council for the proper administration and operation of the department, for the discipline of its members, and:
  - a) May make such general orders, departmental rules, operational guidelines and set policy, as may be necessary for the protection of the department and generally for the efficient operation of the department, provided that such general orders and rules, operational guidelines and

policies, do not conflict with the provision of any by-laws of the municipality.

- b) Shall review periodically the policies, procedures, strategic plan and operational guidelines of the department. The Fire Chief may establish an advisory committee structured as he may determine from time to time to assist him/her in these duties.
  - c) Shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall exercise all powers mandated by the *Fire Protection and Prevention Act*, and the Fire Chief shall be empowered to authorize;
    - pulling down or demolishing any building or structure to prevent the spread of fire.
    - all necessary actions which may include boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident, when unable to contact the property owner.
    - recovery of expenses incurred by such necessary actions for the Corporation in the manner provided through the *Municipal Act*, the *Fire Protection and Prevention Act* and the City's fee schedule, including costs incurred during fire investigations.
  - d) Is responsible for the enforcement of this by-law and the general orders and departmental rules and regulations which forms part of this by-law as Appendix "B".
  - e) Shall report all fires to the Fire Marshal as required by the *Fire Protection and Prevention Act*.
  - f) The Fire Chief shall submit to Council, Chief Administrative Officer and the director of finance for approval, the annual budget estimates for the department; an annual report and any other specific reports requested by the Chief Administrative Officer or Council.
11. The Deputy Fire Chief shall report to the Fire Chief on the activities of the sections that are their responsibility and carry out the orders of the Fire Chief, and in the absence of the Fire Chief, has authority and shall perform all the duties of the Fire Chief.
12. The Fire Department shall not respond to a call with respect to a fire or emergency outside the limits of the municipality except with respect to a fire or emergency:
- a) that in the opinion of the Fire Chief, or in the absence of the Fire Chief, the Deputy Fire Chief, threatens property in the municipality or property situated outside the municipality that is owned or occupied by the municipality;
  - b) in a municipality with which an approved agreement has been entered into to provide fire protection services which may include automatic aid;
  - c) on property with respect to which an approved agreement has been entered into with any person or corporation to provide fire protection services;
  - d) at the discretion of the Fire Chief, to a municipality authorized to participate in a Provincial or Regional Mutual Aid Plan established by a Fire Coordinator appointed by the Fire Marshal or any other similar reciprocal plan or program; or

- e) on property beyond the municipal boundary where the Fire Chief or their designate determines immediate action is necessary to preserve life or property and the appropriate department is notified to respond and assumes command or establishes alternative measures, acceptable to the Fire Chief or designate.
13. The officer in charge of the department at any fire may cause any obstacle or any out-structure to be removed or torn down, if such removal or tearing down appears necessary to prevent the spread of fire.
  14. No person shall impede, interfere with or hinder any officer or Fire Fighter in the discharge of his/her duties at a fire, in responding to a fire alarm or at a practice, and no person shall damage apparatus, equipment and supplies, and no unauthorized person shall put to use any apparatus, equipment and supplies.
  15. No person or persons shall:
    - a) want only or maliciously injure or damage any fire engine, hose, ladders or other apparatus and equipment belonging to the department;
  16. Proper training is a requirement on a continuous basis for the safe operation of the fire service. To promote this, the following regulations will apply:
    - a) It is the responsibility of every member of the Fire Department to attend at least 50% of all training and 35% of all general alarms.
    - b) Attendance will be reviewed twice yearly by the Fire Chief and members who are not meeting their obligation will be notified in writing; a coaching interview may be held by the Fire Chief.
    - c) A volunteer member so notified in (b) may be given six (6) months to bring themselves within the 50% rule for training and 35% for general alarms or face possible dismissal.
  17. The Fire Chief or their designate has the sole authority to take a Fire Fighter out of service for reasons of health and safety.
  18. Any person contravening Sections 14, 15 or 16, of this by-law shall be liable for conviction under the Provincial Offences Act and shall be subject to a fine not less than \$500.00 and not exceeding \$2,000.00 exclusive of costs or to imprisonment for any term not exceeding one (1) year or to both such fine and imprisonment.
  19. In case the provisions of this by-law conflict with the provisions of any other by-law, the provisions of this by-law shall prevail.
  20. This by-law repeals By-law No. 5054/109/07 being a by-law to establish and regulate the City of Port Colborne Fire and Emergency Services (Composite).
  21. The Fire Department's Strategic Plan and Core Services forms part of this by-law as Appendix "C".
  22. Council by by-law may make modifications and changes to any or all of the appendices attached to and making part of this by-law.

23. This by-law shall take effect on the day of passing.

Enacted and passed this 27th day of August, 2018

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John Maloney  
Mayor

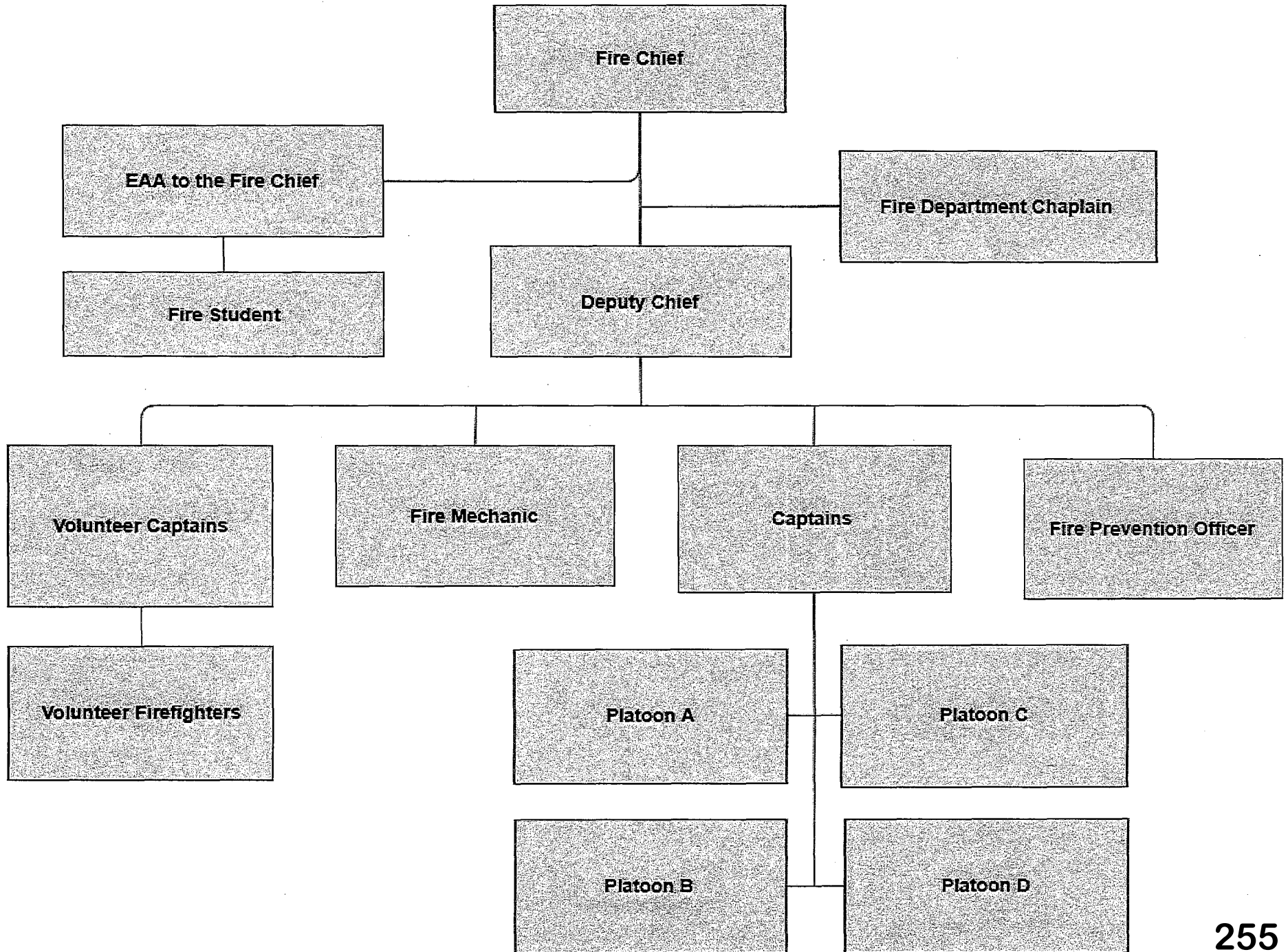
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Amber LaPointe  
City Clerk

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# Fire Services

City of Port Colborne Organizational Chart



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PORT COLBORNE

## Port Colborne Fire and Emergency Services General Orders, Rules and Regulations

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1. Every member of the on-duty platoon shall report for duty at the prescribed time on duty and remain on duty until relieved.
2. Members shall show courtesy and respect at all times in dealing with the public.
3. Members shall render due respect and courtesy towards superior officers at all times.
4. When a member alleges unfair treatment, they may make a written complaint to the Fire Chief.
5. Members when on duty, shall not leave unless permission is granted by a superior officer who is authorized to grant such permission (command).
6. No member, directly or indirectly, shall solicit or accept from anyone, gifts, money or other articles as a reward for services rendered in the carrying out of their duties.
7. Every member shall advise the office of any change in address within seven (7) days, or telephone number within twenty-four (24) hours of such change.
8. With the exception of drivers duly authorized and designated to fulfill this duty, no member shall start, put into action any apparatus of the Department.
9. No member shall supply information relative to the Department or operation thereof unless authorized by the Chief, or their designate of the Department, or in their absence, their designate.
10. When valuables (money, jewelry, etc.) are found during a fire, members shall notify the Officer in charge of operations who shall submit a detailed report, along with the articles, to the Chief of the Department.
11. No member shall use profane or indecent language, or conduct themselves in a manner which may be prejudicial to the good reputation, order and discipline of the department.

