



City of Port Colborne
Regular Meeting of Committee of the Whole 02-18
Monday, February 12, 2018 – 6:30 p.m.
Council Chambers, 3rd Floor, 66 Charlotte Street

Agenda

1. **Call to Order:** Mayor John Maloney
2. **National Anthem:** Joel Longfellow
3. **Introduction of Addendum and Delegation Items:**
4. **Confirmation of Agenda:**
5. **Disclosures of Interest:**
6. **Adoption of Minutes:**
 - (a) Regular meeting of Committee of the Whole 01-18, held on January 22, 2018.
7. **Determination of Items Requiring Separate Discussion:**
8. **Approval of Items Not Requiring Separate Discussion:**
9. **Presentations:**
 - (a) Terry Suess, Volunteer YMCA Board of Directors and Sharon Schilz, Center Manager of Port Colborne YMCA will presenting the Port Colborne YMCA Five Year Operations Report (Page No. 11)
10. **Delegations (10 Minutes Maximum):**
 - (a) Dr. Salanki of Chiropractic Associates of Port Colborne regarding Doctor's With a Heart Day, February 14th, 2018 (Page No. 33 - Correspondence Item # 5)
11. **Mayor's Report:**
12. **Regional Councillor's Report:**
13. **Councillors' Items:**
 - (a) Councillors' Issues/Enquiries
 - (b) Staff Responses to Previous Councillors' Enquiries
14. **Consideration of Items Requiring Separate Discussion:**
15. **Notice of Motion:**
16. **Adjournment:**

Upcoming Committee of the Whole and Council Meetings	
Monday, February 26, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, March 12, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, March 26, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, April 9, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, April 23, 2018	Committee of the Whole/Council – 6:30 P.M.
Monday, May 14, 2018	Committee of the Whole/Council – 6:30 P.M.
Tuesday, May 28, 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 AD DE	BB FD BK	RB YD JM	1.	<p>Planning and Development, Planning Division, Report No. 2018-14, Subject: Recommendation Report – Proposed New Comprehensive Zoning By-law</p> <hr/> <p>That By-law 1150/97/81, being the existing Zoning By-law and any and all amendments thereto be hereby rescinded;</p> <p>That the by-law approving the draft Comprehensive Zoning By-law, attached as Appendix A and B to Planning and Development Report 2018-14, be approved;</p> <p>That pursuant to the provisions of Section 34(17) of the <i>Planning Act</i>, no further notice of public meeting be required;</p> <p>That pursuant to Section 34(10.0.0.2) of the <i>Planning Act</i>, applications for an amendment to the by-law are allowed before the second anniversary of the day on which the Council approves the Comprehensive Zoning By-law.</p> <p>Note: The attachments to the above report can be found by clicking on the following link: http://www.portcolborne.ca/fileBin/library/agendas/Planning & Development, Report No. 2018-14.pdf</p>	35
JDM AD DE	BB FD BK	RB YD JM	2.	<p>Planning and Development, Report No. 2018-16, Subject: Stopping Up and Closing part of Victoria Street and Sale to 2023781 Ontario Inc.</p> <hr/> <p>That in accordance with City policy, the by-law attached to Planning and Development Report 2018-16, Being a By-law to Stop Up, Close, Declare Surplus and to Authorize the Sale of the Portion of The Victoria Street Road Allowance, Plan 831 now Garlinda Street, Between Sherwood Forest Lane and Omer Avenue, Being All of PIN 64137-0107 (LT) to 2023781 Ontario Inc., be approved.</p> <p>That 2023781 Ontario Inc.'s offer to purchase the above lands for \$40,000 (plus HST) be approved.</p> <p>That the Mayor and Clerk be authorized to sign and execute any and all documents respecting the sale these lands.</p>	41

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JDM AD DE	BB FD BK	RB YD JM	3.	<p><u>Planning and Development, Report No. 2018-17, Subject: Sale of 14 King Street (Valley Camp)</u></p> <p>That an Agreement of Purchase and Sale be entered into with Andrew Soave (or assignees) for the purchase of 14 King Street (Valley Camp) for the purchase price of \$170,000 (plus HST), attached to Planning and Development Report 2018-17 as Appendix "A".</p> <p>That the Mayor, Clerk and City Solicitor be authorized to sign and execute any and all documents respecting the sale of these lands.</p>	51
JDM AD DE	BB FD BK	RB YD JM	4.	<p><u>Engineering and Operations, Operations Division, Report No. 2018-15, Subject: Multiple Vehicle Purchase</u></p> <p>That the quotation for the lowest pricing from Brock Ford of Niagara Falls for the replacement of the vehicles, as outlined in Engineering and Operations Report 2018-15, Multiple Vehicle Purchase, be approved.</p> <p>That funding for the vehicles be financed under the following GL Account Numbers: \$206,830 - 3-550-33150-3401; Equipment Reserve, \$13,165 - 3-595-33103-3401; Water Equipment and \$13,165 - 3-590-33102-3401; Sewer Equipment.</p> <p>That the Director of Engineering and Operations be authorized to issue a purchase order for the purchase of these vehicles from the appropriate vender at the pricing detailed.</p>	63
Miscellaneous Correspondence					
JDM AD DE	BB FD BK	RB YD JM	5.	<p><u>Dr. Salanki & Associates of Chiropractic Associates of Port Colborne Re: Request for Proclamation of Doctor's With a Heart Day, February 14, 2018</u></p> <p>That February 14th, 2018 be proclaimed as Doctor's With a Heart Day in the City of Port Colborne in accordance with the request received from Dr. Salanki and Associates of Chiropractic Associates of Port Colborne.</p>	67
JDM AD DE	BB FD BK	RB YD JM	6.	<p><u>Region of Niagara Re: 2018 Interim Levy Dates and Amounts (CSD Report 3-2018)</u></p> <p>That the correspondence received from the Region of Niagara Re: 2018 Interim Levy Dates and Amounts (CSD Report 3-2018), be received for information.</p>	69

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JDM AD DE	BB FD BK	RB YD JM	7.	<p><u>Region of Niagara Re: Niagara Escarpment Plan Agriculture Policies (PDS Report 1-2018)</u></p> <p>That the correspondence received from the Region of Niagara Re: Niagara Escarpment Plan Agriculture Policies (PDS Report 1-2018), be received for information.</p>	79
JDM AD DE	BB FD BK	RB YD JM	8.	<p><u>Region of Niagara Re: Protocol for Planning Services Between the Regional Municipality of Niagara and the Niagara Peninsula Conservation Authority (PDS Report 2-2018)</u></p> <p>That the correspondence received from the Region of Niagara Re: Protocol for Planning Services Between the Regional Municipality of Niagara and the Niagara Peninsula Conservation Authority (PDS Report 2-2018), be received for information.</p>	91
JDM AD DE	BB FD BK	RB YD JM	9.	<p><u>Richard Rybiak, Chair, Niagara Central Airport Commission Re: Niagara Central Dorothy Rungeling Airport, 2017 Fourth Quarter Report</u></p> <p>That the correspondence received from Richard Rybiak, Chair, Niagara Central Airport Commission Re: Niagara Central Dorothy Rungeling Airport, 2017 Fourth Quarter Report, be received for information.</p>	117
Outside Resolutions – Requests for Endorsement					
JDM AD DE	BB FD BK	RB YD JM	10.	<p><u>Scott Butler, OGRA, Policy and Research, Ontario Good Roads Association Re: Requesting Ontario Municipalities to Adopt a Resolution that Calls on the Minister of Environment and Climate Change to Accelerate the Application for Review of the Municipal Class Environmental Assessment (MCEA) Process</u></p> <p>That the correspondence received from Scott Butler, OGRA, Policy and Research, Ontario Good Roads Association Re: Requesting Ontario Municipalities to Adopt a Resolution that Calls on the Minister of Environment and Climate Change to Accelerate the Application for Review of the MCEA Process, be received; and</p> <p>That the following motion be approved:</p> <p>WHEREAS a coalition of the Municipal Engineers Association (MEA) and the Residential and Civil Construction Alliance of Ontario have successfully applied to have a review of the Municipal Class</p>	121

	<p>Environmental Assessment process conducted under Part IV (Section 61) of the <i>Environmental Bill of Rights Act, 1993</i> (EBR Act);</p> <p>AND WHEREAS impact studies and public meetings required by the MCEA process often take two years or more to complete before construction can commence;</p> <p>AND WHEREAS the MCEA requirements to evaluate alternatives are often not well aligned with prior or municipal land use planning decisions;</p> <p>AND WHEREAS analysis by the Residential and Civil Construction Alliance of Ontario (RCCAO) has demonstrated that the time to complete an EA rose from 19 months to 26.7 months and costs went from an average of \$113,300 to \$386,500;</p> <p>AND WHEREAS the Auditor General of Ontario has tabled recommendations for modernizing the MCEA process;</p> <p>AND WHEREAS in spite of written commitments made by the Ministry of the Environment between 2013-2015, no action has been taken;</p> <p>AND WHEREAS local projects that do not have the necessary approvals could lose out on the next intake of Build Canada funding;</p> <p>NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE RESOLVES AS FOLLOWS:</p> <p>That The City of Port Colborne requests that the Minister of the Environment and Climate Change take immediate steps to expedite the response process for Part II Orders or Bump-Up requests, as part of the s.61 review to improve MCEA process times and reduce study costs;</p> <p>And Further that the Minister of the Environment and Climate Change support changes to better integrate and harmonize the MCEA process with processes defined under the <i>Planning Act</i>;</p> <p>And Further that the Minister of the Environment and Climate Change amend the scope of MCEA reports and studies to reduce duplication with existing public processes and decisions made under municipal Official Plans and provincial legislation.</p>	
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JDM AD DE	BB FD BK	RB YD JM	11.	<p>Email correspondence from Donna Cripps, Chief Executive Officer, Hamilton Niagara Haldimand Brant Local Health Integration Network Re: <u>Town of Fort Erie’s Resolution regarding Health Care Services in the Niagara Region</u></p> <p>That the correspondence received from Donna Cripps, Chief Executive Officer, Hamilton Niagara Haldimand Brant Local Health Integration Network Re: Response to the Town of Fort Erie’s resolution regarding Health Care Services in the Niagara Region, be received for information.</p>	125
JDM AD DE	BB FD BK	RB YD JM	12.	<p>City of St. Catharines Re: <u>Town of Fort Erie - Support of Resolution: Health Care Services in Niagara Region</u></p> <p>That the resolution received from the City of St. Catharines Re: Town of Fort Erie – Support of Resolution regarding Health Care Services in Niagara Region, be received for information.</p> <p>Note: At its meeting of December 11, 2017 Council referred the resolution to the Port Colborne Medical Education, Recruitment and Health Services Committee for review and recommendation to Council.</p>	127
JDM AD DE	BB FD BK	RB YD JM	13.	<p>City of St. Catharines Re: <u>Long Term Care Facilities – Increased Funding</u></p> <p>That the resolution received from the City of St. Catharines Re: Long Term Care Facilities – Increased Funding, be supported.</p>	131
JDM AD DE	BB FD BK	RB YD JM	14.	<p>City of Thorold Re: <u>Niagara Peninsula Conservation Authority – Disclosure of Legal Costs</u></p> <p>That the resolution received from the City of Thorold in support of the resolution of the City of St. Catharines Re: Niagara Peninsula Conservation Authority Disclosure of Legal Costs, be received for information.</p> <p>Note: At its meeting of January 12, 22, 2017 Council supported the above resolution.</p>	133

JDM AD DE	BB FD BK	RB YD JM	15.	<p><u>City of Thorold Re: Federal Changes to the Municipal Councillor Taxation on Income</u></p> <p>That the resolution received from the City of Thorold in support the resolution of the Township of Wainfleet Re: Federal Changes to Municipal Councillor Taxation on Income, be received for information.</p> <p>Note: At its Meeting of January 22, 2018 Council supported the above resolution.</p>	135
JDM AD DE	BB FD BK	RB YD JM	16.	<p><u>City of Thorold Re: Gillian’s Place and National Day of Action on Violence Against Women</u></p> <p>That the resolution received from the City of Thorold in support of the resolution from the City of St. Catharines Re: Gillian’s Place and National Day of Action on Violence Against Women, be received for information.</p> <p>Note: At its Meeting of January 22, 2018 Council received the above resolution.</p>	136
JDM AD DE	BB FD BK	RB YD JM	17.	<p><u>Township of Wainfleet Re: Niagara Parks Commission’s Proposed Expansion and Enhancement – Marina and Resort Development at Miller’s Creek (Town of Fort Erie)</u></p> <p>That the resolution received from the Township of Wainfleet Re: Niagara Parks Commission’s Proposed Expansion and Enhancement – Marina and Resort Development at Miller’s Creek, be received for information.</p> <p>Note: At its meeting of January 22, 2018 Council supported the resolution of the Town of Fort Erie.</p>	137
JDM AD DE	BB FD BK	RB YD JM	18.	<p><u>Town of Lakeshore Re: Allocate Infrastructure Funding Dedicated to Municipalities for Storm Water Management and Drainage Improvements</u></p> <p>That the resolution received from the Town of Lakeshore Re: Allocate Infrastructure Funding Dedicated to Municipalities for Storm Water Management and Drainage Improvements, be supported.</p>	139

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Responses to City of Port Colborne Resolutions						
JDM	BB	RB	19.	<p>Kathryn McGarry, Minister, Ministry of Natural Resources and Forestry Re: Response to the City of Port Colborne’s Resolution Regarding The Appointment of a Provincial Supervisor to the Niagara Peninsula Conservation Authority</p> <hr/> <p>That the correspondence received from Kathryn McGarry, Minister, Ministry of Natural Resources and Forestry Re: Response to the City of Port Colborne’s Resolution regarding the Appointment of a Provincial Supervisor to the Niagara Peninsula Conservation Authority, be received for information.</p>	141	
AD	FD	YD				
DE	BK	JM				
JDM	BB	RB	20.	<p>Kathleen Wynne, Premier of Ontario Re: Response to the City of Port Colborne’s Resolution Regarding The Niagara Peninsula Conservation Authority – Disclosure of Legal Costs</p> <hr/> <p>That the correspondence received from The Honourable Kathleen Wynne, Premier of Ontario Re: Response to the City of Port Colborne’s Resolution regarding the Niagara Peninsula Conservation Authority – Disclosure of Legal Costs, be received for information.</p>	143	
AD	FD	YD				
DE	BK	JM				
JDM	BB	RB	21.	<p>City of St. Catharines and the City of Thorold in support of the City of Port Colborne’s Resolution Re: Regional Council Approval of Audit Committee Recommendations respecting the Town of Pelham</p> <hr/> <p>That the resolutions received from the City of St. Catharines and the City of Thorold endorsing the City of Port Colborne’s resolution and strongly objects to the Region and its Audit Committee interfering in a local municipality’s finances, be received for information.</p>	145	
AD	FD	YD				
DE	BK	JM				

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YMCA of
Niagara

Vale Health & Wellness Centre



Port Colborne YMCA
Five Years of Strengthening the Community
Report to the City of Port Colborne
February 12, 2018

Building healthy communities

During the first five years of operations the Port Colborne YMCA has:

- Developed leaders by employing over 75 staff and engaged 99 volunteers annually.
- Provided Health, Fitness and Aquatics programming for 2,844 members at peak, and 3,844 individuals over the course of a year.
- Supported an average of 400 children, individuals and families each year through the YMCA Strong Kids Campaign.
- Engaged 484 children and youth in swim lessons at one time to learn how to swim and strengthened their skills.
- Worked with 24 Community Organizations.
- Engaged children and youth who participated in over 2,000 camper days annually.

Participant Feedback

The positive impact that the Port Colborne YMCA is having on the community can be captured through feedback received from participants.

“When the YMCA first came to Port Colborne last year we had no idea how much of an impact it would have on our family. We joined the first week and have been regular attendees ever since... We have found our village in the YMCA community.”

“We have had many wonderful experiences together as a family at the YMCA. It has provided my entire family with a physical, mental and social outlet. We look forward to continuing to support the YMCA in Port Colborne for many years to come.”

“The Port Colborne YMCA has become an important member of our family. It is not just a place to work, exercise and seek refuge from the day’s challenges; it is where we go to spend time as a family and to meet with our community.”

The following image depicts some highlights in the Port Colborne YMCA’s first five years of operations.

Port Colborne YMCA Five Years of Strengthening the Community

YEAR 1



Enrolled 2,221 members at new Port Colborne YMCA.
75% of members joined as a family.
20% of members received financial assistance.
First involvement in many events including Sports Fest,
Santa Clause Parade & Canal Days.

YEAR 2

Child & youth represent 50% of membership.
Number of YMCA volunteers nearly doubled.
Development of community partnerships to
include OEYC operated by Port Cares, Special
Olympics Aquatics, the Swim to Survive
Program with Niagara Schools & more.



YEAR 3

Introduction of private swim lessons.
New Fitness for Breath program launched with the
Ontario Lung Association.
Expansion of the YMCA children's area during
Canal Days.
Port Colborne Youth basketball utilizes the
gymnasium on weekend afternoons.



YEAR 4

The Port Colborne YMCA received an
88% overall member satisfaction score.
YMCA Personal Training services launched.
YMCA continues to host events including
Healthy Kid's Day, Peace Week, Move
for Kids, Pink Shirt Day & more.



YEAR 5

Average of over 10,000 visits to the Port Colborne
YMCA each month.
484 children served weekly in YMCA swim lessons.
First refurbishment of the Vale Health and
Wellness Centre lane and leisure pools.
YMCA Kick Start & YMCA Kid Fit programs
launched.
New camp partnership formed with Community
Living Port Colborne - Wainfleet.



Background

The YMCA of Niagara and the City of Port Colborne struck a twenty year renewable Operational Agreement in June 2012, relating to the Port Colborne YMCA located within the Vale Health and Wellness Centre. This partnership leverages the YMCA breadth of program and service expertise to provide a health and wellness experience catering to the unique needs of the Port Colborne community within the Vale Health and Wellness Centre.

As part of the Agreement, the YMCA developed a 5 Year Financial Plan and Program Plan based on assumptions supported by independent market research, which provided a conservative road map for the YMCA and the City. This Financial Plan incorporated operational revenue and expense along with deferred capital depreciation that covers YMCA capital investments.

Each year since the opening of the Vale Health and Wellness Centre, the YMCA has submitted annual reports to council and staff. As the timeframe from September 2016 to August 2017 marks Year 5 of operations, the YMCA is embracing the opportunity to provide a report that highlights the service to community, impact the YMCA is having on Port Colborne residents, and financial and service performance over the past five years.

Community Impact

The YMCA continues to have a significant and positive impact on the Port Colborne community. During Year 5 the YMCA served 3,844 individuals at various points during the year, which represents 20% of the Port Colborne population.

Since day one, the YMCA received a very positive response from the community, and within the first 13 months of operations reached a Members On-roll peak of 2,844. As with many new centres; as membership stabilizes there is a fluctuation in the Members On-roll in the following two years, and then an upward growth with Year 5 peaking at 2,690 members.

Community access to YMCA programs has increased consistently each year, growing to over 15,000 annually in Year 5. Community access includes swim passes, swim to survive programs, Child Minding, Aquatic Enrichment, Day Camp, Youth Action and more. These numbers clearly illustrate the relevance of the Port Colborne YMCA in the community.

The YMCA continues to be inclusive and open to all. Over five years, the Port Colborne YMCA has provided over \$330,719 in Membership Assistance to children, families and individuals whose circumstances would otherwise limit their participation. This has been supported by the annual YMCA Strong Kids Campaign that has raised \$40,157 in Port Colborne over the past five years. The Port Colborne YMCA Assistance rate has maintained an average of 18% of members receiving financial assistance, which is approximately 400 individuals per year.

Program Expansion and Community Involvement

The YMCA continues to expand programs and services based on community feedback and interest. Since Year 1 the YMCA has added 40 program hours, resulting in the addition of 33 programs. This is a combination of new program offerings such as Cyclefit, YMCA Kick Start, YMCA Kid Fit, and Private Swim lessons, and the expansion of other programs such as Pickle Ball.

In Port Colborne, the YMCA is actively working with 24 community agencies and groups to positively impact the lives of community members. These agencies or groups include Special Olympics Aquatics, Community Living Port Colborne-Wainfleet, Port Cares, Port Colborne Youth Basketball, Niagara Regional Police, Brain Injury Association of Niagara, Ontario Lung Association and more.

The YMCA continues to provide leadership for a number of community events including: YMCA Healthy Kids Day, Move for Strong Kids, Peace Week, National Child Day, Halloween Party, Pink Shirt Day and Family Day free swim. The response from the Port Colborne community to these events has been very positive.

The YMCA has been actively involved in many City of Port Colborne events including the opening of the Vale Health and Wellness Centre, Canal Days, Canada Day Event, Community Awareness Day, Santa Claus Parade, Sports Fest, Vale Day, Healthy Kids Community Challenge, and the New Year's Eve Family Celebration.

Financial Results

The first five years of the Port Colborne YMCA operations laid the foundation for the many years to come. The first year and a half allowed the YMCA to better understand the Port Colborne community needs, and create the appropriate compliment of YMCA programs and services. The following two years allowed the YMCA to focus on efficiencies and program development. In Year 5 the YMCA was able to focus on program enhancements, as well as reinvesting into building and equipment maintenance. Year 5 demonstrates that over time staffing costs will continue to increase due to wage increases and the direct correlation between Members On-roll and program requirements. The YMCA has been able to adjust capital investments to offset operational costs in specific areas, as minimal capital reinvestment was required in the first five years.

Captured at the bottom of the budget are YMCA key service ratios. The YMCA is happy to report that Productivity and Return on Revenue have remained stable since Year 2 where the peak Members On-roll was over 2,800. Productivity represents costs in wages and benefits

required to generate the revenue, and it provides a narrative around staffing efficiencies. Return on Revenue is a ratio that speaks to the Operating Net after all Expenses.

During Years 3 and 4 the Operating Service Fund was reduced by close to \$20,000 based on strong financial results the years prior. This illustrates that the YMCA continues to demonstrate strong fiscal responsibility, despite increasing costs and programming.

**Port Colborne YMCA
Core Service Targets:**

	2016-17 Actuals	2015-16 Actuals	2014-15 Actuals	2013-14 Actuals	Feb to Aug 2013 Actuals
Members On-roll, Year-to-date Average	2404	2248	2328	2530	1976
Members On-roll, Year-to-date Peak	2690	2479	2531	2844	2221
Family Memberships % of members (Average)	61%	61%	60%	65%	75%
Membership Mix (Average)	60% Adults	59% Adults	51% Adults	50% Adults	50% Adults
Financial Assistance % of members (Average)	17%	17%	18%	19%	17%

**5 Year Budget Actual Revenue and Expenses:
(based on Fiscal period Sept to Aug- except 2013) CAD\$**

	2016-17 Actuals	2015-16 Actuals	2014-15 Actuals	2013-14 Actuals	Feb to Aug 2013 Actuals
Revenue					
Operating Service Fund	300,000	285,375	294,930	300,000	162,801
Common Area Cleaning Fee	44,917	48,015	47,113	46,512	25,608
Membership Fees & Day Passes	926,813	873,140	874,364	894,972	374,770
Building Fee	10,425	13,150	18,384	27,448	47,739
Membership Assistance	(75,716)	(68,209)	(76,073)	(82,028)	(28,693)
Strong Kids Campaign	10,966	7,486	9,278	10,093	2,334
Total Revenue	1,217,405	1,158,957	1,167,996	1,196,997	584,559
Expenses					
Wages & Benefits	797,047	761,394	762,678	820,299	431,251
Supplies - Program, Cleaning and Maintenance	97,296	84,006	87,537	84,916	64,304
Other Direct Expenses (repairs, training, etc.)	58,160	48,284	45,923	55,303	41,891
Total Expenses (Operating)	952,503	893,684	896,138	960,518	537,446
Operating Net	264,902	265,273	271,858	236,479	47,113
Deferred Capital Depreciation:					
Capital	22,141	35,668	17,736	53,932	2,500
Financing of Investment	142,157	144,463	149,882	81,425	-
Administrative Overhead (10% of total expenses)	95,250	89,368	89,614	96,052	53,745
Prior year deficit to be recovered	3,516				
Total Net	1,838	(4,226)	14,626	5,070	(9,132)

	Total	
Net Surplus (Deficit) over 5 years	8,176	
Reduction in Operating Service Fund	19,696	14,626 5,070

Productivity (Revenue/Wages&Benefits)	1.28	1.30	1.30	1.25	1.09
Operating return on Revenue	21.8%	22.9%	23.3%	19.8%	8.1%

Looking Ahead

As we move past the first five years of operations, the YMCA recognizes the need for continued involvement in programs, services and events that help to strengthen the Port Colborne community. The YMCA will continue to maintain strong partnerships with the City of Port Colborne and other community organizations.

The YMCA will focus on program innovation, relevance and sustainability. This will be a multi-faceted approach that includes tactics to attract new members, and retain them through a continued focus on member experience and program quality.

The YMCA will continue to focus on Child Protection by refining systems and measures to ensure the safety and security of all children, youth and vulnerable persons while they are attending the YMCA.

The YMCA will participate in planning in collaboration with the City of Port Colborne around the future operational and capital investments required to maintain a safe, relevant facility, and ensure high quality experiences for many years to come.

The YMCA continues to be grateful for the strong partnership with the City of Port Colborne that enables us to collectively strengthen community health and wellness.

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**Port Colborne YMCA
Five Years of Strengthening Community
Report to the City of Port Colborne**

February 12, 2018

Terry Suess, Volunteer Board of Directors

Sharon Schilz, Centre Manager

Port Colborne YMCA

Port Colborne YMCA: 5 Year Operation Highlights

- Developed leaders by employing over 75 staff and engaging 99 volunteers annually.
- Provided Health, Fitness and Aquatics programming for 2,844 members at peak, and 3,844 individuals annually,
- Supported 400 children, individuals and families each year through YMCA Strong Kids Campaign.
- Engaged 484 children and youth in swim lessons at one time to learn how to swim and strengthened their skills.
- Worked with 24 Community Organizations.
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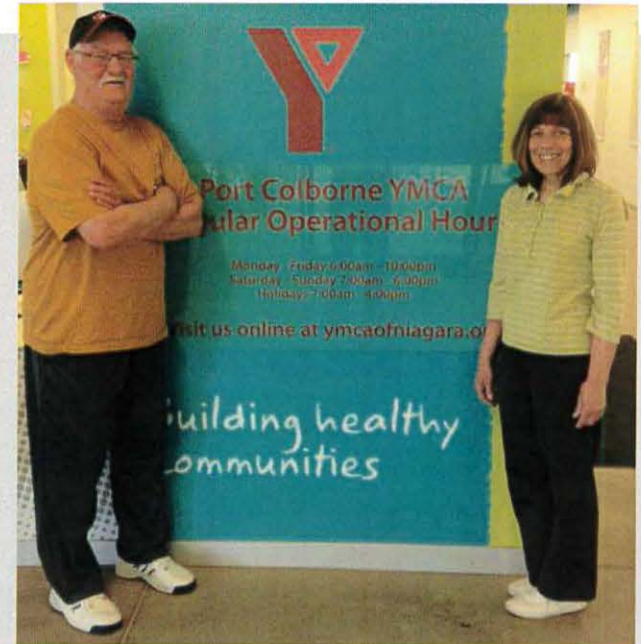


Participant Feedback

“When the YMCA first came to Port Colborne last year we had no idea how much of an impact it would have on our family. We joined the first week and have been regular attendees ever since... We have found our village in the YMCA community.”

“We have had many wonderful experiences together as a family at the YMCA. It has provided my entire family with a physical, mental and social outlet. We look forward to continuing to support the YMCA in Port Colborne for many years to come.”

“The Port Colborne YMCA has become an important member of our family. It is not just a place to work, exercise and seek refuge from the day’s challenges; it is where we go to spend time as a family and to meet with our community.”



5 Year Operation Highlights



YEAR 1

Enrolled 2,221 members at new Port Colborne YMCA.
75% of members joined as a family.
20% of members received financial assistance.
First involvement in many events including Sports Fest,
Santa Claus Parade & Canal Days.

YEAR 2

Child & youth represent 50% of membership.
Number of YMCA volunteers nearly doubled.
Development of community partnerships to include OEYC
operated by Port Cares, Special Olympics Aquatics, the Swim
to Survive Program with Niagara Schools & more.



5 Year Operation Highlights



YEAR 3

Introduction of private swim lessons.
New Fitness for Breath program launched with the Ontario Lung Association.
Expansion of the YMCA children's area during Canal Days.
Port Colborne Youth basketball utilizes the gymnasium on weekend afternoons.

YEAR 4

The Port Colborne YMCA received an 88% overall member satisfaction score.
YMCA Personal Training services launched.
YMCA continues to host events including Healthy Kid's Day, Peace Week, Move for Kids, Pink Shirt Day & more.



5 Year Operation Highlights



YEAR 5

Average of over 10,000 visits to the Port Colborne YMCA each month.

484 children served weekly in YMCA swim lessons.

First refurbishment of the Vale Health and Wellness Centre lane and leisure pools.

YMCA Kick Start & YMCA Kid Fit programs launched.

New camp partnership formed with Community Living Port Colborne - Wainfleet.



Background

- YMCA of Niagara and City of Port Colborne struck 20 year renewable Operational Agreement June 2012.
- Partnership leverages YMCA breadth of program and service expertise to provide a health and wellness experience catered to Port Colborne community within the Vale Health and Wellness Centre.
- September 2016 to August 2017 marks Year 5 of Operations.
- YMCA embraces the opportunity to provide a five year report highlighting service to community, impact the YMCA is having on Port Colborne residents, and financial and service performance.



Community Impact

- YMCA continues to have significant and positive impact on Port Colborne community.
- YMCA received very positive response from the community since day one and in the first 13 months of operations reached Member On-roll peak of 2,844.
- Community access to YMCA programs increased consistently each year, growing to over 15,000 annually in Year 5.
- YMCA continues to be inclusive and open to all. Port Colborne YMCA Assistance rate maintained a 18% average, which is approximately 400 individuals per year



Program Expansion and Community Involvement

- YMCA continues to expand program offerings based on community feedback and interest. Since Year 1, YMCA has added 40 program hours, resulting in the addition of 33 programs.
- YMCA is actively working with 24 community agencies and groups to positively impact the lives of community members in Port Colborne.
- YMCA continues to provide leadership for a number of community events.
- YMCA has been actively involved in many City of Port Colborne events including:
 - Opening of Vale Health and Wellness Centre
 - Canal Days
 - Canada Day Event
 - Community Awareness Day
 - Santa Claus Parade
 - Sports Fest
 - Vale Day
 - Healthy Kids Community Challenge
 - New Year's Eve Family Celebration



Financial Results

Core Service Targets:

Members On-roll, Year-to-date Average
 Members On-roll, Year-to-date Peak
 Family Memberships % of members (Average)
 Membership Mix (Average)
 Financial Assistance % of members (Average)

2016-17 Actuals	2015-16 Actuals	2014-15 Actuals	2013-14 Actuals	Feb to Aug 2013 Actuals
2404	2248	2328	2530	1976
2690	2479	2531	2844	2221
61%	61%	60%	65%	75%
60% Adults	59% Adults	51% Adults	50% Adults	50% Adults
17%	17%	18%	19%	17%



Financial Results continued

5 Year Budget Actual Revenue and Expenses:

	2016-17 Actuals	2015-16 Actuals	2014-15 Actuals	2013-14 Actuals	Feb to Aug 2013 Actuals
Total Revenue	1,217,405	1,158,957	1,167,996	1,196,997	584,559
Total Expenses (Operating)	952,503	893,684	896,138	960,518	537,446
Operating Net	264,902	265,273	271,858	236,479	47,113
Deferred Capital Depreciation	263,064	269,499	257,232	231,409	56,245
Total Net	1,838	(4,226)	14,626	5,070	(9,132)

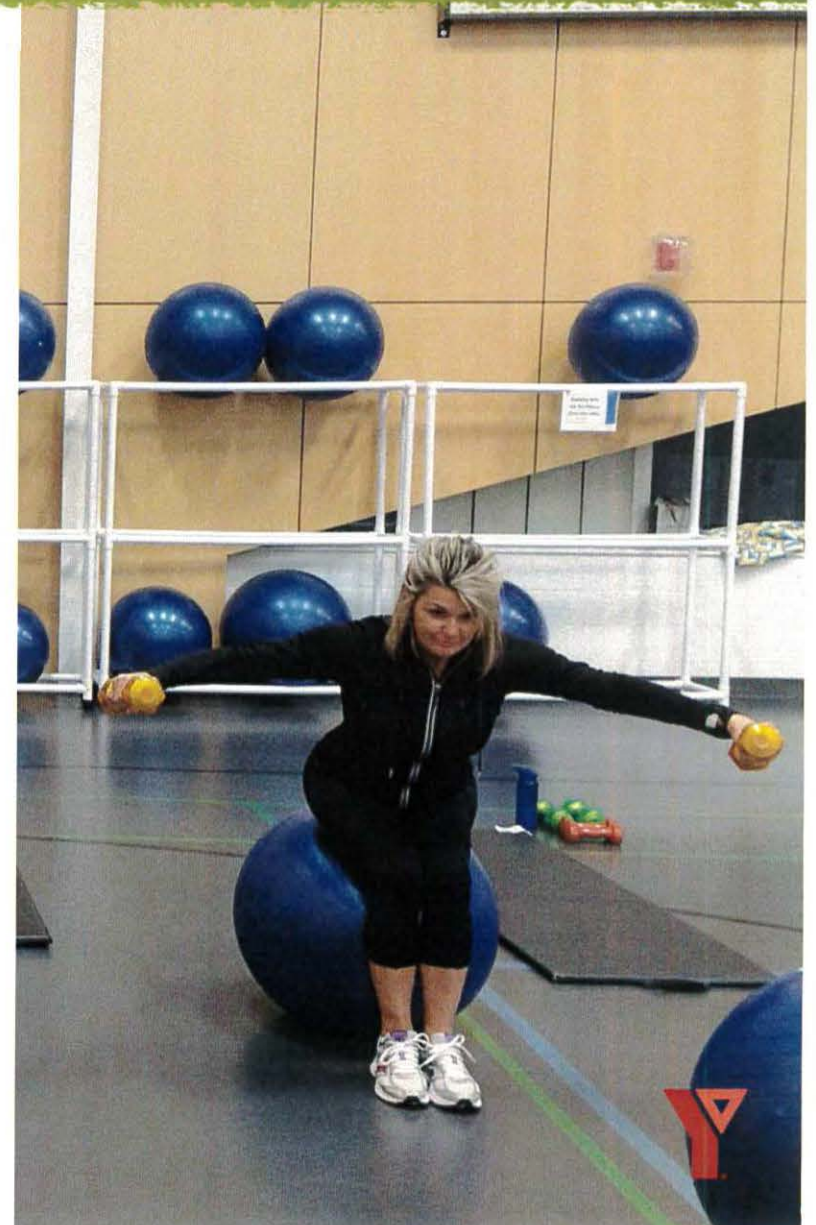
Productivity (Revenue/Wages&Benefits)	1.28	1.30	1.30	1.25	1.09
Operating return on Revenue	21.8%	22.9%	23.3%	19.8%	8.1%



Looking Ahead

As we move past first Five Years the YMCA will:

- Provide leadership and involvement in programs, services and events that help to strengthen Port Colborne community.
- Maintain strong partnerships with City of Port Colborne and other community organizations.
- Focus on program innovation, relevance and sustainability.
- Continue to focus on Child Protection.
- Participate in planning in collaboration with City of Port Colborne around future operational and capital investments required to maintain a safe, relevant facility, and ensure high quality experiences for many years to come.



Looking Ahead

The YMCA continues to be grateful for the strong partnership with the City of Port Colborne that enables us to collectively strengthen community health and wellness.



Thank you!





Doctors with a Heart Day 2018
10:02 PM
From: Renee Laurin <reneelaurin@chiropracticassociates.com>
To: ashleygrigg@portcolborne.ca, brendaheidebrecht@portcolborne.ca
History:

This message has been replied to and forwarded.

Dear Ashley and Brenda,

Forgive me for emailing both of you, I know you assisted me last year.

Our clinic is holding our annual fundraiser for the SPCA in recognition of international Doctors with a Heart Day, it lands on Wednesday February 14th, 2018.

Are you able to please let me know if there is time to submit a delegation, or Mayoral Declaration in time?

Many thanks,
Renee

--

Genevieve-Renee Laurin-Blisson
Public Relations

" Committed professionals with the goal
of helping you return to a natural state
of good health."

Chiropractic Associates of Port Colborne
258 Killaly Street West
Port Colborne, ON L3K 6A6

905-835-1303 Clinic
905-658-3759 Cell
905-835-6712 Fax

www.chiropracticassociates.com

Follow us on Facebook, Twitter and LinkedIn!

JAN 19 2018

CORPORATE SERVICES
DEPARTMENT

DOCTORS WITH A HEART INC

Following their long-established annual tradition, Dr. David Salanki & Associates of Chiropractic Associates of Port Colborne will treat all members of the local community at no charge, on Wednesday February 14, 2018, recognizing international **DOCTORS WITH A HEART DAY**.

In lieu of charging fees, Dr. Salanki and his staff are collecting donations for:

The Port Colborne & Welland District Humane Society (SPCA)

The Humane Society provides shelter and emergency services to animals in crisis that have been victims of abuse and neglect.

The shelters are in need of the following:

- Monetary Donations
- Royal Canin pet food for dogs and cats
- Laundry soap and dryer sheets
- Non-clumping and clumping cat litter
- Blankets and towels to be used for rescues and bedding
- Pet travel cases & beds
- Dog treats and toys (Toys can now be accepted)
- Small animal supplies (shavings for cages etc.)

Chiropractic Associates of Port Colborne is located at 258 Killaly Street West in the Portal Village Plaza. All donations may be left at the clinic. Office hours on Wednesday February 14, 2018 will be 8:00 am to 6:00 pm. Appointments will be made on a first come first serve basis.

**I, Mayor John Maloney, declare Wednesday February 14th 2018
DOCTOR'S WITH A HEART DAY!**



**Planning and Development Department
Planning Division**

Report Number: 2018-14

Date: February 12, 2018

**SUBJECT: Recommendation Report – Proposed New Comprehensive Zoning
By-law**

1) PURPOSE

The purpose of this report is to provide Council with information regarding recommended approval of a new draft Comprehensive Zoning By-law for the City.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The City's current Zoning By-law (ZBL) was approved on February 25, 1982. The *Planning Act* requires the municipality's Zoning By-law to be brought into conformity with the approved 2013 Official Plan (OP).

The ZBL has approximately 400 amendments since 1982 and as such, staff have been internally drafting a new ZBL since 2014 to bring it into conformity with the new OP.

The City hosted a public open house on March 30, 2017 where draft mapping and text of the new draft ZBL was made available, as well as online.

On June 12, 2017, a public meeting under the *Planning Act* occurred at City Council for the new draft ZBL where Planning and Development Report 2017-94 was presented and is attached as Appendix D.

3) STAFF COMMENTS AND DISCUSSIONS

The public has been made aware of the endeavour to create a new ZBL for well over a year. Public involvement is important when creating any planning document. Staff are satisfied that the public has been engaged through the open house, public meeting and review up to January 20, 2018.

The draft ZBL review and update has led to the creation of a set of modern simplified zoning regulations universally applied throughout the City. The draft ZBL includes 9 new zone schedules (maps) and 150 pages of text. The completion of the ZBL "in house" has saved the City tens of thousands of dollars from hiring a consultant and has resulted in the creation of a sound comprehensive document.

Staff is satisfied that the draft Zoning By-law received agency and public comments and encompasses many of these comments, that it complies with all applicable high level policy documents, implements the objectives and policies of the City's Official Plan and represents good planning practices.

A copy of the final Draft Comprehensive Zoning By-law is attached as Appendix A and B to this report. Staff's complete review is attached as Appendix C.