## General Orders, Rules and Regulations

12. Every member is responsible for any damage to or the destruction or loss of uniforms or any equipment issued due to negligence. The cost of replacing the items will become the members responsibility.

The members will report this to the Chief as soon as possible.

13. All traffic laws applicable to vehicles of the Department shall be obeyed and extreme precautions shall be exercised at all times.

14. All apparatus and equipment shall be tested in accordance with the Policy and Operational Guidelines issued for that purpose.

15. A member injured while on duty shall immediately report the injury to the officer in charge who shall immediately notify the Fire Chief or their designate and submit a written report to the Chief of the Department and complete the corporate documentation.

16. a) A member involved in an accident while on duty shall immediately report the accident to the officer in charge, who shall immediately notify the Fire Chief or their designate and submit a written report to the Chief of the Department and complete the corporate documentation.

b) Where apparatus is involved in an accident, the driver shall immediately report the accident to the officer in charge, who shall immediately notify the Fire Chief or their designate and submit a written report to the Chief of the Department and complete the corporate documentation. Where appropriate, Police are to be notified.

17. A member exposed to any hazardous substance or material shall have this fact entered on their medical record, including the name of the substance or material and the nature and duration of their possible exposure. Medical treatment will be sought immediately. An exposure form must be filled out.

18. Members on duty shall wear the full issue of protective clothing, including fire fighter's helmet, bunker clothing, rubber boots and gloves unless otherwise authorized by the officer in charge, while working at an emergency scene or at training.

19. Members must be in possession of a valid Ontario Class "A". "B". "C" or "D", and if necessary, a "Z" endorsement valid licence.

20. Roll calls for fires shall be completed prior to leaving the scene or at the discretion of the officer in charge.

21. No members shall receive more than one (1) leave of absence in a three (3) year period. Maximum allowable leave of absence will be three (3) months. Leave of absences will not be credited to any members years of service with the Department.

22. All members will respond safely and promptly to all alarms.

## General Orders, Rules and Regulations

23. Any person who has been off on sick leave or worker's compensation shall be required to have a medical examination by the department physician prior to being reinstated as a member of the fire department. Re-training shall be successfully completed as may be determined by the Fire Chief/designate.
24. Training shall be conducted as may be determined by the Fire Chief.
25. All members will be clean-shaven for a members own safety, in accordance with C.S.A. Standard Z94.4.
26. No member shall drive or attempt to drive a Department vehicle or attend any training or emergencies while under the influence of any substance that could prove detrimental to the safe operation of the vehicle or the members welfare. A Zero Tolerance Policy is in place.
27. The appointment of volunteer officers shall be recommended by the Fire Chief to the Chief Administrative Officer for promotion.
28. a) Volunteer Officers – the honorarium for Volunteer Officers shall be determined through the annual budgetary process.
29. Private cars of members shall not be used for fire service purposes without authorization from the Fire Chief, or their designate, of the department.
30. All members of the department shall be aware of the safety policies and procedures contained within the City of Port Colborne Safety Manual as applicable to the Fire Service and Guidance Notes provided by the Section 21 Committee of the Ministry of Labour, and the Operational Guidelines currently maintained by the Department.
31. Fire fighting clothing damaged or ruined in service shall be replaced by the department.
32. All members leaving Port Colborne Fire and Emergency Services shall immediately return all Department equipment supplied within 24 hours.
33. These rules and regulations shall be reviewed at least once per year by the Fire Chief, with any changes to be recommended to the C.A.O. Any changes approved by the C.A.O. shall take effect upon written confirmation of the changes by the C.A.O. to the Fire Chief.
34. All members will act in accordance with the general orders, rules and regulations of Port Colborne Fire and Emergency Services to uphold the finest traditions of the Fire Service for the good and welfare of our citizens and community.



PORT COLBORNE

**Strategic Plan  
For the  
City of Port Colborne  
Fire and Emergency  
Services**

**“Proudly protecting People and Property”**

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July, 2018

**Strategic Plan  
Fire and Emergency Services**

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**Index**

	<b>Page</b>
Vision and Mission Statements.....	1
1. Education .....	2
2. Prevention.....	3
3. Investigation.....	4
4. Training.....	5
5. Rescue.....	6
6. Fire Suppression.....	7
7. Haz Mat .....	8
8. Life Support.....	9
9. Administration.....	10

## Strategic Plan Fire and Emergency Services

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### **Vision/ Objectives:**

We are the City of Port Colborne Fire and Emergency Services – respected by our community and peers for being proactive, consultative, customer – focused, and cost-effective. “Community First” and “Community Pride” are what drive us to service excellence. A dedicated staff of multi-talented professionals, we are skilled, flexible and involved in our community.

Our Public Education Programs are enthusiastically attended because they are relevant and informative. We take pride in working together with residents, businesses and builders to educate and assist with Fire Code requirements and life safety matters. Our highly trained and equipped emergency response team is quick to the rescue, and caring and compassionate in its approach. We are here to serve – proudly – and to make a contribution in a partnership with our community.

### **Mission/ Goals:**

To protect life, property and the environment in Port Colborne through education, prevention, investigation, training, rescue, fire suppression, dangerous goods containment and life support services.

### **Values:**

The City of Port Colborne Fire and Emergency Services is dedicated to Team Management/Leadership through the values of:

- Customer Service
- Employee Involvement
- Open Communications
- Integrity
- Accountability
- Flexibility
- Commitment
- Efficiency
- Pro-activity

**Strategic Plan  
Fire and Emergency Services**

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**Education:**

Objectives:

1.1 To increase the fire safety awareness level of all citizens.

1.2 To educate target groups in specific fire safety knowledge.

1.3 To develop the required programs.

Actions:

1.1 (a) Research and implement "Contemporary Fire Prevention & Safety Education Programs" in all schools in the City.

1.2 (b) Research and implement "Contemporary Fire Prevention & Safety" Education Programs in all nursery schools and daycare centres.

1.1 (c) Assess public fire safety awareness on a continual basis.

1.1 (d) Research and utilize all forms of media to inform and educate the public regarding fire safety.

1.1 (e) Research and develop effective adult education programs.

1.2 Research and identify the target groups and their needs.

1.3 (a) Research, identify and recommend staff and resources required to meet education objectives.

1.4 (b) Research and monitor fire and emergency response trends to assess the Fire Department's effectiveness and develop appropriate education programs.

## Strategic Plan Fire and Emergency Services

---

### Prevention:

#### Objectives:

- 2.1 To reduce injuries, deaths, property loss and damage to the environment from preventable and non-preventable emergencies.
  
  
  
  
  
  
  
  
  
  
- 2.2 To ensure minimum life safety standards are met in all areas of jurisdiction within the Fire Department.

#### Actions:

- 2.1 (a) Work with the community to enforce compliance with applicable codes, standards, regulations and by-laws.
  
- 2.1 (b) Research and monitor fire and emergency response trends to assess the Fire Department's effectiveness and develop appropriate prevention programs and legislation.
  
- 2.1 (c) Advise the public and government bodies on fire prevention, life safety, emergency planning within the jurisdiction and mandate of the Fire Department.
  
- 2.1 (d) Develop an effective and co-operative relationship with all appropriate fire prevention agencies and our customers.
  
- 2.2 (a) Work with the community to enforce compliance with applicable codes, standards, regulations and by-laws.
  
- 2.2 (b) Research and monitor fire and emergency response trends to assess the Fire Department's effectiveness and develop appropriate prevention programs and legislation.
  
- 2.2 (c) Advise the public and government bodies on fire prevention, life safety and environmental issues, within the jurisdiction and mandate of the Fire Department.
  
- 2.2 (d) Develop an effective and co-operative relationship with all appropriate fire prevention agencies and our customers.



**Strategic Plan  
Fire and Emergency Services**

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**Investigation:**

Objectives:

- 3.1 To determine the cause and origin of all emergencies within the jurisdiction of the Fire Department.
- 3.2 To develop an effective and co-operative relationship with all appropriate investigating agencies.
- 3.3 To ensure that a complete current investigation information and statistical data base is available.