The changes being made after review of public and agency comments since the draft Zoning By-law was presented on June 12, 2017 are highlighted for Council's attention, as follows:

<p>Butch Gordon, 970 Empire Road, requesting that zoning for golf cart sales and service be deleted and replaced with Hamlet Residential as a required condition from the Committee of Adjustment: That the "HD-365" (Golf Cart Sales) zone be re-zoned back to a "HR" (Hamlet Residential) zone.</p>	<p>Schedule A3 has been changed to replace the HD-365 zone to Hamlet Residential.</p>
<p>Harry Wells of 548 Highway 3. Mr. Wells advised of a grammatical error on p.11 2.4(d) where the word "even" should be "event". Under S.26 Light Industrial "obnoxious" and "dangerous" uses are not defined. Adjectives should be defined. S.26 & 27 defines separation for sensitive land use for MOE setbacks but not for HI & LI uses. With regards to the quarry there should be more detailed requirements for setbacks. Rehabilitation of the quarry should be added.</p>	<p>The grammatical error has been corrected. A noxious use is defined. Noxious Use: means:</p> <ul style="list-style-type: none"> a) a use which creates an adverse effect through the generation of noise, vibration, dust, fumes, gas, odour, waste, hazardous waste, emissions, smoke, glare, radiation, electrical interference; or b) any use involving the use or storage of hazardous, toxic or contaminant substances which constitutes a threat to public health and safety; or c) any use that is not lawfully permitted in the Province of Ontario; or c) a combination thereof; but d) excluding normal agricultural and livestock operations and normal aggregate resource operations in a licensed pit or quarry <p>The zoning by-law has regard for sensitive land uses when a medical marijuana facility is proposed and is not based on MOE setbacks. Rehabilitation is not a matter that is regulated by the zoning by-law. The existing zoning by-law regulates setbacks to quarry property lines: "No pit, quarry or excavation shall be made or established within 15 metres of any lot line which does not abut a public street or 90 metres of any lot line which abuts a Provincial Highway or 30 metres of any lot line which abuts any other public street."</p> <p>Port Colborne Quarries already received planning approvals for their existing operations and any changes to the zoning provisions can't be supported at this time. If expansion of quarry operations is proposed then matters regarding greater setbacks can be reviewed and considered together with provincial licensing.</p>
<p>Gerald Gervais, vacant lot at corner of Amelia street and Port Colborne drive "to be zoned R3 so we can build a future fourplex on it".</p>	<p>Lot size sufficient to accommodate a fourplex dwelling. Zoning changed from Second Density Residential to Third Density Residential as supported by the Official Plan.</p>
<p>Terry & Sherry Shisler, 577 Empire Road. Requests change to Rural from Rural Residential, "we would like the property to remain RU-Rural".</p>	<p>Schedule A3 has been edited. Staff have also edited Shisler Brothers Landscaping RR-14 zoning based on actual use and property lines.</p>

<p>Earl Ruston & Shelley Campbell, 3332 Highway No. 3 & 876 Cedar Bay Road. Request that "Motor Vehicle Repair Garage" be allowed on 3332 Highway No. 3 and a single detached dwelling be allowed on 876 Cedar Bay Road.</p>	<p>Staff have deleted the proposed HMC-22 zone for 3332 Highway No. 3 and have added vehicle sales which allows vehicle repair to the Hamlet Commercial Zone. Staff have also created a site specific zone for 876 Cedar Bay Road that recognizes the existing RU-34 zone and have replaced it with HMC-22:</p> <p>"Special Provision: HMC-22 Formerly: RU-34 In addition to the uses permitted in the Hamlet Commercial (HMC) Zone, this land may also be used for a single detached dwelling and the buying, selling and storing of industrial equipment and supplies, and uses, buildings and structures accessory thereto and the following special regulations shall apply thereto:</p> <ul style="list-style-type: none"> i) Minimum Lot Frontage 68m ii) Minimum Lot Area 1.25 ha. iii) Maximum Lot Coverage 15 per cent iv) Minimum Front Yard 60m v) Minimum Side Yard 35m vi) Minimum Rear Yard as existing vii) Maximum Height 11m"
<p>Mike Crough, IBI Group for Seawaves Development, vacant land on Franklin Avenue - status of Environmental Conservation Overlay zone..</p>	<p>Staff have reviewed all Environmental Conservation Overlay zones proposed and have deleted those not identified in the City's Official Plan.</p>
<p>Garry Fraser, for Rankin Construction, 18 West Street, various provisions in the Downtown Commercial zone regarding accessory residential units above ground floor commercial.</p>	<p>Rankin Construction is looking to develop six stories of residential units above ground floor commercial. The Official Plan supports mix use development and intensification of residential uses in the downtown core. Staff have made edits to the Downtown Commercial zone regarding maximum gross floor area, building height and yard setbacks to allow for greater residential intensification.</p>
<p>Ron Baarda, 5474 Firelane 22 - requests an increase to the accessory lot coverage.</p>	<p>Staff have reviewed and will increase the accessory lot coverage to 5% from 3% for lots with no municipal services.</p>
	<p>Staff have increased the overall lot coverage to 15% from 10% in the Lakeshore Residential, Hamlet Residential, Rural Residential and Agricultural Residential zones.</p>

The completion of the new ZBL includes:

- The creation of more applicable zone categories and the deletion or renaming of existing zones to better suit the needs of the community;
- Updated mapping of the hamlet areas, rural employment lands, natural heritage and all other zone boundaries;
- Eliminating disrespectful terminology;
- Ensuring the document is in compliance with current legislation, planning policy and good planning principals;
- Ensuring compliance with the Ontario Human Rights Code (specifically the removal of terminology that dictates specific types of housing i.e. low-income, seniors housing);
- Updating setbacks and other requirements to support growth and development;
- Creating new and updated permitted uses (including uses such as Food Vehicles and Brew Pubs) to be more in keeping with current trends and more general terminology to encourage a more flexible approach to zoning;

- Updating parking provisions to be more in keeping with current conditions and trends; and
- Updating general provisions that are more clear and concise.

The proposed ZBL contains the following which explains the purpose of each Section:

Description of By-law Components

This by-law contains 39 sections which, taken together, provide the standards applicable to all lots within the municipality.

The purpose of each of these sections is described below.

Section 1: Administration and Interpretation

This section of the by-law specifies:

- What lots are governed by the By-law;
- That every lot in the area covered by this by-law shall conform and comply with this by-law; and
- What penalties can be levied against a person or corporation if this by-law is contravened.

Section 2: General Provisions

This section contains a number of regulations that apply to certain types of uses, buildings or structures regardless of where in the municipality or in what zone they are located. For example, this section contains provisions dealing with the construction of accessory buildings and provisions that regulate the operation of home based business.

Section 3: Parking Provisions

This section provides regulations dealing with the number of parking spaces required for uses, accessible parking spaces, minimum parking space size, bicycle parking facilities, and the location of parking facilities on a lot.

Section 4: Establishment of Zones

This section sets out the zones and a list of the uses permitted in each zone. If a use is not specifically listed as a permitted use in a zone then it is not permitted. In some zones, certain uses are only permitted under specific circumstances or only together with other uses.

Section 5 to 36: Zone Provisions

These sections list the uses that are permitted in each zone and layer and contain a number of regulations that control the location and character of buildings and structures, and includes, among other things, regulations governing lot size, lot frontage and building height.

Section 37: Special Provisions

This section provides a consolidated list of lots with special zoning provisions that are exceptions to the normal zone requirements of this by-law. Lots subject to special provisions are identified on the map schedules in Section 39.

Section 38: Definitions

Definitions in this section provide clarity and consistency in the implementation of this by-law.

Section 39: Map Schedules

This section contains maps of the City showing the zoning of each lot and site specific lot information where applicable.

In conclusion, the approval of a new Comprehensive Zoning By-law for the City that replaces a 36-year-old by-law and completed by staff is a proud milestone moment for the Planning and Development Department.

4) OPTIONS AND FINANCIAL CONSIDERATIONS

N/A

b) Other Options

N/A

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

N/A

6) ATTACHMENTS

Appendix A: Draft Comprehensive Zoning By-law Text

Appendix B: Draft Zoning Schedules

Appendix C: Staff review of agency and public comments

Appendix D: Planning and Development Public Meeting Report 2017-94

Appendix E: Public Meeting Minutes from June 12, 2017

Appendix F: Draft Approving By-law

7) RECOMMENDATION

That By-law 1150/97/81, being the existing Zoning By-law and any and all amendments thereto be hereby rescinded;

That the by-law approving the draft Comprehensive Zoning By-law, attached as Appendix A and B to Planning and Development Report 2018-14, be approved;

That pursuant to the provisions of Section 34(17) of the *Planning Act*, no further notice of public meeting be required;

That pursuant to Section 34(10.0.0.2) of the *Planning Act*, applications for an amendment to the by-law are allowed before the second anniversary of the day on which the Council approves the Comprehensive Zoning By-law;

8) SIGNATURES:

Prepared on February 2, 2018:



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

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer



Planning and Development Department

Report Number: 2018-16

Agenda Date: February 12, 2018

SUBJECT: Stopping Up and Closing part of Victoria Street and Sale to 2023781 Ontario Inc.

1) PURPOSE

The purpose of this report is to stop up and close a portion of Victoria Street and to sell it to 2023781 Ontario Inc.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES:

On August 28, 2017 Council received Planning and Development Department Closed Session Report 2017-132 "Expression of Interest from Steven Rivers on behalf of Wesley Visser to Purchase the Victoria/Garlinda Street Road Allowance."

In accordance with City policy, Council received Planning and Development Report 2018-4 regarding the "Stopping Up and Closing of part of Victoria Street." No members of the public voiced any objections to its closure and staff indicated that there was no need to retain ownership as a road allowance.

3) STAFF COMMENTS AND DISCUSSIONS:

The attached sales agreement with 2023781 Ontario Inc. is in compliance with the City's land sale policy. The City will sell the property for \$40,000 and the sale includes a 75% buy-back of the purchase price if no development occurs within 2 years. The property is approximately 60' by 175' in size.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

N/A

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:

N/A

6) ATTACHMENTS:

Appendix A: Draft By-law for the Road Closure and Sale to 2023781 Ontario Inc.
Appendix B: Agreement of Purchase and Sale

7) RECOMMENDATION:

That in accordance with City policy, the by-law attached to Planning and Development Report 2018-16, Being a By-law to Stop Up, Close, Declare Surplus and to Authorize the Sale of the Portion of The Victoria Street Road Allowance, Plan 831 now Garlinda Street, Between Sherwood Forest Lane and Omer Avenue, Being All of PIN 64137-0107 (LT) to 2023781 Ontario Inc., be approved.

That 2023781 Ontario Inc.'s offer to purchase the above lands for \$40,000 (plus HST), be approved.

That the Mayor and Clerk be authorized to sign and execute any and all documents respecting the sale these lands.

8) SIGNATURES:

Prepared on January 31, 2018:



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. _____

BEING A BY-LAW TO STOP UP AND TO CLOSE, DECLARE SURPLUS AND TO AUTHORIZE THE SALE OF THE PORTION OF THE VICTORIA STREET ROAD ALLOWANCE, PLAN 831, NOW GARLINDA STREET, BETWEEN SHERWOOD FOREST LANE AND OMER AVENUE, BEING ALL OF PIN 64137-0107 (LT) TO 2023781 ONTARIO INC.

WHEREAS Section 27(1) of the *Municipal Act, 2001*, provides that, except as otherwise provided in the Act, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

AND WHEREAS pursuant to Section 28(1) of the *Municipal Act, 2001*, The Corporation of the City of Port Colborne has jurisdiction over the highway set out and described in this by-law;

AND WHEREAS it is deemed expedient in the interest of The Corporation of the City of Port Colborne that the road allowance set out and described in this by-law be stopped up and closed, and that the land be declared surplus and offered for sale;

AND WHEREAS in accordance with Section 34(1) of the *Municipal Act, 2001*, and By-law 4339/12/03 of The Corporation of the City of Port Colborne, Being a By-law to Prescribe the Form and Manner and Times for the Provision of Notice in Accordance with the *Municipal Act, 2001*, public notice of Council's intention to permanently close the highway set out and described in this by-law was provided;

AND WHEREAS no person claiming their lands will be prejudicially affected by the by-law applied to be heard by the Council of The Corporation of the City of Port Colborne at the meeting held by the Council for that purpose on Monday, January 22, 2018.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. That upon and after the passing of this By-law all that portion of the road allowance described as part of the original Victoria Street road allowance, Plan 831, now Garlinda Street, between Sherwood Forest Lane and Omer Avenue, being all of PIN 64137-0107 (LT) is hereby stopped up and closed.
2. That the lands hereinbefore described as part of the original Victoria Street road allowance, Plan 831, now Garlinda Street, between Sherwood Forest Lane and Omer Avenue, being all of PIN 64137-0107 (LT) is hereby stopped up and closed are hereby declared surplus to the needs of the Corporation of the City of Port Colborne and shall be offered for sale to 2023781 Ontario Inc.
3. That the Mayor and Clerk be and are hereby authorized to sign and execute any documents that may be required for the purpose of carrying out the intent of this by-law and the Clerk is duly authorized to affix the corporate seal thereto.
4. That the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office to effect the closing of the Courtland Avenue road allowance hereinbefore described.

5. This by-law shall take effect on the day that a certified copy of the by-law is registered in the proper land registry office.

ENACTED AND PASSED THIS 12TH DAY OF FEBRUARY, 2018.

John Maloney
MAYOR

Carrie McIntosh
DEPUTY CLERK

AGREEMENT OF PURCHASE AND SALE

Buyer: 2023781 Ontario Inc.

Seller: The Corporation of the City of Port Colborne

Address of Property: Victoria Street,

Frontage more or less: 60.0'

Depth more or less: 175.0'

Legal Description: Victoria Street, Plan 831, now Garlinda Street, between Sherwood Forest Lane & Omer Avenue, Port Colborne, being all of PIN 64137-0107(LT)

Purchase Price: Forty Thousand (\$40,000.00) CDN Dollars

Deposit Two Thousand (\$2,000.00) CDN Dollars

The Buyer submits the Deposit upon acceptance by certified cheque payable to the Seller's Solicitor in trust to be held in trust without interest pending completion or other termination of this Agreement and to be credited toward the Purchase Price on completion.

The Buyer agrees to pay the balance of the purchase price to the Seller, by certified cheque or bank draft on closing subject to the usual adjustments.

Schedules A attached hereto shall form part of this agreement.

1. **Chattels** Included: None.
2. **Fixtures** Excluded: None.
3. **Rental Items:** None.
4. **Irrevocability:** This offer shall be irrevocable by the Buyer until 6:00pm on **February 15, 2018**, after which time, if not accepted, this offer shall be null and void and the deposit shall be returned to the Buyer in full without interest or deduction.
5. **Completion Date:** This agreement shall be completed no later than 5:00pm on **February 28, 2018**. Upon completion, vacant possession of the property shall be given to the Buyer unless otherwise provided for herein.
6. **Notices.** Any notice to be given herein shall be in writing and delivered to the Buyer or the Seller at the address for service of their solicitors provided for herein. The parties agree that this agreement may be sent and received by facsimile transmission or email and that such transmissions of this agreement may be accepted and executed by the party receiving such transmission. All such transmissions once executed shall constitute a binding agreement between the parties. The parties also agree that all notices or waivers may be sent and received by facsimile transmission or email as above.
7. **HST.** If this transaction is subject to the HST, then such tax shall be **in addition to** the purchase price. The Seller will not collect HST if the Buyer provides to the Seller a warranty that the Buyer is registered under the Excise Tax Act (ETA), together with a copy of the Buyer's ETA registration, a warranty that the Buyer shall self-assess and remit the HST payable and file the prescribed form and shall indemnify the Seller in respect of any HST payable. The foregoing warranties shall not merge but shall survive the completion of the transaction. If the sale is not subject to HST the Seller agrees to certify on or before closing, that the transaction is not subject to HST. Any HST on chattels, if applicable, is not included in the Purchase Price.

8. **Title Search.** Buyer shall be allowed until **2 days prior to closing** (Requisition Date) to examine the title to the property at his own expense and to satisfy himself that there are no outstanding work orders, open files, notices of violation or deficiencies or any other encumbrances or regulatory directive affecting the property and that its present use **vacant land, municipal road allowance** may be lawfully continued and that the principal building may be insured against risk of fire. Seller consents to the municipality or other governmental agencies releasing to the Buyer or his solicitor details of all outstanding work orders or deficiency notices affecting the property, and Seller agrees to execute and deliver such further authorizations in this regard as Buyer may reasonably require.
9. **Future Use.** Seller and Buyer agree there is no representation or warranty of any kind that the future intended use of the property by the Buyer is or will be lawful except as may be specifically provided for in this agreement.
10. **Title.** Provided that the title to the property is good and free from all registered restrictions, charges, liens and encumbrances except as otherwise specifically provided in this agreement and save and except for (a) any registered restrictions or covenants that run with the land providing that such are complied with; (b) any registered municipal agreements and registered agreements with publicly regulated utilities provided such have been complied with, or security has been posted to ensure compliance and completion as evidenced by a letter from the relevant municipality or regulated utility; (c) any minor easements for the supply of domestic utility or telephone services to the property or adjacent properties; (d) any easements for drainage, storm or sanitary sewers, public utility lines, telephone lines, cable television lines or other services which do not materially affect the present use of the property. If within the specified time referred to in paragraph 8 any valid objection to the title or to any outstanding work order or deficiency notice, or to the fact the said present use may not lawfully be continued, or that the principal building may not be insured against risk of fire is made in writing to Seller and which Seller is unable or unwilling to remove, remedy or satisfy or obtain insurance save and except against risk of fire in favour of the Buyer and any mortgagee and which Buyer will not waive, this agreement notwithstanding any intermediate acts or negotiations in respect of such objections shall be at an end and all monies paid shall be returned without interest or deduction. Save as to any valid objection so made by such day and except for any objection going to the root of title, Buyer shall be conclusively deemed to have accepted Seller's title to the property.
11. **Closing Arrangements.** Where each of the Seller and Buyer retain a lawyer to complete the Agreement of Purchase and Sale of the Property, and where the transaction will be completed by electronic registration pursuant to Part III of the Land Registration Reform Act, R.S.O. 1990, Chapter 14 and the Electronic Registration Act, S.O. 1991, Chapter 44, and any amendments thereto, the Seller and Buyer acknowledge and agree that the exchange of closing funds, non-registrable documents and other items (the "Requisite Deliveries") and the release thereof to the Seller and Buyer will (a) not occur at the same time as the registration of the transfer/deed (and any other documents intended for registration in connection with the completion of this transaction) and (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms of a document registration agreement between the said lawyers, the form of which is as recommended from time to time by the Law Society of Upper Canada. Unless otherwise agreed to by the lawyers, such exchange of the Requisite Deliveries will occur in the applicable Land Titles Office or such other location agreeable to both lawyers.
12. **Documents & Discharge.** Buyer shall not call for the production of any title deed, abstract, survey or other evidence of title to the property except such as are in the possession or control of the Seller. If requested by Buyer, Seller will deliver any sketch or survey of the property within Seller's control to Buyer as soon as possible and prior to the Requisition Date. If a discharge of any Charge/Mortgage held by a corporation incorporated pursuant to the Trust and Loan Companies Act (Canada), Chartered Bank, Trust Company, Credit Union, Caisse Populaire or Insurance Company and which is not to be assumed by Buyer on completion, is not available in registerable form on completion, Buyer agrees to accept Seller's lawyer's personal undertaking to obtain, out of the closing funds, a discharge in registerable form and to register

same on title within a reasonable period of time after completion, provided that on or before completion Seller shall provide Buyer a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, together with a direction executed by Seller directing payment to the mortgagee of the amount required to obtain the discharge out of the balance due on closing.

13. **Inspection.** Buyer acknowledges having had the opportunity to inspect the property and understands that upon acceptance of this Offer there shall be a binding agreement of purchase and sale between Buyer and Seller.
14. **Insurance.** All buildings on the property and all other things being purchased shall be and remain until completion at the risk of the Seller. Pending completion, Seller shall hold all insurance policies, if any, and the proceeds thereof in trust for the parties as their interests may appear and in the event of substantial damage, Buyer may either terminate this Agreement and have all monies paid returned without interest or deduction or else take the proceeds of any insurance and complete the purchase. No insurance shall be transferred on completion. If Seller is taking back a Charge/Mortgage, or Buyer is assuming a Charge/Mortgage, Buyer shall supply Seller with reasonable evidence of adequate insurance to protect Seller's or other mortgagee's interest on completion.
15. **Planning Act.** This Agreement shall be effective to create an interest in the property only if Seller complies with the subdivision control provisions of the Planning Act by completion and Seller covenants to proceed diligently at his expense to obtain any necessary consent by completion.
16. **Documentation Registration.** The Transfer/Deed, shall save for the Land Transfer Tax Affidavit, be prepared in registerable form at the expense of the Seller, and any Charge/Mortgage to be given back by the Buyer to Seller at the expense of the Buyer, including registration fees. If requested by Buyer, Seller covenants that the Transfer/Deed to be delivered on completion shall contain the statements contemplated by Section 50(22) of the Planning Act, R.S.O. 1990.
17. **Residency.** Buyer shall be credited towards the Purchase Price with the amount, if any, necessary for Buyer to pay to the Minister of National Revenue to satisfy Buyer's liability in respect to tax payable by Seller under the non-residency provisions of the Income Tax Act by reason of this sale. Buyer shall not claim such credit if Seller delivers on completion the prescribed certificate or statutory declaration that Seller is not then a non-resident of Canada.
18. **Adjustments.** Any rents, mortgage interest, realty taxes, including any property tax rebates applied for by the Seller prior to closing and granted after closing, including local improvement rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to the Buyer.
19. **Property Assessment.** The Buyer and Seller hereby acknowledge that the Province of Ontario has implemented current value assessment and properties may be re-assessed on an annual basis. The Buyer and Seller agree that no claim will be made against the Buyer or Seller, for any changes in property tax as a result of a re-assessment of the Property, save and except any property taxes that accrue prior to the completion of this transaction.
20. **Time Limits.** Time shall in all respects be of the essence hereof provided that the time for doing or completing any matter provided for herein may be extended or abridged by an agreement in writing signed by Seller and Buyer or by their respective lawyers who may be specifically authorized in that regard.
21. **Tender.** Any tender of documents or money hereunder may be made upon Seller or Buyer or their respective lawyers on the day set for completion. Money may be tendered by bank draft or cheque certified by a Chartered Bank, Trust Company, Province of Ontario Savings Office, Credit Union or Caisse Populaire.

22. **Family Law Act.** Seller warrants that spousal consent is not necessary to this transaction under the provisions of the Family Law Act, R.S.O. 1990 unless Seller's spouse has executed the consent hereinafter provided.

23. **Agreement in Writing.** If there is a conflict or discrepancy between any provision added to this agreement including any schedule attached hereto and any provision in contained herein the added provision shall supersede to the extent of such conflict or discrepancy. This agreement including the any schedule attached hereto shall constitute the entire agreement between the Buyer and Seller. There is no representation, warranty, collateral agreement or condition, which affects this agreement other than as expressed herein. This agreement shall be read with all changes of gender or number required by the context.

Dated: January 29, 2018.

Signed, Sealed and Delivered
in the presence of:

2023781 Ontario Inc.
Per: Wesley Visser President
I have authority to bind the Corporation

The Seller hereby accepts the above offer.

Dated: February , 2018.

Signed, Sealed and Delivered
in the presence of:

The Corporation of the City of Port Colborne

John Maloney – Mayor

Carrie McIntosh, Deputy Clerk

Name of Seller's Lawyer

Brian N. Lambie
Name of Buyer' Lawyer

Tel: 905
Fax: 905

151 Charlotte Street
Port Colborne, ON L3K 3E3

Tel: 905-835-0404
Fax: 905-835-5966

Schedule A

In the event the Buyer fails to commence the construction of the property within twenty-four (24) months from the closing of this transaction, the Seller shall be at liberty to demand the repurchase of the property at seventy-five percent (75%) of the purchase price and the Buyer shall sell to the Seller the property contained herein for \$30,000.00 free and clear of all encumbrances. This term shall survive the completion of this transaction. A non-merger certificate shall be delivered by the Buyer to the Seller on the closing and a Notice under Section 71 of the Land Titles Act will be registered on title at Closing by the Seller.

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Planning and Development Department

Report Number: 2018-17

Date: February 12, 2018

SUBJECT: Sale of 14 King Street (Valley Camp)

1) PURPOSE

The purpose of this report is to obtain Council's approval to sell 14 King Street, known as the Valley Camp building, to Andrew Soave (or assignees).

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Valley Camp was declared surplus to the City's needs through Planning and Development Report 2017-125 on August 8, 2017.

Royal LePage was tasked to sell Valley Camp and received a \$170,000 offer from Andrew Soave.

3) STAFF COMMENTS AND DISCUSSIONS

In accordance with City disposal of surplus property policy, the sale to Andrew Soave is in conformance and is recommended for approval.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

Doing such would have Valley Camp remain City owned.

b) Other Options

Although not recommended, Council could counter offer or change any listed conditions.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

N/A.

6) ATTACHMENTS

Appendix A - Agreement of Purchase and Sale with Andrew Soave.
Appendix B - Draft By-law

7) RECOMMENDATION

That an Agreement of Purchase and Sale be entered into with Andrew Soave (or assignees) for the purchase of 14 King Street (Valley Camp) for the purchase price of \$170,000 (plus HST), attached to Planning and Development Report 2018-17 as Appendix "A".

That the Mayor, Clerk and City Solicitor be authorized to sign and execute any and all documents respecting the sale of these lands.

8) SIGNATURES

Prepared on January 31, 2018 by:



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

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

Agreement of Purchase and Sale Commercial

Form 500

for use in the Province of Ontario

This Agreement of Purchase and Sale dated this 31 day of January, 2018

BUYER, ANDREW SOAVE OR ASSIGNEES, agrees to purchase from
(Full legal names of all Buyers)

SELLER, CITY OF PORT COLBORNE, the following
(Full legal names of all Sellers)

REAL PROPERTY:

Address 14 KING Street

fronting on the WEST side of KING ST

in the CITY OF Port Colborne

and having a frontage of 131 ft more or less by a depth of 109 ft more or less

and legally described as PART 2 PL 30R-11870

(Legal description of land including easements not described elsewhere) (the "property")

PURCHASE PRICE: Dollars (CDN\$) 170,000.00

One Hundred Seventy Thousand Dollars

DEPOSIT: Buyer submits Upon acceptance
(Herewith/Upon Acceptance/as otherwise described in this Agreement)

Five Thousand Dollars (CDN\$) 5,000.00

by negotiable cheque payable to ROYAL LEPAGE NIAGARA REAL ESTATE CENTRE "Deposit Holder" to be held in trust pending completion or other termination of this Agreement and to be credited toward the Purchase Price on completion. For the purposes of this Agreement, "Upon Acceptance" shall mean that the Buyer is required to deliver the deposit to the Deposit Holder within 24 hours of the acceptance of this Agreement. The parties to this Agreement hereby acknowledge that, unless otherwise provided for in this Agreement, the Deposit Holder shall place the deposit in trust in the Deposit Holder's non-interest bearing Real Estate Trust Account and no interest shall be earned, received or paid on the deposit.

Buyer agrees to pay the balance as more particularly set out in Schedule A attached.

SCHEDULE(S) A attached hereto form(s) part of this Agreement.

1. IRREVOCABILITY: This offer shall be irrevocable by Buyer until 6:00 p.m. on the 16 day of February, 2018, after which time, if not accepted, this offer shall be null and void and the deposit shall be returned to the Buyer in full without interest.

2. COMPLETION DATE: This Agreement shall be completed by no later than 6:00 p.m. on the 30 day of March, 2018. Upon completion, vacant possession of the property shall be given to the Buyer unless otherwise provided for in this Agreement.

INITIALS OF BUYER(S): X

INITIALS OF SELLERS(S):

3. NOTICES: The Seller hereby appoints the Listing Brokerage as agent for the Seller for the purpose of giving and receiving notices pursuant to this Agreement. Where a Brokerage (Buyer's Brokerage) has entered into a representation agreement with the Buyer, the Buyer hereby appoints the Buyer's Brokerage as agent for the purpose of giving and receiving notices pursuant to this Agreement. **Where a Brokerage represents both the Seller and the Buyer (multiple representation), the Brokerage shall not be appointed or authorized to be agent for either the Buyer or the Seller for the purpose of giving and receiving notices.** Any notice relating hereto or provided for herein shall be in writing. In addition to any provision contained herein and in any Schedule hereto, this offer, any counter-offer, notice of acceptance thereof or any notice to be given or received pursuant to this Agreement or any Schedule hereto (any of them, "Document") shall be deemed given and received when delivered personally or hand delivered to the Address for Service provided in the Acknowledgement below, or where a facsimile number or email address is provided herein, when transmitted electronically to that facsimile number or email address, respectively, in which case, the signature(s) of the party (parties) shall be deemed to be original.

FAX No.:
 (For delivery of Documents to Seller)

FAX No.:
 (For delivery of Documents to Buyer)

Email Address: billb@royalpage.ca
 (For delivery of Documents to Seller)

Email Address: billb@royalpage.ca
 (For delivery of Documents to Buyer)

4. CHATELS INCLUDED:

NONE

Unless otherwise stated in this Agreement or any Schedule hereto, Seller agrees to convey all fixtures and chattels included in the Purchase Price free from all liens, encumbrances or claims affecting the said fixtures and chattels.

5. FIXTURES EXCLUDED:

NONE

6. RENTAL ITEMS (Including Lease, Lease to Own): The following equipment is rented and **not** included in the Purchase Price. The Buyer agrees to assume the rental contract(s), if assumable:

NONE

The Buyer agrees to co-operate and execute such documentation as may be required to facilitate such assumption.

7. HST: If the sale of the property (Real Property as described above) is subject to Harmonized Sales Tax (HST), then such tax shall be in addition to the Purchase Price. The Seller will not collect HST if the Buyer provides to the Seller a warranty that the Buyer is registered under the Excise Tax Act ("ETA"), together with a copy of the Buyer's ETA registration, a warranty that the Buyer shall self-assess and remit the HST payable and file the prescribed form and shall indemnify the Seller in respect of any HST payable. The foregoing warranties shall not merge but shall survive the completion of the transaction. If the sale of the property is not subject to HST, Seller agrees to certify on or before closing, that the transaction is not subject to HST. Any HST on chattels, if applicable, is not included in the Purchase Price.

INITIALS OF BUYER(S):



INITIALS OF SELLER(S):



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- 8. TITLE SEARCH:** Buyer shall be allowed until 6:00 p.m. on the 2 days..... day of prior to closing....., 20....., (Requisition Date) to examine the title to the property at his own expense and until the earlier of: (i) thirty days from the later of the Requisition Date or the date on which the conditions in this Agreement are fulfilled or otherwise waived or; (ii) five days prior to completion, to satisfy himself that there are no outstanding work orders or deficiency notices affecting the property, that its present use (heavy industrial.....) may be lawfully continued and that the principal building may be insured against risk of fire. Seller hereby consents to the municipality or other governmental agencies releasing to Buyer details of all outstanding work orders and deficiency notices affecting the property, and Seller agrees to execute and deliver such further authorizations in this regard as Buyer may reasonably require.
- 9. FUTURE USE:** Seller and Buyer agree that there is no representation or warranty of any kind that the future intended use of the property by Buyer is or will be lawful except as may be specifically provided for in this Agreement.
- 10. TITLE:** Provided that the title to the property is good and free from all registered restrictions, charges, liens, and encumbrances except as otherwise specifically provided in this Agreement and save and except for (a) any registered restrictions or covenants that run with the land providing that such are complied with; (b) any registered municipal agreements and registered agreements with publicly regulated utilities providing such have been complied with, or security has been posted to ensure compliance and completion, as evidenced by a letter from the relevant municipality or regulated utility; (c) any minor easements for the supply of domestic utility or telephone services to the property or adjacent properties; and (d) any easements for drainage, storm or sanitary sewers, public utility lines, telephone lines, cable television lines or other services which do not materially affect the use of the property. If within the specified times referred to in paragraph 8 any valid objection to title or to any outstanding work order or deficiency notice, or to the fact the said present use may not lawfully be continued, or that the principal building may not be insured against risk of fire is made in writing to Seller and which Seller is unable or unwilling to remove, remedy or satisfy or obtain insurance save and except against risk of fire (Title Insurance) in favour of the Buyer and any mortgagee, (with all related costs at the expense of the Seller), and which Buyer will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objections, shall be at an end and all monies paid shall be returned without interest or deduction and Seller, Listing Brokerage and Co-operating Brokerage shall not be liable for any costs or damages. Save as to any valid objection so made by such day and except for any objection going to the root of the title, Buyer shall be conclusively deemed to have accepted Seller's title to the property.
- 11. CLOSING ARRANGEMENTS:** Where each of the Seller and Buyer retain a lawyer to complete the Agreement of Purchase and Sale of the property, and where the transaction will be completed by electronic registration pursuant to Part III of the Land Registration Reform Act, R.S.O. 1990, Chapter L4 and the Electronic Registration Act, S.O. 1991, Chapter 44, and any amendments thereto, the Seller and Buyer acknowledge and agree that the exchange of closing funds, non-registrable documents and other items (the "Requisite Deliveries") and the release thereof to the Seller and Buyer will (a) not occur at the same time as the registration of the transfer/deed (and any other documents intended to be registered in connection with the completion of this transaction) and (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms of a document registration agreement between the said lawyers. The Seller and Buyer irrevocably instruct the said lawyers to be bound by the document registration agreement which is recommended from time to time by the Law Society of Upper Canada. Unless otherwise agreed to by the lawyers, such exchange of the Requisite Deliveries will occur in the applicable Land Titles Office or such other location agreeable to both lawyers.
- 12. DOCUMENTS AND DISCHARGE:** Buyer shall not call for the production of any title deed, abstract, survey or other evidence of title to the property except such as are in the possession or control of Seller. If requested by Buyer, Seller will deliver any sketch or survey of the property within Seller's control to Buyer as soon as possible and prior to the Requisition Date. If a discharge of any Charge/Mortgage held by a corporation incorporated pursuant to the Trust And Loan Companies Act (Canada), Chartered Bank, Trust Company, Credit Union, Caisse Populaire or Insurance Company and which is not to be assumed by Buyer on completion, is not available in registrable form on completion, Buyer agrees to accept Seller's lawyer's personal undertaking to obtain, out of the closing funds, a discharge in registrable form and to register same, or cause same to be registered, on title within a reasonable period of time after completion, provided that on or before completion Seller shall provide to Buyer a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, and, where a real-time electronic cleared funds transfer system is not being used, a direction executed by Seller directing payment to the mortgagee of the amount required to obtain the discharge out of the balance due on completion.
- 13. INSPECTION:** Buyer acknowledges having had the opportunity to inspect the property and understands that upon acceptance of this offer there shall be a binding agreement of purchase and sale between Buyer and Seller.
- 14. INSURANCE:** All buildings on the property and all other things being purchased shall be and remain until completion at the risk of Seller. Pending completion, Seller shall hold all insurance policies, if any, and the proceeds thereof in trust for the parties as their interests may appear and in the event of substantial damage, Buyer may either terminate this Agreement and have all monies paid returned without interest or deduction or else take the proceeds of any insurance and complete the purchase. No insurance shall be transferred on completion. If Seller is taking back a Charge/Mortgage, or Buyer is assuming a Charge/Mortgage, Buyer shall supply Seller with reasonable evidence of adequate insurance to protect Seller's or other mortgagee's interest on completion.

INITIALS OF BUYER(S):

X

INITIALS OF SELLERS(S):



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- 15. PLANNING ACT:** This Agreement shall be effective to create an interest in the property only if Seller complies with the subdivision control provisions of the Planning Act by completion and Seller covenants to proceed diligently at his expense to obtain any necessary consent by completion.
- 16. DOCUMENT PREPARATION:** The Transfer/Deed shall, save for the Land Transfer Tax Affidavit, be prepared in registrable form at the expense of Seller, and any Charge/Mortgage to be given back by the Buyer to Seller at the expense of the Buyer. If requested by Buyer, Seller covenants that the Transfer/Deed to be delivered on completion shall contain the statements contemplated by Section 50(22) of the Planning Act, R.S.O. 1990.
- 17. RESIDENCY:** (a) Subject to (b) below, the Seller represents and warrants that the Seller is not and on completion will not be a non-resident under the non-residency provisions of the Income Tax Act which representation and warranty shall survive and not merge upon the completion of this transaction and the Seller shall deliver to the Buyer a statutory declaration that Seller is not then a non-resident of Canada;
(b) provided that if the Seller is a non-resident under the non-residency provisions of the Income Tax Act, the Buyer shall be credited towards the Purchase Price with the amount, if any, necessary for Buyer to pay to the Minister of National Revenue to satisfy Buyer's liability in respect of tax payable by Seller under the non-residency provisions of the Income Tax Act by reason of this sale. Buyer shall not claim such credit if Seller delivers on completion the prescribed certificate.
- 18. ADJUSTMENTS:** Any rents, mortgage interest, realty taxes including local improvement rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to Buyer.
- 19. TIME LIMITS:** Time shall in all respects be of the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by Seller and Buyer or by their respective lawyers who may be specifically authorized in that regard.
- 20. PROPERTY ASSESSMENT:** The Buyer and Seller hereby acknowledge that the Province of Ontario has implemented current value assessment and properties may be re-assessed on an annual basis. The Buyer and Seller agree that no claim will be made against the Buyer or Seller, or any Brokerage, Broker or Salesperson, for any changes in property tax as a result of a re-assessment of the property, save and except any property taxes that accrued prior to the completion of this transaction.
- 21. TENDER:** Any tender of documents or money hereunder may be made upon Seller or Buyer or their respective lawyers on the day set for completion. Money shall be tendered with funds drawn on a lawyer's trust account in the form of a bank draft, certified cheque or wire transfer using the Large Value Transfer System.
- 22. FAMILY LAW ACT:** Seller warrants that spousal consent is not necessary to this transaction under the provisions of the Family Law Act, R.S.O. 1990 unless the spouse of the Seller has executed the consent hereinafter provided.
- 23. UFFI:** Seller represents and warrants to Buyer that during the time Seller has owned the property, Seller has not caused any building on the property to be insulated with insulation containing ureaformaldehyde, and that to the best of Seller's knowledge no building on the property contains or has ever contained insulation that contains ureaformaldehyde. This warranty shall survive and not merge on the completion of this transaction, and if the building is part of a multiple unit building, this warranty shall only apply to that part of the building which is the subject of this transaction.
- 24. LEGAL, ACCOUNTING AND ENVIRONMENTAL ADVICE:** The parties acknowledge that any information provided by the brokerage is not legal, tax or environmental advice, and that it has been recommended that the parties obtain independent professional advice prior to signing this document.
- 25. CONSUMER REPORTS:** The Buyer is hereby notified that a consumer report containing credit and/or personal information may be referred to in connection with this transaction.
- 26. AGREEMENT IN WRITING:** If there is conflict or discrepancy between any provision added to this Agreement (including any Schedule attached hereto) and any provision in the standard pre-set portion hereof, the added provision shall supersede the standard pre-set provision to the extent of such conflict or discrepancy. This Agreement including any Schedule attached hereto, shall constitute the entire Agreement between Buyer and Seller. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. For the purposes of this Agreement, Seller means vendor and Buyer means purchaser. This Agreement shall be read with all changes of gender or number required by the context.
- 27. TIME AND DATE:** Any reference to a time and date in this Agreement shall mean the time and date where the property is located.

INITIALS OF BUYER(S):

X

INITIALS OF SELLER(S):



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28. SUCCESSORS AND ASSIGNS: The heirs, executors, administrators, successors and assigns of the undersigned are bound by the terms herein.

SIGNED, SEALED AND DELIVERED in the presence of:

IN WITNESS whereof I have hereunto set my hand and seal:

Andrew Soave

(Witness)

X
(Buyer/Authorized Signing Officer)

(Seal)

DATE X

(Witness)

(Buyer/Authorized Signing Officer)

(Seal)

DATE

I, the Undersigned Seller, agree to the above offer. I hereby irrevocably instruct my lawyer to pay directly to the brokerage(s) with whom I have agreed to pay commission, the unpaid balance of the commission together with applicable Harmonized Sales Tax (and any other taxes as may hereafter be applicable), from the proceeds of the sale prior to any payment to the undersigned on completion, as advised by the brokerage(s) to my lawyer.

SIGNED, SEALED AND DELIVERED in the presence of:

IN WITNESS whereof I have hereunto set my hand and seal:

(Witness)

(Seller/Authorized Signing Officer)

(Seal)

DATE

(Witness)

(Seller/Authorized Signing Officer)

(Seal)

DATE

SPOUSAL CONSENT: The undersigned spouse of the Seller hereby consents to the disposition evidenced herein pursuant to the provisions of the Family Law Act, R.S.O.1990, and hereby agrees to execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

(Witness)

(Spouse)

(Seal)

DATE

CONFIRMATION OF ACCEPTANCE: Notwithstanding anything contained herein to the contrary, I confirm this Agreement with all changes both typed and written was finally accepted by all parties at a.m./p.m this day of....., 20.....

(Signature of Seller or Buyer)

INFORMATION ON BROKERAGE(S)

Listing Brokerage ROYAL LEPAGE NIAGARA R.E. CENTRE Tel.No. (905) 834-9000
BILL BECSKEREKI
 (Salesperson / Broker Name)

Co-op/Buyer Brokerage Tel.No.
 (Salesperson / Broker Name)

ACKNOWLEDGEMENT

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale and I authorize the Brokerage to forward a copy to my lawyer.

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale and I authorize the Brokerage to forward a copy to my lawyer.

DATE
 (Seller)

DATE
 (Buyer)

DATE
 (Seller)

DATE
 (Buyer)

Address for Service

Address for Service

Tel.No.

Tel.No.

Seller's Lawyer

Buyer's Lawyer

Address

Address

Email

Email

Tel.No.

FAX No.

Tel.No.

FAX No.

FOR OFFICE USE ONLY

COMMISSION TRUST AGREEMENT

To: Co-operating Brokerage shown on the foregoing Agreement of Purchase and Sale:
 In consideration for the Co-operating Brokerage procuring the foregoing Agreement of Purchase and Sale, I hereby declare that all moneys received or receivable by me in connection with the Transaction as contemplated in the MLS® Rules and Regulations of my Real Estate Board shall be receivable and held in trust. This agreement shall constitute a Commission Trust Agreement as defined in the MLS® Rules and shall be subject to and governed by the MLS® Rules pertaining to Commission Trust.

DATED as of the date and time of the acceptance of the foregoing Agreement of Purchase and Sale. Acknowledged by:

(Authorized to bind the Listing Brokerage)

(Authorized to bind the Co-operating Brokerage)

Schedule A

Agreement of Purchase and Sale – Commercial

Form 500

for use in the Province of Ontario

This Schedule is attached to and forms part of the Agreement of Purchase and Sale between:

BUYER, ANDREW SOAVE OR ASSIGNEES....., and

SELLER, CITY OF PORT COLBORNE.....

for the purchase and sale of 14 KING Street..... Port Colborne.....

L3K 4E5..... dated the 31..... day of January....., 2018.....

FUTURE USE: Seller and Buyer agree there is no representation or warranty of any kind that the future intended use of the property by Buyer (other than as permitted under section 27 of the current/existing Port Colborne Zoning Bylaw not limited to and including for use of a self storage facility of an area not less that the current footprint of the existing building) is or will be lawful except as may be specifically provided in the agreement.

The parties to this agreement hereby acknowledge and agree that the deposit holder Royal LePage Niagara Real Estate Centre, Brokerage shall place the deposit into its interest bearing real estate trust account, as specified by the Real Estate Business Broker's Act 2002 Section 27, which earns interest at the current rate of prime less 2.00% per annum. The parties to this agreement agree that should the amount of interest calculated be more than \$100.00 the deposit holder shall pay the beneficial owner of the trust money the interest accrued on the successful completion of this transaction; otherwise the deposit holder will retain it and that this Schedule will form part of the terms of the trust. The parties further agree that NO interest shall be paid to the beneficial owner of the trust unless they provide the deposit holder with a Social Insurance Number for use on the T5 forms by no later than thirty [30] days following the completion of the herein transaction. If the Social Insurance Number is not received within 30 days following completion, said interest shall be forfeited to the deposit holder.

This form must be initialed by all parties to the Agreement of Purchase and Sale.

INITIALS OF BUYER(S): X

INITIALS OF SELLER(S):

Confirmation of Co-operation and Representation

Form 320

for use in the Province of Ontario

BUYER: ANDREW SOAVE OR ASSIGNEES

SELLER: CITY OF PORT COLBORNE

For the transaction on the property known as: 14 KING Street Port Colborne L3K 4E5

DEFINITIONS AND INTERPRETATIONS: For the purposes of this Confirmation of Co-operation and Representation: "Seller" includes a vendor, a landlord, or a prospective, seller, vendor or landlord and "Buyer" includes a purchaser, a tenant, or a prospective, buyer, purchaser or tenant, "sale" includes a lease, and "Agreement of Purchase and Sale" includes an Agreement to Lease. Commission shall be deemed to include other remuneration.

The following information is confirmed by the undersigned salesperson/broker representatives of the Brokerage(s). If a Co-operating Brokerage is involved in the transaction, the brokerages agree to co-operate, in consideration of, and on the terms and conditions as set out below.

DECLARATION OF INSURANCE: The undersigned salesperson/broker representative(s) of the Brokerage(s) hereby declare that he/she is insured as required by the Real Estate and Business Brokers Act, 2002 (REBBA 2002) and Regulations.

1. LISTING BROKERAGE

- a) The Listing Brokerage represents the interests of the Seller in this transaction. It is further understood and agreed that:
 - 1) The Listing Brokerage is not representing or providing Customer Service to the Buyer.
(If the Buyer is working with a Co-operating Brokerage, Section 3 is to be completed by Co-operating Brokerage)
 - 2) The Listing Brokerage is providing Customer Service to the Buyer.
- b) **MULTIPLE REPRESENTATION:** The Listing Brokerage has entered into a Buyer Representation Agreement with the Buyer and represents the interests of the Seller and the Buyer, with their consent, for this transaction. The Listing Brokerage must be impartial and equally protect the interests of the Seller and the Buyer in this transaction. The Listing Brokerage has a duty of full disclosure to both the Seller and the Buyer, including a requirement to disclose all factual information about the property known to the Listing Brokerage. However, the Listing Brokerage shall not disclose:
 - That the Seller may or will accept less than the listed price, unless otherwise instructed in writing by the Seller;
 - That the Buyer may or will pay more than the offered price, unless otherwise instructed in writing by the Buyer;
 - The motivation of or personal information about the Seller or Buyer, unless otherwise instructed in writing by the party to which the information applies, or unless failure to disclose would constitute fraudulent, unlawful or unethical practice;
 - The price the Buyer should offer or the price the Seller should accept;
 - And; the Listing Brokerage shall not disclose to the Buyer the terms of any other offer.
 However, it is understood that factual market information about comparable properties and information known to the Listing Brokerage concerning potential uses for the property will be disclosed to both Seller and Buyer to assist them to come to their own conclusions.

Additional comments and/or disclosures by Listing Brokerage: (e.g. The Listing Brokerage represents more than one Buyer offering on this property.)

2. PROPERTY SOLD BY BUYER BROKERAGE - PROPERTY NOT LISTED

- The Brokerage.....represent the Buyer and the property is not listed with any real estate brokerage. The Brokerage will be paid (does/does not)
 - by the Seller in accordance with a Seller Customer Service Agreement
- or: by the Buyer directly

Additional comments and/or disclosures by Buyer Brokerage: (e.g. The Buyer Brokerage represents more than one Buyer offering on this property.)

INITIALS OF BUYER(S)/SELLER(S)/BROKERAGE REPRESENTATIVE(S) (Where applicable)

BUYER

CO-OPERATING/BUYER BROKERAGE

SELLER

LISTING BROKERAGE



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3. Co-operating Brokerage completes Section 3 and Listing Brokerage completes Section 1.

CO-OPERATING BROKERAGE- REPRESENTATION:

- a) The Co-operating Brokerage represents the interests of the Buyer in this transaction.
- b) The Co-operating Brokerage is providing Customer Service to the Buyer in this transaction.
- c) The Co-operating Brokerage is not representing the Buyer and has not entered into an agreement to provide customer service(s) to the Buyer.

CO-OPERATING BROKERAGE- COMMISSION:

- a) The Listing Brokerage will pay the Co-operating Brokerage the commission as indicated in the MLS® information for the property to be paid from the amount paid by the Seller to the Listing Brokerage.
(Commission As Indicated In MLS® Information)
- b) The Co-operating Brokerage will be paid as follows:

Additional comments and/or disclosures by Co-operating Brokerage: (e.g., The Co-operating Brokerage represents more than one Buyer offering on this property.)

Commission will be payable as described above, plus applicable taxes.


COMMISSION TRUST AGREEMENT: If the above Co-operating Brokerage is receiving payment of commission from the Listing Brokerage, then the agreement between Listing Brokerage and Co-operating Brokerage further includes a Commission Trust Agreement, the consideration for which is the Co-operating Brokerage procuring an offer for a trade of the property, acceptable to the Seller. This Commission Trust Agreement shall be subject to and governed by the MLS® rules and regulations pertaining to commission trusts of the Listing Brokerage's local real estate board, if the local board's MLS® rules and regulations so provide. Otherwise, the provisions of the OREA recommended MLS® rules and regulations shall apply to this Commission Trust Agreement. For the purpose of this Commission Trust Agreement, the Commission Trust Amount shall be the amount noted in Section 3 above. The Listing Brokerage hereby declares that all monies received in connection with the trade shall constitute a Commission Trust and shall be held, in trust, for the Co-operating Brokerage under the terms of the applicable MLS® rules and regulations.


SIGNED BY THE BROKER/SALESPERSON REPRESENTATIVE(S) OF THE BROKERAGE(S) (Where applicable)

..... (Name of Co-operating/Buyer Brokerage) Tel: Fax: Date: (Authorized to bind the Co-operating/Buyer Brokerage) (Print Name of Broker/Salesperson Representative of the Brokerage)	ROYAL LEPAGE NIAGARA R.E. CENTRE (Name of Listing Brokerage) 368 King St. PORT COLBORNE Tel: (905) 834-9000 Fax: (905) 834-4410 Date: (Authorized to bind the Listing Brokerage) BILL BECSKEREKI (Print Name of Broker/Salesperson Representative of the Brokerage)
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CONSENT FOR MULTIPLE REPRESENTATION (To be completed only if the Brokerage represents more than one client for the transaction)

The Buyer/Seller consent with their initials to their Brokerage representing more than one client for this transaction.


BUYER'S INITIALS


SELLER'S INITIALS

ACKNOWLEDGEMENT

I have received, read, and understand the above information.

..... (Signature of Buyer)	Date: (Signature of Seller)	Date:
..... (Signature of Buyer)	Date: (Signature of Seller)	Date:

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. _____

BEING A BY-LAW TO AUTHORIZE ENTERING INTO AN AGREEMENT OF PURCHASE AND SALE WITH ANDREW SOAVE (OR ASSIGNEES) RESPECTING 14 KING STREET (VALLEY CAMP)

WHEREAS at its meeting of February 12, 2018, Council approved the recommendations of Department of Planning and Development, Report No. 2018-17, Subject: Sale of 14 King Street (Valley Camp);

AND WHEREAS Council is desirous of entering into an Agreement of Purchase and Sale with Andrew Soave (or assignees) for the purchase price of \$170,000 (plus HST);

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. That the City of Port Colborne enter into an Agreement of Purchase and Sale with Andrew Soave for the sale of Valley Camp, 14 King Street, for the purchase price of \$170,000 (plus HST) which agreement is attached hereto as Schedule "A".
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 the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office as may be required to give full force and effect to this By-law.

ENACTED AND PASSED THIS 12TH DAY OF FEBRUARY 2018.

John Maloney
MAYOR

Carrie McIntosh
DEPUTY CLERK



Engineering and Operations Department
Operations Division

Report Number: 2018-15

Date: February 12, 2018

SUBJECT: Multiple Vehicle Purchase

1) PURPOSE

This report was authored by Stefanie De Cicco, Sr. Construction Inspector, and authorized by Steve Shypowskyj, Manager of Projects and Design. The purpose of the report is to inform Council of the recent Request for Quotation process that was initiated by staff with the intent of purchasing multiple new replacement vehicles for the current fleet. This is prior to the disposal of the vehicles which are scheduled for replacement due to age or mechanical condition as well as changes to departmental use.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

To maintain and operate the municipality's various infrastructures, a fleet of both light and heavy duty vehicles are required. Presently, there are five, light/medium duty vehicles which are scheduled for replacement. All of the vehicles scheduled for replacement have exceeded their ten-year life span and are due to be replaced. The cost of maintenance on these older vehicles will only continue to escalate if they are retained within the fleet.

The vehicles to be replaced are assigned to three different divisions: Community and Economic Development – Parks Division, Engineering and Operations – Maintenance Division, and Planning and Development – By-Law Division. At year-end 2017, the Equipment Reserve fund had the following balance: \$698,000. As a result, staff initiated a public quotation process to aid in the purchasing process.

A total of six (6) suppliers acquired quotation documents for the bidding process. They were able to bid on any number or all of the vehicles proposed in the purchase list. Two (2) suppliers submitted bids, Niagara Motors from Virgil Ontario and Brock Ford from Niagara Falls Ontario. Brock Ford was the lowest bid on all vehicles listed in the Schedule of Quantities.

Most of the City's light/medium duty vehicles have a ten (10) year life expectancy before they are replaced or reassigned (often to lower use/lower mileage positions within the City fleet). Some vehicles develop a poor repair history which exceeds expected maintenance costs and therefore are not a candidate for re-assignment. Others develop body and frame deterioration requiring extensive restoration costs. These vehicles have varying seasonal use and thus are moved around the divisions based on time of the year and staffing levels (e.g. Parks receives seventeen (17) additional seasonal staff from May to October annually). If older units breakdown or require repair during peak season, rental vehicles are required at a cost close to \$1,000 per month.

Six (6) light to medium duty vehicles marked for replacement are in daily operation and beyond ten (10) years old. One vehicle is planned to be repurposed (303-15) within the organization which will be replaced with a smaller vehicle. The breakdown of these are as follows:

Community and Economic Development – Parks Division

- Vehicle #607-05 (Direct replacement; current vehicle to be auctioned)
- Vehicle #608-05 (Direct replacement; current vehicle to be auctioned)
- Vehicle #609-06 (Direct replacement; current vehicle to be auctioned)

Planning and Development – By-Law Division

- Vehicle #318-03 (Direct replacement; current vehicle to be auctioned)

Engineering & Operations – Maintenance Division

- Vehicle #505-05 (Direct replacement; current vehicle to be auctioned)
- Vehicle #004-02 (Direct replacement; current vehicle to be auctioned)

Engineering & Operations – Engineering Division

- Vehicle #303-15 (Current 1/2 Ton Regular Cab P/U to be replaced with small SUV and reassigned to the Utilities Supervisor whose current 2013 1/2 Ton Quad Cab P/U will to be reassigned to the Water Division Lead Hand)

3) STAFF COMMENTS AND DISCUSSIONS

A list of the vehicles specified in the quotation proceedings and the associated lowest bidder, with pricing, is listed below:

Summary of Submissions			
Reference #	Vehicle Description	Brock Ford Price	Niagara Motors Price
1	Passenger Vehicle AWD (SUV)	\$26,330.00	-
1A	Passenger Vehicle AWD (Alternate Submission - Car)	\$26,060.00	-
2	¾ Ton Pick Up; Regular Cab 4x4	\$34,400.00	\$35,454.00
3	¾ Ton Pick Up; Regular Cab 4x2	\$29,830.00	\$31,500.00
4	¾ Ton Pick Up; Regular Cab 4x4 (comes with dump box)	\$38,900.00	\$41,000.00
5	High Roof Cargo Van	\$36,400.00	-
6	High Roof Cargo Van	\$36,400.00	-

Recommended Replacement Vehicles			
City Vehicle #	Vehicle Description	Price	Supplier
318-03	Passenger Vehicle AWD (SUV)	\$26,330.00	Brock Ford
303-15	Passenger Vehicle AWD (SUV)	\$26,330.00	Brock Ford
607-05	¾ Ton Pick Up; Regular Cab 4x4	\$34,400.00	Brock Ford
608-05	¾ Ton Pick Up; Regular Cab 4x4	\$34,400.00	Brock Ford
609-06	¾ Ton Pick Up; Regular Cab 4x4 (comes with dump box)	\$38,900.00	Brock Ford
004-02	High Roof Cargo Van	\$36,400.00	Brock Ford
505-05	High Roof Cargo Van	\$36,400.00	Brock Ford

The recommended replacement vehicles equate to a total vehicle purchase cost of \$233,160. The replacement cost of 303-15 will be disbursed equally between Water and Sewer Equipment accounts as the vehicle will be reassigned to the Utilities Supervisor. This purchase will bring the total Equipment Replacement Fund from \$698,000 to \$491,170; this does not include 2018 funding.

Note:

- any applicable taxes are extra
- Vehicles that are being replaced are normally deemed to be surplus and put up for auction. Any funds raised from the auction are directed back into the appropriate equipment reserve fund.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

- a) Do nothing. If the tenders are not approved, the existing vehicles could continue in use, but maintenance costs will be high and reliability will continue to fall dramatically.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

None.

6) ATTACHMENTS

None.

7) RECOMMENDATION

That the quotation for the lowest pricing from Brock Ford of Niagara Falls for the replacement of the vehicles, as outlined in Engineering and Operations Report 2018-15, Multiple Vehicle Purchase, be approved.

That funding for the vehicles be financed under the following GL Account Numbers: \$206,830 - 3-550-33150-3401; Equipment Reserve, \$13,165 - 3-595-33103-3401; Water Equipment and \$13,165 - 3-590-33102-3401; Sewer Equipment.

That the Director of Engineering and Operations be authorized to issue a purchase order for the purchase of these vehicles from the appropriate vender at the pricing detailed.

8) SIGNATURES

Prepared on January 23, 2018 by:

Reviewed by:



Stefanie De Cicco
Sr. Construction Inspector

Steve Shypowskyj
Manager Projects and Design

Reviewed by:



Chris Lee
Director of Engineering and Operations

Reviewed and respectfully submitted by:

Reviewed by:



C. Scott Luey
Chief Administrative Officer

Peter Senese
Director of Corporate Services

JAN 19 2018

CORPORATE SERVICES
DEPARTMENT



Following their long-established annual tradition, Dr. David Salanki & Associates of Chiropractic Associates of Port Colborne will treat all members of the local community at no charge, on Wednesday February 14, 2018, recognizing international **DOCTORS WITH A HEART DAY**.

In lieu of charging fees, Dr. Salanki and his staff are collecting donations for:

The Port Colborne & Welland District Humane Society (SPCA)

The Humane Society provides shelter and emergency services to animals in crisis that have been victims of abuse and neglect.

The shelters are in need of the following:

- Monetary Donations
- Royal Canin pet food for dogs and cats
- Laundry soap and dryer sheets
- Non-clumping and clumping cat litter
- Blankets and towels to be used for rescues and bedding
- Pet travel cases & beds
- Dog treats and toys (Toys can now be accepted)
- Small animal supplies (shavings for cages etc.)

Chiropractic Associates of Port Colborne is located at 258 Killaly Street West in the Portal Village Plaza. All donations may be left at the clinic. Office hours on Wednesday February 14, 2018 will be 8:00 am to 6:00 pm. Appointments will be made on a first come first serve basis.

**I, Mayor John Maloney, declare Wednesday February 14th 2018
DOCTOR'S WITH A HEART DAY!**

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January 25, 2018

CL 1-2018, January 18, 2018
CSC 1-2018, January 10, 2018
Report CSD 3-2018

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

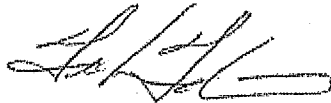
2018 Interim Levy Dates and Amounts
CSD 3-2018

Regional Council, at its meeting of January 18, 2018, approved the following recommendation of its Corporate Services Committee:

1. That the interim amounts for the Regional levy **BE APPROVED** in the amounts as shown in Appendix I of Report CSD 3-2018;
2. That the necessary by-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration; and
3. That this report **BE CIRCULATED** to the Councils of the area municipalities for information.

A copy of Report CSD 3-2018 and corresponding by-law are enclosed for your information.

Yours truly,



Frank Fabiano
Acting Regional Clerk

:cjp

CLK-C 2018-04

cc: J. Burgess, Acting Commissioner, Enterprise Resource Management Services/Treasurer
H. Chamberlain, Director, Financial Management & Planning
M. Murphy, Manager, Associate Director, Budget Planning & Strategy
M. Montague, Executive Assistant to the Acting Commissioner, Enterprise Resource Management Services

Subject: 2018 Interim Levy Dates and Amounts

Report to: Corporate Services Committee

Report date: Wednesday, January 10, 2018

Recommendations

1. That the interim amounts for the Regional levy **BE APPROVED** in the amounts as shown in Appendix I attached to this report.
2. That the necessary By-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration.
3. That this report **BE CIRCULATED** to the Councils of the area municipalities for information.

Key Facts

- The purpose of this report is to seek Council's approval of billing dates and amounts to the local area municipalities for the regional tax levy.
- The authority to incur expenditures by Regional departments, boards, and agencies is granted by Regional Council through the annual approved budget as prescribed by the Municipal Act.
- The Municipal Act provides the council of an upper-tier municipality with the authority to requisition an amount not exceeding 50 per cent of the prior year's levy from each municipality to bridge the period until the tax rate by-law is approved.

Financial Considerations

Approval of the interim Regional tax by-law ensures that the property tax revenues necessary to support Regional services are received on a timely basis to facilitate cash flow planning. At 50 per cent of the 2017 final levy, inclusive of 50 per cent of special upper-tier levy for waste management purposes, this results in two installments in the amount of \$92,478,807 each.

Analysis

In order for Niagara Region to continue providing services and pay the related costs, it is necessary to request, as an interim measure, a levy from the area municipalities to bridge the period until the tax rate by-law is approved. Sections 316 (1) and (2) of the Municipal Act provides the Council of an upper-tier municipality with the authority to

requisition an amount not exceeding 50 per cent of the prior year's levy from each municipality before the adoption of the estimates for the year.

Appendix 1 provides a breakdown of the interim levy by area municipality. In total \$92,478,807 will be raised on each interim levy date. This totals 50 per cent of the Region's 2017 general levy, and 2017 waste management special upper tier levy estimates.

A schedule outlining the final levy dates and amounts will be included with the approved 2018 tax policy report.

Alternatives Reviewed

Alternative thresholds were not considered as the interim levy of 50% permitted by the Municipal Act will generally ensure cash inflows in the shorter term are able to accommodate the level of expenditures. The Municipal Act does not have a requirement to approve a spending limit in advance of the by-law approval however the practice has been adopted by the Region to provide additional guidance for staff.

Interim levy dates are consistent with the prior year and were supported by the treasurers of the Area Municipalities therefore no alternative dates were considered.

Relationship to Council Strategic Priorities

The 2018 interim levy dates supports organizational excellence by collaborating with the local area municipalities on timing of payments that work well for all parties and provides funds utilized to support all other strategic priorities until such time as the tax policy has been prepared and approved.

Other Pertinent Reports

CSD 79-2017 – 2018 Levy Operating Budget, BRCOTW 08-2017
CSD 71-2017 – 2018 Budget – Waste Management Services Operating Budget and Requisition, BRCOTW 05-2017

Prepared by:
Helen Chamberlain
Director of Finance
Enterprise Resource Management
Services

Recommended by:
Jason Burgess
Acting Commissioner
Enterprise Resource Management
Services

Submitted by:

Carmelo D'Angelo, BSc, MPA
Chief Administrative Officer

This report was prepared in consultation with Tyler Potts, Senior Budget Analyst, and reviewed by Margaret Murphy, Associate Director, Budget Planning and Strategy.

Appendices

Appendix 1	2018 Interim Levy Amounts	Page 4
Appendix 2	Interim Levy Payment #1 – March 14, 2018	Page 5
Appendix 3	Interim Levy Payment #2 – May 16, 2018	Page 6

2018 Interim Levy Amounts (50% of Final 2017 Levy)

Municipality	2017 Final Levy	50% of 2017 Final Levy	2017 Waste Management Special Upper-Tier Levy	50% of 2017 Waste Management Special Upper-Tier Levy
Fort Erie	21,571,677	10,785,839	2,654,510	1,327,254
Grimsby	23,763,661	11,881,831	1,836,224	918,112
Lincoln	19,377,666	9,688,833	1,584,048	792,024
Niagara Falls	69,964,591	34,982,296	6,750,022	3,375,010
Niagara-on-the-Lake	27,918,450	13,959,224	1,461,193	730,597
Pelham	13,803,066	6,901,533	1,174,260	587,130
Port Colborne	11,312,590	5,656,295	1,809,799	904,900
St. Catharines	91,403,100	45,701,550	10,801,965	5,400,982
Thorold	13,158,372	6,579,186	1,437,026	718,513
Wainfleet	5,043,405	2,521,702	549,275	274,638
Welland	27,905,894	13,952,947	3,974,651	1,987,326
West Lincoln	9,801,561	4,900,781	858,222	429,111
Total	335,024,033	167,512,017	34,891,195	17,445,597

Interim Levy Payment #1 – March 14, 2018

Municipality	General Levy	Waste Management Special Levy	Total
Fort Erie	5,392,919	663,627	6,056,546
Grimsby	5,940,915	459,056	6,399,971
Lincoln	4,844,417	396,012	5,240,429
Niagara Falls	17,491,148	1,687,505	19,178,653
Niagara-on-the-Lake	6,979,612	365,298	7,344,910
Pelham	3,450,767	293,565	3,744,332
Port Colborne	2,828,148	452,450	3,280,598
St. Catharines	22,850,775	2,700,491	25,551,266
Thorold	3,289,593	359,257	3,648,850
Wainfleet	1,260,851	137,319	1,398,170
Welland	6,976,473	993,663	7,970,136
West Lincoln	2,450,390	214,556	2,664,946
Total	83,756,008	8,722,799	92,478,807

Interim Levy Payment #2 – May 16, 2018

Municipality	General Levy	Waste Management Special Levy	Total
Fort Erie	5,392,920	663,627	6,056,547
Grimsby	5,940,916	459,056	6,399,972
Lincoln	4,844,416	396,012	5,240,428
Niagara Falls	17,491,148	1,687,505	19,178,653
Niagara-on-the-Lake	6,979,612	365,299	7,344,911
Pelham	3,450,766	293,565	3,744,331
Port Colborne	2,828,147	452,450	3,280,597
St. Catharines	22,850,775	2,700,491	25,551,266
Thorold	3,289,593	359,256	3,648,849
Wainfleet	1,260,851	137,319	1,398,170
Welland	6,976,474	993,663	7,970,137
West Lincoln	2,450,391	214,555	2,664,946
Total	83,756,009	8,722,798	92,478,807

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2018-09

A BY-LAW TO AUTHORIZE A 2018 INTERIM AND
WASTE MANAGEMENT SPECIAL UPPER-TIER LEVY
FOR THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS subsection 316 (1) and (2) of the *Municipal Act* S.O., 2001, Chapter 25, as amended, authorizes the Council of an upper-tier municipality to requisition an amount not exceeding 50% of the prior year's levy from each lower-tier municipality prior to Niagara Regional Council's adoption of its final levy for the year; and,

WHEREAS in order for the Niagara Region to continue providing services and pay the related costs, it is necessary to request, as an interim measure, a levy from the Area Municipalities to bridge the period until the tax rate by-law is approved.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That an interim levy in the amount of \$167,512,017 which represents 50% of the Niagara Region's 2017 levy, be requested from the Area Municipalities, pending Niagara Regional Council's approval of its final levy for the year 2018.
2. That an interim requisition in the amount of \$17,445,597 which represents 50% of the Region's special upper-tier levy for 2017 Waste Management purposes, be requested from the Area Municipalities.
3. That the respective Area Municipalities be required to remit the interim levy in two equal installments on the dates, and in the amounts, as outlined in Schedule A attached hereto (from Report CSD 03-2018).

4. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA



Alan Caslin, Regional Chair



Frank Fabiano, Acting Regional Clerk

Passed: January 18, 2018

Schedule A

INTERIM LEVY PAYMENTS						
Municipality	March 14, 2018			May 16, 2018		
	General Levy	Waste Management Special Levy	Total	General Levy	Waste Management Special Levy	Total
Fort Erie	5,392,919	663,627	6,056,546	5,392,920	663,627	6,056,547
Grimsby	5,940,915	459,056	6,399,971	5,940,916	459,056	6,399,972
Lincoln	4,844,417	396,012	5,240,429	4,844,416	396,012	5,240,428
Niagara Falls	17,491,148	1,687,505	19,178,653	17,491,148	1,687,505	19,178,653
Niagara-on-the-Lake	6,979,612	365,298	7,344,910	6,979,612	365,299	7,344,911
Pelham	3,450,767	293,565	3,744,332	3,450,766	293,565	3,744,331
Port Colborne	2,828,148	452,450	3,280,598	2,828,147	452,450	3,280,597
St. Catharines	22,850,775	2,700,491	25,551,266	22,850,775	2,700,491	25,551,266
Thorold	3,289,593	359,257	3,648,850	3,289,593	359,256	3,648,849
Wainfleet	1,260,851	137,319	1,398,170	1,260,851	137,319	1,398,170
Welland	6,976,473	993,663	7,970,136	6,976,474	993,663	7,970,137
West Lincoln	2,450,390	214,556	2,664,946	2,450,391	214,555	2,664,946
Total	83,756,008	8,722,799	92,478,807	83,756,009	8,722,798	92,478,807

Note: Differences may exist due to rounding

January 25, 2018

CL 1-2018, January 18, 2018
PEDC 1-2018, January 10, 2018
Report PDS 1-2018

DISTRIBUTION LIST

SENT ELECTRONICALLY

Niagara Escarpment Plan Agriculture Policies
PDS 1-2018

Regional Council, at its meeting of January 18, 2018, approved the following recommendations of its Planning and Economic Development Committee:

1. That this report **BE ENDORSED** by Regional Council;
2. That a copy of this report **BE FORWARDED** to the Niagara Escarpment Commission;
3. That staff **BE DIRECTED** to initiate discussions with staff at the Niagara Escarpment Commission with respect to interpretations of the 2017 Niagara Escarpment Plan related to items highlighted in this report;
4. That a copy of this report **BE CIRCULATED** to Local Area Municipalities, Niagara Peninsula Conservation Authority, The Ontario Ministry of Agriculture, Food and Rural Affairs, the Ontario Ministry of Natural Resources, The Wine Council of Ontario, The Grape Growers of Ontario, the Wine and Growers Alliance of Ontario and the Vintners Quality Alliance; and
5. That the Niagara Escarpment Commission **BE REQUESTED** to add the presentation respecting Niagara Escarpment Plan Agriculture Policies to the agenda for their next meeting and reconsider the restrictions on wineries.

A copy of Report PDS 1-2018 is enclosed for your information.

Yours truly,



Frank Fabiano
Acting Regional Clerk

:cjp

CLK-C 2018-06

Distribution List

Local Area Municipalities

- M. Brickell, Niagara Peninsula Conservation Authority
- A. Bochenek, Commission Secretary, Niagara Escarpment Commission
- J. Van de Valk, Ontario Ministry of Agriculture Food and Rural Affairs
- D. Cooper, Ontario Ministry of Agriculture Food and Rural Affairs
- R. Pineo, Ontario Ministry of Natural Resources and Forestry
- R. Linley, Wine Council of Ontario
- D. Zimmerman, CEO, Grape Growers of Ontario
- A. Dobbin, President and CEO, Winery and Grower Alliance of Ontario
- L. Macdonald, Vintners Quality Alliance Ontario
- R. Mostacci, Commissioner, Planning and Development
- E. Acs, Senior Planner, Planning and Development
- N. Oakes, Executive Assistant to the Commissioner, Planning and Development

Subject: Niagara Escarpment Plan Agriculture Policies

Report to: Planning and Economic Development Committee

Report date: Wednesday, January 10, 2018

Recommendations

1. That this report **BE ENDORSED** by Regional Council;
2. That a copy of this report **BE FORWARDED** to the Niagara Escarpment Commission;
3. That staff **BE DIRECTED** to initiate discussions with staff at the Niagara Escarpment Commission with respect to interpretations of the 2017 Niagara Escarpment Plan related to items highlighted in this report; and
4. That a copy of this report **BE CIRCULATED** to Local Area Municipalities, Niagara Peninsula Conservation Authority, The Ontario Ministry of Agriculture, Food and Rural Affairs, the Ontario Ministry of Natural Resources, The Wine Council of Ontario, The Grape Growers of Ontario, and the Wine and Growers Alliance of Ontario.

Key Facts

- The purpose of this report is to highlight implementation challenges with the Niagara Escarpment Plan (2017) related to how agriculture-related uses, on-farm diversified uses, and wineries are permitted;
- The Niagara Escarpment Plan (2017) was recently updated through the Province of Ontario's Coordinated Policy Review, and came into effect on June 1, 2017. The Region submitted Council endorsed comments on the previous Niagara Escarpment Plan and the draft 2017 Niagara Escarpment Plan;
- Policies associated with agricultural-related uses, on-farm diversified uses, and wineries in the Niagara Escarpment Plan area are more restrictive than the Province's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, which are intended to implement the Provincial Policy Statement;
- These inconsistencies place landowners in the Niagara Escarpment Plan area at a disadvantage, with smaller maximum building sizes, and restricted building and site uses;

- The Region has initiated work for the new Regional Official Plan, which includes updating Section 5 (Rural & Agriculture). One component of this review is related to implementing the 2014 Provincial Policy Statement which permits agri-tourism, agriculture related and on-farm diversified uses; and
- Regional staff has discussed the issues identified in this report with Niagara Escarpment Commission staff on a preliminary basis in an effort to seek greater clarity with respect to winery specific policies.

Financial Considerations

This report is related to policy concerns, and aims to seek solutions through working with the Niagara Escarpment Commission. There are no direct financial implications for the organization.

Analysis

There are approximately 96 wineries in the Niagara region, 29 of which are located in the Niagara Escarpment Plan area (see Appendix I). Grape and associated wine production is the biggest driver behind Niagara's agri-food sector. Creating and maintaining a hospitable environment for this sector is important for the local economy and long term preservation of agricultural lands.

Value of the Industry

Agri-food is the business of producing food; it includes the entire value chain from farmer to processor to the end consumer. Processing in Niagara is diverse with an estimated 188 processors, the majority focused on the production of wine and spirits.

It is estimated that the agri-food sector in Niagara has an annual total impact of 3 Billion dollars, and employs 17,500 associated jobs¹. Beverage production associated with grape growing and processing is important locally, provincially and nationally, with Niagara playing a leading role:

- Grape production in Niagara is estimated at 65,000 tonnes per year, this represents 93% of Ontario's total grape production².
 - 1 tonne of grapes can produce approximately 720 bottles of wine.
- On a national scale, the Niagara region grows 65-75% of all Canadian grapes.

¹ Statistics Canada 2016

² <http://www.grapegrowersofontario.com/sites/default/files/flipbook/AnnualReportFlipbook/index.html?r=4>

- The Ontario grape and wine industry generates \$4.4 billion in economic impact, British Columbia \$2.8 billion, Quebec \$1.1 billion and \$218 million in Nova Scotia³.
- Nationally, wine-related tourism attracts 3.7 million visitors each year, generating more than \$1.5 billion annually in tourism revenue.
- During the 2008 economic downturn, agri-food was the only sector that maintained positive growth on an annual basis.

Encouraging the continued development of this sector is important. The value of agri-food to the regional economy, its contribution to the viability of local agriculture and sustainability of agricultural lands needs to be understood by the Niagara Escarpment Commission.

Planning Policy Framework

In 2013, the Premier of Ontario issued a challenge to the sector to double its annual growth rate and create 120,000 new jobs by 2020. Wine production is recognized as a key component of this challenge. To support this initiative the 2014 Provincial Policy Statement and most recently the 2017 Greenbelt Plan, 2017 Growth Plan and 2017 Niagara Escarpment Plan were updated to better support agriculture-related uses and on farm diversified uses.

As the Region proceeds with work on the new Regional Official Plan, one of the items requiring review is the Region's Agricultural Value-Added Activities Policies (introduced through Regional Official Plan Amendment 6-2009). Several considerable policy changes have occurred at the provincial level since the Region first introduced its policies in 2009. In an effort to build the best policy framework possible, staff have identified implementation challenges and inconsistencies with the 2017 Niagara Escarpment Plan (NEP). Specifically, policies related to wineries, which are more restrictive in the NEP than Provincial guidelines.

Niagara Escarpment Plan

When the Niagara Escarpment Plan was introduced in 1985, the objective of the agricultural section was "*to protect lands with a high agricultural capability*" which was followed by two policies, one which dealt with lot creation, the second which dealt with second dwellings for farm help⁴.

³ <http://www.marketwired.com/press-release/canadian-wine-grape-industry-contributes-9-billion-economic-impact-canadian-economy-2201201.htm>

⁴ 1985 Niagara Escarpment Plan

By 1990, the NEP included an agricultural policy subset related to “Small-scale Commercial Uses Accessory to Agriculture”, and by 2005 this was further expanded to include policies related to “*Winery and Winery Incidental Uses*”.

It was also in 2005, where policies and definitions related to events were first introduced to the NEP. Policy 4.3 of the 2005 NEP, titled *Winery Events*, permitted wineries to host indoor and outdoor events subject to reasonable conditions (e.g. availability of water and sanitary services, on-site parking, etc).

However, by 2014, policies on wineries in the NEP had increased significantly; including new policy sections focused on *Winery Incidental Facilities* and *Visual Landscape Development at Wineries*. All of the previous policy sections were also retained.

When the Ministry of Natural Resources and Forestry circulated the draft version of the 2017 Niagara Escarpment Plan for comment, the Region responded (PDS 29-2016, October 19, 2016) to the Province and stated:

While the draft NEP winery policies have been simplified compared to the existing NEP, having separate winery policies is no longer necessary. The new policies for agriculture-related and on-farm diversified uses should be re-written to consider wineries, making the plan more consistent with other provincial planning documents. The PPS, and draft on-farm diversified guidance documents, recognize wineries as a value-added agricultural use, the NEP should be consistent. Further, references to the operations of a facility, such as the hours of operation or the number of events that might be held, should be removed as the focus is on the land uses themselves.

The Region’s comments further requested that all winery specific policies in the NEP be removed.

The 2017 Niagara Escarpment Plan now has considerably less winery specific policies than the previous version of the Plan. However, the NEP continues to place wineries under a different policy framework than other agriculture-related or on-farm diversified uses, despite the fact that the Province’s other land-use planning documents recognize wineries as an equal use to all other agriculture-related on-farm diversified uses.

In an isolated environment the NEP policy approach of winery specific policies might not present challenges. However, in the Niagara context, with 29 wineries operating under the jurisdiction of the NEP, and 67 operating under a different set of regulations, the NEP approach causes implementation challenges as policy requirements are not equal between Provincial Plans.

When on-farm diversified uses were introduced in the 2014 Provincial Policy Statement, it was also indicated that the Province would develop guidelines for these uses. In 2016,

the Province released the *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*⁵. This document, which outlines guidelines for agriculture-related and on-farm diversified uses, lead to significant changes in the 2017 Greenbelt Plan and 2017 Growth Plan. However, the 2017 Niagara Escarpment Plan did not take a consistent approach to these guidelines.

While all three plans use the same 2014 PPS referenced definitions for agricultural use, agriculture-related use and on-farm diversified use, the table below illustrates some of the policy inconsistencies between the Niagara Escarpment Plan and Guidelines on Permitted Uses for Ontario's Prime Agricultural Areas, which are applied in the Greenbelt Plan and Growth Plan areas.

Agriculture-Related Use Size Limits		
<i>Guidelines on Permitted Uses (Greenbelt Plan & Growth Plan)</i>	<i>Niagara Escarpment Plan</i>	<i>Implications</i>
<ul style="list-style-type: none"> No limit on size. 	<ul style="list-style-type: none"> Maximum 3200 sq/m gross floor area limit.(unless it can be demonstrated that a larger size is compatible) 	<ul style="list-style-type: none"> Agriculture-related uses support surrounding agriculture and are integral to the agricultural system. Limiting their size should be at the discretion of the local planning authority. Exceeding the maximum size limit is at the discretion of the NEC, and is not a consistent or repeatable standard.
On-Farm Diversified Use Size Limits		
<i>Guidelines on Permitted Uses (Greenbelt Plan & Growth Plan)</i>	<i>Niagara Escarpment Plan</i>	<i>Implications</i>
<ul style="list-style-type: none"> 2% up to 10,000 sq/m total site area. 	<ul style="list-style-type: none"> 2% up to 10,000 sq/m total site area. 	N/A

⁵ <http://www.omafra.gov.on.ca/english/landuse/permitteduses.htm>

<ul style="list-style-type: none"> • 20% up to 2000 sq/m (of 2%) total floor area. 	<ul style="list-style-type: none"> • 20% up to 2000 sq/m (of 2%) total floor area. 	N/A
<ul style="list-style-type: none"> • 50% discount on footprint for existing buildings (built prior to 2014). 	<ul style="list-style-type: none"> • No discount for existing buildings. 	<ul style="list-style-type: none"> • By NEP not discounting existing buildings, there is no incentive to retain existing buildings. • Existing buildings might already exceed the maximum size limit.
Winery Use Type		
<i>Guidelines on Permitted Uses (Greenbelt Plan & Growth Plan)</i>	<i>Niagara Escarpment Plan</i>	<i>Implications</i>
<ul style="list-style-type: none"> • Winery is considered agriculture-related when using grapes from the local area. This use includes tasting rooms and retail space (no size limit). 	<ul style="list-style-type: none"> • No clear distinction on how to determine if a winery is considered an agriculture-related use or on-farm diversified use (but each use has different size limits). 	<ul style="list-style-type: none"> • With no clear explanation of how the use type will be determined, implementing size limits is difficult. • The NEP definition for winery adds further complexities by permitting certain uses and excluding others.
<ul style="list-style-type: none"> • Winery is considered on-farm diversified use when using either local or imported grapes. All winery uses (production-retail) are limited in size. 		

In addition to the inconsistencies described the table above, the NEP is the only document that includes a definition for a winery; which adds further complexities by indicating that certain agricultural building types (implement and machinery buildings) can not be included at a winery.

Winery: *Buildings or structures used for the processing of grapes and other fruits in the production of wines (and other alcoholic beverages like ciders), including the crushing, fermentation, production, bottling, aging and/or storage of wine and wine-related products, such as grape and fruit-based vinegars, as a secondary agricultural use to a vineyard, orchard or fruit farm. The winery may include a*

*laboratory and winery administrative office but not implement buildings used to house farm machinery (e.g., tractors, sprayers, etc.).*⁶

Wineries approved for development by the Niagara Escarpment Commission (as recently as December 2017) were permitted with conditions of approval that reflected the policies of the previous (2005) Niagara Escarpment Plan. This includes previous NEP policies which limit building and site uses in perpetuity. For example, event facilities have traditionally not been permitted in the NEP area, despite local municipal policies which may allow these uses. The previous 2005 version of the NEP stated: “Restaurants, banquet halls and conference facilities will not be permitted at wineries.” However, facilities to sell wine with limited food service were permitted as a winery incidental use.

When the 2017 NEP was released, the policy language restricting hospitality uses at wineries was no longer included. Based on the removal of most of the 2005-2014 era winery policies, discussions on the opportunity for agriculture-related and on-farm diversified uses to include previously restricted uses should be revisited.

As noted, the NEP permits agricultural-related and on-farm diversified uses. Beyond permitting the agriculture-related or on-farm diversified use, size and placement of buildings, additional uses of buildings and activities on the site should be at the discretion of the local municipality.

Guidelines should be developed for the NEP that provide a consistent approach to events and event spaces including: appropriate land use designations, frequency of use, and servicing requirements. There are examples, across the plan area, of event facilities which operate through the use of NEC approved management plans, such as the Balls Falls Centre for Conservation (located in an Escarpment Natural Area) which hosts many different indoor and outdoor events on a year round basis. There are also inconsistent examples, such as the Commission’s recent (November 2017) decision re-confirming its previous approval of an event facility in Caledon as a stand-alone on-farm diversified use.

Overall, the Niagara Escarpment Commission should consider developing guidance material to distinguish agriculture-related and on-farm diversified uses, including wineries. In addition, local municipalities should be responsible for additional building and site uses related to hospitality and events, as they are better positioned to enforce these uses. The regional economy relies on the agri-food sector; creating new opportunities for farm sustainability, expanded local processing and retail sale opportunities is important for the continued success of this sector.

⁶ 2017 Niagara Escarpment Plan

Alternatives Reviewed

This report asks for Council to endorse a report which was developed in response to stakeholder concerns. Regional Council could choose not to endorse this report. This option is not recommended.

Relationship to Council Strategic Priorities

This report was brought forward to Council by staff to highlight implementation challenges with the 2017 Niagara Escarpment Plan. This report is consistent with Council's priority on Doing Business Differently.

Other Pertinent Reports

None

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Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Carmelo D'Angelo, BSc, MPA
Chief Administrative Officer

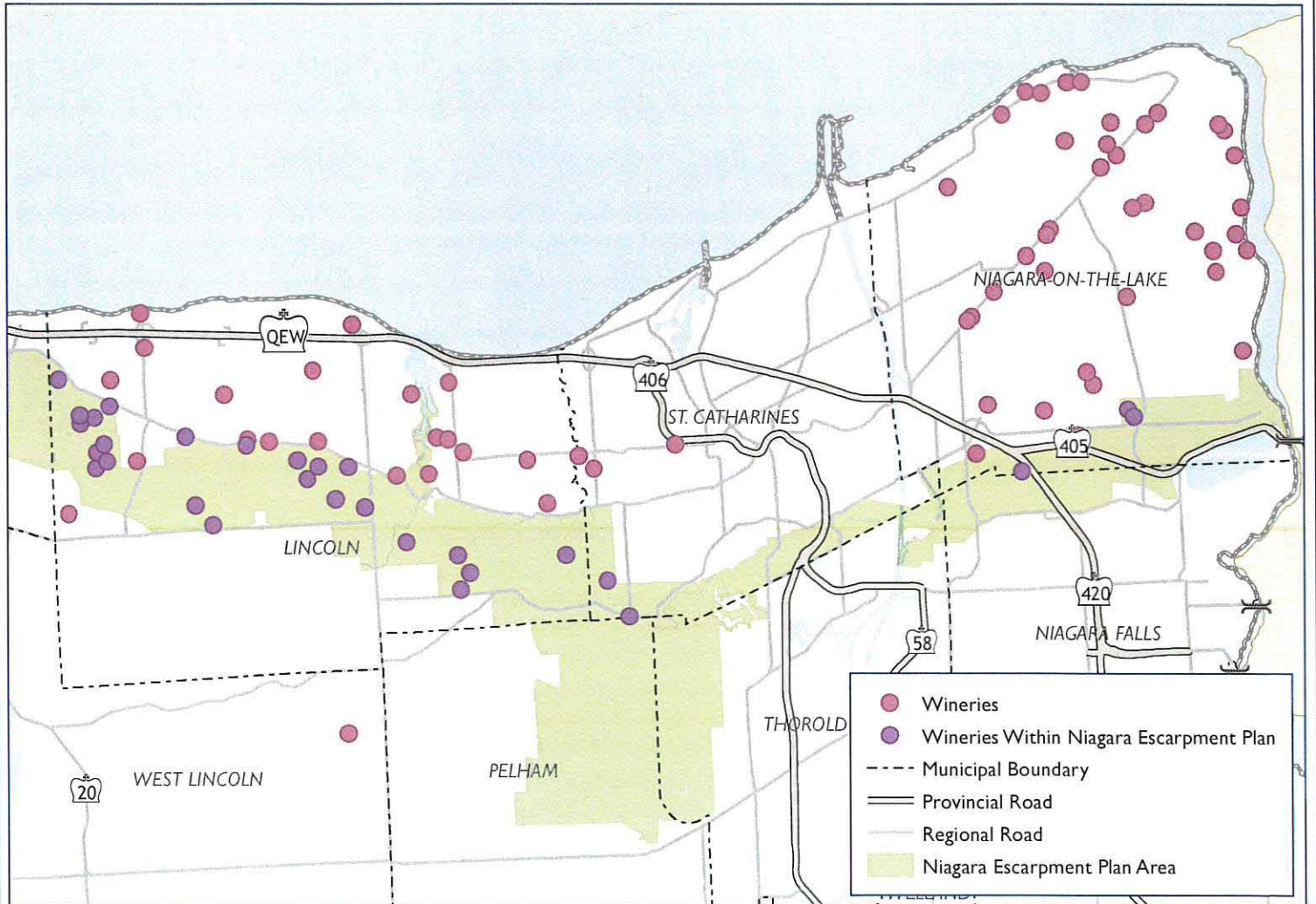
This report was reviewed by Rick Wilson, MCIP, RPP, Senior Planner, Pat Busnello, MCIP, RPP, Manager of Development Planning, Danielle De Fields, MCIP, RPP, Manager of Community Planning, Doug Giles, MPIA, Director of Community and Long Range Planning and David Oakes, Director of Economic Development.