Actions:

- 3.1 Conduct timely and effective investigations.
- 3.2 (a) Participate in and influence decisions made by all appropriate public/private agencies.
- 3.2 (b) Develop liaison and two-way information sharing programs with appropriate agencies.
- 3.3 Research, identify, select and implement the appropriate technology to support a complete current investigation information and statistical data base.

## Strategic Plan Fire and Emergency Services

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### Training:

#### Objectives:

4.1 To train Fire Department staff to meet recognized standards.

4.2 Mandatory Training

#### Actions:

4.1 (a) Research and identify appropriate performance standards.

4.1 (b) Develop and implement training programs to meet identified standards and the needs of the City.

4.1 (c) Research and monitor fire and emergency response trends to assess the Fire Department's effectiveness and develop appropriate training programs.

4.1 (d) Receive and maintain accreditation from recognized accreditation agencies where appropriate.

4.2 The following training is considered mandatory. This training shall be successfully completed on an annual basis as provided for within the Department's training schedule.

- C.P.R
- First Aid
- Incident Mngt. System
- Defibrillator
- S.C.B.A.
- Hazardous Materials Awareness/ Operations
- Fire Fighter Safety
- Technical Rescue
- City policies where appropriate

## Strategic Plan Fire and Emergency Services

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### **Rescue:**

#### Objectives:

5.1 To reduce injuries and death from all causes within areas of jurisdiction of the Fire Department with all due consideration to the safety of all staff.

5.2 To develop an effective and co-operative relationship with all appropriate support agencies.

#### Actions:

5.1 (a) Conduct timely and effective rescues.

5.1 (b) Research, identify, select and implement the appropriate technology and support for victim entrapment.

5.2 (a) Participate in and influence decisions made by all appropriate support agencies

5.2 (b) Develop liaisons and two-way information sharing programs with all support agencies.

## **Fire Suppression**

### Objectives:

6.1 To reduce injuries, deaths, property loss and damage to the environment from fire and its consequences.

6.2 To develop an effective and co-operative relationship with all appropriate support agencies.

### Actions:

6.1 (a) Conduct timely and effective fire suppression activities.

6.1 (b) Research, identify, select and implement the appropriate technology and support.

6.2 (a) Participate in and influence decisions made by all appropriate support agencies.

6.2 (b) Develop liaisons and two-way information sharing programs with all support agencies.

**Haz Mat  
(Dangerous Goods  
Containment)**

Objectives:

7.1 Reduce injuries, deaths, property loss and damage to the environment from fire, dangerous goods releases and their consequences.

Actions:

- 7.1 (a) Conduct timely and effective haz mat operations.
- 7.1 (b) To provide all personnel with training to the Awareness Level and where appropriate Operations Level. Participate in the Region's CBRNE Team.
- 7.1 (c) To work with other area Municipalities in establishing a hazardous material response procedure, and enter into Agreements with Council's concurrence, when necessary.

**Strategic Plan  
Fire and Emergency Services**

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**Life Support**

Objectives:

8.1 To prevent death, relieve pain and reduce shock.

8.2 To increase our ability and role to provide advanced life support.

Actions:

8.1 (a) Provide timely and effective life support services.

8.1 (b) Research, identify, select and implement the appropriate technology and support.

8.2 (a) Participate in and influence decisions made by all appropriate support agencies.

8.2 (b) Develop liaisons and two-way information sharing programs with all support agencies.

## Strategic Plan Fire and Emergency Services

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### Administration

#### Objectives:

9.1 To have a management team which anticipates, initiates, communicates, and manages change effectively.

9.2 To ensure that the Fire Service is delivered in a superior and cost-effective manner.

9.3 To ensure responsible, timely, and effective decisions are made for the provisions of the Fire Department.

9.4 To develop a positive customer focus in the Fire Department service delivery.

#### Actions:

9.1 (a) Monitor, identify and anticipate all trends affecting the Fire Department and take the appropriate action.

9.1 (b) Develop an effective management team through research, training, education and dynamic team building.

9.2 (a) Advise Council regarding the resources and numbers of staff required to deliver timely and effective fire and emergency services.

9.2 (b) Manage the staff and resources allocated by Council to provide the most efficient and effective fire and emergency services.

9.2 (c) Investigate opportunities for the Fire Department to assume additional roles.

9.3 (a) Prepare a long range Master plan for the provision of Fire Department services.

9.3 (b) Amend the enabling By-law to reflect current Fire Department services delivery and update it as needed.

9.3 (c) Amend the City of Port Colborne's Emergency Plan and update it annually.

9.4 (a) Develop a customer service training service program.

9.4 (b) Train all staff in customer service.





## CORE DELIVERABLE SERVICES

### INDEX

Page No.	Description
2	Emergency Response
2, 3 & 4	Fire Prevention & Public Education
4 & 5	Fire Administration
5 & 6	Communications/Resource Centre
6	Training & Education
6 & 7	Maintenance
7 & 8	Support Services
8	Emergency Management
8	Public Access Defibrillator Program
8	Corporate & Community Training
8 & 9	Corporate Driver Training & Licensing Program
9	Pre Fire Planning
9	Operational Guidelines

Example:

Number	Service	Council Approved	Comment
ER 15	Water & Ice Rescue Entry Level		Tech Only

**Legend:**

- P.L.O. – Public Liaison Officer (Currently Vacant)
- F.P.O. – Fire Prevention Officer
- C.B.O. – Chief Building Official
- D.C.C.S. – Department of Community and Corporate Services
- C.E.C.G. – Community Emergency Control Group
- MPC – Master Planning Committee

**Note: All P.L.O. (Public Liaison Officer) duties have fallen to the Fire Prevention Officer**

Core Service: Emergency Response				
			Approved	
ER	1	Basic firefighting, no expected rescue component	√	
ER	2	Structural firefighting, including rescue	√	
ER	3	Vehicle firefighting	√	
ER	4	Grass, brush, forestry firefighting	√	
ER	5	Marine firefighting	√	Limited
ER	6	Automatic aid	√	
ER	7	Mutual aid	√	
ER	8	Tiered medical response	√	
ER	9	Awareness level dangerous goods (Haz-Mat)	√	All Personnel
ER	10	Technician level dangerous goods (Haz-Mat)	√	Limited 3 Personnel
ER	11	Vehicle collisions	√	
ER	12	Vehicle extrication	√	
ER	13	Transportation incidents involving road vehicles, trains, aircraft and watercraft	√	
ER	14	Water and ice rescue, shore based	√	
ER	15	Water and ice rescue, water entry	√	Tech Only
ER	16	Public assistance	√	
ER	17	Emergency Medical Service assistance	√	
ER	18	Police assistance	√	
ER	19	Public utilities assistance	√	
ER	20	Community emergency plan participation	√	
ER	21	High angle rescue	√	Tech Only
ER	22	Role as Assistant to Fire Marshal regarding fire suppression	√	By-law & Administration Direction
ER	23	Pumping of hydrants after fire call	√	

**Note:**

**Technical Rescue Team Members are not paid for any training they must complete to keep their status active and current.**

## Core Service: Fire Prevention & Public Education

Number		Service	Council Approved	Comment
FP&PE	1	Selection of appropriate programs	√	P.L.O.
FP&PE	2	Role of Chief Fire Official	√	
FP&PE	3	Role of Assistant to Fire Marshal regarding Fire Prevention	√	P.L.O. & F.P.O.
FP&PE	4	Input into fire prevention policy development	√	
FP&PE	5	Code development input	√	
FP&PE	6	Development of Fire Prevention By-laws	√	
FP&PE	7	Preparation for and appearances in court	√	2011 – 140 hours
FP&PE	8	Interaction with other government agencies	√	
FP&PE	9	<b>Inspection practices, including:</b>		
FP&PE	9a	Complaints inspections	√	P.L.O.
FP&PE	9b	Conducting routine inspections	√	P.L.O.
FP&PE	9c	Dealing with code compliance issues (mandated)	√	Certified Only
FP&PE	9d	Enforcing municipal by-laws	√	P.L.O.
FP&PE	9e	Dealing with hoarding issues	√	Certified Only
FP&PE	9f	Conducting inspections, preparing reports and issuing written responses to requests	√	Certified Only
FP&PE	10	<b>Public education practices, including:</b>		
FP&PE	10a	Providing routine education programs as per fire prevention policy	√	P.L.O.
FP&PE	10b	Facilitating smoke alarm initiatives	√	P.L.O.
FP&PE	10c	Providing access for media	√	P.L.O. As Approved
FP&PE	10d	Delivery of specialized programs	√	P.L.O.
FP&PE	11	<b>Fire Investigation practices, including:</b>		
FP&PE	11a	Determining fire origin and cause	√	Certified Only
FP&PE	11b	Assessing code compliance	√	Certified Only
FP&PE	11c	Assessing fire suppression effectiveness	√	Under Sup. of Certified Person
FP&PE	11d	Determining compliance with building standards	√	Certified Only
FP&PE	11e	Determining effectiveness of built-in suppression features	√	Certified Only
FP&PE	11f	Interacting with OFM Fire Investigations Services	√	Certified Only
FP&PE	11g	Supporting criminal prosecutions	√	Certified Only
FP&PE	11h	Consulting with police and other agencies	√	Certified Only

Core Service: Fire Prevention & Public Education				
Number		Service	Council Approved	Comment
FP&PE	12	<b>Plans examination and approval practices, including:</b>		
FP&PE	12a	Examining and approving new construction plans	√	Comment to CBO
FP&PE	12b	Examining and approving renovation plans	√	Comment to CBO
FP&PE	12c	Reviewing and approving subdivision/development agreements	√	Comment Planning
FP&PE	12d	Reviewing and approving site plans	√	Comment Planning
FP&PE	12e	Providing on-site inspection of approved plans to determine compliance	√	With CBO
FP&PE	13	Interaction with Chief Building Official and Building Department	√	With C.B.O.
FP&PE	14	Systems checking, testing and approval	√	
FP&PE	15	Compile, analyze and disseminate functional statistics	√	
FP&PE	16	Consultation with architects, engineers, planners, contractors and building trades	√	Fire & Building Code

Core Service: Fire Administration			
Number	Service	Council Approved	Comment
FA	1	<b>Planning &amp; growth practices, including: <i>Preparing Report to Council</i></b>	
FA	1b	Evaluating programs and services	√
FA	1c	Projecting station locations and reallocations	√
FA	1d	Determining staffing levels and assignments	√
FA	1e	Determining resource levels and assignments, including responses	√
FA	1f	Co-ordinating with other emergency services	√
FA	1g	Co-ordinating development with other community departments	√
FA	1h	Co-ordinating with other Municipalities	√
FA	2	<b>Financial &amp; records analysis practices, including:</b>	
FA	2a	Co-ordinating use of information from suppression activities	√
FA	2b	Co-ordinating use of information from fire prevention activities	√
FA	2c	Transitional adjustments for capital stock	√
FA	2d	Input into level of service issues (based upon available funding)	√
FA	2e	Developing, controlling and monitoring budgets	√
FA	2f	Co-ordinating with department divisions	√
FA	2g	Identifying alternative sources of revenue and fees for services	√
FA	2h	Operating Budgets	√
FA	2i	Capital Budgets	√
FA	2j	Purchasing	√
FA	3	<b>Records management, including:</b>	
FA	3a	Note taking	√ P.L.O.
FA	3b	Records retention	√ P.L.O. & F.P.O.
FA	3c	Freedom of information management	√ With City Clerk
FA	4	<b>Human resources practices, including:</b>	
FA	4a	Recruitment, selection & retention	√
FA	4b	Promotion	√
FA	4c	Performance evaluation	√
FA	4d	Career development & higher education	√
FA	4e	Job classifications	√
FA	4f	Overseeing and applying for Provincial and Federal Awards Programs	√

Core Service: Fire Administration			
Number	Service	Council Approved	Comment
FA	5	Client/customer relation practices, including:	
FA	5a	Preserving local identity	√
FA	5b	Enhancing Fire Department image	√
FA	5c	Marketing	√
FA	5d	Environmental scanning, anticipating pressures and developing communication strategies	√
FA	5e	Enhancing public perception of access to Fire Department staff	√
FA	5f	Developing inter-agency relationships	√
FA	6	Health and safety practices, including communicable diseases	√
FA	7	Accident Investigation on City Property	√
FA	8	Securing of Building	√ Property Standards

**Core Service: Communications/  
Resource Centre**

Number	Service	Council Approved	Comment	
RC	1	<b>Dispatch practices, including:</b>		
RC	1a	Liaising with dispatch centres	√	P.L.O. & F.P.O.
RC	1b	Providing access points for operational supervisors	√	
RC	1c	Receiving emergency calls	√	Contracted
RC	1d	Dispatching of appropriate resources	√	Contracted
RC	1e	Providing on-going resources to operation during emergency	√	
RC	1f	Compiling emergency response data and inputting of information in data bases	√	
RC	1g	Sharing data with other department divisions	√	
RC	1h	Sharing data with other municipal departments	√	
RC	1i	Accessing data from other sources	√	
RC	1j	Installation of 911 Signs	√	
RC	2	<b>Technology issues, including:</b>		
RC	2a	Maintaining and repairing communications systems and components (both routine and emergency)	√	
RC	2b	Providing technical support	√	
RC	2c	Developing specifications for radios, pagers, Telephones, and computers	√	
RC	2d	Providing interface capability with other data systems, e.g. assessment, building department, roads department	√	

Core Service: Training & Education			
Number	Service	Council Approved	Comment
TE	1	<b>Program development practices, including:</b>	
TE	1a	Developing trainer facilitators	√
TE	1b	Co-ordinating core curriculum	√
TE	1c	Developing specialized staff development programs	√
TE	1d	Suppression	√
TE	1e	Prevention	√
TE	1f	Administration	√
TE	1g	Communications	√
TE	1h	Maintenance	√
TE	1i	Support services	√
TE	1j	Developing succession training programs	√
TE	1k	Developing self-directed learning programs	√
TE	2	<b>Providing access to training facilities, including:</b>	
TE	2a	Co-ordinating access to facility	√
TE	2b	Delivering of hands-on training to staff	√
TE	3	<b>Station training practices, including:</b>	
TE	3a	Delivery of curriculum specific to discipline's needs	√
TE	3b	Supervisory training skills	√
TE	3c	Providing support and direction	√
TE	4	Development, approval and delivery of incident management and accountability systems and procedures	√
TE	5	Co-ordination, development, approval and distribution of standard operating guidelines for various disciplines	√



Core Services: Maintenance				
Number	Service	Council Approved	Comment	
MA	1	<b>Fleet and equipment maintenance practices, including:</b>		
MA	1a	Maintaining fleet and equipment (both routine and emergency)	√	Duty Crews conduct routine
MA	1b	Providing annual testing programs	√	
MA	1c	Mechanical worthiness	√	
MA	1d	Ministry of Labour requirements	√	
MA	1e	Pump capacity and certification	√	
MA	1f	Specification development	√	
MA	1g	Acceptance testing and approval of new apparatus and equipment	√	
MA	1h	Maintaining specialized equipment, e.g. SCBA	√	
MA	1i	Central supply facility	√	
MA	2	Facilities maintenance, including maintenance of station infrastructure	√	Duty Crews & F.P.O.
MA	3	Providing input regarding design and construction consideration for fire stations	√	

Core Service: Support Services			
Number	Service	Council Approved	Comment
SS	1	<b>Purchasing practices, including:</b>	
SS	1a	Bulk purchasing through local and area organizations	√
SS	1b	Developing standardized specifications for all apparatus and equipment	√
SS	2	<b>Financial practices, including:</b>	
SS	2a	Financial analysis	√
SS	2b	Liaising with other area departments	√
SS	2c	Co-ordinating day to day financial services	√ D.C.C.S.
SS	2d	Arranging long term funding	√ D.C.C.S.
SS	3	<b>Risk management practices, including:</b>	
SS	3a	Assessing changing risk	√
SS	3b	Operationalizing risk management into every function	√
SS	3c	Providing insurance	√ D.C.C.S.
SS	3d	Prevention planning	√
SS	3e	Risk avoidance	√
SS	3f	Loss control	√
SS	3g	Separation and diversification of losses	√
SS	3h	Risk transfer	√
SS	4	<b>Human resources practices, including:</b>	
SS	4a	Developing recruitment and retention programs	√
SS	4b	Specializing in fire service legislation and related issues	√
SS	5	<b>Co-ordination with other agencies for shared infrastructure, including:</b>	
SS	5a	Municipal water system development	√ Public Works
SS	5b	Maintenance and access to water supply	√ Public Works
SS	5c	Maintenance and access to emergency incidents via Municipal and Regional roads	√ Public Works
SS	5d	Co-ordinating road closures and detour routes with appropriate works department and roads department	√ Public Works

Core Service: Emergency Management				
Number		Service	Council Approved	Comment
EM	1	Ensure the Municipal Emergency Plan is kept up-to-date	√	
EM	2	Submit annual report to Emergency Management Ontario	√	
EM	3	Ensure annual training is completed by the Emergency Control Group	√	
EM	4	Ensure that the Emergency Plan is tested annually	√	C.E.C.G.