Appendices

Appendix 1 Map Showing Wineries in Niagara

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PDS I-2018: NIAGARA WINERIES



© 2017 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17. This map was compiled from various data sources and is current as of November 2017. Niagara Region makes no representations or warranties whatsoever, either expressed or implied, as to the accuracy, completeness, reliability, currency or otherwise of the information shown on this map.

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JAN 25 2018



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CORPORATE SERVICES

CONFIDENTIAL

January 25, 2018

CL 1-2018, January 18, 2018
PEDC 1-2018, January 10, 2018
Report PDS 2-2018

DISTRIBUTION LIST

SENT ELECTRONICALLY

Protocol for Planning Services Between the Regional Municipality of Niagara and the
Niagara Peninsula Conservation Authority
PDS 2-2018

Regional Council, at its meeting of January 18, 2018, approved the following
recommendations of its Planning and Economic Development Committee:

1. That the Protocol For Planning Services Between the Regional Municipality of Niagara and the Niagara Peninsula Conservation Authority dated January 2018, attached to Report PDS 2-2018 as Appendix I, **BE APPROVED**;
2. That subsequent to the Niagara Peninsula Conservation Authority (NPCA) Board approval of the Protocol, that the Region's Commissioner of Planning and Development, **BE AUTHORIZED** to sign the Protocol; and
3. That this report **BE CIRCULATED** to the local area municipalities, Niagara Home Builders Association, Niagara area school boards, Niagara Escarpment Commission, and the Ministry of Municipal Affairs and Housing.

A copy of Report PDS 2-2018 is enclosed for your information.

Yours truly,

Frank Fabiano
Acting Regional Clerk

:cjp

CLK-C 2018-07

Distribution List

Local Area Municipalities

- M. Brickell, Niagara Peninsula Conservation Authority
- J. Whyte, Niagara Home Builders' Association
- S. Mabee, Niagara District School Board
- M. Ladouceur, Conseil scolaire Viamonde
- S. Whitwell, Niagara Catholic District School Board
- A. Aazouz, Conseil Scolaire de District Catholique Centre-Sud
- A. Bochenek, Commission Secretary, Niagara Escarpment Commission
- D. Lyons, Ontario Ministry of Municipal Affairs and Housing
- R. Mostacci, Commissioner, Planning and Development
- D. Giles, Director, Community and Long Range Planning, Planning and Development
- N. Oakes, Executive Assistant to the Commissioner, Planning and Development

Subject: Protocol for Planning Services Between the Regional Municipality of Niagara and the Niagara Peninsula Conservation Authority

Report to: Planning and Economic Development Committee

Report date: Wednesday, January 10, 2018

Recommendations

1. That the Protocol For Planning Services Between the Regional Municipality of Niagara and the Niagara Peninsula Conservation Authority dated January 2018, attached to this report as Appendix I, **BE APPROVED**;
2. That subsequent to the Niagara Peninsula Conservation Authority (NPCA) Board approval of the Protocol, that the Region's Commissioner of Planning and Development, **BE AUTHORIZED** to sign the Protocol; and
3. That this report **BE CIRCULATED** to the local area municipalities, Niagara Home Builders Association, Niagara area school boards, Niagara Escarpment Commission, and the Ministry of Municipal Affairs and Housing;

Key Facts

- The purpose of this report is to request approval of the updated Protocol for Planning Services between the Regional Municipality of Niagara and the Niagara Peninsula Conservation Authority dated January 2018 (Protocol).
- The Protocol is between the Region and NPCA only, however local area municipalities were consulted and participated in a Working Group to update the document.
- In September 2017, staff informed Regional Council of the need to update two important documents dealing with planning services in Niagara:
 1. The 2007 Memorandum of Understanding (as amended) between the Local Area Municipalities, the Niagara Peninsula Conservation Authority and Niagara Region (MOU); and
 2. The 2008 Protocol for Plan Review and Technical Clearance Between the Regional Municipality of Niagara and the Niagara Peninsula Conservation Authority.

- In November 2017, staff provided an outline and timeline for updating these documents and informed Council that it was anticipated that the updated Protocol could be brought forward in January 2018.
- The MOU Working Group, a sub-group of Area Planners, met on four occasions to determine the content and direction of the Protocol.
- The Area Planners and Niagara Home Builders Association have been informed and consulted on the process and have had opportunities to comment on the Protocol.
- In addition to participating on the Working Group, NPCA staff has worked closely with Region staff to review documents and have participated in the efforts to prepare a transition plan.

Financial Considerations

Expected financial costs resulting from the Region resuming responsibility for review of natural environmental matters have been accommodated within the Council approved 2018 Operating Budget.

Analysis

Background

In 2007, the Niagara Region, local area municipalities (LAMs) and NPCA signed a Memorandum of Understanding (MOU) for improving the planning function in Niagara.

In addition to providing analysis and comments regarding the NPCA statutory responsibilities, the MOU transferred to the NPCA the responsibility for reviewing policy, development applications and technical clearance services with respect to natural interests to ensure compliance with the Regional Official Plan, Provincial Policies and Plans. Specifics of this transfer of function were detailed in the Protocol for Plan Review and Technical Clearance between the Region and NPCA, which was approved in 2008. Funding was provided to the NPCA to support this increased role.

In September 2017, Regional staff informed Regional Council that the MOU and Protocol required immediate updating. The NPCA indicated that it would return to the Region the functions transferred in 2007 including the responsibility for interpretation of the Regional Official Plan policies related to the environment and other related matters such as stormwater management.

In November 2017, staff reported to Council on a timeline and process for the updating of the Protocol and MOU. The report identified that a sub group of Area Planners, the MOU Working Group, would oversee the preparation of the Protocol and MOU. The MOU Working Group includes senior-level planners representing: Welland, Fort Erie, St. Catharines, Pelham, Niagara Falls, NPCA and Region.

Protocol Consultation

In addition to presenting a draft Protocol to the entirety of the Area Planners for comment, the draft Protocol was forwarded to the Niagara Home Builders Association. Through the preparation of the Protocol it became apparent that the role and responsibility of the Ministry of Natural Resources and Forestry (MNRF) related to species-at-risk (SAR) and land use planning in Niagara was not well understood. This was confirmed based on follow-up meetings with NPCA staff and comments received from the Niagara Home Builders Association. In the past this has led to confusion, conflict, and delays in the process. The role and responsibility of MNRF, the Region, local municipalities, and proponents as it relates to SAR will be clarified and documented as a high-priority item through the update of the MOU. This will involve a meeting with the local municipalities, MNRF, and other provincial ministries as necessary.

Transition

The updated Protocol gives direction for the transition of roles and responsibilities. The Protocol sets out that upon the effective date of the approved Protocol (last date signed by all parties), all new planning applications, policy and technical reviews will be consistent with the newly approved Protocol.

With respect to planning applications, policy and technical clearance reviews received by the NPCA prior to the Protocol effective date, the MOU Working Group recommended that those applications which could be concluded within 2 months should continue to be processed by the NPCA (2008 Protocol roles). However, given the complex and dynamic nature of planning matters, it was agreed that a matrix of all open files should be prepared by the Region and NPCA, in consultation with the local municipalities, which could establish transition on an individual file basis. This matrix is currently being prepared and will be distributed to relevant local municipalities.

Environmental Impact Study Guidelines

The Environmental Impact Study (EIS) Guidelines, approved by Regional Council in 2012 will need to be updated to reflect the roles of the NPCA and Niagara Region in the review of environmental features as outlined in the revised Protocol and to reflect the approval authority for EISs as outlined in the Regional Official Plan. The updated EIS

Guidelines will be presented to the MOU Working Group for comment and brought to Regional Council for approval.

Alternatives Reviewed

Delivering this service is obligatory pursuant to the Ontario Planning Act, the Provincial Policy Statement and other legislation.

Relationship to Council Strategic Priorities

Doing Business Differently is a strategic priority of Regional Council. Revising the MOU, Protocol and Environmental Impact Study Guidelines will improve the delivery of planning services across the region and provide more certainty and clarity for current and future property owners and investors.

Other Pertinent Reports

- Report PDS-49-2017 – MOU Planning Services in Niagara – November 8, 2017
- Report PDS-43-2017 – Review and Update of the 2007 Memorandum of Understanding (MOU) between the Local Area Municipalities, Niagara Peninsula Conservation Authority and Niagara Region, and the 2008 Protocol for Plan Review and Technical Clearance between the Niagara Peninsula Conservation Authority (NPCA) and Niagara Region – September 15, 2017
- Memorandum PDS-C 4-2014 – Local Area Municipal Response to the 2014 Update to the Memorandum of Understanding for improving the Planning Function in Niagara – May 14, 2014
- Report PW 1-2014 Building Relationships, 2014 Update to the Memorandum of Understanding for Improving the Planning Function in Niagara – January 7, 2014
- Service Level Agreement Tree and Forest Conservation By-Law August 2008
- Report PPW 10-2007 Memorandum of Understanding – Planning System in Niagara

Prepared by:

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Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Carmelo D'Angelo, BSc, MPA
Chief Administrative Officer

This report was reviewed by Danielle De Fields, MCIP, RPP, Manager Community Planning, Sean Norman, PMP, MCIP, RPP, Senior Planner, and Pat Busnello, Manager Development Planning.

Appendices

Appendix I Protocol For Planning Services Between the Regional Municipality of
Niagara and the Niagara Peninsula Conservation Authority - January 2018

Protocol

For Planning Services

Between

the Regional Municipality of Niagara (The Region)

And

the Niagara Peninsula Conservation Authority (NPCA)

January 2018

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Appendix C - Excerpt from the Ontario Regulation 155/06 Niagara Peninsula Conservation Authority: Regulation of Development, Interface with Wetlands and Alterations to Shorelines and Watercourses

1.0 Basis

In 2007, the Niagara Region, local area municipalities and NPCA signed a Memorandum of Understanding (“MOU”) for improving the planning function in Niagara with the ultimate goal of having “*an integrated and seamless planning system that is embraced and easily understood by Councils, the public, applicants and staff that encourages participation in policy development and application processing.*”

Part 3 of the MOU - *Consolidation of the Review of Planning Applications as they Relate to the Natural Environment* - assigned to the NPCA certain responsibilities as part of its review of development applications¹ and proposed policy, and providing technical clearance services with respect to compliance with the Regional Official Plan and Provincial Policies and Plans. Specifics of this assignment of function were detailed in the *Protocol for Plan Review and Technical Clearance* (“Protocol”) between the Region and NPCA, which was approved in 2008.

The MOU was reviewed and revised in 2011 and again in 2014. The Protocol has not been updated since its inception in 2008.

The MOU and Protocol have succeeded in managing relationships, reducing duplication and effecting continuous improvements. Since that time changes have occurred in Niagara in terms of legislation, relationships, resources, and growth that have impacted the established roles and responsibilities, particularly with respect to the review of environmental matters.

Through this revised Protocol, the NPCA and the Region will establish a new framework within which the NPCA will provide specified updated services to the Region.

This 2018 Protocol is intended to replace in its entirety the 2008 Protocol. Subsequent to the approval of the 2018 Protocol, the MOU will be updated to incorporate the approved revised functions and other aspects of the planning program in Niagara Region.

This Protocol has been prepared for the Niagara Region and NPCA by an Area Planners MOU Working Group consisting of senior representatives from Niagara Region, NPCA and local municipalities.

2.0 Purpose

The purpose of this Protocol is to:

- Redefine, clarify and set out a new Protocol within which the NPCA will provide specified planning application, policy and technical review services to the Region;
- Identify the respective roles and responsibilities of the NPCA and the Region in Ontario’s Land Use Planning System with respect to environmental matters;
- Provide direction for consistent and streamlined circulation and review procedures for all applications under the *Planning Act*, *Environmental Assessment Act*, and *Niagara Escarpment Planning and Development Act*;
- Reinforce the positive relationship between the NPCA and the Region;
- Allow the NPCA and Region to focus on provincially mandated responsibilities, and
- Provide increased decision making autonomy.

¹ Including Planning Act, Niagara Escarpment and Development Act applications, and Environmental Assessments

3.0 Definitions

3.1 Planning Application Review means:

- The review of planning applications (including formal preconsultation) under the *Planning Act, the Niagara Escarpment Planning, and Development Act and the Environmental Assessment Act*;
- The identification of the need for and review of related technical reports (including scoping); and
- The identification of conditions of approval.

3.2 Policy Review means:

- The review of existing or new policy documents, including but not limited to stormwater management guidelines, watershed studies, secondary plans and background studies; and
- The identification of the need for and review of related technical reports.

3.3 Technical Clearance Review means:

- The assessment of technical reports submitted by a proponent of development to determine if the reports satisfy the specified requirements; and
- The clearing of conditions.

3.4 Lead Agency means:

- The organization responsible for the principal review of an environmental feature located within or in proximity to land subject to a planning application to ensure compliance and conformity with all applicable legislation and regulations; and
- The organization responsible for the principal review of proposed policies, studies, guidelines or Environmental Assessments as they relate to environmental features to ensure compliance and conformity with all applicable legislation and regulations.

3.5 Environment Feature means:

- All of the environmental features identified in the first column of Table 1 of this Protocol.

3.6 Natural Hazards means:

- Those environmental features identified in Table 1 of this Protocol as natural hazards and/or identified in the 2014 Provincial Policy Statement Section 3.1.

4.0 Principles

This Protocol is based upon the following principles:

1. Adoption of improvements to the planning application processes which results in streamlining and consistency.
2. Direction that interpreting policy is the responsibility of the organization writing and approving that policy unless delegated by the approving authority.
3. Continuing cooperation between the NPCA and the Region.
4. Effective communication and collaboration.
5. Effective, proactive planning².
6. Effective leveraging of resources to deliver planning application, policy and technical clearance reviews.
7. Eliminate overlap in planning application review processes to the extent possible.

5.0 Jurisdiction

This Protocol applies to those lands within the Regional Municipality of Niagara.

² Proactive planning refers to preparing new or updating existing comprehensive studies and guidelines that assist in the early identification of issues and the need for additional study, and include, but are not limited to, watershed and sub-watershed planning, stormwater guidelines, master servicing plans, updates to Schedule C of the Regional Official Plan, etc.

6.0 Roles and Responsibilities

6.1 NPCA

- 6.1.1 The NPCA, through the *Memorandum of Understanding between Conservation Ontario, the Ministry of Municipal Affairs and Housing and the Ministry of Natural Resources and Forestry*, is responsible for providing the Provincial interest comments on policy documents and development applications related to natural hazards (Section 3.1 of the Provincial Policy Statement except Section 3.1.8). See Appendices A and B. Specifically, the NPCA will provide planning application, policy and technical clearance reviews to ensure consistency with the Provincial Policy Statement related to flooding hazards, erosion hazards, dynamic beach hazards, unstable soils and unstable bedrock. This function is not impacted by this Protocol.
- 6.1.2 The NPCA has legislated responsibilities under the *Conservation Authorities Act* (see Appendix C) and will continue to provide planning application and technical clearance reviews pursuant to the NPCA Regulation, as administered through Board approved policies. This function is not impacted by this Protocol.
- 6.1.3 The NPCA will provide the services as identified in Table 1, Table 2 and Table 3.
- 6.1.4 The NPCA will review Region-initiated studies and projects, pursuant to the NPCA Regulation, as administered through Board approved policies, and to the Memorandum of Understanding between the Province and the Conservation Authorities, as a commenting agency without fee to the Region.
- 6.1.5 The NPCA will provide comments on Environmental Assessments pursuant to the NPCA Regulation, as administered through Board approved policies, and pursuant to the Memorandum of Understanding between the Province and the Conservation Authorities.
- 6.1.6 The NPCA will actively participate in formal pre-consultation meetings with developers and landowners when environmental features identified in Table 1 (when the NPCA is the Lead Agency) have potential to be impacted. To help ensure a consistent planning application review and a coordinated message, the NPCA and Region, together with the local municipality, will participate in pre-consultation meetings at the same time with the proponents. The NPCA will work to scope the complete application requirements related to environmental matters prior to the preconsultation meeting. Should the NPCA determine that no environmental features (where the NPCA is identified as the Lead Agency as shown in Table 1) will be impacted, the NPCA will notify the approving authority and may not attend the pre-consultation meeting.
- 6.1.7 The NPCA will scope Environment Impact Studies (EIS) and review the Terms of Reference (ToR) for EIS and similar reports to ensure *natural hazards* and NPCA Regulation/Policy are addressed.
- 6.1.8 Where the NPCA is identified as the Lead Agency on Table 1, the NPCA will provide Technical Clearance on the EIS with respect to those environmental features only.
- 6.1.9 The NPCA will copy the Region on all responses to requests for comment on development planning, technical clearance and policy matters.
- 6.1.10 Nothing in this Protocol shall limit the NPCA from independently appealing a decision or lack of a decision to the Ontario Municipal Board (OMB) or other tribunal. The NPCA will provide notice of an appeal to the Region and local municipality at the time of appeal.
- 6.1.11 The NPCA will provide the Region with its Regulatory Screening Map and provide regular updates.

6.2 Niagara Region

- 6.2.1 The Region will provide planning application review and technical clearance services as identified in Tables 1, 2 and 3, to ensure consistency with the Regional Official Plan, Provincial Policies, Provincial Plans, the Provincial Policy Statement (except Section 3.1 Natural Hazards policies 3.1.1 to 3.1.7), and matters of Provincial Interest.
- 6.2.2 The Region shall circulate to the NPCA for planning application review and/or technical clearance, all Regionally led planning applications, studies or Environmental Assessments that are located in or adjacent to a NPCA property or within a regulated feature/area.
- 6.2.3 The Region in its review of *Planning Act* and *Escarpment Planning and Development Act* applications and *Environmental Assessments* will comment on stormwater management, as identified in Table 3, in accordance with MOECC Stormwater Management Guidelines as well as the NPCA Stormwater Management Guidelines until such time as new stormwater management guidelines are approved by the Region.
- 6.2.4 The Region will review NPCA-initiated studies and projects without fee to the NPCA.
- 6.2.5 The Region will actively participate in formal preconsultation meetings with developers and landowners. To help ensure a consistent planning application review and a coordinated message, the NPCA and Region, together with the local municipality, will participate in preconsultation at the same time with the proponents.
- 6.2.6 Prior to a formal pre-consultation meeting, the Region will work to scope the complete application requirements related to environmental features by identifying environmental features that will be need to be addressed in an Environment Impact Study³ (EIS). Where the NPCA, Region and/or local municipality have identified interests, the Lead Agency (see Table 2) will consult with those parties on the review of the EIS Terms of Reference.
- 6.2.7 Where the Region is identified as the Lead Agency on Table 1, the Region will provide Technical Clearance on EIS with respect to those environmental features.
- 6.2.8 Nothing in this Protocol shall limit the Niagara Region from independently appealing a decision or lack of a decision to the Ontario Municipal Board (OMB) or other tribunal.
- 6.2.9 The Region will be responsible for preparation and maintenance of a comprehensive natural environment screening map, incorporating the NPCA Regulatory screening map as provided and updated by the NPCA.

7.0 Coordination of Environmental Comments on Development Applications

The MOU, as may be revised, gives overall directions for the coordination of development applications, policy and Environmental Assessments review. For the purposes of clarity with respect to environmental features, the NPCA will review the following list of applications in accordance with the Conservation Ontario MOU with the Province and ensure that they are consistent with the NPCA Regulation, NPCA Board adopted Policies and Section 3.1. Natural Hazards of the Provincial Policy Statement (except Section 3.1.8). This may include providing comments directly to MMAH as part of the provincial one window process. The NPCA will copy the Region and local municipality on all correspondence.

- Regional Official Plan and Amendments
- Local Official Plans and Amendments

³ Includes characterisation reports, natural heritage systems reports and other environmental reports.

- Zoning By-laws and Amendments
- Subdivisions/Condominiums
- Environmental Assessments
- Other Development Applications including: Site Plan, Consents, Minor Variances and NEC Development Permits

8.0 Protocol Terms and Implementation

The Region and NPCA agree to the following:

8.1 Monitoring and Cancellation

This Protocol will be reviewed and amended concurrent with the Memorandum of Understanding between the local municipalities, NPCA and Region to:

- Reflect any changing policies or programs at the provincial, watershed, or regional level, and
- Assess its effectiveness, relevance and appropriateness with respect to the affected parties.

8.2 Transition of Responsibilities

When a complete⁴ development application, Notice of Commencement for an Environmental Assessment (EA) or major study (such as a Secondary Plan) has been received by the NPCA from a local area municipality or the Region prior to the effective date of this Protocol, the NPCA will continue to review the application consistent with the NPCA's roles and responsibilities identified in the 2008 Protocol in accordance with a matrix of open files to be prepared by the Region and NPCA, after which the files will transition to the 2018 Protocol provisions and the Region will assume responsibility.

In an effort to continue the timely reviews of development applications, EAs and major studies during the transition period, the NPCA may support the Region by providing expertise as needed on a fee for service basis; alternatively the Region may hire consultants as necessary.

8.3 Overlapping Mandate

There will be occasions when the responsibilities of the NPCA and the Region overlap. On those occasions, both parties shall work together to provide consistent and sound comments. This will be accomplished by maintaining open dialogue and a good working relationship.

8.4 Conflict

- a) Where this Protocol is in conflict with the 2014 MOU, this Protocol will take precedence.
- b) Where there is conflict between new (changing) legislation and this Protocol, new legislation will take precedence.
- c) Subject to paragraph (d) below, where there is a conflict between the Region's Official Plan, the NPCA Regulation and/or Board adopted policies, the Regulation shall take precedence.

⁴ As determined by the approving authority generally as identified through pre-consultation and shown on the Pre-consultation Form/Letter.

- d) Where there are policy conflicts only, Regional, NPCA and local municipal staffs will work together to resolve the issue. If all efforts fail to resolve a policy conflict, a decision will be made by the approval authority, as per Table 2.

8.5 Streamlining

Further streamlining of the planning review process, as it relates to Provincial, NPCA and regional/local interests, is encouraged.

8.6 Information Sharing / Open Data

Any information or data sources generated by the Province, NPCA or Region, or generated through municipal or watershed studies will be shared, where possible.

8.7 Fees

- a) The Region will collect the NPCA Fee for applications to amend the Region’s Official Plan and remit any fees collected upon circulation of the application to the NPCA; fees for planning review and technical clearance services will be set by the NPCA;
- b) The NPCA will be responsible for collecting any further processing, approvals and/or Final Clearance Fees, if required; and,
- c) The NPCA will provide the Region and the local municipalities with an approved schedule of fees and updates.

8.8 Effective Date

This Protocol will take effect on the last date signed by the parties to this Protocol.

Date of Regional Council approval _____.

Date of NPCA Board approval _____.

Table 1: Responsibilities for Planning Application Review with Respect to Environmental Features

Environmental Features	Lead Agency	Mandate Authority	Planning Application and Policy Review Agency	Technical Clearance Review
Natural Hazards ⁵				
Flooding Hazards, Floodways and Floodplains	NPCA	PPS Section 3.1, MOU with Province, O. Reg. 155/06	NPCA	NPCA
Dynamic Beach and Erosion Hazards	NPCA	PPS Section 3.1, MOU with Province, O. Reg. 155/06	NPCA	NPCA
Hazardous Lands and Hazardous Sites	NPCA	PPS Section 3.1, MOU with Province, O. Reg. 155/06	NPCA	NPCA
Riverine Hazards	NPCA	PPS Section 3.1, MOU with Province, O. Reg. 155/06	NPCA	NPCA
Regulated Watercourses	NPCA	PPS Section 3.1, MOU with Province, O. Reg. 155/06	NPCA	NPCA
Wildland Fires	Region	PPS Section 3.1.8	Region	Region
Natural Heritage				
Wetlands	NPCA/Region	O. Reg. 155/06 PPS Section 2.1, ROP	NPCA/Region	NPCA/Region
Habitat of Endangered and Threatened Species	MNRF	Endangered Species Act (Federal and Provincial), ROP	Region	MNRF
Significant Woodlands	Region	PPS Section 2.1, ROP	Region	Region
Significant Wildlife Habitat	Region	PPS Section 2.1, ROP	Region	Region

⁵ For the purposes of this document reference to PPS Section 3.1 includes Policies 3.1.1 to 3.1.7 only.

Environmental Features	Lead Agency	Mandate Authority	Planning Application and Policy Review Agency	Technical Clearance Review
Significant Valleylands	Region	PPS Section 2.1, ROP	Region	Region
Significant ANSIs (life and earth)	Region	PPS Section 2.1, ROP	Region	Region
Fish Habitat	DFO	Fisheries Act, PPS Section 2.1, ROP	Region	DFO
Water Resource				
Vulnerable Groundwater Areas	Region	PPS Section 2.2, ROP	Region	Region
Groundwater Features	Region	PPS Section 2.2, ROP	Region	Region
Stormwater Management	Region	PPS Section 2.2, ROP	Region / Local	Region
Key Hydrologic Features	Region	Provincial Plans, ROP	Region	Region
Sensitive Water Features	Region	PPS Section 2.2, ROP	Region	Region
Significant Groundwater Recharge Areas	Region	Provincial Plans, ROP	Region	Region
Significant Surface Water Contribution Areas	Region	Provincial Plans, ROP	Region	Region
Intake Protection Zones/Vulnerable Surface Water Features	Local	Clean Water Act 2006 PPS Section 2.2, ROP	Region /Local	N/A

Acronyms from Table 1

DFO – Depart of Fisheries and Oceans

NEC – Niagara Escarpment Commission

O. Reg. 155/06 - Provincial Legislation with respect to the Niagara Peninsula Conservation Authority: Regulation of Development, Interference with wetlands and Alteration to Shorelines and Watercourses.

PPS - Provincial Policy Statement 2014

ROP – Regional Official Plan

Table 2: Implementation Responsibilities

Processes / Reports / Submissions	Lead Agency	Responsibility for Final Approval
Application Processes		
Regional Official Plan/Amendments	Region	Region
Local Official Plan/Amendments	Local	Local / Region ⁶
Zoning By-Law/Amendments	Local	Local
Draft Plans of Subdivision	Local	Local
Site Plan	Local	Local
Draft Plan of Condominium	Local	Local
Minor Variance/Permissions	Local	Local
Consent/Boundary Adjustments	Local	Local
NEC Applications	NEC	NEC
Building Permits	Local	Local
Aggregate Licence	Local / Region / MNRF	MNRF
Environmental Assessments	Local / Region / Province	Local / Region / Province
Reports / Studies		
EIS in a NPCA Regulated Area	NPCA	NPCA
EIS outside Settlement Area ⁷	Region	Region
EIS inside Settlement Area ⁸	Local	Local
Watershed Studies	Region	Region
Subwatershed Studies	Local	Local
Technical Reports for Natural Hazard Identification	NPCA	NPCA
Regional Master Servicing Plans	Region	Region
Regional Stormwater Guidelines	Region	Region

Notes for Table 2:

- (i) The responsibility for the Review of Environmental Features is as noted in Table 1
- (ii) The responsibility for Technical Clearance of Environmental Features is as noted in Table 1

⁶ Regional Official Plan Policies 14.E.7 and 14.E.8 identify criteria under which approval of Local Official Plan Amendment amendments may be delegated to the local Council for approval.

⁷ Notwithstanding the EIS is outside the Settlement Area, if the EIS includes a NPCA Regulated Area, the NPCA shall be the Lead and responsible for Final Approval of the EIS for the regulated features.

⁸ Notwithstanding the EIS is within the Settlement Area, if the EIS includes a NPCA Regulated Area, the NPCA shall be the Lead and responsible for Final Approval of the EIS for the regulated features.

Table 3: Responsibilities for Stormwater Management Review with Respect to Area of Interest

Area of Interest	NPCA	Region	MOECC	Local
Determination of need for Stormwater Report – Quality and Quantity		✓		✓
Review of Stormwater Report		✓	✓	✓
Location of Facility with Respect to Vision of Area				✓
Location of Facility with Respect to Natural Hazards	✓			
Location of Facility with Respect to Functionality		*		✓
Confirmation of Drainage Areas		*		✓
Sizing of Facility with Respect to Quality, Erosion and Quantity Controls, including Release Rates and Settling Calculations		✓		✓
Other Potential Impacts on Receiving Watercourse (e.g. thermal, water balance, etc)		✓		
Outlet Structure and Spillway Design		✓	✓	✓
Outlet to Watercourse (if necessary)	✓		✓	
Safety – Side Slopes, Grating, Grading, Emergency Access		✓		✓
Landscaping/Re-vegetation				✓
Long Term Maintenance			✓	✓
Major and Minor Flow Conveyance (internal to subdivision)				✓
Hydraulic Gradeline Analysis of Storm Sewer and Outlet				✓

*The Region will be involved in instances where the drainage of a Regional Road may be impacted.

Appendix A - Excerpt from the Memorandum of Understanding on Procedures to Address Conservation Authority Delegated Responsibility

Conservation Ontario, Ministry of Natural Resources & Ministry of Municipal Affairs and Housing

Memorandum of Understanding on Procedures to Address Conservation Authority Delegated Responsibility

2001

Purpose of the MOU

The MOU defines the roles and relationships between Conservation Authorities (CAs), the Ministry of Natural Resources (MNR), and the Ministry of Municipal Affairs and housing (MMAH) in planning for implementation of CA delegated responsibilities under the Provincial One Window Planning System...

Roles and Responsibilities

Conservation Authorities (CAs)

- a) The CAs will review policy documents and development proposals processed under the Planning Act to ensure that the application has appropriate regard to Section 3.1 of the PPS. [see Appendix C]
- b) Upon request from MMAH, CAs will provide comments directly to MMAH on planning matters related to Section 3.1 of the PPS as part of the provincial one window review process.
- c) Where there may be a potential conflict regarding a Conservation Authority's comments on a planning application with respect to Section 3.1 of the PPS and comments from provincial ministries regarding other Sections of the PPS, the Ministry of Municipal Affairs and Housing will facilitate discussions amongst the affected ministries and the Conservation Authority so that a single integrated position can be reached.
- d) CAs will apprise MMAH of planning matters where there is an issue as to whether there has been "regard to" Section 3.1 of the PPS to determine whether or not direct involvement by the province is required.
- e) Where appropriate, CAs will initiate an appeal to the OMB to address planning matters where there is an issue as to whether there has been "regard to" Section 3.1 of the PPS is at issue. CAs may request MMAH to support the appeal.
- f) CAs will participate in provincial review of applications for Special Policy Area approval.
- g) CAs will work with MMAH, to develop screening and streamlining procedures that eliminate unnecessary delays and duplication of effort.

Appendix B - Excerpt from the Provincial Policy Statement 2014 – Conservation Responsibility for Natural Hazards

3.1 Natural Hazards

3.1.1 Development shall generally be directed to areas outside of:

- a. hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
- b. hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and
- c. hazardous sites.

3.1.2 *Development and site alteration* shall not be permitted within:

- a. the dynamic beach hazard;
- b. defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- c. areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
- d. a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1.3 Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

3.1.4 Despite policy 3.1.2, *development and site alteration* may be permitted in certain areas associated with the *flooding hazard along river, stream and small inland lake systems*:

- a. in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications; or
- b. where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

3.1.5 *Development* shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

- a. an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b. an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations; or
- c. uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

3.1.6 Where the *two zone concept* for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources.

3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a. development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- b. vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c. new hazards are not created and existing hazards are not aggravated; and
- d. no adverse environmental impacts will result.⁹

3.1.8 *Development* shall generally be directed to areas outside of lands that are unsafe for *development* due to the presence of *hazardous forest types for wildland fire*.

Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.¹⁰

⁹ Policy 3.1.7 of the PPS was added to the PPS in 2014, and was not part of the Memorandum of Understanding on Procedure to Address Conservation Authority Delegated Responsibility in 2001 between Conservation Ontario, Ministry of Natural Resources & Ministry of Municipal Affairs and Housing. However, Policy 3.1.7 provides clarity to Policies 3.1.2 and 3.1.5 and therefore could be considered part of the NPCA mandate.

¹⁰ Policy 3.1.8 of the PPS was added to the PPS in 2014, and was not part of the Memorandum of Understanding on Procedures to Address Conservation Authority Delegated Responsibility in 2001 between Conservation Ontario, Ministry of Natural Resources & Ministry of Municipal Affairs and Housing. As wildland fire is a new hazard, it should not be considered part of the NPCA mandate unless the Province gives further direction on this matter.

Appendix C - Excerpt from the Ontario Regulation 155/06 Niagara Peninsula Conservation Authority: Regulation of Development, Interface with Wetlands and Alterations to Shorelines and Watercourses

Development prohibited

2. (1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,

(a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beaches, including the area from the furthest offshore extent of the Authority's boundary to the furthest landward extent of the aggregate of the following distances:

(i) the 100 year flood level, plus the appropriate allowance for wave uprush shown in the most recent document entitled "Lake Ontario Shoreline Management Plan" available at the head office of the Authority,

(ii) the 100 year flood level, plus the appropriate allowance for wave uprush shown in the most recent document entitled "Lake Erie Shoreline Management Plan" available at the head office of the Authority,

(iii) the predicted long term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period,

(iv) where a dynamic beach is associated with the waterfront lands, the appropriate allowance inland to accommodate dynamic beach movement shown in the most recent document entitled "Lake Ontario Shoreline Management Plan" available at the head office of the Authority, and

(v) where a dynamic beach is associated with the waterfront lands, the appropriate allowance inland to accommodate dynamic beach movement shown in the most recent document entitled "Lake Erie Shoreline Management Plan" available at the head office of the Authority;

(b) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:

(i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,

(ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable

slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side,

(iii) where the river or stream valley is not apparent, the valley extends the greater of,

(A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, to a similar point on the opposite side, and

(B) the distance of a predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood standard, to a similar point on the opposite side;

(c) hazardous lands;

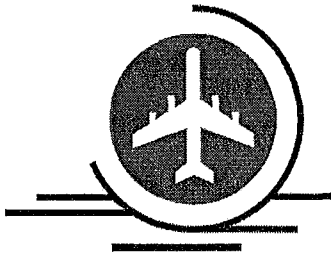
(d) wetlands; or

(e) other areas where development could interfere with the hydrologic function of a wetland, including areas up to 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size, and areas within 30 metres of wetlands less than 2 hectares in size. O. Reg. 155/06, s. 2 (1); O. Reg. 71/13, s. 1 (1-3).

(2) All areas within the jurisdiction of the Authority that are described in subsection (1) are delineated as the "Regulation Limit" shown on a series of maps filed at the head office of the Authority under the map title "Ontario Regulation 97/04: Regulation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". O. Reg. 71/13, s. 1 (4).

(3) If there is a conflict between the description of areas in subsection (1) and the areas as shown on the series of maps referred to in subsection (2), the description of areas in subsection (1) prevails. O. Reg. 71/13, s. 1 (4).

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NIAGARA CENTRAL
Airport Commission

P. O. Box 234

WELLAND, ONTARIO

L3B 5P4

January 12, 2018

City Clerk City of Port Colborne 66 Charlotte Street Port Colborne, Ontario L3K 3C8 Via email to ashleygrigg@portcolborne.ca	City Clerk City of Welland 60 East Main Street Welland, Ontario L3B 3X4 Via email to clerk@welland.ca
Chief Administrative Officer/Clerk Township of Wainfleet 31940 Highway 3 P.O. Box 40 Wainfleet, Ontario L0S 1V0 Via email to across@wainfleet.ca	Town Clerk Town of Pelham 20 Pelham Town Square P.O. Box 400 Fonthill, Ontario L0S 1E0 Via email to nbozzato@pelham.ca

**Mayors and Councils of City of Port Colborne, City of Welland, Township of Wainfleet,
and the Town of Pelham:**

Following is brief synopsis of issues and developments at Niagara Central Dorothy Rungeling Airport through the fourth quarter of 2017 for your information:

Condition and Maintenance:

- Cost of completion of repairs to Taxiway Alpha, and repairs to the Secondary Runway and Taxiway Bravo was submitted in the 2018 capital budget. An estimated amount of \$173,000.00 will provide remedial treatment to the treated surfaces such that they can be used safely for 10+ years.

Other Repair and Maintenance Issues:

- MOE has reviewed plans of new septic system designed by the engineering firm AMEC to replace the current greater than 70 year old system. Inasmuch as MOE review has taken longer than 3 years, we are updating the base premises of the plan to current status before proceeding with a permit application. NCAC met with Region officials on November 1, 2017, to review requirements and plans. Wood Group (previously AMEC Foster Wheeler) is redrafting the technical report required by the permit application.
- The runway lighting system is still operational but will require renovation as they system is aged and spare parts are scarce and difficult to source.

Request to Upload Control and Governance of NCDRA to Region:

- On September 26, 2016, Regional Council passed a motion supporting in principle that the Region adopt sole-responsibility for operations and governance of Niagara District and Niagara Central Dorothy Rungeling Airports. Subject to completion of a phase 2 environmental assessment at each location paid for by the current owners/operators, Regional staff is authorized to initiate negotiations with funding partners of both airports to transition responsibility.
- The required Environmental Assessment of NCDRA was substantially completed during the 3rd quarter, and the Phase 2 report should be available within October to be forwarded to the Region.
- Niagara Central Airport Commission and NCDRA staff will work with our stakeholder municipalities to facilitate the negotiation process with the Region to make the transition of control to the Region.
- CAO Pelham has been asked to bring CAO's of the stakeholder municipalities together to draft a common negotiating position for Councils' to approve for use in discussions with the Region.

Growth:

- The local chapter of the Canadian Owners and Pilots Association (COPA Flight 149) has suggested that NCDRA rehabilitate the abandoned runway as a grass strip. They have offered to participate in the cost of construction and to undertake the maintenance of the strip. A plan and budget of this conversion is under consideration by NCAC, and a decision is expected early in the first quarter of 2018. A full description of the project will be forwarded to stakeholder municipalities in the coming weeks.
- Plans for the construction of an 8 bay hangar condominium have been abandoned by its developer. Development plans for other hangars are under discussion.

Airport Activities:

- Activities are at a low winter level. Weather in December produced a higher than normal snow plowing expenditure.
- In light of public discussion of the possible change of control of airport operations to the Region, several tenants have requested that their leases be re-negotiated to ensure certainty. Discussions continue.
- The incident between aircraft on runway 05/23 in October resulted in the cleanup of spilled fuel, the cost of which will be borne by the insurance coverage of the aircraft involved. This item remains outstanding.

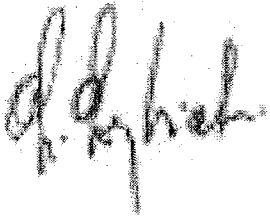
Fundraising:

- NCDRA is awaiting notification from stakeholder municipalities that operating and capital budgets have been approved.
- It is anticipated that the \$173,000.00 capital infusion will be funded through loan agreements with the stakeholder municipalities in the same manner that capital was provided last year for hangar roof and septic system improvements.
- Discussions regarding application of Section 110 of the Ontario Municipal Tax Act will depend on the outcome of negotiations around Region's uplift of control of the airport.

2015 through 2018 Niagara Central Airport Commission Members:

Welland	Jim Larouche John Mastroianni (Vacant)
Port Colborne	Barbara Butters (Vice-Chair) Bea Kenny
Wainfleet	Ted Hessels
Pelham	Richard Rybiak (Chair)

Sincerely,



Richard Rybiak
Chair
Niagara Central Airport Commission

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From: Scott Butler <scott@ogra.org>
To: "cityclerk@portcolborne.ca" <cityclerk@portcolborne.ca>
Date: 2018-01-17 04:13 PM
Subject: OGRA Requests Support for MCEA Process Reform

City of Port Colborne
RECEIVED
JAN 23 2018
CORPORATE SERVICES
DEPARTMENT



**ONTARIO
GOOD ROADS
ASSOCIATION**
1525 Cornwall Road, Unit 22
Oakville, Ontario
L6J 0B2
Telephone 289-291-6472
Fax 289-291-6477

Wednesday, January 17, 2018

Ashley Grigg
City Clerk
City of Port Colborne

Good afternoon Ashley:

The following correspondence was sent to your Head of Council earlier this afternoon. OGRA respectfully requests that you please it on your next Council agenda for information.

Regards,

Scott R. Butler
OGRA, Policy and Research
22 - 1525 Cornwall Road, Oakville, Ontario L6J 0B2
T: 289-291-6472 Ext. 24 C: 416-564-4319 www.ogra.org

The Ontario Good Roads Association is seeking reforms to the Municipal Class Environmental Assessment (MCEA) process. In its current form the MCEA process has made municipal infrastructure projects longer in duration and more costly. The OGRA Board of Directors encourages all municipalities in Ontario to adopt the following resolution that calls on the Minister of the Environment and Climate Change to accelerate the Application for Review of the MCEA process.

Links to further background information about the Municipal Class Environmental Assessment process can be found below the resolution.