**Core Service: Public Access  
Defibrillator Program**

Number		Service	Council Approved	Comment
PAD	1	Ensure appropriate staff are trained to the level required of the Program	√	
PAD	2	Ensure the PAD's are maintained	√	

**Core Service: Corporate And  
Community Training**

Number		Service	Council Approved	Comment
CC	1	Fire Safety	√	P.L.O.
CC	2	Fire Extinguisher	√	P.L.O.
CC	3	First Aid	√	
CC	4	C.P.R.	√	
CC	5	Defibrillator (P.A.D.)	√	
CC	6	WHMIS	√	
CC	7	Spill Training	√	
CC	8	Confined Space (Awareness)	√	
CC	9	Transportation of Dangerous Goods Certification	√	

**Core Service: Corporate Driver Training  
And Licensing Program**

Number	Service	Council Approved	Comment
CDTL 1	Maintaining Records for MTO	√	
CDTL 2	Air Brake Endorsement Course	√	
CDTL 3	Licensing Renewals	√	
CDTL 4	Annual Training	√	
CDTL 5	License Abstract Reviews	√	

Core Service: Pre Fire Planning			
Number	Service	Council Approved	Comment
PFP 1	Prepare In-Depth Plans Identifying Hazards	√	P.L.O.
PFP 2	Provide Information to all Personnel	√	P.L.O.
PFP 3	Input Final Plans into Information System	√	P.L.O.

Core Service: Operational Guidelines			
Number	Service	Council Approved	Comment
OG 1	Ensure that all Guidelines Meet the Requirements of Section 21 and Ministry of Labour	√	PLO



The Corporation of the City of Port Colborne

By-law No. 6605/60/18

Being a by-law to authorize entering into a Licence Agreement with The St. Lawrence Seaway Management Corporation, Eric Roy Hughes, Dawn Kathleen Hughes and Jesse Boles (o/a The Green Apple Coffee House) regarding 162 West Street

Whereas at its meeting of August 27, 2018, Council approved the recommendation of Planning and Development, By-law Enforcement Division, Report 2018-120, Subject: Encroachment Request – 162 West Street; and

Whereas Council is desirous of entering into a Licence Agreement with The St. Lawrence Seaway Management Corporation, Eric Roy Hughes, Dawn Kathleen Hughes and Jesse Boles (o/a The Green Apple Coffee House) regarding 162 West Street.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That The Corporation of the City of Port Colborne enter into a Licence Agreement with The St. Lawrence Seaway Management Corporation, Eric Roy Hughes, Dawn Kathleen Hughes and Jesse Boles (o/a The Green Apple Coffee House) regarding 162 West Street.
2. That the Mayor and the Clerk be and each of them is hereby authorized and directed to sign said licence agreement, together with any documents necessary to complete the conditions of said agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto.
3. That this by-law shall come into force and take effect on the date of passing.

Enacted and passed this 27th day of August, 2018.

\_\_\_\_\_  
John Maloney  
Mayor

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Amber LaPointe  
City Clerk

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The Corporation of the City of Port Colborne

By-law No. 6607/62/18

Being a by-law to confirm appointments to various agencies, boards and committees

Whereas at the meeting of August 27, 2018, the Council of The Corporation of the City of Port Colborne approved the recommendations of the Corporate Services Department, Clerk's Division, Report 2018-114, Subject: Appointments to Boards and Committees; and

Whereas Council is desirous of appointing members of the public as representatives on various boards and committees.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That Council hereby confirms the appointment of Alison Chambers to the Accessibility Advisory Committee for a term ending December 31, 2022.
2. That Council hereby confirms the appointment of Connie Butler to the Senior Citizen Advisory Council for a term ending December 31, 2019.

Enacted and passed this 27th day of August, 2018.

\_\_\_\_\_  
John Maloney  
Mayor

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Amber LaPointe  
City Clerk

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The Corporation of the City of Port Colborne

By-law No. 6608/63/18

Being a by-law to authorize the execution of a  
loan agreement with the Niagara Central Dorothy  
Rungeling Airport Commission

Whereas during 2018 budget deliberations, the City of Port Colborne was requested along with partner municipalities to provide funding for the repairs to Runways and Taxiways through individual loans to the Niagara Central Dorothy Rungeling Airport Commission for such works; and

Whereas at its meeting of August 27, 2018, Council approved the recommendation of Corporate Services, Finance Division, Report 2018-122, Subject: Niagara Central Airport Commission – Financing for Capital Projects – Loan Agreement; and

Whereas Council is desirous of entering into a loan agreement with the Niagara Central Dorothy Rungeling Airport Commission.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That The Corporation of the City of Port Colborne enter into a loan agreement with the Niagara Central Dorothy Rungeling Airport Commission for the City's share of capital works for the completion of repairs to Runways and Taxiways, in the amount of \$32,870 with terms of repayment to be amortized over ten years, annual interest rate at 4.3%, with annual payments due August 24th commencing on August 24, 2019.
2. That the Mayor and the Clerk be and each of them is hereby authorized and directed to sign said agreement, together with any documents necessary to complete the conditions of said agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto.
3. That this by-law shall come into force and take effect on the date of passing.

Enacted and passed this 27th day of August, 2018.

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John Maloney  
Mayor

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Amber LaPointe  
City Clerk

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**This Term Loan Agreement made in duplicate this 20th day of August, 2018**

**BETWEEN:**

**Niagara Central Airport Commission**  
(hereinafter referred to as the "Borrower")

**AND**

**The Corporation of the City of Port Colborne**  
(hereinafter referred to as the "Lender")

**WHEREAS:**

The Borrower wishes to borrow from the Lender and the Lender has agreed to lend to the Borrower the sum of Thirty Two thousand Eight Hundred and Seventy dollars (\$32,870.00) for the purpose of financing capital projects, specifically for runways and taxiways (the "Purpose").

**NOW THEREFORE** the parties agree as follows:

**1. The Credit**

(1) The Lender shall, on the terms and conditions of this agreement, lend to the Borrower the principal sum of \$32,870.00 as a term loan (the "Credit").

(2) The Credit is made available by the Lender to the Borrower to enable the Borrower to carry out the Purpose and the Borrower shall use all proceeds advanced under the Credit for the Purpose and for no other purpose.

**2. Repayment of the Credit**

(1) The Credit shall bear interest at the rate of 4.3 percent (4.30%) per annum repayable in annual payments of \$4,113.32 principal and interest due on August 24 in each year with the first payment commencing as of August 24, 2019. The amortization period shall be ten (10) years with the Credit coming due and payable in full ten (10) years after the date of the advance of the Credit.

(2) The Credit shall be evidenced by a promissory note(s) of the Borrower (collectively, the "Promissory Note").

(3) The Borrower shall have the privilege, when not in default in any of its obligations contained in this agreement, without notice, premium or penalty, of prepaying all or any part of the moneys advanced pursuant to the Credit. Any prepayment of a part only of the advances then outstanding and unpaid shall be applied to the balance of the instalments referred to in paragraph 2 (1) of this agreement in the reverse order of

maturity.

### **3. Conditions Precedent**

The Borrower acknowledges that the Lender shall not be called on to make any advance under the Credit until the following conditions precedent have been fulfilled:

(1) No event of default, as set out in paragraph 8 of this agreement, shall have occurred and be continuing.

(2) The Borrower shall have delivered to the Lender in forms satisfactory to the Lender the security set forth in paragraph 4 of this agreement.

### **4. The Security**

As a continuing collateral security for the payment of all advances made under the Credit and interest and all other moneys payable pursuant to this agreement the Borrower shall deliver to the Lender the Promissory Note (Schedule A).

### **5. Representations and Warranties of the Borrower**

The Borrower represents and warrants to the Lender that:

(1) The Borrower is a corporation legally incorporated, duly organized and validly existing, in good standing under the laws of the jurisdiction of its incorporation and is qualified to carry on its business in all jurisdictions where the nature of its business or the character of its properties make such qualification necessary.

(2) The borrowing of money by the Borrower and the execution, delivery and performance of this agreement and the security set forth in paragraph 4 of this agreement are within the corporate powers and capacities of the Borrower and have been duly authorized by proper corporate proceedings.

(3) There are no actions, suits or proceedings pending or to the knowledge of the Borrower threatened against or adversely affecting the Borrower in any court or before or by any federal, provincial, municipal or other governmental department, commission, board, bureau or agency, Canadian or foreign which might materially affect the financial condition of the Borrower or the title to the Borrower's property or assets.

(4) The execution and delivery of this agreement, the consummation of the transactions contemplated by this agreement, the execution and delivery to the Lender of the security set forth in paragraph 4 of this agreement, and the compliance with the covenants, terms, provisions and conditions of this agreement will not conflict with or result in a breach of any of the terms or provisions of any laws of Canada, or the Province of Ontario, governing the Borrower, or any agreement or instrument to which the Borrower is now a party or which purports to be binding on the Borrower or its property and assets.

(5) This agreement and all other deeds, documents or instruments to be delivered pursuant to this agreement will, when executed and delivered, constitute valid and binding obligations of the Borrower enforceable against it in accordance with their respective terms, except as may be limited by other deeds, documents or instruments delivered pursuant to this agreement, or by applicable bankruptcy, reorganization, insolvency, moratorium and other laws affecting the enforcement of creditors' rights.

(6) The borrowing of money under this agreement and the execution and delivery of this agreement do not require the consent or approval of, or registration of any other party.

(7) The Borrower has good and marketable title to all its property and assets free and clear of any mortgage, charge, pledge, lien or other encumbrance.