DRAFT RESOLUTION

Whereas a coalition of the Municipal Engineers Association (MEA) and the Residential and Civil Construction Alliance of Ontario have successfully applied to have a review of the Municipal Class Environmental Assessment process conducted under Part IV (Section 61) of the *Environmental Bill of Rights Act, 1993* (EBR Act);

And whereas impact studies and public meetings required by the MCEA process often take two years or more to complete before construction can commence;

And whereas the MCEA requirements to evaluate alternatives are often not well aligned with prior or municipal land use planning decisions;

And whereas analysis by the Residential and Civil Construction Alliance of Ontario (RCCAO) has demonstrated that the time to complete an EA rose from 19 months to 26.7 months and costs went from an average of \$113,300 to \$386,500;

And whereas the Auditor General of Ontario has tabled recommendations for modernizing the MCEA process;

And whereas in spite of written commitments made by the Ministry of the Environment between 2013-2015, no action has been taken;

And whereas local projects that do not have the necessary approvals could lose out on the next intake of Build Canada funding;

Therefore be it resolved that City of Port Colborne requests that the Minister of the Environment and Climate Change take immediate steps to expedite the response process for Part II Orders or Bump-Up requests, as part of the s.61 review to improve MCEA process times and reduce study costs;

And further that the Minister of the Environment and Climate Change support changes to better integrate and harmonize the MCEA process with processes defined under the *Planning Act*;

And further that the Minister of the Environment and Climate Change amend the scope of MCEA reports and studies to reduce duplication with existing public processes and decisions made under municipal Official Plans and provincial legislation.

BACKGROUND INFORMATION

The following links provide a comprehensive background of the work that the Municipal Engineers Association and the Residential and Civil Construction Alliance of Ontario have done to advance this issue of MCEA reform.

- October 2017 Correspondence from the Municipal Engineers Association and the Residential and Civil Construction Alliance of Ontario to the Hon. Chris Ballard, Minister of the Environment and Climate Change.
- ReNew Magazine editorial examining the need to review the Municipal Class Environmental Assessment process
- The Development Approval Roundtable Action Plan, November 2017
- Meeting Notes from the November 29, 2017 Evolution of the MCEA Workshop.
- The MEA Companion Guide for the Municipal Class Environmental Assessment Manual
- Are Ontario's Municipal Class Environmental Assessments Worth the Added Time and Costs? The 2014 Edition

If you have any questions or concerns, please contact Scott Butler, OGRA's Manager of Policy and Research at 289-291-6472 ext. 24 or via email at scott@ogra.org.

Regards,



Scott R. Butler
OGRA, Policy and Research
22 - 1525 Cornwall Road, Oakville, Ontario L6J 0B2
T: 289-291-6472 Ext. 24 C: 416-564-4319 www.ogra.org

Scott Butler

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City of Port Colborne
RECEIVED

DEC 13 2017

**CORPORATE SERVICES
DEPARTMENT**

From: "Cripps, Donna" <donna.cripps@lhins.on.ca>
To: "DKelley@forterle.ca" <DKelley@forterle.ca>
Cc: "Justin.trudeau@parl.gc.ca" <Justin.trudeau@parl.gc.ca>, "kwynne.mpp@liberal.ola.org" <kwynne.mpp@liberal.ola.org>, "premier@ontario.ca" <premier@ontario.ca>, "Ginette.petitpastaylor@parl.gc.ca" <Ginette.petitpastaylor@parl.gc.ca>, "ehoskins.mpp@liberal.ola.org" <ehoskins.mpp@liberal.ola.org>, "csousa.mpp@liberal.ola.org" <csousa.mpp@liberal.ola.org>, "Johnston, Suzanne - Niagara Health System" <suzanne.johnston@niagarahealth.on.ca>, "Smith, Kevin - Niagara Health System" <Kevin.Smith@niagarahealth.on.ca>, "Cripps, Donna" <donna.cripps@lhins.on.ca>, "wgates-co@ndp.on.ca" <wgates-co@ndp.on.ca>, "cforster-qp@ndp.on.ca" <cforster-qp@ndp.on.ca>, "sam.oosterhoff@pc.ola.org" <sam.oosterhoff@pc.ola.org>, "jbradley.mpp.co@liberal.ola.org" <jbradley.mpp.co@liberal.ola.org>, "vance.badawey@parl.gc.ca" <vance.badawey@parl.gc.ca>, "rob.nicholson@parl.gc.ca" <rob.nicholson@parl.gc.ca>, "chris.bittle@parl.gc.ca" <chris.bittle@parl.gc.ca>, "dean.allison@parl.gc.ca" <dean.allison@parl.gc.ca>, "across@wainfleet.ca" <across@wainfleet.ca>, "ashleygrigg@portcolborne.ca" <ashleygrigg@portcolborne.ca>, "bdunk@stcatharines.ca" <bdunk@stcatharines.ca>, "billmatson@niagarafalls.ca" <billmatson@niagarafalls.ca>, "carmela.radice@welland.ca" <carmela.radice@welland.ca>, "carolynlanglely@westlincoln.com" <carolynlanglely@westlincoln.com>, "Clerk@thorold.com" <Clerk@thorold.com>, "Frank.fabiano@niagararegion.ca" <Frank.fabiano@niagararegion.ca>, "hsoady-easton@grimsby.ca" <hsoady-easton@grimsby.ca>, "njbozzato@pelham.ca" <njbozzato@pelham.ca>, "PTodd@notl.org" <PTodd@notl.org>, "wkolasa@lincoln.ca" <wkolasa@lincoln.ca>
Date: 12/13/17 08:35 AM
Subject: RE: Health Care Services in the Niagara Region
Sent by: "Neila, Candice" <candice.neila@lhins.on.ca>

Dear Ms. Schofield,

Thank you for copying the Hamilton Niagara Haldimand Brant Local Health Integration Network (HNHB LHIN) on the Town of Fort Erie's November 29, 2017 letter to Prime Minister Trudeau and Premier Wynne regarding health care services in the Niagara region.

While the HNHB LHIN continues to work closely with the provincial Ministry of Health and Long-Term Care and Niagara Health on the new South Niagara hospital, we also have a close eye on the current health care programs and services offered within Niagara. Based on information provided by Niagara Health as well as other hospitals in our geography, the HNHB LHIN was able to inform the ministry of bed needs related to surge capacity. This input was used to inform the ministry's recent announcement of additional surge beds for Niagara Health as well as hospitals in Brantford, Hamilton and Burlington.


In addition to allocating additional beds, hospitals across the province, including Niagara Health, also received funding increases earlier this year. Niagara Health was the recipient of more than \$7.5 million in new base funding and that money is in addition to Niagara Health's \$379.5 million base funding for the year.


We appreciate the Town of Fort Erie bringing their concerns forward and we will continue to work with Niagara Health to understand and work to resolve health care concerns across the Niagara Region as well as the entire LHIN geography.


Sincerely,


Donna Cripps
Chief Executive Officer/ Directrice générale

Hamilton Niagara Haldimand Brant Local Health Integration Network
264 Main Street East
Grimsby, ON, L3M 1P8

 (905) 945-4930 ext. 4210 or 1-866-363-5446

 (905) 945-1992

 donna.cripps@lhins.on.ca

 www.hnhblhin.on.ca

♦ Twitter - [@HNHB_LHINgage](https://twitter.com/HNHB_LHINgage)

Dramatically improving the patient experience through Quality, Integration and Value.

 Please consider the environment before printing this email.

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ST. CATHARINES

Legal and Clerks Services

Office of the City Clerk
PO Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

City of Port Colborne
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JAN 23 2018

CORPORATE SERVICES
DEPARTMENT

Phone: 905.688.5000
Fax: 905.682.3631
TTY: 905.688.4TTY (4889)

January 17, 2018

The Right Honourable Justin Trudeau
Prime Minister
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2
Sent via email:
Justin.trudeau@gar1.gc.ca

The Honourable Kathleen Wynne
Premier of Ontario
Queen's Park
Main Legislative Building, Room 281
Toronto, ON M7A 1A1
Sent via email:
premier@ontario.ca

Honourable and Dear Sir:

Honourable and Dear Madam:

Re: Town of Fort Erie Support of Resolution: Health Care Services in Niagara Region

Please be advised that the City of St. Catharines Council, at its Regular meeting held January 15, 2018, endorsed the Resolution from the Town of Fort Erie regarding the need for additional and immediate financial commitment to Niagara's Health facilities.

The motion endorsed reads as follows:

"Whereas the roles and responsibilities for health care services are shared between Provincial & Territorial Governments and the Federal Government, and

Whereas the Federal Government is responsible for setting and administering National standards for the health care system through the Canada Health Care Act; funding support; and other health-related functions, and

Whereas the Province of Ontario is responsible for the management, organization and delivery of health care services for their residents, and

Whereas the Niagara Health System is part of the Hamilton Niagara Haldimand Brant Local Health Integration Network, most commonly known as the "LHIN", and covers the geographic area that encompasses Brant, Burlington, Haldimand, Hamilton, Niagara and most of Norfolk with approximately 1.4 million people and is the second-largest LHIN in Ontario, and

Whereas the Niagara Health System is responsible for servicing 450,000 Niagara residents across six sites which is comprised of 3 hospitals in Niagara Falls, St. Catharines and Welland; 2 Urgent Care facilities located in Fort Erie and Port Colborne; and one Nurse Practitioner Clinic in Niagara-on-the-Lake, and

Whereas Niagara's emergency rooms are currently experiencing the same difficulties as those across Canada of being overcrowded, overburdened and under resourced which is

evident with longer triage and wait times; lack of available beds resulting in more patients laying on stretchers in hallways, lack of extra doctors, nurses, personal support workers, cleaning staff and proper medical and cleaning supplies, and

Whereas Niagara currently faces immense challenges in servicing medical needs of the residents, and

Whereas there is a need for further investment in the Niagara Health System as it relates to providing additional resources to the growing demands of health care, and

Whereas the Council of the Town of Fort Erie recognizes its responsibility of representing the residents of The Town of Fort Erie advocating for access to great medical care and facilities.

Now therefore be it resolved,

That: The Council of the Town of Fort Erie hereby expresses the needs for additional and immediate financial commitment to Niagara's Health facilities from the federal government, the provincial government, the LHIN and the Niagara Health System, as opposed to named individuals, so that additional beds can be made available to alleviate the current status of overcrowded, overburdened and under resourced emergency rooms, and further

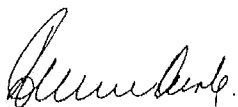
That: The Council of the Town of Fort Erie also expresses the need for additional medical staffing that includes extra doctors, nurses, personal support workers, cleaning staff and proper medical and cleaning supplies to be included as part of that financial commitment, and further

That: A copy of this resolution be forwarded to the Region of Niagara, all municipalities within Niagara, MPP's Wayne Gates, Cindy Forster, Sam Oosterhoff, Jim Bradley, MP's Vance Badawey, Rob Nicholson, Chris Bittle, Dean Allison; for their support, and further

That: A copy of this resolution also be forwarded to the Office of the Prime Minister of Canada, the Honorable Justin Trudeau, the Office of Premier Kathleen Wynne, Federal Health Minister, Ginette Petitpas Taylor, the Ontario Minister of Health and Long-Term Care, Dr. Eric Hoskins, Minister of Finance, Charles Sousa, President of the Niagara Health System, Suzanne Johnston, and the CEO of the Niagara Health System, Kevin Smith, and Donna Cripps, Chief Executive Officer of the Hamilton Niagara Haldimand Brant Local Health Integration Network."

Should you have any questions, please do not hesitate to contact the Office of the City Clerk at Extension 1517.

Respectfully submitted,



Bonnie Nistico-Dunk
City Clerk
:ks

Cc: The Honourable Ginette Petitpas Taylor, Minister of Health
The Honourable Eric Hoskins, Minister of Health and Long Term Care
The Honourable Charles Sousa, Minister of Finance
Dr. Suzanne Johnston, President, NHS
Dr. Kevin Smith, CEO, NHS
Ms. Donna Cripps -Chief Executive Officer, Hamilton Niagara Haldimand Brant LHIN
Mr. Wayne Gates, MPP-Niagara Falls, Legislative Assembly of Ontario
Ms. Cindy Forster, MPP-Niagara Centre, Legislative Assembly of Ontario
Mr. Sam Oosterhoft, MPP-Niagara West-Glanbrook, Legislative Assembly of Ontario
Mr. James Bradley, MPP-St. Catharines, Legislative Assembly of Ontario
Mr. Vance Badawey, MP-Niagara Centre, Parliament of Canada
Mr. Rob Nicholson, MP-Niagara Falls, Parliament of Canada
Mr. Chris Bittle, MP-St. Catharines, Parliament of Canada
Mr. Dean Allison, MP-Niagara West, Parliament of Canada
Niagara Region
Niagara Area Local Municipalities

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JAN 30 2018

CORPORATE SERVICES
DEPARTMENT



CITY OF
ST. CATHARINES

Legal and Clerks Services

Office of the City Clerk
PO Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905.688.5600
Fax: 905.682.3631
TTY: 905.688.4TTY (4889)

January 30, 2018

Frank Fabiano
Acting Regional Clerk
Sent via email: Frank.Fabiano@niagararegion.ca

Ann-Marie Norio
Deputy Regional Clerk
Sent via email: Ann-Marie.Norio@niagararegion.ca

Re: Long Term Care Facilities – Increased Funding

Please be advised that the City of St. Catharines Council, at its Regular Meeting held January 29, 2018, approved the following motion:

WHEREAS St. Catharines and Niagara have a significant senior population; and

WHEREAS residents in long term care facilities have the right to dignity, timely and high-quality care; and

WHEREAS the City of St. Catharines recognizes the excellent work of Niagara Regional long term care facility front line staff and community volunteer groups like the Friends of Linhaven and the Linhaven Home Auxiliary Group; and

WHEREAS the Niagara Region continuously identifies operational efficiencies to ensure provincial funding is maximized for direct front line resident care; and

WHEREAS the amount of time staff spends directly with residents is an important metric to determine the level of care provided; and

WHEREAS residents in long term care facilities often have complex ailments resulting in increased demand for direct staff-resident contact time; and


WHEREAS the Government of Ontario announced on November 7, 2017 their 20 point plan "Aging with Confidence" that promised to increase the provincial average of direct resident care to four hours per resident per day;

THEREFORE BE IT RESOLVED that the City of St. Catharines calls on the Government of Ontario to ensure long term care facilities in St. Catharines and Niagara receive the necessary funding to implement four hours of direct care per resident per day at the earliest opportunity; and

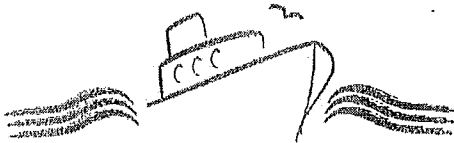
BE IT FURTHER RESOLVED that the City of St. Catharines requests the Niagara Region's endorsement of this resolution; and

BE IT FURTHER RESOLVED that this resolution be circulated to local area municipalities, local MPPs, Premier Wynne, Minister of Health and Long Term Care, and Leaders of the Opposition.

Should you have any questions, please do not hesitate to contact the Office of the City Clerk at Extension 1506.



Bonnie Nistico-Dunk
City Clerk
:ks



Where Ships Climb The Mountain...

City of St. Catharines
RECEIVED

JAN 19 2018

CORPORATE SERVICES
DEPARTMENT

Thorold

January 18, 2018

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

bdunk@stcatharines.ca

Attention: Bonnie Nistico-Dunk, City Clerk

Dear Ms. Nistico-Dunk:

**Re: Niagara Peninsula Conservation Authority - Disclosure of
Legal Costs**

Please be advised Thorold City Council, at its January 16, 2018 meeting, adopted the following resolution:

That the correspondence received from the City of St. Catharines at its Council meeting of December 11, 2017 requesting the Niagara Peninsula Conservation Authority Board disclose the total amounts spent on the lawsuits, including the suit by the Niagara Peninsula Conservation Authority's then Chief Administrative Officer, which the Niagara Peninsula Conservation Authority also funded, be received and supported.

CARRIED

Yours truly,

Donna Delvecchio
City Clerk

DD:cd

...2

City of Thorold

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

www.thorold.com

Tel: 905-227-6613

133

ec: M. Dilwaria, Chief Administrative Officer

Premier of Ontario
Minister of Natural Resources and Forestry
Auditor General of Ontario
Office of the Ontario Ombudsman
MPP Cindy Forster
MPP Wayne Gates
MPP Sam Oosterhoff
City of Hamilton
Haldimand County
Region of Niagara
Local Area Municipalities



City of Port Colborne
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JAN 19 2018
CORPORATE SERVICES
DEPARTMENT

Thorold

January 18, 2018

Township of Wainfleet
31940 Highway #3
P.O. Box 40
Wainfleet, ON L0S 1V0

across@wainfleet.ca

Attention: Adam Cross, Clerk

Dear Mr. Cross:

Re: Federal Changes to the Municipal Councillor Taxation on Income

Please be advised Thorold City Council, at its January 16, 2018 meeting, adopted the following resolution:

That the correspondence received from the Township of Wainfleet at its Council meeting of December 5, 2017 requesting the Ontario Federation of Agriculture lobby the Federal government to have one-third tax exemption for municipal Councillors reinstated, be received and supported.

CARRIED

Yours truly,



Donna Delvecchio
City Clerk

DD:cd

ec: M. Dilwaria, Chief Administrative Officer

Ontario Federation of Agriculture
Local Area Municipalities

City of Thorold

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

www.thorold.com

Tel: 905-227-8613

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Where Ships Climb The Mountain...

January 18, 2018

City of Port Colborne
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JAN 19 2018

CORPORATE SERVICES
DEPARTMENT

Thorold

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

bdunk@stcatharines.ca

Attention: Bonnie Nistico-Dunk, City Clerk

Dear Ms. Nistico-Dunk:

Re: Gillian's Place and National Day of Action on Violence Against Women

Please be advised Thorold City Council, at its January 16, 2018 meeting, adopted the following resolution:

That the correspondence received from the City of St. Catharines at its Council meeting of December 11, 2017 calling on the federal and provincial governments to increase funding to violence against women shelters to support the prevention of gender-based violence, be received and supported.

CARRIED

Yours truly,

Donna Delvecchio
City Clerk

DD:cd

cc: M. Dilwaria, Chief Administrative Officer

MP Vance Badawey
MPP Cindy Forster
Region of Niagara
Local Area Municipalities

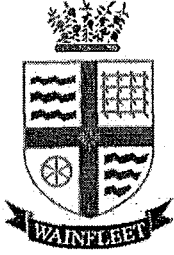
City of Thorold

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

www.thorold.com

Tel: 905-227-6613

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Township of Wainfleet

"Wainfleet - find your country side!"

City of Port Colborne
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JAN 18 2018
CORPORATE SERVICES
DEPARTMENT

January 15, 2018

Carol Schofield
Interim Manager, Legislative Services/Clerk
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie ON L2A 2S6

VIA EMAIL: cschofield@forterie.ca

**RE: Niagara Parks Commission's Proposed Expansion and Enhancement –
Marina and Resort Development at Miller's Creek**

Dear Ms. Schofield,

Thank you for your recent correspondence, received by our office on December 12, 2017. Please be advised that Council for the Township of Wainfleet, at its meeting held on January 9, 2018 passed the following resolution:

Resolution No. C-014-2018

Moved By Ted Hessels
Seconded By Richard Dykstra

"THAT correspondence item C-015-2018 received from the Town of Fort Erie Re: Niagara Parks Commission's Proposed Expansion and Enhancement – Marina and Resort Development at Miller's Creek be received for information."

Carried

If you have any questions, please don't hesitate to contact the undersigned.

Regards,

Adam Cross
Clerk

CC: Local Area Municipalities

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JAN 19 2018

CORPORATE SERVICES
DEPARTMENT

TOWN OF LAKESHORE

419 Notre Dame St.
Belle River, ON N0R 1A0

January 16, 2018

All Ontario Municipalities

VIA EMAIL

To Whom It May Concern:

**RE: ALLOCATE INFRASTRUCTURE FUNDING DEDICATED TO
MUNICIPALITIES FOR STORM WATER MANAGEMENT AND
DRAINAGE IMPROVEMENTS**

At their meeting of November 7, 2017 the Council of the Town of Lakeshore duly passed the following resolution.

Councillor Wilder moved and Deputy Mayor Fazio seconded:

WHEREAS weather patterns seem to have changed, in that excessive and prolonged precipitation is now becoming more frequent and regular;

WHEREAS there is an increased chance of flooding, as result of excessive and prolonged precipitation;

WHEREAS municipalities are now faced with the reality that significant storm water management and drainage infrastructure improvements are required to mitigate against flooding, which will come at a significant cost;

WHEREAS it is not feasible for municipalities to pass along the costs of all storm water management and drainage improvements onto property owners through property tax increases or drainage assessments;

WHEREAS municipalities are almost entirely reliant upon property taxes for their funding needs; and

WHEREAS the Government of Canada and the Government of Ontario have recognized the need for infrastructure investments and have promised funding for these investments.

NOW THEREFORE BE IT RESOLVED that the Government of Canada and the Government of Ontario be urged to immediately allocate infrastructure funding dedicated to municipalities for storm water management and drainage improvements;

BE IT FURTHER RESOLVED that the Government of Canada and the Government of Ontario prioritize funding allocations according to the recent propensity of specific regions to flood, with a specific focus on regions that have flooded multiple times, within a 1 year period;

BE IT FURTHER RESOLVED that a copy of this motion be sent to the Right Honourable Justin Trudeau, Prime Minister of Canada, Mr. Andrew Scheer, Leader of the Conservative Party of Canada, Mr. Jagmeet Singh, Leader of the New Democratic Party of Canada, Ms. Elizabeth May, Leader of the Green Party of Canada, all Members of Parliament, the Honourable Kathleen Wynne, Premier of Ontario, Mr. Patrick Brown, Leader of the Progressive Conservative Party of Ontario, Ms. Andrea Horwath, Leader of the New Democratic Party of Ontario, and all Members of Provincial Parliament in Ontario; and

BE IT FURTHER RESOLVED THAT a copy of this Motion be sent to the Federation of Canadian Municipalities (FCM), the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Motion Carried Unanimously

Should you require any additional information with respect to the above matter, please contact the undersigned.

Yours truly,



Mary Masse
Clerk

/km

cc: Right Honourable Justin Trudeau, Prime Minister of Canada
cc: Honourable Kathleen Wynne, Premier
cc: Mr. Andrew Scheer, Leader of the Conservative Party of Canada
cc: Mr. Jagmeet Singh, Leader of the New Democratic Party of Canada
cc: Ms. Elizabeth May, Leader of the Green Party of Canada
cc: Hon. Patrick Brown, Leader of Progressive Conservative Party
cc: Hon. Andrea Horwath, Leader of New Democratic Party
cc: Members of Provincial Parliament in Ontario
cc: Federation of Canadian Municipalities (FCM)
cc: Association of Municipalities of Ontario (AMO)
cc: Via Email - All Ontario Municipalities

JAN 23 2018

**CORPORATE SERVICES
DEPARTMENT**

From: "MIN Feedback (MNRF)" <minister.mnrf@ontario.ca>
To: "ashleygrigg@portcolborne.ca" <ashleygrigg@portcolborne.ca>
Date: 01/11/18 03:46 PM
Subject: Message from the Honourable Kathryn McGarry, Minister of Natural Resources and Forestry

**Ministry of Natural
Resources and Forestry**

**Ministère des Richesses
naturelles et des Forêts**

Office of the Minister

Bureau de la ministre

Room 6630, Whitney Block
99 Wellesley Street West
Toronto ON M7A 1W3
Tel: 416-314-2301
Fax: 416-314-2216

Édifice Whitney, bureau 6630
99, rue Wellesley Ouest
Toronto (Ontario) M7A 1W3
Tél.: 416-314-2301
Télééc.: 416-314-2216



MNR6446MC-2017-2216

January 11, 2018

Ms. Ashley Grigg
City Clerk
City of Port Colborne
ashleygrigg@portcolborne.ca

Dear Ms. Grigg:

Thank you for sharing with me your Council's resolution regarding the appointment of a provincial supervisor to the Niagara Peninsula Conservation Authority (NPCA) and the appointment of members to the authority. I note that you also wrote to Premier Kathleen Wynne. I would like to provide you with the following information.

In response to local concerns regarding the authority's operations, our government formally requested that the Provincial Auditor General conduct a full financial audit of the NPCA on October 25, 2017. The Auditor General will determine when to initiate the audit and my ministry looks forward to supporting this work.

I am pleased to inform you that the *Building Better Communities and Conserving Watersheds Act, 2017* was recently passed which included amendments to the *Conservation Authorities Act* to reflect the need for improved transparency and accountability in conservation authority decision-making and administration. Under the updated act, participating municipalities retain the responsibility for appointing members to local conservation authority boards. Given the important role that participating municipalities play in the appointment of representatives to local conservation authority boards, I encourage you to work collaboratively with the Region of Niagara to come to a mutual resolution regarding the appointment process of representatives to the NPCA Board.

My ministry has also released the document *Conserving Our Future: A Modernized Conservation Authorities Act* that proposes a number of additional regulatory, policy and program changes related to governance and accountability to be implemented over the next several years. This document is available at www.ontario.ca/ebr by searching for posting #012-7583. I assure you that my ministry will

continue to engage municipalities, stakeholders and the public as future policy and regulatory changes are considered.

Again, thank you for writing.

Best,

Kathryn McGarry
Minister of Natural Resources and Forestry

c: Premier Kathleen Wynne

Confidentiality Notice: *This e-mail contains information intended only for the use of the individual whose e-mail address is identified above. If you have received this e-mail in error, please advise us by responding to it. Please also destroy all copies of this message. Thank you*

[attachment "image001.jpg" deleted by Carrie McIntosh/Port_Notes]

FEB 01 2018

CORPORATE SERVICES
DEPARTMENT

From: Kathleen Wynne <premier@premier.gov.on.ca>
To: "carriemcintosh@portcolborne.ca" <carriemcintosh@portcolborne.ca>
Date: 2018-02-01 02:38 PM
Subject: An email from the Premier of Ontario

Dear Ms. McIntosh:

Thank you for your letter providing me with a copy of council's resolution regarding the Niagara Peninsula Conservation Authority. I appreciate your keeping me informed of council's activities.

I note that you have sent a copy of council's resolution to the Minister of Natural Resources and Forestry. I trust that Minister Des Rosiers will also take council's views into consideration.

Once again, thank you for the information. Please accept my best wishes.

Kathleen Wynne
Premier of Ontario

c: The Honourable Nathalie Des Rosiers

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This email contains information intended only for the use of the individual named above. If you have received this email in error, we would appreciate it if you could advise us through the Premier's website at <<https://correspondence.premier.gov.on.ca/en/feedback/default.aspx>> and destroy all copies of this message. Thank you.

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City of Port Colborne
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JAN 30 2018

CORPORATE SERVICES
Phone: 905.688.5600
Fax: 905.682.3631
TTY: 905.688.4TTY (4889)

January 30, 2018

Frank Fabiano
Acting Regional Clerk
Niagara Region
Sent via email:
Frank.Fabiano@niagararegion.ca

Carrie McIntosh
Deputy Clerk
City of Port Colborne
Sent via email:
cityclerk@portcolborne.ca

Re: Endorsement of City of Port Colborne Resolution and Motion regarding Regional Council Approval of Audit Committee Recommendations respecting Town of Pelham

Please be advised that the City of St. Catharines Council, at its Regular Meeting held January 29, 2018, endorsed the attached resolution from the Council of the City of Port Colborne, and approved the following motion:

WHEREAS for months the Region's Audit Committee has been questioning the Town of Pelham's finances; and

WHEREAS on November 20, 2017, despite Pelham's objections, Regional Council approved recommendations from its Audit Committee that were critical of Pelham's finances and included the very unusual step of contacting Pelham's lenders; and

WHEREAS a further motion from the Region's Audit Committee calls for the Province to order an investigation into Pelham's finances and land transactions; and

WHEREAS the findings of the KPMG Forensic report commissioned by Pelham concluded that there has not been a material change in the Town's financial position as suggested in the Regional resolution and further, that there have been no misstatements in the Town of Pelham financial statements; and

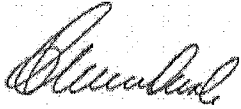
WHEREAS on December 11, 2017, the City of Port Colborne's Council passed a motion stating they are "strongly opposed to the resolution approved by Niagara Regional Council respecting the financial position of the Town of Pelham", and a similar motion has been passed by Thorold; and

WHEREAS Regional Government has no authority or mandate to interfere in the finances of any of the Regional municipalities;

THEREFORE BE IT RESOLVED that Council endorses Port Colborne's and Thorold's motions and strongly objects to the Region and its Audit Committee interfering in a local municipality's finances; and

BE IT FURTHER RESOLVED that Regional Council, all Niagara municipalities and MPPs and the Provincial Auditor General be notified.

Should you have any questions, please do not hesitate to contact the Office of the City Clerk at Extension 1506.



Bonnie Nistico-Dunk
City Clerk
:ks

cc: Local Area Municipalities
S. Oosterhoff, MPP, Niagara West-Glanbrook
J. Bradley, MPP, St. Catharines
W. Gates, MPP, Niagara Falls
C. Forster, MPP, Welland
B. Lysyk, Auditor General

Attachments:

1. Correspondence from City of Port Colborne dated December 13, 2017, "Niagara Region Re: Regional Council Approval of Audit Committee Recommendation Respecting the Town of Pelham"



PORT COLBORNE

CITY OF PORT COLBORNE

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

CORPORATE SERVICES DEPARTMENT, CLERK'S DIVISION

December 13, 2017

Sent via email: Frank.Fabiano@niagararegion.ca

Frank Fabiano, Acting Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Dear Mr. Fabiano

Re: Niagara Region Re: Regional Council Approval of Audit Committee Recommendation Respecting the Town of Pelham

Please be advised that the Council of the City of Port Colborne at its meeting of December 11, 2017 approved the following resolution:

That the Council of the Corporation of the City of Port Colborne is strongly opposed to the resolution approved by Niagara Regional Council respecting the financial position of the Town of Pelham;

That the correspondence informing of the above noted resolution be hereby returned to the Niagara Region; and

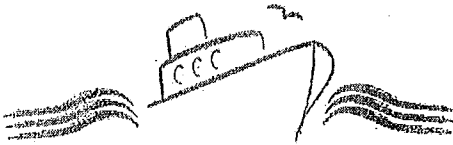
That this resolution be circulated to Local Area Municipalities, local MPPs, the Office of the Ontario Ombudsman and the Auditor General.

Respectfully submitted by,

Carrie McIntosh
Deputy Clerk

- Cc. Local Area Municipalities
- S. Oosterhoff, MPP, Niagara West-Glanbrook
- J. Bradley, MPP, St. Catharines
- W. Gates, MPP, Niagara Falls
- C. Forster, MPP, Welland
- Office of the Ontario Ombudsman
- B. Lysyk, Auditor General

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Where Ships Climb The Mountain...

January 18, 2018

City of Port Colborne
RECEIVED

JAN 19 2018

CORPORATE SERVICES
DEPARTMENT

Thorold

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

cityclerk@portcolborne.ca

Attention: Carrie McIntosh, Deputy Clerk

Dear Ms. McIntosh:

**Re: Regional Council Approval of Audit Committee Recommendation Respecting
the Town of Pelham**

Please be advised Thorold City Council, at its January 16, 2018 meeting, adopted the following resolution:

That the correspondence received from the City of Port Colborne at its Council meeting of December 11, 2017 strongly opposing the resolution approved by Niagara Regional Council respecting the financial position of the Town of Pelham, be received and supported.

CARRIED

Yours truly,

Donna Delvecchio
City Clerk

DD:cd

ec: M. Dilwaria, Chief Administrative Officer

MPP Cindy Forster
Office of the Ontario Ombudsman
Auditor General of Ontario
Audit Committee of Region of Niagara
Region of Niagara
Local Area Municipalities

City of Thorold

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

www.thorold.com

Tel: 905-227-6613

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**City of Port Colborne
Regular Committee of the Whole Meeting 01-18
Minutes**

Date: January 22, 2018

Time: 6:30 p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
F. Danch, Councillor
Y. Doucet, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)
J. Mayne, Councillor

Absent: B. Butters, Councillor (due to a conference)
A. Desmarais, Councillor (due to a conference)
D. Elliott, Councillor (due to a work commitment)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
A. Grigg, Director of Community and Economic Development
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
C. McIntosh, Deputy Clerk (minutes)
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and YourTV.

Note:

Quorum was temporarily lost during Item No. 12, Regional Councillor's Report. Councillor Y. Doucet and Councillor B. Kenny left the meeting at 7:35 p.m. Mayor Maloney called a temporary recess at 7:35 p.m. Councillor Y. Doucet and Councillor B. Kenny returned to the meeting at 7:40 p.m. Mayor Maloney reconvened the meeting at 7:41 p.m.

1. Call to Order:

Mayor Maloney called the meeting to order.

2. National Anthem:

Joel Longfellow sang O Canada.

3. Introduction of Addendum Items:

Nil.

4. Confirmation of Agenda:

Moved by Councillor R. Bodner
Seconded by Councillor B. Kenny

That the agenda dated January 22, 2018 be confirmed, as circulated or as amended.
CARRIED.

5. Disclosures of Interest:

Councillor Bodner declared a pecuniary interest with respect to item 24, Sherkston Shores Request to Hold Weekly Fireworks Display Events for 2018, as he owns a business in Sherkston Shores. Councillor Bodner refrained from discussing or voting on this item.

6. Adoption of Minutes:**(a) Regular meeting of Committee of the Whole 26-17, held on December 11, 2017.**

Moved by Councillor B. Kenny
Seconded by Councillor R. Bodner

(a) That the minutes of the regular meeting of Committee of the Whole 26-17, held on December 22, 2017, be approved as presented.
CARRIED.

7. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 3, 4, 5, 6, 7, 8, 22, 24, 29.

8. Approval of Items Not Requiring Separate Discussion:

Moved by Councillor R. Bodner
Seconded by Councillor Y. Doucet

That Items 1 to 37 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:**2. Fire and Emergency Services Department, Report No. 2018-11, Subject: Port Colborne Operatic Society Pyrotechnics**

Committee of the Whole recommends:

That By-law No. 4989/45/07 Being a By-law for Prohibiting and Regulating the Sale of Fireworks and Setting Off Fireworks in the City of Port Colborne be waived for the Port Colborne Operatic Society for their 2018 production, and further;

That the Port Colborne Operatic Society ensure it meets all of the requirements as set out in Fire and Emergency Services Report 2018-11 as well as any other requirements that may be required to ensure public safety.

9. Engineering and Operations, Engineering Division, Report No. 2018-10, Subject: Port Colborne Operations Centre Equipment Purchase: Mobile Column Lifts

Committee of the Whole recommends:

That Quotation 2017-07, the supply of Six Mobile Column Lifts be awarded to ISN Canada Group Inc., for the total quoted price of \$72,000 (plus any applicable taxes); and
That funding for the equipment be financed under Account 3-500-

33593-3401, Port Colborne Operations Centre Capital Expenditures;
and

That staff be authorized to issue a Purchase Order to ISN Canada Group Inc. for \$72,000.00 (plus any applicable taxes).

10. Community and Economic Development Department, Report No. 2018-02, Subject: Franchise Agreement Renewal – Enbridge Gas Distribution Inc.

Committee of the Whole recommends:

That the Council of The Corporation of the City of Port Colborne ("Council") approves the form of the draft by-law (including the Franchise Agreement forming part thereof), attached hereto, and authorizes the submission thereof to the Ontario Energy Board for approval, pursuant to the provisions of Section 9 of the *Municipal Franchises Act*;

That Council requests the Ontario Energy Board to make an order dispensing with the assent of the municipal electors of the attached draft by-law (including the franchise agreement forming part thereof), pursuant to the provisions of Section 9(4) of the *Municipal Franchises Act*; and

That By-law 733/50/78 and By-law 3665/91/98 be repealed.

11. Corporate Services Department, Clerk's Division, Report No. 2018-13, Subject: Appointments to Boards and Committees

Committee of the Whole recommends:

Canal Days Advisory Committee:

That Betty Konc be appointed to the Canal Days Advisory Committee for a term ending December 31, 2020.

East Village Neighbourhood Improvement Task Force:

That Neal Schoen be appointed to the East Village Neighbourhood Improvement Task Force for a term ending December 31, 2020.

Economic Development Advisory Committee:

That Kate Ostryhon-Lumsden be appointed to the Economic Development Advisory Committee for a term ending December 31, 2020.

Environmental Advisory Committee:

That Beth Palma, Ryan Waines and Tim Hoyle be appointed to the Environmental Advisory Committee for a term ending December 31, 2020.

Port Colborne Historical & Marine Museum:

That the following persons be appointed to the Port Colborne Historical & Marine Museum Board:

1. Amanda Emery for a term ending December 31, 2019;
2. Claudia Brema for a term ending December 31, 2019;
3. Bert Murphy for a term ending December 31, 2019;
4. Brian Heaslip for a term ending December 31, 2021;
5. Cheryl MacMillan for a term ending December 31, 2021;
6. Pamela Koudijs for a term ending December 31, 2021.

Port Colborne Medical Education, Recruitment and Health Services Committee:

That Connie Butler be appointed to the Port Colborne, Medical Education, Recruitment and Health Services Committee for a term ending December 31, 2020.

Senior Citizen Advisory Council:

That Judy Wade, Valerie King and Susan Brown be appointed to the Senior Citizen Advisory Council for a term ending December 31, 2020.

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

12. Corporate Services Department, Corporate Services Division, Report No. 2018-06, Subject: 2016 Audited Financial Statements

Committee of the Whole recommends:

That the 2016 draft audited Financial Report for the year ended December 31, 2016 be approved.

Miscellaneous Correspondence

13. Region of Niagara Re: Commercial and Industrial Sub Class Tax Rate Reductions and Rebates (CSD Report 77-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Commercial and Industrial Sub Class Tax Rate Reductions and Rebates (CSD Report 77-2017), be received for information.

Note: The appendices can be found at the following link:
<https://www.niagararegion.ca/council/Council%20Documents/2017/csc-agenda-nov-29-2017.pdf>

14. Region of Niagara Re: High Level Official Plan Process Framework (PDS Report 41-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: High Level Official Plan Process Framework (PDS Report 41-2017), be received for information.

15. Region of Niagara Re: Niagara Peninsula Conservation Authority "The Living Landscape" Draft Policy Document Review (PDS Report 47-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Niagara Peninsula Conservation Authority "The Living Landscape" Draft Policy Document Review (PDS Report 47-2017), be received for information.

16. Region of Niagara Re: Niagara Region Mid-Year 2017 Growth Monitoring Report (PDS Report 48-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Niagara Region Mid-Year 2017 Growth Monitoring Report (PDS Report 48-2017), be received for information.

17. Region of Niagara Re: Public Meeting Report – Regional Official Plan Amendment No. 13 (ROPA) – Transportation Policies (PDS Report 50-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Public Meeting Report – Regional Official Plan Amendment No. 13 (ROPA) – Transportation Policies (PDS Report 50-2017), be received for information.

18. Region of Niagara Re: Opioid Update: Local Opioid Work (PHD Report 26-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Opioid Update: Local Opioid Work (PHD Report 26-2017), be received for information.

19. Region of Niagara Re: Proposed Operating Budget Niagara Regional Police Service and Police Services Board (BRC-C Report 04-2017)

Committee of the Whole recommends:

That the correspondence received from the Region of Niagara Re: Proposed Operating Budget Niagara Regional Police Service and Police Services Board (BRC-C Report 04-2017), be received for information.

20. Ministry of Municipal Affairs Re: Update of Bill 59, Consumers First Act (Consumer Protection Statute Law Amendment)

Committee of the Whole recommends:

That the correspondence received from the Ministry of Municipal Affairs Re: Update of Bill 59, Consumer Protection Statute Law Amendment, to allow municipalities to regulate the location and number of pay day loan establishments, be received for information.

21. Charles Sousa, Minister, Ministry of Finance Re: Federal Legalization – A Framework to Govern the Lawful Use and Retail Distribution of Cannabis within the Province

Committee of the Whole recommends:

That the correspondence received from Charles Sousa, Minister, Ministry of Finance Re: Federal Legalization – A Framework to Govern the Lawful Use and Retail Distribution of Cannabis within the Province, be received for information.

23. Memorandum from Carrie McIntosh, Executive Assistant to the CAO on behalf of the Social Determinants of Health Advisory Committee – Everyone Matters Re: City of St. Catharines' Housing Action Plan 2017

Committee of the Whole recommends:

That the Memorandum from Carrie McIntosh, Executive Assistant to the CAO on behalf of the Social Determinants of Health Advisory Committee – Everyone Matters Re: City of St. Catharines' Housing Action Plan 2017, be received for information;

That staff be directed to invite a representative from the City of St. Catharines to present its Housing Action Plan 2017 at a future meeting of Port Colborne City Council; and

That staff be directed to review the City of St. Catharines' Housing Action Plan and develop a plan to suit the needs of Port Colborne.

25. Nancy Salvage and Fatima Shama, Executive Director, The Fresh Air Fund Re: Request for Proclamation of Fresh Air Fund Day, March 20, 2018

Committee of the Whole recommends:

That March 20th, 2018 be proclaimed as "Fresh Air Fund Day" in the City of Port Colborne in accordance with the request received from Nancy Salvage and Fatima Sham, Executive Director, The Fresh Air Fund.

26. Janet Hope, Assistant Deputy Minister, Ministry of Housing Re: Development Charges Rebate Program

Committee of the Whole recommends:

That the correspondence received from Janet Hope, Assistant Deputy Minister, Ministry of Housing Re: Development Charges Rebate Program, be referred to the Director of Planning and Development.

27. St. James and St. Brendan Church, Port Colborne Re: International Women's Day, March 7, 2018 - Guild Hall, 72 Charlotte Street, Port Colborne

Committee of the Whole recommends:

That the International Women's Day Event to be held at the Guild Hall, 72 Charlotte Street, Port Colborne on March 7, 2018, is hereby declared a municipally significant event in accordance with the Municipal Alcohol Management Policy.

28. Township of Wainfleet, Town of Grimsby, Town of Lincoln, Town of Pelham and City of Welland Re: Notice of Passing of By-law to Increase Composition of Regional Council – Addition of Member for Township of West Lincoln

Committee of the Whole recommends:

That the resolutions received from the Township of Wainfleet, Town of Grimsby, Town of Lincoln, Town of Pelham and City of Welland regarding the passing of By-law No. 2017-108 of the Regional Municipality of Niagara, being a By-law to Increase the Composition of Regional Council by Adding an Additional Councillor for the Township of West Lincoln, be received for information.

30. City of St. Catharines Re: Niagara Peninsula Conservation Authority – Disclosure of Legal Costs

Committee of the Whole recommends:

That the resolution received from the City of St. Catharines Re: Niagara Peninsula Conservation Authority – Disclosure of Legal Costs, be supported.

31. City of St. Catharines Re: Niagara Peninsula Conservation Authority Requesting the Appointment of a Supervisor

Committee of the Whole recommends:

That the resolution received from the City of St. Catharines Re: Niagara Peninsula Conservation Authority requesting the Appointment of a Supervisor, be received for information.

32. City of St. Catharines Re Women in Local Government

Committee of the Whole recommends:

That the resolution received from the City of St. Catharines Re: Women in Local Government, be received for information.

33. City of St. Catharines Re: Gillian's Place and National Day of Action on Violence Against Women

Committee of the Whole recommends:

That the correspondence received from the City of St. Catharines Re: Gillian's Place and National Day of Action on Violence Against Women, be received for information.

34. Township of Wainfleet Re: Federal Changes to the Municipal Councillor Taxation on Income – Request for Support

Committee of the Whole recommends:

That the resolution received from the Township of Wainfleet Re: Federal Changes to the Municipal Councillor Taxation on Income, be supported.

35. Town of Pelham Re: Town of Pelham's Response to Regional Audit Committee Resolution

Committee of the Whole recommends:

That the resolution received from the Town of Pelham Re: Town of Pelham's response to Regional Audit Committee resolution, be received for information.

36. Town of Pelham in support of City of Port Colborne's Resolution regarding The Region of Niagara Audit Committee recommendation respecting the Town of Pelham

Committee of the Whole recommends:

That the correspondence received from the Town of Pelham regarding the position of the City of Port Colborne regarding the Region of Niagara Audit Committee recommendation respecting the Town of Pelham, be received for information.

37. Township of Wainfleet in support of the City of Port Colborne's Resolution regarding the Region to Continue to Financially Support Community Improvement Program

Committee of the Whole recommends:

That the resolution received from the Township of Wainfleet in support of the City of Port Colborne's resolution regarding the Region to Continue to Financially Support Community Improvement Plan, be received for information.

CARRIED.

9. Presentations:

(a) Recognition of Joanne Ferraccioli for her accomplishments as Health Services Coordinator

Mayor Maloney and Councillor Kenny presented Joanne Ferraccioli with flowers and a certificate of appreciation and wished her well in her future endeavours. A copy of the presentation is attached.

10. Delegations:

(a) Dave and Anne-Marie Lallouet requesting reimbursement of a Minor Variance Application Fee regarding 59R-15865 Lot Lakeshore Road, West (Page No. 17)

Dave Lallouet summarized the information that he provided with respect to his request. A copy of the information is attached.

Moved by Councillor B. Kenny
Seconded by Councillor J. Mayne

That the provisions of By-law 6473/40/17 Being a By-law to Establish Fees for Various Planning and Development Services/Applications be waived and the fee in the amount of \$1,150 for a Minor Variance Application regarding 59R-15865 Lot Lakeshore Road, West, be rescinded.
CARRIED.

(b) Ray Khanna, Kingsway Investments and Aldo Martino of Jaamss Investment Corporation appealing the Fire and Emergency Services Department Inspection Fees charged regarding 224 Mitchell Street, Port Colborne (Page No. 35)

Aldo Martino summarized the information that was provided with respect to the request. A copy of the information is attached.

Moved by Councillor R. Bodner
Seconded by Councillor F. Danch

That the Fire Chief be directed to negotiate a settlement amount with the owner of 224 Mitchell Street with respect to the \$44,927.46 invoiced under By-law 6291/117/15 Being a By-law to Establish Fees for Certain Services Provided by Port Colborne Fire and Emergency Services.
CARRIED.

11. Mayor's Report:

A copy of the Mayor's Report is attached.

12. Regional Councillor's Report:

Regional Councillor Barrick advised that the Police Services Budget will increase by 4.5 percent. Regional Councillor Barrick further advised that at the last meeting of Regional Council, a motion was endorsed as part of the St. Lawrence Great Lakes Cities Initiatives to decrease the amount of phosphorus in Lake Erie in effort to deal with the algae blooms.

13. Councillors' Items:**(a) By-law Complaints versus Proactive Enforcement (Mayne)**

Councillor Mayne enquired about waiting for a complaint versus proactive enforcement of infractions that are obvious such as the plastic bags in the crab apple trees on King Street between Charlotte and Clarence Streets that have been there since before Canal Days. The Director of Engineering and Operations advised that he would enquire with road patrol about the issue.

(b) Winter Patrol Procedures (Mayne)

Councillor Mayne enquired with respect to the effectiveness of the new ticket, tag/tow procedure for the enforcement of on-street parking infractions and the number of purple tags and fines issued. The Director of Engineering and Operations advised that he would schedule a meeting of the Winter Operations Review Committee to review operations and that he would provide to him the number of purple tags and fines issued.

(c) Winter Patrol Procedures (Doucet)

In response to an enquiry from Councillor Doucet, the Director of Engineering and Operations advised that he, supervisors and the By-law Division are working on the logistics of Operations staff assisting with the enforcement of on-street parking infractions during winter patrol.

(d) Pleasant Beach Road Waste Collection and Parking (Bodner)

As a result of the concerns raised by Councillor Bodner, the following motion was put forth:

Moved by Councillor R. Bodner
Seconded by Councillor F. Danch

That the Director of Engineering and Operations and the Director of Planning and Development be directed to review and prepare a report with respect to Pleasant Beach Road and the installation of a roof on the waste collection enclosure, parking, deputizing citizens to issue parking tickets and installation of security cameras.

CARRIED.

(e) Pleasant Beach Road Snow Removal (Bodner)

In response to an enquiry from Councillor Bodner with respect to the turn-around area for snow removal, the Director of Engineering and Operations advised that he would discuss with the City's grader operator.

(f) Directional Signage to Centennial Cedar Bay Beach, Nickel Beach (Bodner)

The Director of Engineering and Operations advised that the signage directing users of Pleasant Beach to other beaches is still being drafted and Councillor Bodner advised that he would like to see the draft.

(g) Centennial Cedar Bay Park (Bodner)

Councillor Bodner enquired about the parking lot and increasing accessibility and appeal of Centennial Cedar Bay Park. The Director of Community and Economic Development advised that the department is identifying issues, will reach out to Councillors for comments and report back with respect to the beach during Budget 2018.

(h) Rural Snow Plow Contractor (Bodner)

Councillor Bodner enquired about the plow for the rural area that does not have a wing on the truck. The Director of Engineering and Operations advised that the contractor installed a wing on the truck for use in the next snow incident.

(i) 2018 Budget (Doucet)

In response to Councillor Doucet's enquiry, the Director of Corporate Services advised that presentation of the 2018 Budget is expected for mid-February.

Staff Responses to Previous Councillor Enquiries:**(a) Fire Safety Messaging (Cartwright)**

The Fire Chief provided a summary of the Fire Safety Program advising that no level of government other than municipal has assisted. The Fire Chief informed that the Fire and Emergency Services Department has written letters to the Premier, the Minister of Community and Correctional Services, Federal MPs and Provincial MPPs and the Opposition Leaders with respect to fire safety messaging. The Fire Chief further informed that eight house fires have occurred in 2018 and noted that last week a smoke alarm installed by the Port Colborne Fire and Emergency Service Department in October 2017 saved the lives of a family.

14. Consideration of Items Requiring Separate Discussion:**1. Chief Administrative Officer, Report No. 2018-12, Subject: Unattached Patient List**

Moved by Councillor B. Kenny
Seconded by Councillor J. Mayne

That staff be directed to transition the patients on the unattached patient list to Health Care Connect and cease maintaining a list of unattached patients.
WITHDRAWN.

Moved by Councillor B. Kenny
Seconded by Councillor J. Mayne

That the Director of Community and Economic Development be directed to contact the people on the City's list of unattached patients to verify the need for a Family Physician in order to assist the process of transitioning the unattached patient list to Health Care Connect.
CARRIED.

3. Planning and Development Department, Planning Division, Report No. 2018-04, Subject: Stopping Up and Closing of Part of Victoria Street

The Director of Planning and Development provided a presentation with respect to this item. A copy of the presentation is attached.

Moved by Councillor B. Kenny
Seconded by Councillor Y. Doucet

That Planning and Development Department, Planning Division, Report 2018-04 with respect to Stopping Up and Closing of Part of Victoria Street be received for information.

CARRIED.

4. Planning and Development Department, Planning Division, Report No. 2018-05, Subject: Affordability/Financial Hardship and Planning Application Fees

Moved by Councillor B. Kenny
Seconded by Councillor F. Danch

That Planning and Development Department, Planning Division, Report 2018-05 with respect to Affordability/Financial Hardship and Planning Application Fees be received for information.

CARRIED.

5. Engineering and Operations Department, Engineering Division, Report No. 2018-01, Subject: Project No.: 2017-02, Municipal Drain Maintenance 2018

Moved by Councillor R. Bodner
Seconded by Councillor F. Danch

That Project 2017-02, Municipal Drain Maintenance and Cleaning, be awarded to Anthony's Excavating Central Inc., of Wellandport, Ontario, for the total tendered price of \$396,258.90, plus applicable taxes. Staff is directed to utilise the bid items as listed within the awarded Tender Document, in such a manner as to complete all works as may be required.

That a contract by-law, whereby the City enters into a Contract Agreement with the contractor be prepared.

That funding for Project 2017-02 be financed on an interim basis, under GL Accounts 3-560-33226-1510, 3-560-33210-1510, 3-560-33236-1510, 3-560-33217-1510, 3-560-33206-1510, 3-560-33220-1510, 3-560-33221-1510, 3-560-33218-1510 and that staff be authorized to initiate billings back to each Municipal Drain's Watershed at the completion of each Watershed's works and upon receipt of the 1/3 Grant from OMAFRA.

CARRIED.

6. Engineering and Operations, Operations Division, Report No. 2018-03, Subject: Request for Proposal 2017-14: Playground Replacement – Rose Shymansky Memorial Park & Sunset Park

Moved by Councillor J. Mayne
Seconded by Councillor Y. Doucet

That Contract 2017-14, Playground Replacement at Rose Shymansky Memorial Park and Sunset Park be awarded to PlayPower LT Canada

Inc. of Paris, Ontario, for the total tendered price of \$138,563.42; applicable taxes not included; and

That the Director of Engineering and Operations be authorized to issue a purchase order to PlayPower LT Canada Inc.; and
That the appropriate by-law be prepared and submitted for execution by the Mayor and City Clerk.

CARRIED.

7. Engineering and Operations, Engineering Division, Report No. 2018-07, Subject: Request for Installation of a Flashing “Children Crossing” Light on Fielden Avenue Near Franklin

Moved by Councillor F. Danch
Seconded by Councillor B. Kenny

That staff be directed to proceed with the installation of a new Playground Ahead warning sign including a signpost and amber flashing beacon on Fielden Avenue approximately 40 metres north of Franklin Avenue and a new Playground Ahead warning sign including a signpost on Fielden Avenue approximately 90 metres south of the Reservoir Park entrance; and

That the approximate cost of \$3,000 for this work be drawn from the 2018 Operating Budget FL 0-500-74220-3215.

CARRIED.

8. Engineering and Operations, Engineering Division, Report No. 2018-08, Subject: Request for Stop Sign Installation – Knoll Street at Highland Avenue

Moved by Councillor F. Danch
Seconded by Councillor B. Kenny

That staff be directed to proceed with the issuance of a Request for Quotation for vehicle and pedestrian counts including recommendations at the intersection of Knoll and Highland for an approximate cost of \$5,000; and

That the approximate cost of \$5,000 for this work be drawn from the 2018 Budget GL 0-540-74610-3205.

That the approximate cost of \$3,000 for this work be drawn from the 2018 Operating Budget GL 0-500-74220-3215.

Moved in deferral by Councillor F. Danch
Seconded by Councillor B. Kenny

That Engineering and Operations, Engineering Division, Report No. 2018-08, Subject: Request for Stop Sign Installation – Knoll Street at Highland Avenue be deferred to the April 23, 2018 regular meeting of Council and that the Chief Administrative Officer be directed to contact the Niagara Regional Police to monitor the intersection of Knoll Street at Highland Avenue.

CARRIED.

22. Memorandum from Vance Badawey, Member of Parliament, Niagara Centre Re: Smart Cities Challenge

Moved by Councillor J. Mayne
Seconded by Councillor B. Kenny

That the memorandum received from Vance Badawey, Member of Parliament, Niagara Centre Re: Smart Cities Challenge be referred to the 2018 Strategic Planning Session.

CARRIED.

24. Sherkston Shores – 490 Empire Road, Port Colborne Re: Request to Hold Weekly Fireworks Display Events for 2018

Moved by Councillor J. Mayne
Seconded by Councillor B. Kenny

That pursuant to section 6.1.1 of By-law 4989/45/07, the Council of The Corporation of the City of Port Colborne authorize Sherkston Shores to hold display fireworks events on the following dates:

- Saturday, June 16th, 2018
- Saturday, June 23rd, 2018
- Saturday, June 30th, 2018
- Saturday, July 7th, 2018
- Saturday, July 14th, 2018
- Saturday, July, 21st, 2018
- Saturday, July 28th, 2018
- Saturday, August 4th, 2018
- Saturday, August 11th, 2018
- Saturday, August 18th, 2018
- Saturday, August 25th, 2018
- Saturday, September 1st, 2018

That such approval be conditional on the issuance of a permit by the Fire Chief, in compliance with By-law 4989/45/07 and payment of the applicable fees;

That the following information be submitted to the Port Colborne Fire and Emergency Services Department for review a minimum of two weeks prior to the holding of the first event:

- A fireworks site plan but not limited to, separation distances to the public and vulnerable areas, location from where the fireworks are being fired, fallout zone, and direction of firing.
- Information concerning the floating platform from which the fireworks are to be fired, including the platform size.
- Event description information is required including description of fireworks, type, size and quantity.
 - firing procedures, manual or electric
 - emergency procedures
 - traffic control plans
- A copy of the Fireworks Operator Certificate with Endorsements.

That Sherkston Shores be advised that as the Authority Having Jurisdiction, the Port Colborne Fire and Emergency Services Department will conduct spot site inspections and may revoke approval for any violation of the *Ontario Fire Code* or the *Explosives Act* prior to or during any one of the scheduled events.

CARRIED.

29. Town of Fort Erie Re: Niagara Parks Commission's Proposed Expansion and Enhancement – Marina and Resort Development at Miller's Creek

Moved by Councillor R. Bodner
Seconded by Councillor J. Mayne

That the resolution received from the Town of Fort Erie Re: Niagara Parks Commission's Proposed Expansion and Enhancement – Marina and Resort Development at Miller's Creek, be received for information.

The following was accepted as a friendly amendment:

That the main motion be amended by striking out "be received for information" and replacing it with "be supported."

The vote was then called on the main motion, as amended, as follows:

That the resolution received from the Town of Fort Erie Re: Niagara Parks Commission's Proposed Expansion and Enhancement – Marina and Resort Development at Miller's Creek, be supported.

CARRIED.

15. Notice of Motion:

Nil.

16. Adjournment:

Moved by Councillor F. Danch
Seconded by Councillor Y. Doucet

That the Committee of the Whole meeting be adjourned at approximately 9:10 p.m.
CARRIED.

CM/

SPEAKING NOTES

JOANNE FERRACCIOLI

JANUARY 22, 2018 COUNCIL MEETING

Ladies and gentlemen, this evening we would like to say thank you to one of our employees, who is leaving us to pursue new ventures in Niagara.

Joanne, can you please come up.

Joanne Ferraccioli has been working with the City of Port Colborne for the past 9 1/2 years as our Health Services Coordinator.

Joanne has worked tirelessly with our local physicians, listening to their needs and the needs of their patients to bring health services to our community.

Joanne has been recognized with the Larkin Award by the Rural Ontario Medical Program for the caliber of training opportunities and outside activities she has worked to provide to medical learners through our annual Rural Medicine Week, pre-clerkship and clerkship programs.

Students from this program often return to Port Colborne later in their clinical placements because of what they experienced during their first year.

Joanne has worked with the DeGroot School of Medicine through McMaster University bringing more medical learners to Port Colborne with our local preceptors.

These positive experiences for medical students are the foundation for showing them why family medicine, especially in small communities, is so important.

Joanne was also awarded the Community Service Award by the Ontario Medical Association for her significant contribution to the health and welfare of the citizens of Port Colborne. She was also awarded the Diamond Jubilee Medal after being nominated by Dr. Jeff Remington.

Joanne is leaving us to work with the Niagara Health System, Walker Family Cancer Centre, again, working to create a positive experience for Niagara patients.

Joanne, thank you and I would like to present these flowers as a token of appreciation.

Would you like to say a few words?



PORT COLBORNE

Mayor's Report to the January 22, 2018 Council Meeting

Team Canada's National Sledge Hockey Team will be making the Vale Health & Wellness Centre their home February 5-9, 2018 for a week long Development Camp. On Saturday, February 10, 2018 at 3:00 pm Team Canada will be taking on Team USA in an Exhibition Game, all in preparation for the PyeongChang 2018 Paralympics. Admission to the exhibition game is free and everyone is encouraged to come out, watch, and cheer on Team Canada!

This Exhibition Game also falls on SportsFest Weekend, happening February 9-11, across the City. Registration is now open for a variety of events, including Sno Pitch, Snow Golf, Volleyball, Music Trivia, Soup Cook Off and more. FREE events will also be occurring all weekend for you and your families to PORTicipate, including Swimming, Skating, Lacrosse & Ball Hockey. I would also encourage you to cheer on our Port Colborne Hockey Team as they compete in the Mayor's Cup Invitational Hockey Tournament.

At our last Committee of the Whole meeting, the resolution was considered from the Region of Niagara's Audit Committee in effect censuring the finances of the Town of Pelham. Some of our Council members took umbrage at the matter and not only did not receive the resolution, but sent it back to the Region expressing opposition and in doing so, some Councillors used very strong language, in fact inflammatory comments. In turn, Mr. Barrick, our City's Regional Councillor responded with equally strong inflammatory comments. In the heat of debate strong rhetoric is sometimes used. I feel it is time to acknowledge that there may be differences of opinion but we can express these with less antagonistic verbiage. We don't wish to see our Council meetings recorded like some other municipalities do.

Fw: Lakeshore Road West property

Carrie McIntosh to [REDACTED]
Cc: Evan Acs, Brenda Heidebrecht

12/14/2017 09:03 AM

Hi Dave,

I will consider this your formal request. Your correspondence has been added to the agenda package being compiled for January 22, 2018 and your name is on the list of delegations.

Carrie McIntosh
Deputy Clerk

*Working smoke and carbon monoxide alarms save lives.
Plan your escape!*

City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8
Telephone: 905-835-2900 x. 308
Fax: 905-835-2969
Email: carriemcintosh@portcolborne.ca

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----- Forwarded by Carrie McIntosh/Port_Notes on 2017-12-14 09:02 AM -----

From: Evan Acs/Port_Notes
To: Carrie McIntosh/Port_Notes@Port_Notes
Cc: [REDACTED]
Date: 2017-12-14 08:52 AM
Subject: Fw: Lakeshore Road West property

Carrie,

See email below from Dave (copied on this message).

Regards,

Evan

----- Forwarded by Evan Acs/Port_Notes on 12/14/2017 08:51 AM -----

From: [REDACTED]
To: "planner@portcolborne.ca" <planner@portcolborne.ca>
Date: 12/13/2017 04:41 PM
Subject: Re: Lakeshore Road West property

Evan,

Thanks for contacting Carrie for me. I did indeed speak to her and dropped off my letter. I explained the situation to her and went over the letter with her so she understood what it was all about. She did advise me that this would be on the agenda for January 22nd. She also said I could speak on the matter and I said I would be glad to clarify anything if council had any questions. I know in the past I had to make a formal request to speak during a council meeting will this be necessary this time as well?

If you rather I email Carrie with this question I gladly will if you can forward her email.

Thanks again for all of your help

Dave

From: planner@portcolborne.ca <planner@portcolborne.ca>

Sent: December 13, 2017 4:35 PM

To: Outlook Administrator

Subject: Re: Lakeshore Road West property

Dave,

I understand that Carrie McIntosh called you today to discuss this. I trust this is all taken care of.

Attached is the Notice of Decision from last night's meeting. After the 20-day appeal period your minor varaince will be deemed final and binding and a building permit can be issued. In the meantime, you can apply for a building permit. Because no-one spoke at the meeting last night the chance of any appeal being filed is very very slim.

Regards,

Evan Acs, MA, MSc
Planner
Planning & Development Department

City of Port Colborne
66 Charlotte Street
Port Colborne ON L3K 3C8
Office: 905-835-2900 ext. 502
Fax: 905-835-2939

Working smoke and carbon monoxide alarms save lives.
(See attached file: A32-17-PC NOD.pdf)

[REDACTED]
To: "planner@portcolborne.ca" <planner@portcolborne.ca>

Date: 12/13/2017 07:53 AM

Subject: Lakeshore Road West property

Evan,

Just wondering if you had a chance to brief Ashley about the situation with my property? I have the letter and copies for each councillor ready to be submitted but just wanted to make sure that you had briefed her on what was going on so that she wasn't blind sided.

Dave

To: City of Port Colborne Council

From: Dave & Anne-Marie Lallouet

Date: Nov 27, 2017

Re: 59R-15865 Lot Lakeshore Rd W

We, Dave and Anne-Marie Lallouet, are requesting a reimbursement of a Minor Variance fee in the amount of \$1,150 that we submitted with our application on Nov 15, 2017.

We were not fully informed of the restrictions surrounding the RD zoning of lot 59R-15865 on Lakeshore Rd West that we purchased in August 2017 after an 8 month process.

When we were thinking about purchasing the lot in January 2017, Dave went to the City of Port Colborne Planning Department in order to alleviate any possible concerns about building a home on the property since it was not yet severed. Mr. Dan Aquilina was kind enough to explain the process of the severance application that would be initiated by the seller. The NPCA involvement was also explained to Dave and Mr. Aquilina followed up with an e-mail (see Att 1). Unfortunately, the RD zoning restrictions attachment was not received by us and we were not aware the attachment was missing since there was no mention of it in the email itself.

We were making every attempt to do our due diligence on this purchase. We were much more concerned with the issues surrounding the NPCA. We then made sure our offer (see Att 2) stated that any additional costs for the lot frontage minor variance that was pointed out by Mr. Aquilina and any possible environmental studies required by the NPCA would be incurred by the Seller. If we fully understood the zoning restrictions along with the other frontage minor variance required for severance, we would have written that into our offer as well. The RD zoning restrictions were not brought to our attention by the City, the Seller, the Realtor or the Lawyer up to the time of the final sale.

Even in March 2017, when Dave emailed Mr Aquilina to inquire about the delay in the Seller's severance application, it shows we were clearly unaware of the RD zoning restrictions. We even mentioned the size of the house we were planning to build and our possible concerns (see Att 3).

The final documents we received by The City when the severance was approved also do not outline restrictions associated to the RD zoning (see Att 4). Any restrictions on the RD zoning (ie: maximum 10% lot coverage) should have been outlined at this point. It would be an extremely small single detached dwelling under the current zoning.


The City's conditions that had to be met by the Seller took additional time and the sale was not final until August 2017. Due to these delays we were only able to start our build process in the Fall 2017. We continued to finalize our plans and it wasn't until Nov 6, 2017 (see Att 5) that we were advised of the restrictions on the zoning that conflicted with our plan.


We met with Evan Acs on Nov 10, 2017 in order to start the process of the required minor variance application. He indicated that the zoning restrictions would have been taken care of

within the City wide new zoning bylaw changes and had been expected to be completed in summer 2017. This would have negated our need for a Minor Variance application at this time. The issue is that we are unable to wait for the zoning change to become final due to the NPCA's ability of changing their mind and making the lot unbuildable. They told us there was no guarantee if we waited too long and we would run the risk of losing our permission for development. Once the minor variance is taken care of, we still have to submit our plans to the City and NPCA.

We are requesting the refund as we believe this expense is not ethically ours to incur.

Sincerely,

 dated Nov 29 2017
Dave Lallouet

 dated NOV 29, 2017
Anne-Marie Lallouet

Re: Lakeshore road property

Att. (1)

Outlook Administrator <d-lall@hotmail.com>

Fri 2017-01-27 4:40 PM

To: danaquilina@portcolborne.ca <danaquilina@portcolborne.ca>;

Dan,

Thanks so much for the quick response. So are you saying that the conservation authority won't be an issue? I have requested that specific language be included in the contract that has been drawn up so that I can build on the lot once it's severed. Speaking of which Mr. Badaway is responsible for all costs for the severance, survey and if a variance is needed he would be responsible for that also as we have agreed on a price that states I must be able to build on the lot when I take possession of the property.

Thanks again

Dave

From: danaquilina@portcolborne.ca <danaquilina@portcolborne.ca>

Sent: January 27, 2017 2:21 PM

To: Outlook Administrator

Subject: Re: Lakeshore road property

Hi Dave,

I should have checked the zoning earlier. The property is presently zoned Residential Development. Looking at the lot frontage requirements, you would also need a minor variance to the lot frontage based on our conversation. A minor variance application can be heard at the same time as the severance. Its normally a \$750 application fee (plus review fees) but when you combine a severance with it, its \$1,550 application (plus review fees). At a preconsultation meeting the agencies will confirm their fees. Just let me know if you would like me to schedule you(or Vance) to a meeting.

Dan Aquilina, MCIP, RPP, CPT

Director of Planning and Development

905-835-2901 Ext. 203

Fax: 905-835-2939

[www.portcolborne.ca]www.portcolborne.ca


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AH (1)

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From: 
To: "danaquillina@portcolborne.ca" <danaquillina@portcolborne.ca>
Date: 01/27/2017 01:56 PM
Subject: Lakeshore road property

Dan,
I forgot to ask you what the minimum setback would be from the property line to the closest part of the house? Also thanks again for the insight into the conservation restrictions that may have an affect on the process.
Enjoy the weekend
Thanks
Dave Lallouet



Fw: Lakeshore road property
Dan Aquilina to: Evan Acs, Heather Mahon

11/01/2017 04:21 PM

History: This message has been forwarded.

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

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----- Forwarded by Dan Aquilina/Port_Notes on 2017-11-01 04:20 PM -----

From: Dan Aquilina/Port_Notes
To: [REDACTED]
Date: 2017-01-27 02:21 PM
Subject: Re: Lakeshore road property

Hi Dave,

I should have checked the zoning earlier. The property is presently zoned Residential Development. Looking at the lot frontage requirements, you would also need a minor variance to the lot frontage based on our conversation. A minor variance application can be heard at the same time as the severance. Its normally a \$750 application fee (plus review fees) but when you combine a severance with it, its \$1,550 application (plus review fees). At a preconsultation meeting the agencies will confirm their fees. Just let me know if you would like me to schedule you(or Vance) to a meeting.



RD_ZONE.pdf
Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development
905-835-2901 Ext. 203
Fax: 905-835-2939
www.portcolborne.ca

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Form 124

for use in the Province of Ontario

A11-2

BUYER: DAVID LALLOUET & ANNE MARIE LALLOUET

SELLER:

REAL PROPERTY: PT LT LOT 33 LAKESHORE ROAD, PORT COLBORNE

PORT COLBORNE

In accordance with the terms and conditions of the Agreement of Purchase and Sale dated the 17 day of January, 2017, regarding the above property, I/We hereby confirm that I/We have fulfilled the condition(s) which read(s) as follows:

This offer is further conditional upon the Buyer satisfying themselves that the conservation authority will allow the construction of a single family dwelling that is satisfactory to them and if a environment assessment is required the cost will be the responsibility of the Vendor, and a minor variance to the lot frontage that will be required will be the responsibility of the Vendor.

All other terms and conditions in the aforementioned Agreement of Purchase and Sale to remain unchanged.

For the purposes of this Notice of Fulfillment of Condition, "Buyer" includes purchaser, tenant, and lessee, and "Seller" includes vendor, landlord, and lessor, and "Agreement of Purchase and Sale" includes an Agreement to Lease.

DATED at PORT COLBORNE, Ontario, at 7:30 a.m./p.m. this 24 day of MAY, 2017.

SIGNED, SE [Redacted] hand and seal:

(Witness) [Redacted] DATE May 24/17 (Seal)

(Witness) [Redacted] DATE May 24/17 (Seal)

Receipt acknowledged at 7:30 a.m./p.m. this 24 day of MAY, 2017 by:

Print Name: PETER URSACKI Signature: [Redacted]

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A41(3)

province. Your surveyor would set the grades of your house and land-you would need to consult with them. Npca comments on severance application and also reviews building permit to ensure your far enough away from the wetland.

Sent from my iPhone

[REDACTED] 9:53 PM, Outlook Administrator <d-
wrote:

Dan,

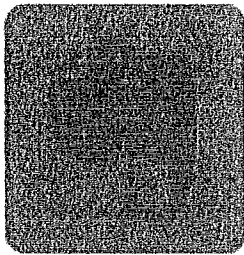
Thanks for letting me know the severance hasn't been applied for. I was told by the realtor that he was going to have a meeting with Mr. Badaway about the application tomorrow. I have a question about the severance and building permit. Does Mr. Badaway have to have a grading survey done on the property to sever it? Also will I have to have a grading survey done to obtain a building permit? Seeing as the homes adjacent to mine will be at least 50 feet from mine I don't believe there will be an issue with water run off. I'm just wondering as I want to know how far out of the ground my foundation can be? As this affects what my end plan will be for the home. Will the NPCA need to sign off as to offsets allowed from their property in order to have the property severed or a building permit issued? If so who is responsible for getting this? I'm planning on a home around 1800 sqft. and don't want to end up with a piece of property with offsets that won't suit what I want to build.

Any info would be greatly appreciated.

Thanks
Dave

Re: Lakeshore Road Property

danaquilina@portcolborne.ca



Reply

Wed 03-08, 7:36 AM

Dave,
No, a grading plan is a building permit requirement. Grading plan needs to be done by a surveyor or engineer. Npca doesn't own any property, they just regulate the wetland on behalf of the



PLANNING AND DEVELOPMENT DEPARTMENT
Planning Division

Att (4)

April 6, 2017

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

Re: **Application for Consent B06-17-PC**
Lakeshore Road West
George Badawey

Planning Staff has reviewed the referenced application and offer the following comments for your hearing on Tuesday April 11, 2017.

PURPOSE

IN THE MATTER OF AN APPLICATION by the agent George Badawey for the owners Claudette and George Badawey, for consent under Section 53(1) of the Planning Act, R.S.O. 1990, Chapter P. 13, so as to permit the conveyance of a parcel of land (Part 1) having a lot frontage of 20.11m (65.97ft) on Lakeshore Road West for a total lot area of 858.1m² (9236.81ft²) for a proposed residential use and to retain a parcel of land (Part 2) having a total lot frontage of 122.03m (400.36ft) on Lakeshore Road West for a total lot area of 4.952ha (12.23ac) for an existing residential use.

PUBLIC COMMENTS

Notice of this application was circulated on March 28, 2017 to all properties within 60 metres and a sign was provided to the applicant to post along the frontage of the subject property. No correspondence from the public has been received as of the date of writing of this report.

AGENCY COMMENTS

Notice of this application was circulated on March 28, 2017 to required City Departments and agencies. No correspondence has been received as the date of writing of this report.

PLANNING DIVISION COMMENTS

111(9)

The application proposes to create a building lot for a future residential use. The property is surrounded by single detached dwellings to the east, south and west. The property is shown on the aerial image below.



City of Port Colborne Official Plan

Schedule "A": City Wide Land Use to the City of Port Colborne Official Plan designates the property as **Urban Residential** and **Environmental Protection Area**. Land uses in the Urban Residential designation include residential, neighbourhood commercial and community facilities and institutional uses.

Consents to sever in areas designated Urban Residential must meet the following conditions:

- a) A survey sketch prepared by a registered Ontario Land Surveyor is required.
- b) Lots created through land severance shall have frontage on a public road.
- c) Land severances on private roads are discouraged, except as provided for in the zoning by-law or except on private roads in a registered Plan of Subdivision.
- d) Notwithstanding Policies 3.2.4 (b) and 3.2.4 (c), land severances for technical reasons will be permitted as a boundary adjustment:
 - i. Where a part of a property is being deeded to an adjacent landowner;
 - ii. For easements;
 - iii. For rights-of-way; or The City of Port Colborne Official Plan
 - iv. For any other purpose that does not create a separate lot.

- e) Development of more than three (3) new lots will require a Plan of Subdivision.
- f) Conditions may be imposed on the approval of land severances including but not limited to; execution of a development agreement, payment of development charges, parkland dedication, road widening, provision of water/wastewater servicing, Minimum Distance Separation requirements and/or the requirements of a commenting agency addressing a legitimate concern.

Residential uses are supported in the Urban Residential designation and both lots will have frontage on a public road.

Lands designated **Environmental Protection Area** are those classified as Provincially Significant Wetlands, Provincially Significant Areas of Natural and Scientific Interest, the Significant Habitat of Threatened and Endangered Species and Natural Hazard Areas. The Environmental Protection Area designation recognizes the location of a Provincially Significant Wetland on the northern portion of Part 2. Part 1 is not designated Environmental Protection Area.

City of Port Colborne Zoning By-law 1150/97/81, as amended

The subject property is zoned **Residential Development (RD)** and **Environmental Protection (EP)**. The RD zone permits one single detached dwelling on one lot, uses, buildings and structures accessory to the foregoing permitted use. Uses permitted in the "EP" zone are:

- (a) Agricultural uses, and buildings and structures accessory thereto saving and excepting human habitation.
- (b) Dwellings existing at the date of the passing of this By-law and enlargement thereof and uses, buildings and structures accessory thereto.
- (c) Parks, playgrounds, tennis courts, lawn bowling greens, outdoor natural rinks, athletic fields, golf courses, picnic areas and boat launching ramps, boat houses and docking facilities, together with necessary accessory structures, saving and excepting human habitation.
- (d) Control structures to prevent flooding and/or erosion by water or wind.

The EP zone is limited to a portion of Part 2 and Part 2 is completely within the RD zone.

Part 2 contains an existing single detached dwelling. Part 1 is intended for one single detached and accessory structures, which are permitted uses in the RD zone. Upon review of the application, Planning staff note that the proposed lot does not meet the frontage requirements (30 metres) in the RD zone. Therefore, Planning staff have included the approval of a minor variance for the reduced lot frontage as a condition of the severance.

Discussion

The proposed lot fabric is consistent with the lot fabric in the immediate neighbourhood and the lot can be considered an infill lot.

Planning staff note that a portion of the driveway for 279 Lakeshore Road West is located on Part 1. Planning staff recommend that the driveway be removed from the property as a condition of the severance to remove the existing encroachment or that the applicant obtain approval for an easement.

AA ④

No negative impacts are anticipated as a result of the severance provided the suggested conditions are required.

RECOMMENDATION

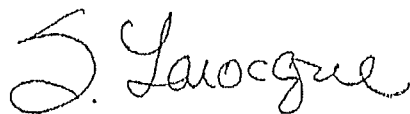
Given the information above, Planning Staff recommend application B06-17-PC be **GRANTED** subject to the following conditions:

1. That the applicant obtain approval of a minor variance for a lot frontage of 20.11 metres on Part 1.
2. That the existing driveway encroachment be removed from Part 1 or an easement be obtained.
3. That a Lot Grading Plan be prepared and submitted to the satisfaction of the City's Drainage Superintendent.
4. That the owner submit a letter to the City indicating that (s)he is aware of the requirements of By-law 4748/130/05 which requires the collection of the parkland dedication at the time of the building permit application based on the value of the property the day before issuance of the permit and that (s)he will advise any future purchasers of this requirement.
5. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
6. That a final certification fee of \$200 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.

For the Following Reasons:

1. ~~The application conforms to the policies of the City of Port Colborne Official Plan and will also comply with the provisions of Zoning By-law 1150/97/81, as amended provided the variance for lot frontage is approved.~~
2. ~~This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act, R.S.O. 1990, c.P.13.~~

Prepared by:



Shannon Larocque, MCIP, RPP
Planner, Planning & Development

Approved and Submitted by:



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



AMENDED NOTICE OF DECISION
COMMITTEE OF ADJUSTMENT

AH(9)

PORT COLBORNE

Application B06-17-PC

April 13, 2017

IN THE MATTER OF The Planning Act, R.S.O., 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the property legally known as Part of Lots 1 & 2 Concession 1 in the City of Port Colborne Regional Municipality of Niagara; municipally known as 283 Lakeshore Road West.

AND IN THE MATTER OF AN APPLICATION by the agent George Badawey for the owners Claudette and George Badawey, for consent under Section 53(1) of the Planning Act, R.S.O. 1990, Chapter P. 13, so as to permit the conveyance of a parcel of land (Part 1) having a lot frontage of 20.11m (65.97ft) on Lakeshore Road West for a total lot area of 858.1m² (9236.81ft²) for a proposed residential use and to retain a parcel of land (Part 2) having a total lot frontage of 122.03m (400.36ft) on Lakeshore Road West for a total lot area of 4.952ha (12.23ac) for an existing residential use.

That application B06-17-PC be granted subject to the following conditions:

1. That the applicant obtain approval of a minor variance for a lot frontage of 20.11 metres on Part 1.
2. That the existing driveway encroachment be removed from Part 1 or an easement be obtained.
3. That a Lot Grading Plan be prepared and submitted to the satisfaction of the City's Drainage Superintendent.
4. That the owner submit a letter to the City indicating that (s)he is aware of the requirements of By-law 4748/130/05 which requires the collection of the parkland dedication at the time of the building permit application based on the value of the property the day before issuance of the permit and that (s)he will advise any future purchasers of this requirement.
5. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
6. That a final certification fee of \$200 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.

FINAL AND BINDING
H. Madon
SECRETARY-TREASURER

For the Following Reasons:

1. The application conforms to the policies of the City of Port Colborne Official Plan and will also comply with the provisions of Zoning By-law 1150/97/81, as amended provided the variance for lot frontage is approved
2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act, R.S.O. 1990, c.P.13.

CERTIFIED A TRUE COPY
H. Madon
SECRETARY-TREASURER

DATED AT PORT COLBORNE this 11th day of April, 2017.

DECISIONS SIGNED:

_____ Signature of Member of Committee	_____ "Dan O'Hara" Signature of Member of Committee	_____ "Bea Kenny" Signature of Member of Committee	_____ "John Mayne" Signature of Member of Committee	_____ "Yvon Doucet" Signature of Member of Committee
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AH (5)



PORT COLBORNE

CITY OF PORT COLBORNE

Municipal Offices
66 Charlotte Street
Port Colborne, ON L3K 3C8
www.portcolborne.ca

MAYOR'S OFFICE

November 6, 2017



Dear Mr. Lalouet: *Lalouet*

I am trying to wrap my head around the current restrictions impacting the residential development of your property.

I am advised that at the February 9, 2017 pre-consultation meeting and upon the submission of Mr. Badawey's Consent and Minor Variance applications to address the proposed deficient lot frontage, you were informed that the Zoning By-law presently zones the property as Residential Development (RD), which permits the use of a single detached dwelling. However, as with every zone, the RD zone has provisions that regulate lot size, frontage, lot coverage and specific yard setbacks from the dwelling to the property lines. I understand you were provided a copy of the RD zone provisions.

The reduction of the lot frontage to a minimum of 20.11 metres was addressed in the Minor Variance Application of the Badawey's. However, side yard setbacks and lot coverage were not. In the RD zone the minimum side yard setbacks are 5 metres and the maximum lot coverage allowed is 10%. Under this zone, it would only allow a building width of 10.11 metres and lot coverage of 85.79 metres (your property is 20.11 metres X 42.66 metres X 10%). This would result in a small home, which I am not sure is your intent.

923
59-4
←

As an alternative, Planning staff has proposed to change the subject property from an RD zone to a First Density Residential zone in the City's new Zoning By-law that would reduce side yard setback distance to 1.5 metres and increase lot coverage allowance to a maximum of 40% (see attached excerpts).

923

The new Zoning By-law was proposed at a Public Meeting before Council this summer and staff are addressing all public and agency comments that were made before this returns to Council for consideration. Staff's intent is to do this before year's end but we may have to be aware of appeals to sections of the By-law that would hold up final enactment of the entire Zoning By-law.

In your recent email you state "as for when I'm going to build, as soon as I can get the plans approved by the City and the Conservation." To date the city has not received any building plans to approve.

A44 (5)

November 6, 2017
Dave Lallouet
Lakeshore Road Property

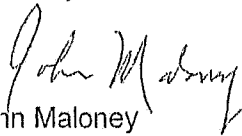
If you wish to proceed with building a dwelling that does not currently meet the requirements of the RD Zone, you have the option of applying for a Minor Variance to address any non-compliant provisions or wait until the new Zoning By-law is approved and no appeals have been made and meet the provisions of the new First Density Residential zone. ~~This latter direction could take some time but would avoid further applications for variance.~~

You also stated that "you can't proceed with my plans without the drainage plan as my architect is waiting for this so he can proceed and the City is holding this up." A drainage plan was submitted to us by Lanthier & Gilmore Surveying Ltd. dated May 10, 2017 showing an approximate building envelope and this drainage plan (not the building envelope) was approved on June 18, 2017 (copy attached). I'm not sure what further document your architect requires.

On another note, I am advised that Mrs. Mahon did not state that the property was not zoned as a residential building lot. Under the current by-law, the property is in an RD zone which permits residential development provided it meets the zoning requirements. RD zoning is generally used on larger parcels of land.

Finally, I would recommend that you meet with one of the City's Planners to address any further concerns you have.

Sincerely,



John Maloney
Mayor

**224 MITCHELL STREET
PORT COLBORNE**

Fire Department to inspect door

6:00a.m., Noon, 6:00p.m. and midnight

Cost: \$459.45 per day for 74 days totals \$33,999.30



Fire Department Invoices

Inspections Fees:	\$33,999.30
Other charges – hard cost & inspection:	\$10,928.16
	<hr/>
Total Charges/invoices- added to property taxes	\$44,927.46



Do Not Enter

By Authority of Port Charlotte Fire &
Emergency Services

Entry is restricted by law.
A fire alarm is in effect.
Monday - Friday 8:30 a.m. to 5:00 p.m.

RE: 224 MITCHELL, PORT COLBORNE

MR. MAYOR AND COUNCIL MEMBERS:

MY NAME IS ALDO MARTINO OF JAAMSS INVESTMENT

CORPORATION.

I AM THE MORTGAGEE IN POSSESSION OF 224 MITCHELL STREET

IN PORT COLBORNE ONTARIO.

BEFORE EXPIRY OF THE POWER OF SALE ON 224 MITCHELL

STREET WE INSPECTED THE PROPERTY.

DURING THIS INSPECTION WE FOUND THAT THE SECOND FLOOR

MAIN DOOR WAS BOARDED UP BY THE FIRE DEPARTMENT AS IT

WAS DEEMED THAT THE SECOND FLOOR WAS UNSAFE FOR

RESIDENTIAL USE PENDING REPAIR TO BRING IT TO CODE.