## **6. Affirmative Covenants**

The Borrower covenants with the Lender that so long as any amounts advanced under the Credit together with interest remain outstanding:

(1) It will duly and punctually pay to the Lender, the principal, accrued interest and all other moneys payable on the dates, at the place, in the moneys and in the manner mentioned in this agreement.

(2) It will pay or reimburse the Lender for all costs, charges and expenses (including legal fees) of or incurred by the Lender in connection with the recovery or enforcement of payment of moneys advanced under the Credit, together with interest at the rate set out in paragraph 2(1) of this agreement.

(3) It will do all acts that are necessary to maintain the Borrower's existence under the laws of the jurisdiction of its incorporation and will obtain, renew and maintain in full force and effect all authorizations, approvals, consents, licences, permits and exceptions as may be required to enable it to observe and perform the obligations on its part to be performed under this agreement and all agreements and security delivered in connection with or incidental to this agreement.

(4) It will give the Lender written notice of any event of default immediately on the occurrence of such an event.

(5) It will give the Lender written notice of the occurrence of any material litigation, proceeding or dispute affecting the Borrower and will provide to the Lender all reasonable information requested by the Lender concerning the status of the litigation, proceeding or dispute.



## **7. Negative Covenants**

The Borrower covenants with the Lender that it will not, without the prior written consent of the Lender:

(1) Lend money to, invest in, or become contingently liable by guarantee or otherwise for the obligations of, any person, firm or body corporate.

(2) Consolidate, amalgamate or merge with any other corporation or acquire the shares or assets of any corporation, firm or partnership, or sell, lease or transfer or otherwise dispose of all or a substantial part of its assets.

(3) Enter into or be a party to any contract for the purchase of materials, supplies or other property if the contract requires that payments for those materials, supplies or other property shall be made regardless of whether or not delivery is ever made of the materials, supplies or other property.

(4) Change the general nature of the business of the Borrower.

## **8. Events of Default**

The principal advanced under the Credit and all interest payable together with all of the moneys payable pursuant to this agreement shall, at the option of the Lender, become immediately due and payable and any security held by the Lender for the payment thereof shall, at the option of the Lender, become immediately enforceable in each and every of the following events:

(1) If the Borrower makes default in the repayment of any instalment of principal or interest under the Credit when it becomes due and payable, including default in payment pursuant to the Promissory Note.

(2) If the Borrower fails to perform or observe any of the covenants contained in this agreement or in any of the security delivered pursuant to this agreement and any failure shall not be remedied within fifteen days following notice being given to the Borrower.

(3) If any representation, warranty, certificate, statement or report made in connection with this agreement or in connection with advances under the Credit is false or erroneous in any material respect.

(4) If any indebtedness of the Borrower for liabilities other than to the Lender becomes due prior to the stated maturity date, unless and to the extent that the same shall be contested in good faith and by appropriate proceedings by the Borrower.

(5) If the Borrower becomes insolvent or bankrupt or subject to the provisions of the *Winding-Up Act*, R.S.C. 1985, c. W-11, as amended or the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended, or goes into liquidation, either voluntarily or under an order of a court of competent jurisdiction, or makes a general assignment for the benefit of its creditors or otherwise acknowledges itself insolvent.

(6) If the Borrower removes any part of its undertaking and property and assets out of the Province of Ontario, other than inventory in the process of shipping to customers, or located at or on customers' premises.

(7) If the Borrower abandons all or any part of its undertaking and property and assets or ceases or threatens to cease to carry on its business, or threatens to commit any act of bankruptcy.

(8) If any execution, sequestration, extent, or any other process of any court becomes enforceable against the Borrower or if a distress or analogous process is levied on the property and assets of the Borrower and the execution, sequestration, extent, distress or process, remains unsatisfied for a period as would permit the property or a part of it to be sold.

(9) If the Lender in good faith believes that the ability of the Borrower to pay any of its obligations to the Lender or to perform any of the covenants contained in this agreement is impaired or the security referred to in this agreement is impaired or is in jeopardy.

## **9. General**

(1) The Borrower covenants that it will execute or cause to be made, done or executed, all further and lawful acts, deeds, things, devices, conveyances and assurances whatsoever for effecting the purposes and intent of this agreement as counsel for the Lender shall reasonably advise or request.

(2) Any notice or other writing required or permitted to be given under this agreement or for the purposes hereof (referred to in this paragraph as a notice) to any party shall be sufficiently given if delivered personally, or if sent by prepaid registered mail or if transmitted by fax or other form of recorded communication tested prior to transmission to such party:

- (a) As to the Borrower:  
Niagara Central Airport Commission  
P.O. Box 234  
Welland, Ontario  
L3B 5P4

- (b) As to the Lender:  
The Corporation of the City of Port Colborne  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8

or at such other address as the party to whom such writing is to be given shall have last notified the party giving the same in the manner provided in this paragraph. Any notice delivered to the party to whom it is addressed as provided in this paragraph shall be deemed to have been given and received on the day it is so delivered at such address, provided that if such day is not a business day then the notice shall be deemed to have been given and received on the business day next following such day. Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth business day next following the date of its mailing. Any notice transmitted by fax or other form of recorded communication shall be deemed given and received on the first business day after its transmission. For the purpose of this agreement "business day" shall mean a day other than Saturday or Sunday or a statutory holiday.

(4) This agreement and all other agreements to be delivered in connection with this agreement shall be governed by and construed in accordance with the applicable laws of the Province of Ontario and of Canada.

(5) This agreement shall be binding on and enure to the benefit of the Borrower and the Lender and their respective successors and assigns, except that the Borrower shall not, without the prior written consent of the Lender, assign any rights or obligations with respect to this agreement. The Lender may transfer, assign or grant participation in its rights and obligations with respect to this agreement or any other agreement contemplated to any lending institution which it considers to be financially responsible, provided that any transfer, assignment or grant shall neither result in any additional cost to the Lender nor, without the consent of the Borrower, release the Lender from its obligations under this agreement.

(6) Any provision of this agreement which is or becomes prohibited or unenforceable in any jurisdiction shall not invalidate or impair the remaining provisions of this agreement which shall be deemed severable from the prohibited or unenforceable provision and any prohibition or unenforceability in any jurisdiction shall not invalidate or render unenforceable that provision in any other jurisdiction.

(7) No amendment supplement or waiver of any provision of this agreement or any other agreements provided for or contemplated, nor any consent to any departure by the Borrower, shall in any event be effective unless it shall be in writing and signed by the Lender and then the waiver or consent shall be effective only in the specific instance for the specific purpose for which it has been given.

(8) No waiver or act or omission of the Lender shall extend to or be taken in any manner whatsoever to affect any subsequent event of default or breach by the Borrower of any provision of this agreement or the results or the rights resulting from it.

(9) Time shall be of the essence of this agreement.

(10) This agreement shall remain in full force and effect until the payment and performance in full of all of the Borrower's obligations under this agreement.

(11) The Borrower acknowledges receiving a copy of this agreement.

(12) This agreement constitutes the entire agreement among the parties and cancels and supersedes any prior agreements, undertakings, declarations or representations, written or verbal in respect of it.

**IN WITNESS WHEREOF** the parties have caused this agreement to be executed by their respective officers duly authorized.

**THE CORPORATION OF THE CITY OF  
PORT COLBORNE**

PER: \_\_\_\_\_

PER: \_\_\_\_\_

**NIAGARA CENTRAL AIRPORT COMMISSION**

PER: \_\_\_\_\_

PER: \_\_\_\_\_

**PROMISSORY NOTE**

**\$32,870.00**

**DUE: August 24, 2028**

**FOR VALUE RECEIVED**, the undersigned promises to pay to the order of The Corporation of the City of Port Colborne (the "Lender") the sum of thirty two thousand, eight hundred and seventy dollars (\$32,870.00) with interest thereon at the rate of 4.3% per annum calculated annually, not in advance, repayable in equal annual instalments of principal and interest in the amount of \$4,113.32 commencing as of August 24<sup>th</sup>, 2019 to and including the 24<sup>th</sup> day of August, 2028 when the balance of the principal outstanding shall come due and payable in full.

**IF THE UNDERSIGNED** fails to pay on its due date any such payment, then the balance of the principal outstanding plus all accrued interest shall become immediately due at the Lender's option and without notice to the undersigned.

**THE UNDERSIGNED SHALL** pay interest at the above rate on any amount (including interest) not paid when due and on any judgment.

**PROVIDED THE UNDERSIGNED** is not in default, the undersigned shall have the privilege of paying any amount of principal plus accrued interest outstanding without notice, penalty or bonus.

**DATED** this        day of        , 2018

NIAGARA CENTRAL AIRPORT COMMISSION

PER: \_\_\_\_\_

Name:

I have authority to bind the Corporation.

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The Corporation of the City of Port Colborne

By-Law No. 6609/64/18

Being a By-Law to adopt, ratify and confirm  
the proceedings of the Council of The  
Corporation of the City of Port Colborne at  
its Special and Regular Meetings of August 27, 2018.