OUR AUTHORIZING AGENT MET WITH THE FIRE DEPARTMENT AND

WE TOOK POSSESSION OF THE SECOND FLOOR. AT THAT TIME,

WE FOUND, TO OUR SURPRISE, THAT THERE WAS AN

OUTSTANDING INVOICE PAYABLE

TO THE FIRE DEPARTMENT FOR HARD COST AND INSPECTIONS

TOTALLING \$44,927.46

I WILL REFER YOU THE ATTACHED HANDOUT. THE NOTICES

INDICATE THAT THE FIRE DEPARTMENT INSPECTED THIS

PROPERTY FOUR TIMES A DAY AT THE TIMES OF 6:00AM; NOON;

6:00PM; AND MIDNIGHT AT A COST OF \$459.45 PER DAY FOR 74

DAYS TOTALLING \$33,999.30.

WE DO NOT FEEL THERE WAS A NEED FOR THE FIRE DEPARTMENT

TO INSPECT THIS PROPERTY (THE DOOR) FOUR TIMES EACH DAY.

WHILE THERE MAY HAVE BEEN A REQUIREMENT, THE

ASSOCIATED COSTS OF DOING SO WERE SO HIGH THAT EITHER
THE FIRST, SECOND OR THIRD MORTGAGEE SHOULD HAVE BEEN
INFORMED.

WE HAVE COMPLETED ALL REQUIRED REPAIRS TO THE MAIN
LEVEL (VIA CONTRACTING FIRMS) IN ORDER TO RETAIN THESE
RESIDENTS.

WE WILL COVER THE OTHER CHARGES NOTED AS HARD COSTS IN
AMOUNT OF \$10,928.16.

BUT ASK THAT YOU WAIVE THESE EXCESSIVE INSPECTION FEES.

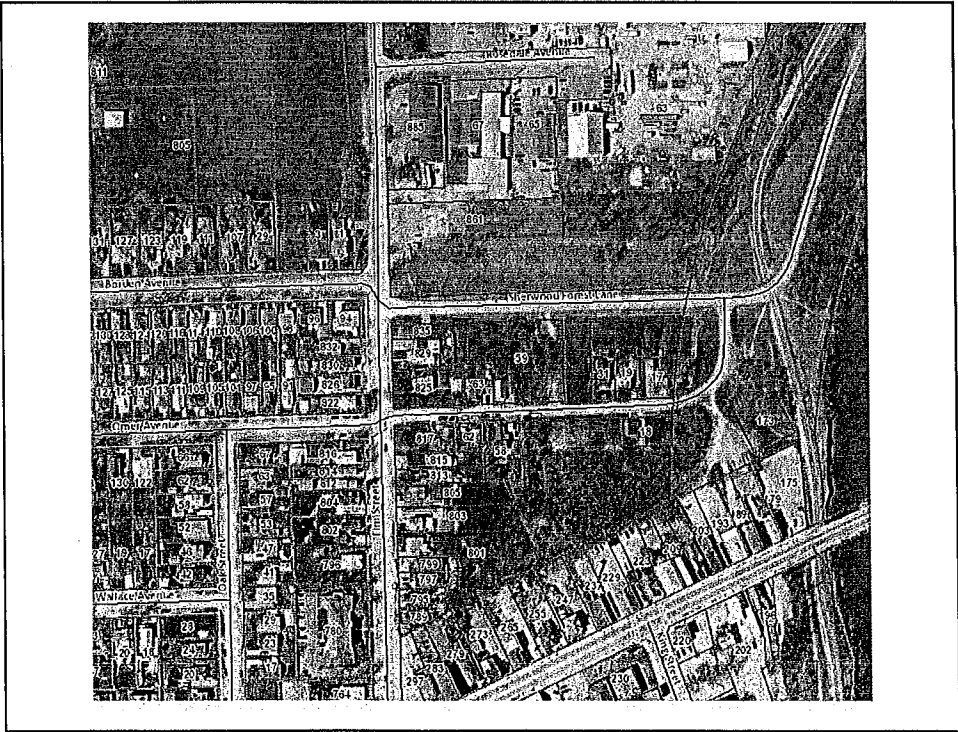
THERE ARE NO FUNDS AVAILABLE TO COVER THIS HIGH
EXPENDITURE.

I WILL NOW DEFER TO ALL OF YOU FOR QUESTIONS.

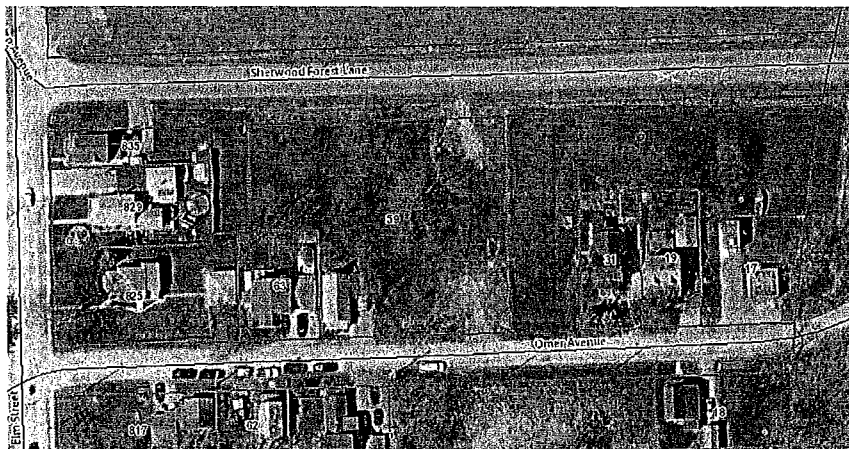
THANK YOU FOR YOUR TIME.

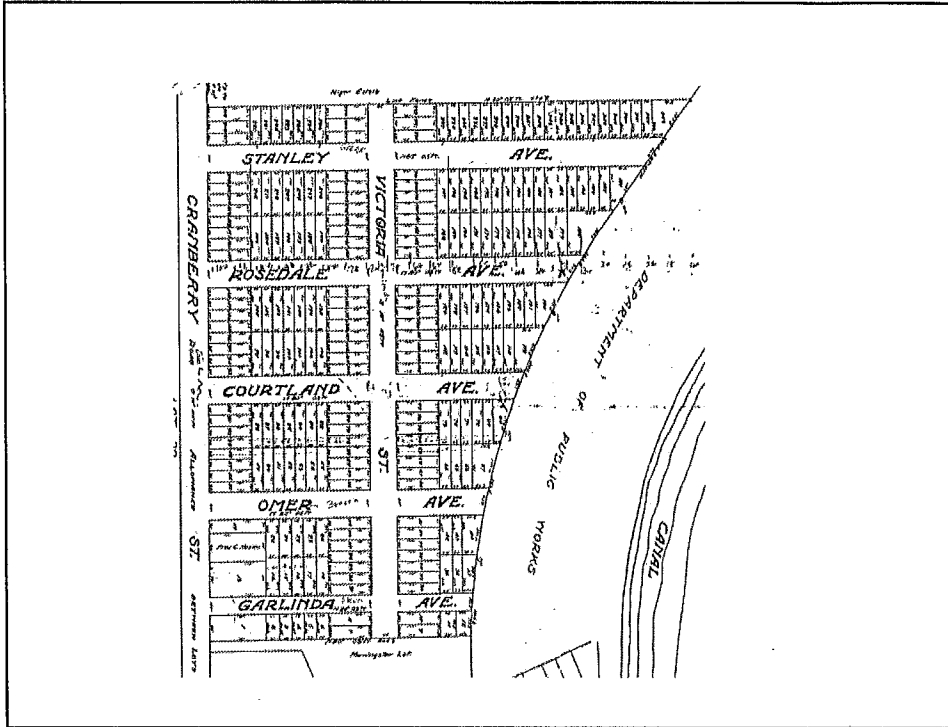
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Proposed Stopping Up & Closing a Portion of Victoria Street



Plan 831, now Garlinda Street,
between Sherwood Forest Lane and
Omer Avenue, being all of PIN 64137-
0107 (LT).





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**City of Port Colborne
Regular Meeting of Council 03-18
Monday, February 12, 2018
following Committee of the Whole Meeting
Council Chambers, 3rd 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) Special meeting of Council 01-18, held on January 22, 2018.
 - (b) Regular meeting of Council 02-18, held on January 22, 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:**
 - (a) Doctor's With a Heart Day, February 14, 2018
- 10. Minutes of Boards, Commissions & Committees:**
 - (a) Minutes of the Port Colborne Active Transportation Advisory Committee Meeting of November 20, 2017
 - (b) Minutes of the Port Colborne Transit Advisory Committee Meeting of October 18, 2017
- 11. Consideration of By-laws:**
- 12. Adjournment:**

Council Items:

Notes	Item	Description / Recommendation
JDM BB RB AD FD YD DE BK JM	1.	<p><u>Planning and Development, Planning Division, Report No. 2018-14, Subject: Recommendation Report – Proposed New Comprehensive Zoning By-law</u></p> <p>That By-law 1150/97/81, being the existing Zoning By-law and any and all amendments thereto be hereby rescinded;</p> <p>That the by-law approving the draft Comprehensive Zoning By-law, attached as Appendix A and B to Planning and Development Report 2018-14, be approved;</p> <p>That pursuant to the provisions of Section 34(17) of the <i>Planning Act</i>, no further notice of public meeting be required;</p> <p>That pursuant to Section 34(10.0.0.2) of the <i>Planning Act</i>, applications for an amendment to the by-law are allowed before the second anniversary of the day on which the Council approves the Comprehensive Zoning By-law.</p> <p>Note: The attachments to the above report can be found by clicking on the following link: http://www.portcolborne.ca/fileBin/library/agendas/Planning & Development, Report No. 2018-14.pdf</p>
JDM BB RB AD FD YD DE BK JM	2.	<p><u>Planning and Development, Report No. 2018-16, Subject: Stopping Up and Closing part of Victoria Street and Sale to 2023781 Ontario Inc.</u></p> <p>That in accordance with City policy, the by-law attached to Planning and Development Report 2018-16, Being a By-law to Stop Up, Close, Declare Surplus and to Authorize the Sale of the Portion of The Victoria Street Road Allowance, Plan 831 now Garlinda Street, Between Sherwood Forest Lane and Omer Avenue, Being All of PIN 64137-0107 (LT) to 2023781 Ontario Inc., be approved.</p> <p>That 2023781 Ontario Inc.'s offer to purchase the above lands for \$40,000 (plus HST) be approved.</p> <p>That the Mayor and Clerk be authorized to sign and execute any and all documents respecting the sale these lands.</p>

JDM AD DE	BB FD BK	RB YD JM	3.	<p><u>Planning and Development, Report No. 2018-17, Subject: Sale of 14 King Street (Valley Camp)</u></p> <p>That an Agreement of Purchase and Sale be entered into with Andrew Soave (or assignees) for the purchase of 14 King Street (Valley Camp) for the purchase price of \$170,000 (plus HST), attached to Planning and Development Report 2018-17 as Appendix "A".</p> <p>That the Mayor, Clerk and City Solicitor be authorized to sign and execute any and all documents respecting the sale of these lands.</p>
JDM AD DE	BB FD BK	RB YD JM	4.	<p><u>Engineering and Operations, Operations Division, Report No. 2018-15, Subject: Multiple Vehicle Purchase</u></p> <p>That the quotation for the lowest pricing from Brock Ford of Niagara Falls for the replacement of the vehicles, as outlined in Engineering and Operations Report 2018-15, Multiple Vehicle Purchase, be approved.</p> <p>That funding for the vehicles be financed under the following GL Account Numbers: \$206,830 - 3-550-33150-3401; Equipment Reserve, \$13,165 - 3-595-33103-3401; Water Equipment and \$13,165 - 3-590-33102-3401; Sewer Equipment.</p> <p>That the Director of Engineering and Operations be authorized to issue a purchase order for the purchase of these vehicles from the appropriate vender at the pricing detailed.</p>
JDM AD DE	BB FD BK	RB YD JM	5.	<p><u>Dr. Salanki & Associates of Chiropractic Associates of Port Colborne Re: Request for Proclamation of Doctor's With a Heart Day, February 14, 2018</u></p> <p>That February 14th, 2018 be proclaimed as Doctor's With a Heart Day in the City of Port Colborne in accordance with the request received from Dr. Salanki and Associates of Chiropractic Associates of Port Colborne.</p>
JDM AD DE	BB FD BK	RB YD JM	6.	<p><u>Region of Niagara Re: 2018 Interim Levy Dates and Amounts (CSD Report 3-2018)</u></p> <p>That the correspondence received from the Region of Niagara Re: 2018 Interim Levy Dates and Amounts (CSD Report 3-2018), be received for information.</p>

JDM AD DE	BB FD BK	RB YD JM	7.	<p><u>Region of Niagara Re: Niagara Escarpment Plan Agriculture Policies (PDS Report 1-2018)</u></p> <p>That the correspondence received from the Region of Niagara Re: Niagara Escarpment Plan Agriculture Policies (PDS Report 1-2018), be received for information.</p>
JDM AD DE	BB FD BK	RB YD JM	8.	<p><u>Region of Niagara Re: Protocol for Planning Services Between the Regional Municipality of Niagara and the Niagara Peninsula Conservation Authority (PDS Report 2-2018)</u></p> <p>That the correspondence received from the Region of Niagara Re: Protocol for Planning Services Between the Regional Municipality of Niagara and the Niagara Peninsula Conservation Authority (PDS Report 2-2018), be received for information.</p>
JDM AD DE	BB FD BK	RB YD JM	9.	<p><u>Richard Rybiak, Chair, Niagara Central Airport Commission Re: Niagara Central Dorothy Rungeling Airport, 2017 Fourth Quarter Report</u></p> <p>That the correspondence received from Richard Rybiak, Chair, Niagara Central Airport Commission Re: Niagara Central Dorothy Rungeling Airport, 2017 Fourth Quarter Report, be received for information.</p>
Miscellaneous Correspondence				
JDM AD DE	BB FD BK	RB YD JM	10.	<p><u>Scott Butler, OGRA, Policy and Research, Ontario Good Roads Association Re: Requesting Ontario Municipalities to Adopt a Resolution that Calls on the Minister of Environment and Climate Change to Accelerate the Application for Review of the Municipal Class Environmental Assessment (MCEA) Process</u></p> <p>That the correspondence received from Scott Butler, OGRA, Policy and Research, Ontario Good Roads Association Re: Requesting Ontario Municipalities to Adopt a Resolution that Calls on the Minister of Environment and Climate Change to Accelerate the Application for Review of the MCEA Process, be received; and</p> <p>That the following motion be approved:</p> <p>WHEREAS a coalition of the Municipal Engineers Association (MEA) and the Residential and Civil Construction Alliance of Ontario have successfully applied to have a review of the Municipal Class</p>

	<p>Environmental Assessment process conducted under Part IV (Section 61) of the <i>Environmental Bill of Rights Act, 1993</i> (EBR Act);</p> <p>AND WHEREAS impact studies and public meetings required by the MCEA process often take two years or more to complete before construction can commence;</p> <p>AND WHEREAS the MCEA requirements to evaluate alternatives are often not well aligned with prior or municipal land use planning decisions;</p> <p>AND WHEREAS analysis by the Residential and Civil Construction Alliance of Ontario (RCCAO) has demonstrated that the time to complete an EA rose from 19 months to 26.7 months and costs went from an average of \$113,300 to \$386,500;</p> <p>AND WHEREAS the Auditor General of Ontario has tabled recommendations for modernizing the MCEA process;</p> <p>AND WHEREAS in spite of written commitments made by the Ministry of the Environment between 2013-2015, no action has been taken;</p> <p>AND WHEREAS local projects that do not have the necessary approvals could lose out on the next intake of Build Canada funding;</p> <p>NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE RESOLVES AS FOLLOWS:</p> <p>That The City of Port Colborne requests that the Minister of the Environment and Climate Change take immediate steps to expedite the response process for Part II Orders or Bump-Up requests, as part of the s.61 review to improve MCEA process times and reduce study costs;</p> <p>And Further that the Minister of the Environment and Climate Change support changes to better integrate and harmonize the MCEA process with processes defined under the <i>Planning Act</i>;</p> <p>And Further that the Minister of the Environment and Climate Change amend the scope of MCEA reports and studies to reduce duplication with existing public processes and decisions made under municipal Official Plans and provincial legislation.</p>
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JDM AD DE	BB FD BK	RB YD JM	11.	<p>Email correspondence from Donna Cripps, Chief Executive Officer, Hamilton Niagara Haldimand Brant Local Health Integration Network Re: Town of Fort Erie’s Resolution regarding Health Care Services in the Niagara Region</p> <hr/> <p>That the correspondence received from Donna Cripps, Chief Executive Officer, Hamilton Niagara Haldimand Brant Local Health Integration Network Re: Response to the Town of Fort Erie's resolution regarding Health Care Services in the Niagara Region, be received for information.</p>
JDM AD DE	BB FD BK	RB YD JM	12.	<p>City of St. Catharines Re: Town of Fort Erie - Support of Resolution: Health Care Services in Niagara Region</p> <hr/> <p>That the resolution received from the City of St. Catharines Re: Town of Fort Erie – Support of Resolution regarding Health Care Services in Niagara Region, be received for information.</p> <p>Note: At its meeting of December 11, 2017 Council referred the resolution to the Port Colborne Medical Education, Recruitment and Health Services Committee for review and recommendation to Council.</p>
JDM AD DE	BB FD BK	RB YD JM	13.	<p>City of St. Catharines Re: Long Term Care Facilities – Increased Funding</p> <hr/> <p>That the resolution received from the City of St. Catharines Re: Long Term Care Facilities – Increased Funding, be supported.</p>
JDM AD DE	BB FD BK	RB YD JM	14.	<p>City of Thorold Re: Niagara Peninsula Conservation Authority – Disclosure of Legal Costs</p> <hr/> <p>That the resolution received from the City of Thorold in support of the resolution of the City of St. Catharines Re: Niagara Peninsula Conservation Authority Disclosure of Legal Costs, be received for information.</p> <p>Note: At its meeting of January 12, 22, 2017 Council supported the above resolution.</p>

JDM AD DE	BB FD BK	RB YD JM	15.	<p><u>City of Thorold Re: Federal Changes to the Municipal Councillor Taxation on Income</u></p> <p>That the resolution received from the City of Thorold in support the resolution of the Township of Wainfleet Re: Federal Changes to Municipal Councillor Taxation on Income, be received for information.</p> <p>Note: At its Meeting of January 22, 2018 Council supported the above resolution.</p>
JDM AD DE	BB FD BK	RB YD JM	16.	<p><u>City of Thorold Re: Gillian’s Place and National Day of Action on Violence Against Women</u></p> <p>That the resolution received from the City of Thorold in support of the resolution from the City of St. Catharines Re: Gillian’s Place and National Day of Action on Violence Against Women, be received for information.</p> <p>Note: At its Meeting of January 22, 2018 Council received the above resolution.</p>
JDM AD DE	BB FD BK	RB YD JM	17.	<p><u>Township of Wainfleet Re: Niagara Parks Commission’s Proposed Expansion and Enhancement – Marina and Resort Development at Miller’s Creek (Town of Fort Erie)</u></p> <p>That the resolution received from the Township of Wainfleet Re: Niagara Parks Commission’s Proposed Expansion and Enhancement – Marina and Resort Development at Miller’s Creek, be received for information.</p> <p>Note: At its meeting of January 22, 2018 Council supported the resolution of the Town of Fort Erie.</p>
JDM AD DE	BB FD BK	RB YD JM	18.	<p><u>Town of Lakeshore Re: Allocate Infrastructure Funding Dedicated to Municipalities for Storm Water Management and Drainage Improvements</u></p> <p>That the resolution received from the Town of Lakeshore Re: Allocate Infrastructure Funding Dedicated to Municipalities for Storm Water Management and Drainage Improvements, be supported.</p>

Responses to City of Port Colborne Resolutions				
JDM AD DE	BB FD BK	RB YD JM	19.	<p>Kathryn McGarry, Minister, Ministry of Natural Resources and Forestry Re: Response to the City of Port Colborne's Resolution Regarding The Appointment of a Provincial Supervisor to the Niagara Peninsula Conservation Authority</p> <hr/> <p>That the correspondence received from Kathryn McGarry, Minister, Ministry of Natural Resources and Forestry Re: Response to the City of Port Colborne's Resolution regarding the Appointment of a Provincial Supervisor to the Niagara Peninsula Conservation Authority, be received for information.</p>
JDM AD DE	BB FD BK	RB YD JM	20.	<p>Kathleen Wynne, Premier of Ontario Re: Response to the City of Port Colborne's Resolution Regarding The Niagara Peninsula Conservation Authority – Disclosure of Legal Costs</p> <hr/> <p>That the correspondence received from The Honourable Kathleen Wynne, Premier of Ontario Re: Response to the City of Port Colborne's Resolution regarding the Niagara Peninsula Conservation Authority – Disclosure of Legal Costs, be received for information.</p>
JDM AD DE	BB FD BK	RB YD JM	21.	<p>City of St. Catharines and the City of Thorold in support of the City of Port Colborne's Resolution Re: Regional Council Approval of Audit Committee Recommendations respecting the Town of Pelham</p> <hr/> <p>That the resolutions received from the City of St. Catharines and the City of Thorold endorsing the City of Port Colborne's resolution and strongly objects to the Region and its Audit Committee interfering in a local municipality's finances, be received for information.</p>

**Consideration of By-laws
(Council Agenda Item 11)**

By-law No.	Title
6550/05/18	Being a Comprehensive Zoning By-Law to Regulate the Use of Lands and The Character, Location and Use of Buildings and Structures Within the City of Port Colborne
6551/06/18	Being a By-Law to Stop Up and To Close, Declare Surplus and to Authorize the Sale of the Portion of The Victoria Street Road Allowance, Plan 831, Now Garlinda Street, Between Sherwood Forest Land and Omer Avenue, Being All of Pin 64137-0107 (LT) to 2023781 Ontario Inc.
6552/07/18	Being a By-Law to Authorize Entering Into an Agreement of Purchase and Sale with Andrew Soave (or Assignees) Respecting 14 King Street (Valley Camp)
6553/08/18	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 February 12, 2018

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THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. _____

**BEING A COMPREHENSIVE ZONING BY-LAW TO REGULATE THE USE OF
LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND
STRUCTURES WITHIN THE CITY OF PORT COLBORNE**

WHEREAS Section 34 of the *Planning Act, R.S.O. 1990, c. P.13* provides that councils of local municipalities may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS, Planning and Development Report No. 2018-14 provided all text and schedules of a new comprehensive zoning by-law;

AND WHEREAS, the Council of the City of Port Colborne has deemed it to be in the public interest that such a by-law be enacted;

NOW, THEREFORE, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

A new Comprehensive Zoning By-law for the City of Port Colborne and to rescind By-law 1150/97/81 being the existing Zoning By-law and any and all amendments thereto.

ENACTED AND PASSED THIS 12TH DAY OF FEBRUARY, 2018.

John Maloney
MAYOR

Carrie McIntosh
DEPUTY CLERK

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THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. _____

BEING A BY-LAW TO STOP UP AND TO CLOSE, DECLARE SURPLUS AND TO AUTHORIZE THE SALE OF THE PORTION OF THE VICTORIA STREET ROAD ALLOWANCE, PLAN 831, NOW GARLINDA STREET, BETWEEN SHERWOOD FOREST LANE AND OMER AVENUE, BEING ALL OF PIN 64137-0107 (LT) TO 2023781 ONTARIO INC.

WHEREAS Section 27(1) of the *Municipal Act, 2001*, provides that, except as otherwise provided in the Act, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

AND WHEREAS pursuant to Section 28(1) of the *Municipal Act, 2001*, The Corporation of the City of Port Colborne has jurisdiction over the highway set out and described in this by-law;

AND WHEREAS it is deemed expedient in the interest of The Corporation of the City of Port Colborne that the road allowance set out and described in this by-law be stopped up and closed, and that the land be declared surplus and offered for sale;

AND WHEREAS in accordance with Section 34(1) of the *Municipal Act, 2001*, and By-law 4339/12/03 of The Corporation of the City of Port Colborne, Being a By-law to Prescribe the Form and Manner and Times for the Provision of Notice in Accordance with the *Municipal Act, 2001*, public notice of Council's intention to permanently close the highway set out and described in this by-law was provided;

AND WHEREAS no person claiming their lands will be prejudicially affected by the by-law applied to be heard by the Council of The Corporation of the City of Port Colborne at the meeting held by the Council for that purpose on Monday, January 22, 2018.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. That upon and after the passing of this By-law all that portion of the road allowance described as part of the original Victoria Street road allowance, Plan 831, now Garlinda Street, between Sherwood Forest Lane and Omer Avenue, being all of PIN 64137-0107 (LT) is hereby stopped up and closed.
2. That the lands hereinbefore described as part of the original Victoria Street road allowance, Plan 831, now Garlinda Street, between Sherwood Forest Lane and Omer Avenue, being all of PIN 64137-0107 (LT) is hereby stopped up and closed are hereby declared surplus to the needs of the Corporation of the City of Port Colborne and shall be offered for sale to 2023781 Ontario Inc.
3. That the Mayor and Clerk be and are hereby authorized to sign and execute any documents that may be required for the purpose of carrying out the intent of this by-law and the Clerk is duly authorized to affix the corporate seal thereto.
4. That the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office to effect the closing of the Courtland Avenue road allowance hereinbefore described.

5. This by-law shall take effect on the day that a certified copy of the by-law is registered in the proper land registry office.

ENACTED AND PASSED THIS 12TH DAY OF FEBRUARY, 2018.

John Maloney
MAYOR

Carrie McIntosh
DEPUTY CLERK

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. _____

BEING A BY-LAW TO AUTHORIZE ENTERING INTO AN AGREEMENT OF PURCHASE AND SALE WITH ANDREW SOAVE (OR ASSIGNEES) RESPECTING 14 KING STREET (VALLEY CAMP)

WHEREAS at its meeting of February 12, 2018, Council approved the recommendations of Department of Planning and Development, Report No. 2018-17, Subject: Sale of 14 King Street (Valley Camp);

AND WHEREAS Council is desirous of entering into an Agreement of Purchase and Sale with Andrew Soave (or assignees) for the purchase price of \$170,000 (plus HST);

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. That the City of Port Colborne enter into an Agreement of Purchase and Sale with Andrew Soave for the sale of Valley Camp, 14 King Street, for the purchase price of \$170,000 (plus HST) which agreement is attached hereto as Schedule "A".
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 the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office as may be required to give full force and effect to this By-law.

ENACTED AND PASSED THIS 12TH DAY OF FEBRUARY 2018.

John Maloney
MAYOR

Carrie McIntosh
DEPUTY CLERK

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Agreement of Purchase and Sale Commercial

Form 500

for use in the Province of Ontario

This Agreement of Purchase and Sale dated this 31 day of January, 2018

BUYER, ANDREW SOAVE OR ASSIGNEES, agrees to purchase from
(Full legal names of all Buyers)

SELLER, CITY OF PORT COLBORNE, the following
(Full legal names of all Sellers)

REAL PROPERTY:

Address 14 KING Street

fronting on the WEST side of KING ST

in the CITY OF Port Colborne

and having a frontage of 131 ft more or less by a depth of 109 ft more or less

and legally described as PART 2 PL 30R-11870

..... (the "property")
(Legal description of land including easements not described elsewhere)

PURCHASE PRICE: Dollars (CDN\$) 170,000.00

One Hundred Seventy Thousand Dollars

DEPOSIT: Buyer submits Upon acceptance
(Herewith/Upon Acceptance/as otherwise described in this Agreement)

Five Thousand Dollars (CDN\$) 5,000.00

by negotiable cheque payable to ROYAL LEPAGE NIAGARA REAL ESTATE CENTRE "Deposit Holder" to be held in trust pending completion or other termination of this Agreement and to be credited toward the Purchase Price on completion. For the purposes of this Agreement, "Upon Acceptance" shall mean that the Buyer is required to deliver the deposit to the Deposit Holder within 24 hours of the acceptance of this Agreement. The parties to this Agreement hereby acknowledge that, unless otherwise provided for in this Agreement, the Deposit Holder shall place the deposit in trust in the Deposit Holder's non-interest bearing Real Estate Trust Account and no interest shall be earned, received or paid on the deposit.

Buyer agrees to pay the balance as more particularly set out in Schedule A attached.

SCHEDULE(S) A **attached hereto form(s) part of this Agreement.**

1. IRREVOCABILITY: This offer shall be irrevocable by Buyer until 6:00 p.m. on the 16 day of February, 2018, after which time, if not accepted, this offer shall be null and void and the deposit shall be returned to the Buyer in full without interest.
(Seller/Buyer)

2. COMPLETION DATE: This Agreement shall be completed by no later than 6:00 p.m. on the 30 day of March, 2018. Upon completion, vacant possession of the property shall be given to the Buyer unless otherwise provided for in this Agreement.

INITIALS OF BUYER(S):

X

INITIALS OF SELLERS(S):

3. **NOTICES:** The Seller hereby appoints the Listing Brokerage as agent for the Seller for the purpose of giving and receiving notices pursuant to this Agreement. Where a Brokerage (Buyer's Brokerage) has entered into a representation agreement with the Buyer, the Buyer hereby appoints the Buyer's Brokerage as agent for the purpose of giving and receiving notices pursuant to this Agreement. **Where a Brokerage represents both the Seller and the Buyer (multiple representation), the Brokerage shall not be appointed or authorized to be agent for either the Buyer or the Seller for the purpose of giving and receiving notices.** Any notice relating hereto or provided for herein shall be in writing. In addition to any provision contained herein and in any Schedule hereto, this offer, any counter-offer, notice of acceptance thereof or any notice to be given or received pursuant to this Agreement or any Schedule hereto (any of them, "Document") shall be deemed given and received when delivered personally or hand delivered to the Address for Service provided in the Acknowledgement below, or where a facsimile number or email address is provided herein, when transmitted electronically to that facsimile number or email address, respectively, in which case, the signature(s) of the party (parties) shall be deemed to be original.

FAX No.:
(For delivery of Documents to Seller)

FAX No.:
(For delivery of Documents to Buyer)

Email Address: billb@royallepage.ca
(For delivery of Documents to Seller)

Email Address: billb@royallepage.ca
(For delivery of Documents to Buyer)

4. **CHATELS INCLUDED:**

NONE

Unless otherwise stated in this Agreement or any Schedule hereto, Seller agrees to convey all fixtures and chattels included in the Purchase Price free from all liens, encumbrances or claims affecting the said fixtures and chattels.

5. **FIXTURES EXCLUDED:**

NONE

6. **RENTAL ITEMS (Including Lease, Lease to Own):** The following equipment is rented and **not** included in the Purchase Price. The Buyer agrees to assume the rental contract(s), if assumable:

NONE

The Buyer agrees to co-operate and execute such documentation as may be required to facilitate such assumption.

7. **HST: If the sale of the property (Real Property as described above) is subject to Harmonized Sales Tax (HST), then such tax shall be in addition to the Purchase Price.** The Seller will not collect HST if the Buyer provides to the Seller a warranty that the Buyer is registered under the Excise Tax Act ("ETA"), together with a copy of the Buyer's ETA registration, a warranty that the Buyer shall self-assess and remit the HST payable and file the prescribed form and shall indemnify the Seller in respect of any HST payable. The foregoing warranties shall not merge but shall survive the completion of the transaction. If the sale of the property is not subject to HST, Seller agrees to certify on or before closing, that the transaction is not subject to HST. Any HST on chattels, If applicable, is not included in the Purchase Price.

INITIALS OF BUYER(S):



INITIALS OF SELLERS(S):





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- 15. PLANNING ACT:** This Agreement shall be effective to create an interest in the property only if Seller complies with the subdivision control provisions of the Planning Act by completion and Seller covenants to proceed diligently at his expense to obtain any necessary consent by completion.
- 16. DOCUMENT PREPARATION:** The Transfer/Deed shall, save for the Land Transfer Tax Affidavit, be prepared in registrable form at the expense of Seller, and any Charge/Mortgage to be given back by the Buyer to Seller at the expense of the Buyer. If requested by Buyer, Seller covenants that the Transfer/Deed to be delivered on completion shall contain the statements contemplated by Section 50(22) of the Planning Act, R.S.O.1990.
- 17. RESIDENCY:** (a) Subject to (b) below, the Seller represents and warrants that the Seller is not and on completion will not be a non-resident under the non-residency provisions of the Income Tax Act which representation and warranty shall survive and not merge upon the completion of this transaction and the Seller shall deliver to the Buyer a statutory declaration that Seller is not then a non-resident of Canada;
(b) provided that if the Seller is a non-resident under the non-residency provisions of the Income Tax Act, the Buyer shall be credited towards the Purchase Price with the amount, if any, necessary for Buyer to pay to the Minister of National Revenue to satisfy Buyer's liability in respect of tax payable by Seller under the non-residency provisions of the Income Tax Act by reason of this sale. Buyer shall not claim such credit if Seller delivers on completion the prescribed certificate.
- 18. ADJUSTMENTS:** Any rents, mortgage interest, realty taxes including local improvement rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to Buyer.
- 19. TIME LIMITS:** Time shall in all respects be of the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by Seller and Buyer or by their respective lawyers who may be specifically authorized in that regard.
- 20. PROPERTY ASSESSMENT:** The Buyer and Seller hereby acknowledge that the Province of Ontario has implemented current value assessment and properties may be re-assessed on an annual basis. The Buyer and Seller agree that no claim will be made against the Buyer or Seller, or any Brokerage, Broker or Salesperson, for any changes in property tax as a result of a re-assessment of the property, save and except any property taxes that accrued prior to the completion of this transaction.
- 21. TENDER:** Any tender of documents or money hereunder may be made upon Seller or Buyer or their respective lawyers on the day set for completion. Money shall be tendered with funds drawn on a lawyer's trust account in the form of a bank draft, certified cheque or wire transfer using the Large Value Transfer System.
- 22. FAMILY LAW ACT:** Seller warrants that spousal consent is not necessary to this transaction under the provisions of the Family Law Act, R.S.O.1990 unless the spouse of the Seller has executed the consent hereinafter provided.
- 23. UFFI:** Seller represents and warrants to Buyer that during the time Seller has owned the property, Seller has not caused any building on the property to be insulated with insulation containing ureaformaldehyde, and that to the best of Seller's knowledge no building on the property contains or has ever contained insulation that contains ureaformaldehyde. This warranty shall survive and not merge on the completion of this transaction, and if the building is part of a multiple unit building, this warranty shall only apply to that part of the building which is the subject of this transaction.
- 24. LEGAL, ACCOUNTING AND ENVIRONMENTAL ADVICE:** The parties acknowledge that any information provided by the brokerage is not legal, tax or environmental advice, and that it has been recommended that the parties obtain independent professional advice prior to signing this document.
- 25. CONSUMER REPORTS:** The Buyer is hereby notified that a consumer report containing credit and/or personal information may be referred to in connection with this transaction.
- 26. AGREEMENT IN WRITING:** If there is conflict or discrepancy between any provision added to this Agreement (including any Schedule attached hereto) and any provision in the standard pre-set portion hereof, the added provision shall supersede the standard pre-set provision to the extent of such conflict or discrepancy. This Agreement including any Schedule attached hereto, shall constitute the entire Agreement between Buyer and Seller. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. For the purposes of this Agreement, Seller means vendor and Buyer means purchaser. This Agreement shall be read with all changes of gender or number required by the context.
- 27. TIME AND DATE:** Any reference to a time and date in this Agreement shall mean the time and date where the property is located.

INITIALS OF BUYER(S):

X

INITIALS OF SELLERS(S):



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28. SUCCESSORS AND ASSIGNS: The heirs, executors, administrators, successors and assigns of the undersigned are bound by the terms herein.

SIGNED, SEALED AND DELIVERED in the presence of:

IN WITNESS whereof I have hereunto set my hand and seal:

Andrew Soave

(Witness)

X
(Buyer/Authorized Signing Officer)

(Seal)

DATE X

(Witness)

(Buyer/Authorized Signing Officer)

(Seal)

DATE

I, the Undersigned Seller, agree to the above offer. I hereby irrevocably instruct my lawyer to pay directly to the brokerage(s) with whom I have agreed to pay commission, the unpaid balance of the commission together with applicable Harmonized Sales Tax (and any other taxes as may hereafter be applicable), from the proceeds of the sale prior to any payment to the undersigned on completion, as advised by the brokerage(s) to my lawyer.

SIGNED, SEALED AND DELIVERED in the presence of:

IN WITNESS whereof I have hereunto set my hand and seal:

(Witness)

(Seller/Authorized Signing Officer)

(Seal)

DATE

(Witness)

(Seller/Authorized Signing Officer)

(Seal)

DATE

SPOUSAL CONSENT: The undersigned spouse of the Seller hereby consents to the disposition evidenced herein pursuant to the provisions of the Family Law Act, R.S.O.1990, and hereby agrees to execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

(Witness)

(Spouse)

(Seal)

DATE

CONFIRMATION OF ACCEPTANCE: Notwithstanding anything contained herein to the contrary, I confirm this Agreement with all changes both typed and written was finally accepted by all parties at a.m./p.m this day of....., 20.....

(Signature of Seller or Buyer)

INFORMATION ON BROKERAGE(S)

Listing Brokerage ROYAL LEPAGE NIAGARA R.E. CENTRE Tel.No. (905) 834-9000
BILL BECSKEREKI
(Salesperson / Broker Name)

Co-op/Buyer Brokerage Tel.No.
(Salesperson / Broker Name)

ACKNOWLEDGEMENT

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale and I authorize the Brokerage to forward a copy to my lawyer.

I acknowledge receipt of my signed copy of this accepted Agreement of Purchase and Sale and I authorize the Brokerage to forward a copy to my lawyer.

(Seller) DATE

(Buyer) DATE

(Seller) DATE

(Buyer) DATE

Address for Service

Address for Service

..... Tel.No.

..... Tel.No.

Seller's Lawyer

Buyer's Lawyer

Address

Address

Email

Email

..... Tel.No. FAX No.

..... Tel.No. FAX No.

FOR OFFICE USE ONLY

COMMISSION TRUST AGREEMENT

To: Co-operating Brokerage shown on the foregoing Agreement of Purchase and Sale:

In consideration for the Co-operating Brokerage procuring the foregoing Agreement of Purchase and Sale, I hereby declare that all moneys received or receivable by me in connection with the Transaction as contemplated in the MLS® Rules and Regulations of my Real Estate Board shall be receivable and held in trust. This agreement shall constitute a Commission Trust Agreement as defined in the MLS® Rules and shall be subject to and governed by the MLS® Rules pertaining to Commission Trust.

DATED as of the date and time of the acceptance of the foregoing Agreement of Purchase and Sale. Acknowledged by:

(Authorized to bind the Listing Brokerage)

(Authorized to bind the Co-operating Brokerage)

Schedule A

Agreement of Purchase and Sale – Commercial

Form 500

for use in the Province of Ontario

This Schedule is attached to and forms part of the Agreement of Purchase and Sale between:

BUYER, ANDREW SOAVE OR ASSIGNEES, and

SELLER, CITY OF PORT COLBORNE

for the purchase and sale of 14 KING Street Port Colborne

L3K 4E5 dated the 31 day of January 20 18

FUTURE USE: Seller and Buyer agree there is no representation or warranty of any kind that the future intended use of the property by Buyer (other than as permitted under section 27 of the current/existing Port Colborne Zoning Bylaw not limited to and including for use of a self storage facility of an area not less that the current footprint of the existing building) is or will be lawful except as may be specifically provided in the agreement.

The parties to this agreement hereby acknowledge and agree that the deposit holder Royal LePage Niagara Real Estate Centre, Brokerage shall place the deposit into its interest bearing real estate trust account, as specified by the Real Estate Business Broker's Act 2002 Section 27, which earns interest at the current rate of prime less 2.00% per annum. The parties to this agreement agree that should the amount of interest calculated be more than \$100.00 the deposit holder shall pay the beneficial owner of the trust money the interest accrued on the successful completion of this transaction; otherwise the deposit holder will retain it and that this Schedule will form part of the terms of the trust. The parties further agree that NO interest shall be paid to the beneficial owner of the trust unless they provide the deposit holder with a Social Insurance Number for use on the T5 forms by no later than thirty [30] days following the completion of the herein transaction. If the Social Insurance Number is not received within 30 days following completion, said interest shall be forfeited to the deposit holder.

This form must be initialed by all parties to the Agreement of Purchase and Sale.

INITIALS OF BUYER(S): X

INITIALS OF SELLERS(S):

Confirmation of Co-operation and Representation

Form 320

for use in the Province of Ontario

BUYER: ANDREW SOAVE OR ASSIGNEES

SELLER: CITY OF PORT COLBORNE

For the transaction on the property known as: 14 KING Street Port Colborne L3K 4E5

DEFINITIONS AND INTERPRETATIONS: For the purposes of this Confirmation of Co-operation and Representation: "Seller" includes a vendor, a landlord, or a prospective, seller, vendor or landlord and "Buyer" includes a purchaser, a tenant, or a prospective, buyer, purchaser or tenant, "sale" includes a lease, and "Agreement of Purchase and Sale" includes an Agreement to Lease. Commission shall be deemed to include other remuneration.

The following information is confirmed by the undersigned salesperson/broker representatives of the Brokerage(s). If a Co-operating Brokerage is involved in the transaction, the brokerages agree to co-operate, in consideration of, and on the terms and conditions as set out below.

DECLARATION OF INSURANCE: The undersigned salesperson/broker representative(s) of the Brokerage(s) hereby declare that he/she is insured as required by the Real Estate and Business Brokers Act, 2002 (REBBA 2002) and Regulations.

1. LISTING BROKERAGE

- a) The Listing Brokerage represents the interests of the Seller in this transaction. It is further understood and agreed that:
 - 1) The Listing Brokerage is not representing or providing Customer Service to the Buyer.
(If the Buyer is working with a Co-operating Brokerage, Section 3 is to be completed by Co-operating Brokerage)
 - 2) The Listing Brokerage is providing Customer Service to the Buyer.
- b) **MULTIPLE REPRESENTATION:** The Listing Brokerage has entered into a Buyer Representation Agreement with the Buyer and represents the interests of the Seller and the Buyer, with their consent, for this transaction. The Listing Brokerage must be impartial and equally protect the interests of the Seller and the Buyer in this transaction. The Listing Brokerage has a duty of full disclosure to both the Seller and the Buyer, including a requirement to disclose all factual information about the property known to the Listing Brokerage. However, the Listing Brokerage shall not disclose:
 - That the Seller may or will accept less than the listed price, unless otherwise instructed in writing by the Seller;
 - That the Buyer may or will pay more than the offered price, unless otherwise instructed in writing by the Buyer;
 - The motivation of or personal information about the Seller or Buyer, unless otherwise instructed in writing by the party to which the information applies, or unless failure to disclose would constitute fraudulent, unlawful or unethical practice;
 - The price the Buyer should offer or the price the Seller should accept;
 - And; the Listing Brokerage shall not disclose to the Buyer the terms of any other offer.