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council;

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Special and Regular Meetings of August 27, 2018 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof except where the approval of the Ontario Municipal Board is required, in which case the effective date shall be the day after the approval of the Ontario Municipal Board is obtained or such other day as the Ontario Municipal Board may order; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this August 27 day of July, 2018.

\_\_\_\_\_  
John Maloney  
Mayor

\_\_\_\_\_  
Amber LaPointe  
City Clerk

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**City of Port Colborne  
Regular Council Meeting 18-18  
Minutes**

**Date:** July 23, 2018  
**Time:** 7:32 p.m.  
**Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

**Members Present:** R. Bodner, Councillor  
B. Butters, Councillor  
F. Danch, Councillor  
A. Desmarais, Councillor  
D. Elliott, Councillor  
B. Kenny, Councillor  
J. Maloney, Mayor (presiding officer)

**Absent:** Y. Doucet, Councillor (due to vacation)  
J. Mayne, Councillor (leave of absence)

**Staff Present:** D. Aquilina, Director of Planning and Development  
T. Cartwright, Fire Chief  
A. Grigg, Director of Community and Economic Development  
N. Halasz, Manager of Parks and Recreation  
A. LaPointe, Manager of Legislative Services/City Clerk (minutes)  
C. Lee, Director of Engineering and Operations  
S. Luey, Chief Administrative Officer  
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and WeeStream.

**1. Call to Order:**

Mayor Maloney called the meeting to order.

**2. Introduction of Addendum Items:**

Nil.

**3. Confirmation of Agenda:**

**No. 110** Moved by Councillor R. Bodner  
Seconded by Councillor A. Desmarais

That the agenda dated July 23, 2018 be confirmed, as circulated  
or as amended.

CARRIED.

**4. Disclosures of Interest:**

Nil.

**5. Adoption of Minutes:**

**No. 111** Moved by Councillor B. Kenny  
Seconded by Councillor A. Desmarais

(a) That the minutes of the special meeting of Council 16-18, July 9, 2018, be approved as presented.

(b) That the minutes of the regular meeting of Council 17-18, July 9, 2017, be approved as presented.

CARRIED.

**6. Determination of Items Requiring Separate Discussion:**

Nil.

**7. Approval of Items Not Requiring Separate Discussion:**

**No. 112** Moved by Councillor F. Danch  
Seconded by Councillor B. Butters

That items 1 to 7 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

**Motions Arising from Committee of the Whole Meeting Delegations:**

**Dianna M. Carle regarding a request for an exemption to By-law 1117/64/81, Section 3.2.2 for 1056 Steele Street to Allow for a Second Curb/Driveway Cut**

Council resolved:

That an exemption of By-law 1117/64/81, Section 3.2.2, for 1056 Steele Street be granted to allow for a second curb cut and driveway.

**Items:**

**1. Planning and Development Department, Planning Division, Report 2018-105, Subject: Recommendation Report for Official Plan Amendment D09-01-18 & Zoning By-law Amendment D14-02-18, n/s Killaly Street West**

Council resolved:

That the Official Plan Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix A be approved, adding a special policy to the Highway

Commercial designation to support the use of warehousing on the property; and

That the Zoning By-law Amendment attached to Planning and Development Department, Planning Division Report 2018-105 as Appendix B be approved, rezoning the land from "HC – Highway Commercial" to "HC-48"; and

That staff be directed to prepare the Notice of Passing in accordance with the Planning Act and circulate to all applicable parties; and

That the Director of Planning and Development be directed to present for Council's consideration a report and the proposed site plan of the warehousing facility.

**2. Engineering and Operations Department, Engineering Division, Report 2018-103, Subject: Wignell, Michener, Port Colborne and Beaverdam Municipal Drains Engineer Appointment**

Council resolved:

That the appointment of Paul Smeltzer P. Eng. of AMEC(FW) be rescinded as per Section 39(2) Chapter D.17 of the *Drainage Act R.S.O. 1990*; and

That Paul Marsh P. Eng. of EWA Engineers Inc. be appointed under Section 78(1) Chapter D.17 of the *Drainage Act R.S.O. 1990*, and that this appointment become effective once the conditions of Section 78(2) have been met; and

That staff be authorized to execute a petition under Section 4 Chapter D.17 of the *Drainage Act R.S.O. 1990* to initiate/incorporate any new works related to municipal roads and/or property; and

That Paul Marsh P. Eng. of EWA Engineers Inc., be appointed under Section 8 Chapter D.17 of the *Drainage Act R.S.O. 1990* for the new works contemplated and any additional petitions under Section 4, related to the Wignell, Michener Port Colborne and Beaver Dam Drains, that may come forward during the Drainage Act process; and

That the Mayor and Clerk be authorized to sign the requisite Engineering Services Agreement for the preparation of new engineer(s) reports for the Wignell, Michener, Port Colborne and Beaverdam Municipal Drains.

**3. Corporate Services Department, Clerk's Division, Report 2018-109, Subject: Leave of Absence from Council**

Council resolved:

That a leave of absence be approved for Councillor John Mayne for a period ending November 30, 2018, or until he resumes attendance, whichever occurs first.

**4. Corporate Services Department, Finance Division, Report 2018-108, Subject: Development Charge Reserve Funds – January 1, 2017 to December 31, 2017**

Council resolved:

That report Corporate Services Department, Finance Division report 2018-108 with respect to Development Charge Reserve Funds January 1, 2017 to December 31, 2017 be received for information.

**5. Cynthia B. Skinner, Member of The Friends of Port Colborne Lighthouses Re: Request for Proclamation of Lighthouse Day, August 7, 2018**

Council resolved:

That August 7, 2018 be proclaimed as "Lighthouse Day" in the City of Port Colborne in accordance with the request received from Cynthia B. Skinner, Member, The Friends of Port Colborne Lighthouses.

**6. Region of Niagara Re: Comments of Province's Draft Agricultural Impact Assessment Guidance Document (PDS Report 29-2018)**

Council resolved:

That the correspondence received from the Region of Niagara Re: Comments on Province's Draft Agricultural Impact Assessment Guidance Document (PDS Report 29-20178), be received for information.

**7. Niagara Central Airport Commission Re: 2<sup>nd</sup> Quarter Report 2018 for the Niagara Central Dorothy Rungeling Airport**

Council resolved:

That the correspondence received from Richard Rybiak, Chair, Niagara Central Airport Commission Re: Niagara Central Airport Commission 2<sup>nd</sup> Quarter Report for the Niagara Central Dorothy Rungeling Airport, be received for information.

CARRIED.

**8. Consideration of Items Requiring Separate Discussion:**

Nil.

**9. Proclamations:**

**No. 113** Moved by Councillor B. Butters  
Seconded by Councillor D. Elliott

Whereas the 7th of August is International Lighthouse Day, therefore we seek recognition here by having Lighthouse Day declared in Port Colborne; and

Whereas this recognition acknowledges our rich marine based history, culture and industry; and

Whereas Port Colborne is unique, having 2 lighthouses connected by a tunnel; and

Whereas we are able to have tours to same, through co-operative inter-agency agreements, thus meeting the publics ever growing interest in lighthouses; and

Whereas this public interest re-enforces Friends of Port Colborne Lighthouses efforts to increase access and gain stewardship so that they may be properly preserved, restored, maintained and shared with the public for future generations; and

Now therefore, I, Mayor, John Maloney, proclaim August 7th as "Lighthouse Day" in the City of Port Colborne.

CARRIED.

**10. Minutes of Boards, Commissions & Committees:**

**No. 114** Moved by Councillor A. Desmarais  
Seconded by Councillor B. Butters

- a) That the minutes of the Port Colborne Public Library Board meeting of June 5, 2018, be received.

CARRIED.

**11. Consideration of By-laws:**

**No. 115** Moved by Councillor B. Butters  
Seconded by Councillor B. Kenny

That the following by-laws be enacted and passed:

6600/55/18 Being a By-law to Adopt Amendment No. 5 to the Official Plan for the City of Port Colborne

- 6601/56/18 Being a By-law to Amend Zoning By-law 6575/30/18 Respecting Lands Legally Described as Part Lot 32, Concession 2, Municipally Known as Killaly Street West
- 6602/57/18 Being a By-law to Appoint Paul Marsh P. Eng. Of EWA Engineers Inc. for the Completion of a New Engineer's Report for the Repair and Improvement of the Wignell, Michener, Port Colborne and Beaverdam Drains situated in the City of Port Colborne and to Rescind By-law No. 5653/84/11 and By-law No. 5666/97/11
- 6603/58/18 Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of July 23, 2018

CARRIED.

**12. Council in Closed Session:**

**Motion to go into closed session – 7:38 p.m.**

**No. 116** Moved by Councillor F. Danch  
Seconded by Councillor B. Kenny

That Council do now proceed into closed session in order to address the following matter(s):

- (a) Minutes of the closed session portion of the following Council meetings: July 9, 2018.
- (b) Planning and Development Department, Planning Division Report 2018-102, concerning the potential sale of City-owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.
- (c) Corporate Services Department, Clerk's Division Report 2018-104, Subject: Appointments to Boards and Committees, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.
- (d) Planning and Development Department, By-law Enforcement Division Report 2018-106, concerning an

update with respect to ongoing property investigations, pursuant to *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees and Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

- (e) Verbal report from the Chief Administrative Officer concerning a human resources matter, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.

CARRIED.

**Motion to rise with report – 9:10 p.m.**

**No. 117** Moved by Councillor A. Desmarais  
Seconded by Councillor B. Butters

That Council do now rise from closed session with report at approximately 9:10 p.m.

CARRIED.

**13. Disclosures of Interest Arising From Closed Session:**

Nil.

**14. Report/Motions Arising From Closed Session:**

- (b) **Planning and Development Department, Planning Division Report 2018-102, concerning the potential sale of City-owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.**

The City Clerk reported that direction was provided to the Director of Planning and Development during closed session in accordance with the *Municipal Act, 2001*.

- (c) **Corporate Services Department, Clerk's Division Report 2018-104, Subject: Appointments to Boards and Committees, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.**

That the Deputy Clerk be directed to bring forward a report in open session with respect to appointments to boards and committees recommended by Council, as follows;

That Alison Chambers be appointed to the Accessibility Advisory Committee for a term ending December 31, 2022; and

That Connie Butter be appointed to the Senior Citizen Advisory Council for a term ending December, 31, 2019.

- (d) **Planning and Development Department, By-law Enforcement Division Report 2018-106, concerning an update with respect to ongoing property investigations, pursuant to *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees and Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.**

The City Clerk reported that direction was provided to the Supervisor, By-law Enforcement during closed session in accordance with the *Municipal Act, 2001*.

- (e) **Verbal report from the Chief Administrative Officer concerning a human resources matter, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b), personal matters about an identifiable individual, including municipal or local board employees.**

The City Clerk reported that Council received the verbal report from the Chief Administrative Officer during closed session in accordance with the *Municipal Act, 2001*.

15. **Adjournment:**

**No. 118** Moved by Councillor F. Danch  
Seconded by Councillor D. Elliott

That the Council meeting be adjourned at approximately 9:11 p.m.  
CARRIED.

\_\_\_\_\_  
John Maloney  
Mayor

\_\_\_\_\_  
Amber LaPointe  
City Clerk

AL/cm





Port Colborne Historical & Marine  
**MUSEUM**

City of Port Colborne  
**RECEIVED**

**JUL 18 2018**

CORPORATE SERVICES  
DEPARTMENT

*...more than a museum!*  
A meeting of the Board of Management of the Port Colborne Historical and Marine Museum was held June 19, 2018 at 7 p.m. at the L. R. Wilson Heritage Research Archives.

Presentation to the Board

Chief Administrative Officer Scott Luey presented the draft Strategic Plan for 2018- 2022 to the board of management.

Present: Stephanie Powell Baswick, Marcia Turner, Terry Huffman, Bonnie Johnston, Cheryl MacMillan, Brain Heaslip, Bert Murphy, Margaret Tanaszi, Claudia Brema, Donna Abbott

Regrets: Pam Koudjjs, Alexander Fazzari, Amanda Emery and Councillor David Elliot.

Minutes of Last Meeting

Moved by: Terry Huffman

Seconded by: Margaret Tanaszi

To: Approve the minutes of the board of management from April 17, 2018. Motion Carried.

Business Arising from Minutes:

Stephanie Powell Baswick brought forward the photos of the research Education Programmer Abbey Stansfield had done on the cairns for the consideration of the next building and property committee meeting.

Correspondence:

Showboat Festival Theatre correspondence was brought forward regarding their 2018 Season. Newsletters, magazines and guides were distributed from various marine and heritage association for the board's information.

Director/Curator's Report:

Stephanie Powell Baswick reported that Abbey Stansfield is attending E'zhyaadiziwin Indigenous Consulting Services' Cultural Awareness Session at Welland Museum. This will assist with preparation for the Longhouse Outreach Kit that will be launched in September.

Stephanie submitted the monthly statistical report to the board of management.

The social media analytic report for Arabella Tea Room, L.R.Wilson Heritage Research Archives and Port Colborne Museum was presented.

Auxiliary Report:

Bonnie Johnston reported that the tea room is doing very well. Opening day was a very good presentation. Bonnie thanked all the staff for the effort. Dignitaries MP Vance Badawey, Mayor John Maloney and former Curator Heather Ott all celebrated the 40<sup>th</sup> Anniversary of the longest volunteer run tea room in Canada.

As the tea room has been busy and another mix making bee will be held this Friday.



Port Colborne Historical & Marine  
**MUSEUM**  
*...more than a museum!*

Arabella's Pie Social had a record amount of people served with a total of 247 slices of pie served. Bonnie thanked all the board members who assisted with the donated pies. Bonnie Johnson also announced that a regular patron made a financial donation to Arabella's to be used as the executive see fit.

An armchair has been donated to the tea room to assist with patrons who may wish to have an option for accessibility needs.

Program Committee Report:

Cheryl MacMillan reported that the committee did not meet in April. Cheryl reported that the Canal Days sig- up sheet for volunteers will be passed along.

Fundraising Committee Report:

Donna Abbott reported that Lower Lakes Towing has agreed to once again donate a trip for two on a working laker. A letter of thanks will go out with the income tax receipt right after the trip auction is over. Canal Days T Shirts are the next fundraiser on the committee's list and board members wishing to assist with selling t shirts at the market please call Donna to be scheduled. Cheryl volunteered to do this Friday's Market.

Building and Property Report:

No report.

Finance Report:

Stephanie reported in Alex Fazzari's absence that the Community Museum Operating Grant (CMOG) application is being worked on.

Stephanie also submitted the statement of operations papers for the 2018 budget. Discussion was held about the board getting copies of statements in advance of board meeting for their information once the new system is tested.

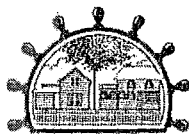
Membership Committee:

Bonnie Johnston reported membership totals to date at 109 families, 154 individuals. \$638 in membership revenue and \$1,422 in donations have come in.

There are three new life patrons and life patron revenue for the year stands at \$1,400. Brian Heaslip asked how many life patrons there are altogether, and Bonnie answered 273.

Accession Committee Report:

Terry Huffman reported that the committee met June 12, 2018 at 6:30 p.m. with five members and two staff present. A large number of items were offered for consideration. Among the objects accepted were a model ship, cutlery from the Ontario Silver Co., Humberstone Township police constable's badge, photographs, postcards, ledgers and documents.



Port Colborne Historical & Marine  
**MUSEUM**  
*...more than a museum!*

In addition, a warning bell from INCO and an ice-cooled picnic hamper were donated. Terry reported that it was a good meeting and a lot was accomplished in a small amount of time. Next meeting will be held Tuesday, Sept. 4 at 6:30 p.m.

Timber Cabin Report:

Brian Heaslip reported that the log house porch will be repaired next Monday. This will include a portion of sidewalks that will be required for the timber frame cabin ramp. Initial partnerships with the school board created delays and Brian brought forward a quote that would see it done before Canal Days if it is approved. Brian presented the quote for exposed aggregate sidewalks for various areas throughout the grounds.

Moved by: Brian Heaslip,

Seconded by: Burt Murphy

That the quote for exposed aggregate from Rankin Construction at \$13, 665.00 be accepted.  
Motion carried.

Window makers Crowland and Sash and Frame Ltd. have provided a quote to build 4 new windows with replace one insulated glass unit.

Moved by: Terry Huffman

Seconded by: Donna Abbott

To: Accept the quote from Crowland and Sash at \$6, 8880 for timber cabin windows and 1 replacement window for the second floor Heritage Resource Centre to be taken out of timber frame capital budget.

Brian also reported that the timber frame cabin volunteers will be repairing the garden fence with split rail fencing.

Policy Report:

No report.

Cultural Block Report:

Brian Heaslip reported the first meeting will be held at Port Colborne Library at 1 p.m. on June 20.

New Business:

Discussion was held regarding the strategic plan presented by Scott Luey. Margaret Tanaszi commented that the strategic plan is concise and the board's main points are articulated.

Moved by: Terry Huffman

Seconded by: Cheryl MacMillan

To: Accept the 2018-2022 strategic plan as presented with edits discussed at the meeting.

Marcia Turner would like to reconsider the Tow Path Treasure marketing strategy. The item was referred to the programming committee to consider for 2019.

Brian Heaslip added that consideration of possible expansion for Arabella's Pie Social also be discussed.

Stephanie Powell Baswick reported that the museum will have a display at the RCAF Dunnville Museum 2018 Open House at the Dunnville Airport on July 7. Two summer students will man the booth promoting Canal Days and Arabella's Tea Room and board members are welcome to attend.

Marcia Turner made the motion to adjourn.

A handwritten signature in black ink, appearing to be 'BHO', with a long horizontal flourish extending to the right.