However, it is understood that factual market information about comparable properties and information known to the Listing Brokerage concerning potential uses for the property will be disclosed to both Seller and Buyer to assist them to come to their own conclusions.

Additional comments and/or disclosures by Listing Brokerage: (e.g. The Listing Brokerage represents more than one Buyer offering on this property.)

2. PROPERTY SOLD BY BUYER BROKERAGE – PROPERTY NOT LISTED

- The Brokerage represent the Buyer and the property is not listed with any real estate brokerage. The Brokerage will be paid
(does/does not)
 - by the Seller in accordance with a Seller Customer Service Agreement
 - or: by the Buyer directly

Additional comments and/or disclosures by Buyer Brokerage: (e.g. The Buyer Brokerage represents more than one Buyer offering on this property.)

INITIALS OF BUYER(S)/SELLER(S)/BROKERAGE REPRESENTATIVE(S) (Where applicable)

○

BUYER

○

CO-OPERATING/BUYER BROKERAGE

○

SELLER

○

LISTING BROKERAGE



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3. Co-operating Brokerage completes Section 3 and Listing Brokerage completes Section 1.

CO-OPERATING BROKERAGE- REPRESENTATION:

- a) The Co-operating Brokerage represents the interests of the Buyer in this transaction.
- b) The Co-operating Brokerage is providing Customer Service to the Buyer in this transaction.
- c) The Co-operating Brokerage is not representing the Buyer and has not entered into an agreement to provide customer service(s) to the Buyer.

CO-OPERATING BROKERAGE- COMMISSION:

- a) The Listing Brokerage will pay the Co-operating Brokerage the commission as indicated in the MLS® information for the property
 to be paid from the amount paid by the Seller to the Listing Brokerage.
 (Commission As Indicated In MLS® Information)
- b) The Co-operating Brokerage will be paid as follows:

Additional comments and/or disclosures by Co-operating Brokerage: (e.g., The Co-operating Brokerage represents more than one Buyer offering on this property.)

Commission will be payable as described above, plus applicable taxes.


COMMISSION TRUST AGREEMENT: If the above Co-operating Brokerage is receiving payment of commission from the Listing Brokerage, then the agreement between Listing Brokerage and Co-operating Brokerage further includes a Commission Trust Agreement, the consideration for which is the Co-operating Brokerage procuring an offer for a trade of the property, acceptable to the Seller. This Commission Trust Agreement shall be subject to and governed by the MLS® rules and regulations pertaining to commission trusts of the Listing Brokerage's local real estate board, if the local board's MLS® rules and regulations so provide. Otherwise, the provisions of the OREA recommended MLS® rules and regulations shall apply to this Commission Trust Agreement. For the purpose of this Commission Trust Agreement, the Commission Trust Amount shall be the amount noted in Section 3 above. The Listing Brokerage hereby declares that all monies received in connection with the trade shall constitute a Commission Trust and shall be held, in trust, for the Co-operating Brokerage under the terms of the applicable MLS® rules and regulations.


SIGNED BY THE BROKER/SALESPERSON REPRESENTATIVE(S) OF THE BROKERAGE(S) (Where applicable)

..... (Name of Co-operating/Buyer Brokerage) Tel: Fax: Date: (Authorized to bind the Co-operating/Buyer Brokerage) (Print Name of Broker/Salesperson Representative of the Brokerage)	ROYAL LEPAGE NIAGARA R.E. CENTRE (Name of Listing Brokerage) 368 King St. PORT COLBORNE Tel: (905) 834-9000 Fax: (905) 834-4410 Date: (Authorized to bind the Listing Brokerage) BILL BECSKEREKI (Print Name of Broker/Salesperson Representative of the Brokerage)
--	--

CONSENT FOR MULTIPLE REPRESENTATION (To be completed only if the Brokerage represents more than one client for the transaction)

The Buyer/Seller consent with their initials to their Brokerage representing more than one client for this transaction.


BUYER'S INITIALS


SELLER'S INITIALS

ACKNOWLEDGEMENT

I have received, read, and understand the above information.

..... (Signature of Buyer)	Date: (Signature of Seller)	Date:
..... (Signature of Buyer)	Date: (Signature of Seller)	Date:

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City of Port Colborne

DATE: February 12, 2018

MOVED BY COUNCILLOR

SECONDED BY COUNCILLOR

WHEREAS Wednesday, February 14th, 2018 is recognized as “**Doctor’s With A Heart Day**”;

AND WHEREAS following this long established annual tradition, Dr. David Salanki & Associates of Chiropractic Associates of Port Colborne, will examine and treat all members of the local community at no charge on Wednesday, February 14th, 2018;

AND WHEREAS Dr. Salanki and his staff will waive all treatment fees this day and in lieu of charging any patient fees will invite members of the community to bring in donations for **The Port Colborne & Welland District Humane Society (SPCA)**. The Humane Society provides shelter and emergency services to animals in crisis that have been victims of abuse and neglect.

NOW THEREFORE, I, Mayor, John Maloney, proclaim Wednesday, February 14th, 2018 as “**Doctor’s With A Heart Day**” in the City of Port Colborne.

John Maloney

MAYOR

Note: Chiropractic Associates of Port Colborne is located at 258 Killaly Street West in the Portal Village Plaza.

The Office hours of the clinic on Wednesday, February 14, 2018 will be 8:00 a.m. – 6:00 p.m. Appointments will be made on a first come first serve basis.

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**City of Port Colborne
Special Council Meeting 01-18
Minutes**

Date: January 22, 2018
Time: 5:05 p.m.
Place: Committee Room 3, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
F. Danch, Councillor
Y. Doucet, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)
J. Mayne, Councillor

Absent: B. Butters, Councillor (due to a conference)
A. Desmarais, Councillor (due to a conference)
D. Elliott, Councillor (due to a work commitment)

Staff Present: C. McIntosh, Deputy Clerk (minutes)
D. Aquilina (for consideration of item (c) on the agenda of the Closed Session portion of the Regular Council meeting, arrived at 5:51 p.m.)
S. Luey for consideration of item (c) on the agenda of the Closed Session portion of the Regular Council meeting, arrived at 5:51 p.m.)

Guest: W. McKaig, Solicitor, Sullivan Mahoney LLP (for consideration of item (b), left at 5:45 p.m.)

1. Call to Order:

Mayor Maloney called the meeting to order.

2. Introduction of Addendum Items:

Note: by general consensus, as a result of sufficient time available, Council considered items (c) on the agenda of the Closed Session portion of the Regular Council meeting during the Special Council meeting. The Special Meeting was opened to the public for the passage of a resolution to proceed in Closed Session for the closed session items on the Regular Council agenda.

3. Confirmation of Agenda:

No. 1 Moved by Councillor B. Kenny
Seconded by Councillor J. Mayne

That the agenda dated January 22, 2018 be confirmed, as circulated or as amended.
CARRIED.

4. Disclosures of Interest:

Nil.

5. Council in Closed Session:

Motion to go into Closed Session – 5:05 p.m.:

No. 2 Moved by Councillor B. Kenny
Seconded by Councillor J. Mayne

That Council do now proceed into closed session in order to address the following matter(s):

- (a) Minutes of the closed session portions of the following Council meetings: December 11, 2017 and December 18, 2017.
- (b) Correspondence from Woody McKaig, Solicitor, Sullivan Mahoney LLP, dated January 3, 2018, providing legal advice with respect to a citizen complaint against members of staff, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees and Subsection 239(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Note: Mr. McKaig will be in attendance to provide legal advice respecting the above item.

- (c) Planning and Development Report No. 2018-09, regarding 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.

CARRIED.

Motion to Continue in Closed Session – 5:42 p.m.

No. 3 Moved by Councillor Y. Doucet
Seconded by Councillor J. Mayne

- (c) Planning and Development Report No. 2018-09, regarding 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.

Motion to Rise With Report:

No. 4 Moved by Councillor B. Kenny
Seconded by Councillor J. Mayne

That Council do now rise from closed session with report at approximately 6:01 p.m.
CARRIED.

6. Disclosures of Interest Arising From Closed Session:

Nil.

7. Report/Motions Arising From Closed Session:

Items from the Special Council Meeting Agenda

- (b) **Correspondence from Woody McKaig, Solicitor, Sullivan Mahoney LLP, dated January 3, 2018, providing legal advice with respect to a citizen complaint against members of staff, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees and Subsection 239(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

The Deputy Clerk reported that direction was provided to staff during closed session in accordance with, *Municipal Act, 2001*.

Items from the Regular Council Meeting Agenda:

- (c) **Planning and Development Report No. 2018-09, regarding 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 Deputy Clerk reported that direction was provided to staff during closed session in accordance with, *Municipal Act, 2001*.

8. Adjournment:

No. 5 Moved by Councillor Y. Doucet
Seconded by Councillor F. Danch

That the Council meeting be adjourned at approximately 6:01 p.m.
CARRIED.

John Maloney
Mayor

Carrie McIntosh
Deputy Clerk

CM/

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**City of Port Colborne
Regular Council Meeting 02-18
Minutes**

Date: January 22, 2018

Time: 9:11 p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
F. Danch, Councillor
Y. Doucet, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)
J. Mayne, Councillor

Absent: B. Butters, Councillor (due to a conference)
A. Desmarais, Councillor (due to a conference)
D. Elliott, Councillor (due to a work commitment)

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
A. Grigg, Director of Community and Economic Development
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
C. McIntosh, Deputy Clerk (minutes)
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and YourTV.

1. Call to Order:

Mayor Maloney called the meeting to order.

2. Introduction of Addendum Items:

Withdrawn:

Item No. 12 (c), Council in Closed Session to address Planning and Development Report No. 2018-09, regarding 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, was withdrawn due to the item being dealt with during the Special Closed Session Meeting of Council at 5:00 p.m.

3. Confirmation of Agenda:

No. 6 Moved by Councillor R. Bodner
Seconded by Councillor Y. Doucet

That the agenda dated January 22, 2018 be confirmed, as circulated or as amended.
CARRIED.

4. Disclosures of Interest:

Councillor Bodner declared a pecuniary interest with respect to item 24, Sherkston Shores Request to Hold Weekly Fireworks Display Events for 2018, as he owns a business in Sherkston Shores. Councillor Bodner refrained from discussing or voting on this item.

5. Adoption of Minutes:

- (a) Regular meeting of Council 37-17, held on December 11, 2017.
- (b) Special meeting of Council 38-17, held on December 11, 2017.

No. 7 Moved by Councillor J. Mayne
Seconded by Councillor B. Kenny

- (a) That the minutes of the regular meeting of Council 37-17, held on December 11, 2017, be approved as presented.
 - (b) That the minutes of the special meeting of Council 38-17, held on December 11, 2017, be approved as presented.
- CARRIED.

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Item 24.

7. Approval of Items Not Requiring Separate Discussion:

No. 8 Moved by Councillor R. Bodner
Seconded by Councillor Y. Doucet

That Items 1 to 37 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:

Dave and Anne-Marie Lallouet requesting reimbursement of a Minor Variance Application Fee regarding 59R-15865 Lot Lakeshore Road, West (Page No. 17)

Council resolved:

That the provisions of By-law 6473/40/17 Being a By-law to Establish Fees for Various Planning and Development Services/Applications be waived and the fee in the amount of \$1,150 for a Minor Variance Application regarding 59R-15865 Lot Lakeshore Road, West, be rescinded.

Ray Khanna, Kingsway Investments and Aldo Martino of Jaamss Investment Corporation appealing the Fire and Emergency Services Department Inspection Fees charged regarding 224 Mitchell Street, Port Colborne (Page No. 35)

Council resolved:

That the Fire Chief be directed to negotiate a settlement amount with the owner of 224 Mitchell Street with respect to the \$44,927.46 invoiced under By-law 6291/117/15 Being a By-law to Establish Fees for Certain Services Provided by Port Colborne Fire and Emergency Services.

Motions Arising from Committee of the Whole Meeting Councillors' Items:**Pleasant Beach Road Waste Collection and Parking**

Council resolved:

That the Director of Engineering and Operations and the Director of Planning and Development be directed to review and prepare a report with respect to Pleasant Beach Road and the installation of a roof on the waste collection enclosure, parking, deputizing citizens to issue parking tickets and installation of security cameras.

Items:**1. Chief Administrative Officer, Report No. 2018-12, Subject: Unattached Patient List**

Council resolved:

That the Director of Community and Economic Development be directed to contact the people on the City's list of unattached patients to verify the need for a Family Physician in order to assist the process of transitioning the unattached patient list to Health Care Connect.

2. Fire and Emergency Services Department, Report No. 2018-11, Subject: Port Colborne Operatic Society Pyrotechnics

Council resolved:

That By-law No. 4989/45/07 Being a By-law for Prohibiting and Regulating the Sale of Fireworks and Setting Off Fireworks in the City of Port Colborne be waived for the Port Colborne Operatic Society for their 2018 production, and further;

That the Port Colborne Operatic Society ensure it meets all of the requirements as set out in Fire and Emergency Services Report 2018-11 as well as any other requirements that may be required to ensure public safety.

3. Planning and Development Department, Planning Division, Report No. 2018-04, Subject: Stopping Up and Closing of Part of Victoria Street

Council resolved:

That Planning and Development Department, Planning Division, Report 2018-04 with respect to Stopping Up and Closing of Part of Victoria Street be received for information.

4. Planning and Development Department, Planning Division, Report No. 2018-05, Subject: Affordability/Financial Hardship and Planning Application Fees

Council resolved:

That Planning and Development Department, Planning Division, Report 2018-05 with respect to Affordability/Financial Hardship and Planning Application Fees be received for information.

5. Engineering and Operations Department, Engineering Division, Report No. 2018-01, Subject: Project No.: 2017-02, Municipal Drain Maintenance 2018

Council resolved:

That Project 2017-02, Municipal Drain Maintenance and Cleaning, be awarded to Anthony's Excavating Central Inc., of Wellandport, Ontario, for the total tendered price of \$396,258.90, plus applicable taxes. Staff is directed to utilise the bid items as listed within the awarded Tender Document, in such a manner as to complete all works as may be required.

That a contract by-law, whereby the City enters into a Contract Agreement with the contractor be prepared.

That funding for Project 2017-02 be financed on an interim basis, under GL Accounts 3-560-33226-1510, 3-560-33210-1510, 3-560-33236-1510, 3-560-33217-1510, 3-560-33206-1510, 3-560-33220-1510, 3-560-33221-1510, 3-560-33218-1510 and that staff be authorized to initiate billings back to each Municipal Drain's Watershed at the completion of each Watershed's works and upon receipt of the 1/3 Grant from OMAFRA.

6. Engineering and Operations, Operations Division, Report No. 2018-03, Subject: Request for Proposal 2017-14: Playground Replacement – Rose Shymansky Memorial Park & Sunset Park

Council resolved:

That Contract 2017-14, Playground Replacement at Rose Shymansky Memorial Park and Sunset Park be awarded to PlayPower LT Canada Inc. of Paris, Ontario, for the total tendered price of \$138,563.42; applicable taxes not included; and

That the Director of Engineering and Operations be authorized to issue a purchase order to PlayPower LT Canada Inc.; and
That the appropriate by-law be prepared and submitted for execution by the Mayor and City Clerk.

7. Engineering and Operations, Engineering Division, Report No. 2018-07, Subject: Request for Installation of a Flashing "Children Crossing" Light on Fielden Avenue Near Franklin

Council resolved:

That staff be directed to proceed with the installation of a new Playground Ahead warning sign including a signpost and amber flashing beacon on Fielden Avenue approximately 40 metres north of Franklin Avenue and a new Playground Ahead warning sign including a signpost on Fielden Avenue approximately 90 metres south of the Reservoir Park entrance; and

That the approximate cost of \$3,000 for this work be drawn from the 2018 Operating Budget FL 0-500-74220-3215.

8. Engineering and Operations, Engineering Division, Report No. 2018-08, Subject: Request for Stop Sign Installation – Knoll Street at Highland Avenue

Council resolved:

That Engineering and Operations, Engineering Division, Report No. 2018-08, Subject: Request for Stop Sign Installation – Knoll Street at Highland Avenue be deferred to the April 23, 2018 regular meeting of Council and that the Chief Administrative Officer be directed to contact the Niagara Regional Police to monitor the intersection of Knoll Street at Highland Avenue.

9. Engineering and Operations, Engineering Division, Report No. 2018-10, Subject: Port Colborne Operations Centre Equipment Purchase: Mobile Column Lifts

Council resolved:

That Quotation 2017–07, the supply of Six Mobile Column Lifts be awarded to ISN Canada Group Inc., for the total quoted price of \$72,000 (plus any applicable taxes); and
That funding for the equipment be financed under Account 3-500-33593-3401, Port Colborne Operations Centre Capital Expenditures; and

That staff be authorized to issue a Purchase Order to ISN Canada Group Inc. for \$72,000.00 (plus any applicable taxes).

10. Community and Economic Development Department, Report No. 2018-02, Subject: Franchise Agreement Renewal – Enbridge Gas Distribution Inc.

Council resolved:

That the Council of The Corporation of the City of Port Colborne ("Council") approves the form of the draft by-law (including the Franchise Agreement forming part thereof), attached hereto, and authorizes the submission thereof to the Ontario Energy Board for approval, pursuant to the provisions of Section 9 of the *Municipal Franchises Act*;

That Council requests the Ontario Energy Board to make an order dispensing with the assent of the municipal electors of the attached draft by-law (including the franchise agreement forming part thereof), pursuant to the provisions of Section 9(4) of the *Municipal Franchises Act*; and

That By-law 733/50/78 and By-law 3665/91/98 be repealed.

11. Corporate Services Department, Clerk's Division, Report No. 2018-13, Subject: Appointments to Boards and Committees

Council resolved:

Canal Days Advisory Committee:
That Betty Konc be appointed to the Canal Days Advisory Committee for a term ending December 31, 2020.

East Village Neighbourhood Improvement Task Force:
That Neal Schoen be appointed to the East Village Neighbourhood Improvement Task Force for a term ending December 31, 2020.

Economic Development Advisory Committee:

That Kate Ostryhon-Lumsden be appointed to the Economic Development Advisory Committee for a term ending December 31, 2020.

Environmental Advisory Committee:

That Beth Palma, Ryan Waines and Tim Hoyle be appointed to the Environmental Advisory Committee for a term ending December 31, 2020.

Port Colborne Historical & Marine Museum:

That the following persons be appointed to the Port Colborne Historical & Marine Museum Board:

1. Amanda Emery for a term ending December 31, 2019;
2. Claudia Brema for a term ending December 31, 2019;
3. Bert Murphy for a term ending December 31, 2019;
4. Brian Heaslip for a term ending December 31, 2021;
5. Cheryl MacMillan for a term ending December 31, 2021;
6. Pamela Koudijs for a term ending December 31, 2021.

Port Colborne Medical Education, Recruitment and Health Services Committee:

That Connie Butler be appointed to the Port Colborne, Medical Education, Recruitment and Health Services Committee for a term ending December 31, 2020.

Senior Citizen Advisory Council:

That Judy Wade, Valerie King and Susan Brown be appointed to the Senior Citizen Advisory Council for a term ending December 31, 2020.

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

12. Corporate Services Department, Corporate Services Division, Report No. 2018-06, Subject: 2016 Audited Financial Statements

Council resolved:

That the 2016 draft audited Financial Report for the year ended December 31, 2016 be approved.

Miscellaneous Correspondence

13. Region of Niagara Re: Commercial and Industrial Sub Class Tax Rate Reductions and Rebates (CSD Report 77-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: Commercial and Industrial Sub Class Tax Rate Reductions and Rebates (CSD Report 77-2017), be received for information.

Note: The appendices can be found at the following link:
<https://www.niagararegion.ca/council/Council%20Documents/2017/csc-agenda-nov-29-2017.pdf>

14. Region of Niagara Re: High Level Official Plan Process Framework (PDS Report 41-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: High Level Official Plan Process Framework (PDS Report 41-2017), be received for information.

15. Region of Niagara Re: Niagara Peninsula Conservation Authority "The Living Landscape" Draft Policy Document Review (PDS Report 47-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: Niagara Peninsula Conservation Authority "The Living Landscape" Draft Policy Document Review (PDS Report 47-2017), be received for information.

16. Region of Niagara Re: Niagara Region Mid-Year 2017 Growth Monitoring Report (PDS Report 48-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: Niagara Region Mid-Year 2017 Growth Monitoring Report (PDS Report 48-2017), be received for information.

17. Region of Niagara Re: Public Meeting Report – Regional Official Plan Amendment No. 13 (ROPA) – Transportation Policies (PDS Report 50-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: Public Meeting Report – Regional Official Plan Amendment No. 13 (ROPA) – Transportation Policies (PDS Report 50-2017), be received for information.

18. Region of Niagara Re: Opioid Update: Local Opioid Work (PHD Report 26-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: Opioid Update: Local Opioid Work (PHD Report 26-2017), be received for information.

19. Region of Niagara Re: Proposed Operating Budget Niagara Regional Police Service and Police Services Board (BRC-C Report 04-2017)

Council resolved:

That the correspondence received from the Region of Niagara Re: Proposed Operating Budget Niagara Regional Police Service and Police Services Board (BRC-C Report 04-2017), be received for information.

20. **Ministry of Municipal Affairs Re: Update of Bill 59, Consumers First Act (Consumer Protection Statute Law Amendment)**

Council resolved:

That the correspondence received from the Ministry of Municipal Affairs Re: Update of Bill 59, Consumer Protection Statute Law Amendment, to allow municipalities to regulate the location and number of pay day loan establishments, be received for information.

21. **Charles Sousa, Minister, Ministry of Finance Re: Federal Legalization – A Framework to Govern the Lawful Use and Retail Distribution of Cannabis within the Province**

Council resolved:

That the correspondence received from Charles Sousa, Minister, Ministry of Finance Re: Federal Legalization – A Framework to Govern the Lawful Use and Retail Distribution of Cannabis within the Province, be received for information.

22. **Memorandum from Vance Badawey, Member of Parliament, Niagara Centre Re: Smart Cities Challenge**

Council resolved:

That the memorandum received from Vance Badawey, Member of Parliament, Niagara Centre Re: Smart Cities Challenge be referred to the 2018 Strategic Planning Session.

23. **Memorandum from Carrie McIntosh, Executive Assistant to the CAO on behalf of the Social Determinants of Health Advisory Committee – Everyone Matters Re: City of St. Catharines' Housing Action Plan 2017**

Council resolved:

That the Memorandum from Carrie McIntosh, Executive Assistant to the CAO on behalf of the Social Determinants of Health Advisory Committee – Everyone Matters Re: City of St. Catharines' Housing Action Plan 2017, be received for information;

That staff be directed to invite a representative from the City of St. Catharines to present its Housing Action Plan 2017 at a future meeting of Port Colborne City Council; and

That staff be directed to review the City of St. Catharines' Housing Action Plan and develop a plan to suit the needs of Port Colborne.

25. **Nancy Salvage and Fatima Shama, Executive Director, The Fresh Air Fund Re: Request for Proclamation of Fresh Air Fund Day, March 20, 2018**

Council resolved:

That March 20th, 2018 be proclaimed as "Fresh Air Fund Day" in the City of Port Colborne in accordance with the request received from Nancy Salvage and Fatima Sham, Executive Director, The Fresh Air Fund.

26. Janet Hope, Assistant Deputy Minister, Ministry of Housing Re: Development Charges Rebate Program

Council resolved:

That the correspondence received from Janet Hope, Assistant Deputy Minister, Ministry of Housing Re: Development Charges Rebate Program, be referred to the Director of Planning and Development.

27. St. James and St. Brendan Church, Port Colborne Re: International Women's Day, March 7, 2018 - Guild Hall, 72 Charlotte Street, Port Colborne

Council resolved:

That the International Women's Day Event to be held at the Guild Hall, 72 Charlotte Street, Port Colborne on March 7, 2018, is hereby declared a municipally significant event in accordance with the Municipal Alcohol Management Policy.

28. Township of Wainfleet, Town of Grimsby, Town of Lincoln, Town of Pelham and City of Welland Re: Notice of Passing of By-law to Increase Composition of Regional Council – Addition of Member for Township of West Lincoln

Council resolved:

That the resolutions received from the Township of Wainfleet, Town of Grimsby, Town of Lincoln, Town of Pelham and City of Welland regarding the passing of By-law No. 2017-108 of the Regional Municipality of Niagara, being a By-law to Increase the Composition of Regional Council by Adding an Additional Councillor for the Township of West Lincoln, be received for information.

29. Town of Fort Erie Re: Niagara Parks Commission's Proposed Expansion and Enhancement – Marina and Resort Development at Miller's Creek

Council resolved:

That the resolution received from the Town of Fort Erie Re: Niagara Parks Commission's Proposed Expansion and Enhancement – Marina and Resort Development at Miller's Creek, be supported.

30. City of St. Catharines Re: Niagara Peninsula Conservation Authority – Disclosure of Legal Costs

Council resolved:

That the resolution received from the City of St. Catharines Re: Niagara Peninsula Conservation Authority – Disclosure of Legal Costs, be supported.

31. **City of St. Catharines Re: Niagara Peninsula Conservation Authority Requesting the Appointment of a Supervisor**

Council resolved:

That the resolution received from the City of St. Catharines Re: Niagara Peninsula Conservation Authority requesting the Appointment of a Supervisor, be received for information.

32. **City of St. Catharines Re Women in Local Government**

Council resolved:

That the resolution received from the City of St. Catharines Re: Women in Local Government, be received for information.

33. **City of St. Catharines Re: Gillian's Place and National Day of Action on Violence Against Women**

Council resolved:

That the correspondence received from the City of St. Catharines Re: Gillian's Place and National Day of Action on Violence Against Women, be received for information.

34. **Township of Wainfleet Re: Federal Changes to the Municipal Councillor Taxation on Income – Request for Support**

Council resolved:

That the resolution received from the Township of Wainfleet Re: Federal Changes to the Municipal Councillor Taxation on Income, be supported.

35. **Town of Pelham Re: Town of Pelham's Response to Regional Audit Committee Resolution**

Council resolved:

That the resolution received from the Town of Pelham Re: Town of Pelham's response to Regional Audit Committee resolution, be received for information.

36. **Town of Pelham in support of City of Port Colborne's Resolution regarding The Region of Niagara Audit Committee recommendation respecting the Town of Pelham**

Council resolved:

That the correspondence received from the Town of Pelham regarding the position of the City of Port Colborne regarding the Region of Niagara Audit Committee recommendation respecting the Town of Pelham, be received for information.

37. **Township of Wainfleet in support of the City of Port Colborne's Resolution regarding the Region to Continue to Financially Support Community Improvement Program**

Council resolved:

That the resolution received from the Township of Wainfleet in support of the City of Port Colborne's resolution regarding the Region to Continue to Financially Support Community Improvement Plan, be received for information.

CARRIED.

8. Consideration of Items Requiring Separate Discussion:

24. Sherkston Shores – 490 Empire Road, Port Colborne Re: Request to Hold Weekly Fireworks Display Events for 2018

No. 9

Moved by Councillor Y. Doucet
Seconded by Councilor B. Kenny

That pursuant to section 6.1.1 of By-law 4989/45/07, the Council of The Corporation of the City of Port Colborne authorize Sherkston Shores to hold display fireworks events on the following dates:

- Saturday, June 16th, 2018
- Saturday, June 23rd, 2018
- Saturday, June 30th, 2018
- Saturday, July 7th, 2018
- Saturday, July 14th, 2018
- Saturday, July, 21st, 2018
- Saturday, July 28th, 2018
- Saturday, August 4th, 2018
- Saturday, August 11th, 2018
- Saturday, August 18th, 2018
- Saturday, August 25th, 2018
- Saturday, September 1st, 2018

That such approval be conditional on the issuance of a permit by the Fire Chief, in compliance with By-law 4989/45/07 and payment of the applicable fees;

That the following information be submitted to the Port Colborne Fire and Emergency Services Department for review a minimum of two weeks prior to the holding of the first event:

- A fireworks site plan but not limited to, separation distances to the public and vulnerable areas, location from where the fireworks are being fired, fallout zone, and direction of firing.
- Information concerning the floating platform from which the fireworks are to be fired, including the platform size.
- Event description information is required including description of fireworks, type, size and quantity.
 - firing procedures, manual or electric
 - emergency procedures
 - traffic control plans
- A copy of the Fireworks Operator Certificate with Endorsements.

That Sherkston Shores be advised that as the Authority Having Jurisdiction, the Port Colborne Fire and Emergency Services Department will conduct spot site inspections and may revoke approval for any violation of the *Ontario Fire Code* or the *Explosives Act* prior to or during any one of the scheduled events.

CARRIED.

9. **Proclamations:**

No. 10 Moved by Councillor Y. Doucet
Seconded by Councillor F. Danch

(a) **Fresh Air Fund Day, March 20, 2018**

WHEREAS The Fresh Air Fund provides free summer experiences to thousands of children from New York City's low-income communities each summer;

AND WHEREAS The Fresh Air Fund allows children from New York City to visit the homes of volunteer host families along the East Coast and Southern Canada;

AND WHEREAS Port Colborne families have been participating in The Fresh Air Fund's Friendly Towns Program for over 140 years;

AND WHEREAS The Fresh Air Fund allows children from New York City to enjoy Port Colborne backyards, parks, and wide open spaces;

AND WHEREAS The Fresh Air Fund is celebrating its 142nd summer;

NOW THEREFORE, I, Mayor, John Maloney, proclaim March 20th, 2018 as "FRESH AIR FUND DAY" in the City of Port Colborne in recognition of the transformative opportunities that inspire new dreams and new perspectives provided by The Fresh Air Fund.

CARRIED.

10. **Minutes of Boards, Commissions & Committees:**

- (a) **Minutes of the Port Colborne Public Library Board Meeting of November 7, 2017 and December 12, 2017**
(b) **Minutes of the Environmental Advisory Committee Meeting of September 13, 2017 and November 8, 2017**

No. 11 Moved by Councillor R. Bodner
Seconded by Councillor B. Kenny

(a) That the minutes of the Port Colborne Public Library Board meeting of November 7, 2017 and December 12, 2017, be received.

(b) That the minutes of the Environmental Advisory Committee meeting of September 13, 2017 and November 8, 2017 be received.

CARRIED.

11. **Consideration of By-laws:**

No. 12 Moved by Councillor B. Kenny
Seconded by Councillor J. Mayne

That the following by-laws be enacted and passed:

- 6546/01/18 a By-Law to Authorize Entering Into a Contract Agreement with Anthony's Excavating Central Inc. Re: Tender 2017-02, Municipal Drain Maintenance
- 6547/02/18 a By-Law to Authorize Entering Into a Contract Agreement with PlayPower LT Canada Inc. Re: Tender 2017-14, Playground Replacement Rose Shymansky Memorial Park and Sunset Park
- 6548/03/18 a By-Law to Confirm Appointments to Various Agencies, Boards & Committees

- 6549/04/18 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 January 22, 2018

CARRIED.

12. Council in Closed Session:

The Closed Session portion of the Council agenda was not required since all of the matters for consideration were dealt with during the closed session portion of the Special Council meeting held at 5:00 p.m. As a result, Council did not move into Closed Session.

13. Disclosures of Interest Arising From Closed Session:

Not applicable.

14. Report/Motions Arising From Closed Session:

Not applicable.

15. Adjournment:

No. 13 Moved by Councillor F. Danch
Seconded by Councillor R. Bodner

That the Council meeting be adjourned at approximately 9:16 p.m.
CARRIED.

John Maloney
Mayor

Carrie McIntosh
Deputy Clerk

CM/

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JAN 18 2018

CORPORATE SERVICES
DEPARTMENT

November 20, 2017
MEETING OF THE PORT COLBORNE ACTIVE TRANSPORTATION
ADVISORY COMMITTEE

Minutes of the seventh regular meeting of the Committee Members of the Port Colborne Active Transportation Advisory Committee, held in the Al DiSanto Memorial Room, Second Floor Library, City Hall, 66 Charlotte Street, Port Colborne November 20, 2017, 6:00 p.m.

The following Committee Members were in attendance:

Committee Members: Ann Kennerly, George McKibbon, Michael Scott, Wade Smith
Regrets: Donna Abbott
Councillor: Angie Desmarais
Staff: Karen Walsh

1. CALLED TO ORDER: 6:03 pm

2. CONFIRMATION OF PREVIOUS MINUTES:

Moved by: Mike Scott
Seconded by: George McKibbon

THAT the minutes from the October 16, 2017 be accepted as presented.
CARRIED

3. BUSINESS ARISING FROM THE MINUTES:

Moved by: Angie Desmarais
Seconded by: George McKibbon

THAT the Active Transportation Advisory Committee make recommendation to City Clerk and Bylaw to have similar policy as Hamilton. (Attached)
CARRIED Unanimously

4. BUSINESS

- a. Update on Maps, Workplan and Subcommittee
 - Deferred to next meeting

5. NEW BUSINESS

Moved by: Angie Desmarais
Seconded by: Wade Smith

THAT a memo to council be sent for a 4-way stop sign at Killaly Street and Elizabeth Street.

CARRIED Unanimously

- Start a list of recommendations that the Active Transportation Advisory Committee has brought forward.
- Photo of Fares and Fraser – rail ties lifting
- Attention needed to trails crossing on friendship trails.
- Community Safety Day – education people (Pelham – presentation at fairs, Drink & Driving goggles (Stop, Think and Drive), Skate Bard Safety, Rules of the Road, work with Optimist Club with bike Rodeo)

6. INFORMATION/CORRESPONDENCE

Motion to accept Donna Abbott resignation.

Moved by: Angie Desmarais

Seconded by: Wade Smith

THAT the committee accepts Donna Abbott resignation.

CARRIED

7. ADJOURNMENT:

Moved by: Wade Smith

Seconded by: Mike Scott

Resolved that we do now adjourn.

CARRIED

Time of adjournment 7:40 pm

Next Meeting: Monday, January 15, 2018 at 6:00 pm

Agenda Item: Workplan



Hamilton

INFORMATION REPORT

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	March 17, 2014
SUBJECT/REPORT NO:	Legislation Governing Mobility Devices (PW14023) - (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Daryl Bender (905) 546-2424, Extension 2066
SUBMITTED BY:	Gerry Davis, CMA General Manager Public Works Department
SIGNATURE:	

Council Direction:

At the November 4, 2013, meeting of the Public Works Committee staff were requested to report back with details on the legislation governing the use of mobility devices, mobility scooters, e-bikes, scooters and other similar devices.

Information:

Public Works Committee asked for the opinion of the Hamilton Cycling Committee (HCyC) regarding motorized scooters using bike lanes. The recommendation of the HCyC is *"it is not appropriate for a mobility scooter to use bike lanes. The exception being that a mobility device/scooter could possibly be permitted on a bike lane to scale the escarpment to bypass stairs."* (PWC 13-001, Citizen Committee Report)

A review of the City of Hamilton Traffic Bylaw indicates that the Bylaw is consistent with Provincial legislation related to pedestrians, mobility devices, and bicycles. The opinion stated by the HCyC is also consistent with the City and Provincial legislation. The Provincial Highway Traffic Act (HTA) in conjunction with the Ministry of Transportation (MTO) website provides clarification regarding pedestrian and mobility device regulations.

The City of Hamilton Traffic Bylaw states that a pedestrian "includes a person in a wheelchair or on a motorized scooter designed for use on a sidewalk". Section 38 of the Bylaw states "where there is a sidewalk on either side of the roadway, no pedestrian shall walk along the roadway". Further, Section 52 states "no pedestrian shall travel upon a designated bicycle path or within a designated bicycle lane where an adjacent sidewalk exists".

**SUBJECT: Legislation Governing Mobility Devices
(PW14023) - (City Wide) - Page 2 of 3**

Appendix A includes excerpts from the City Traffic Bylaw, including definitions for pedestrian, bicycle, motor vehicle, vehicle, traffic, sidewalk, and highway.

The Provincial HTA defines a wheelchair as “a chair mounted on wheels driven by muscular or any other kind of power that is designed for and used by a person whose mobility is limited by one or more conditions or functional impairments”; but the HTA does not define a “pedestrian” nor “traffic”. The MTO website provides additional clarity by collectively defining such devices as “Personal Mobility Devices (Motorized Wheelchairs and Medical Scooters)”.

Appendix B includes definitions in the HTA for wheelchair, bicycle, highway, roadway, motor assisted bicycle, power-assisted bicycle, motor vehicle, motorcycle, and vehicle.

Appendix C includes a picture of an example of a Personal Mobility Device. The accompanying text on the MTO website states:

A sidewalk should be the first choice for someone using a wheelchair or medical scooter. When there is no wheelchair accessible curb, the person should return to the sidewalk at the first available opportunity.

If there is no sidewalk available, people using wheelchairs or personal mobility devices should travel, like pedestrians, along the left shoulder of the roadway facing oncoming traffic.

The same section of text also states “municipalities establish by-laws for where wheelchairs can or cannot be used”.

Regarding the definition of bicycles, the two legal documents have similar definitions except that the HTA defines a bicycle to include “power-assisted bicycles” which is not stated in the City Bylaw. The term “power assisted bicycle” refers to e-bikes. Both legal documents state that a “motor assisted bicycle”, which refers to a two-wheeled vehicle such as a moped, is not a bicycle. This distinction provides some clarity regarding e-bikes (electric-powered bicycles). E-bikes are observed using the streets and trails in Hamilton. Appendix C includes information from the Provincial MTO website, including images that help to clarify the various types of new and alternative vehicles, including e-bikes and mopeds.

The City of Hamilton does receive comments from residents demonstrating that citizens are confused about the regulations governing e-bikes. Residents have received fines of approximately \$90 when they have operated inappropriate e-bikes/vehicles on multi-use trails in Hamilton. These tickets are issued by the Hamilton Police Service.

The City of Toronto is currently considering requesting the MTO and Transport Canada to review the vehicle types currently being sold as power-assisted bicycles (e-bikes) to ensure that they comply with the federal and provincial definition of power-assisted bicycles and to establish two categories of power-assisted bicycles - those that resemble conventional bicycles and those that resemble motor scooters. City of Hamilton staff and the HCyC will monitor activities by the City of Toronto and other Ontario municipalities and report back as this issue develops.

**SUBJECT: Legislation Governing Mobility Devices
(PW14023) - (City Wide) - Page 3 of 3**

City of Hamilton staff has been developing a summary table to provide clarity describing what type of vehicle is permitted on what type of transportation facility. This table, Appendix D, has been discussed by the Hamilton Cycling Committee and this same Committee plans to discuss this table further. This feedback from the HCyC will be incorporated in the planned future staff report to the Public Works Committee.

Appendices attached to this report:

- | | |
|--------------|--|
| Appendix "A" | City of Hamilton Traffic Bylaw Excerpts |
| Appendix "B" | Ontario Highway Traffic Act (HTA) Excerpts |
| Appendix "C" | Ministry of Transport (MTO) website Excerpts of New and Alternative Vehicles |
| Appendix "D" | Table of Vehicle Types and Permitted Use |

City of Hamilton Traffic Bylaw Excerpts

The following are excerpts from the City of Hamilton Traffic Bylaw related to various mobility devices. Bolded text has been applied herein for emphasis.

"**bicycle**" includes a tricycle and unicycle but **does not include a motor assisted bicycle**

"**highway**" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, or trestle, any part of which is intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof

"**motor vehicle**" includes an automobile, motorcycle, **motor assisted bicycle unless otherwise indicated in this By-law and any other vehicle propelled or driven otherwise than by muscular power**; but does not include a street car or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act, R.S.O. 1990, c.H8, as amended

"**pedestrian**" means a person on foot, and **includes a person in a wheelchair or on a motorized scooter** designed for use on a sidewalk, and a child in a baby carriage or on toy vehicle

"**sidewalk**" includes all such parts of a highway as are set aside and improved for the **exclusive use of pedestrians**

"**traffic**" **includes pedestrians**, animals which are lead, ridden or herded, vehicles, motorized snow vehicles and other conveyances, either singly or together while using any portion of a highway for the purposes of travel

"**vehicle**" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, **but does not include** the cars of electric or steam railways running only upon rails, **a wheelchair whether powered or not, or a powered scooter designed for use on a sidewalk**

VEHICLES ON SIDEWALKS

20. No person shall drive any animal or vehicle over or upon a sidewalk save at a properly constructed crossing
21. (1) No person shall ride on a bicycle, skateboard, skis, coaster, or similar devices, over or upon a sidewalk save at a properly constructed crossing, but this provision shall not apply to baby carriages, roller skates, children's tricycles or other such conveyances appropriate to sidewalks, or to authorized users of Segway Personal Transporters who operate the Segway in compliance with Ontario Regulation 488/06.

(2) For the purposes of subsection 21(1) authorized users are a member of the Hamilton Police Service, or a person who is 14 years or older whose mobility is limited by one or more disabilities, conditions or functional impairments.

(3) For the purposes of subsection 21(1) a Segway Personal Transporter is a device manufactured by Segway Inc. and called a Segway Personal Transporter or a Segway Human Transporter, which device has not been modified after its manufacture other than the addition of a basket, bag, bell, horn or lamp or other accessory customarily attached to a bicycle, and which does not increase the speed capability of the device.

PEDESTRIANS

38. Where there is a sidewalk on either side of the roadway, no pedestrian shall walk along the roadway.

BICYCLISTS

46. (1) For the purpose of this section, "bicycle" shall include motor assisted bicycle.

(2) (a) No person shall ride a bicycle on a roadway unless the bicycle is in a bicycle lane or is ridden as close as practicable to the right hand curb or edge of the roadway, except while overtaking and passing another vehicle proceeding in the same direction, or while preparing for a left turn at an intersection or into a private road or driveway.

(2) (b) No person shall ride or push a bicycle along a roadway abreast of another bicycle

47. (2) For the purpose of this Section, "bicycle lane" means a portion of the roadway abutting the curb or edge of the roadway that has been set aside for the exclusive use of cyclists, and so indicated by pavement markings.

(8) For the purpose of this Section, "combined foot bicycle path" means land that is off the roadway that has been set aside and improved for the exclusive use of pedestrians and cyclists

48. (1) No person shall drive a Motor Vehicle, except for Authorized Emergency Vehicles and motor assisted bicycles, upon any bicycle lane designated in Schedule 18, or upon any bicycle path designated in Schedule 19 or combined foot and bicycle path designated in Schedule 20.

52. No pedestrian shall travel upon a designated bicycle path or within a designated bicycle lane where an adjacent sidewalk exists.

Ontario Highway Traffic Act (HTA) Excerpts

The following are excerpts from the HTA related to various mobility devices. Bolded text has been applied herein for emphasis.

"bicycle" includes a tricycle, a unicycle and a power-assisted bicycle but does not include a motor-assisted bicycle

"highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof

"motor assisted bicycle" means a bicycle,

- (a) that is fitted with pedals that are operable at all times to propel the bicycle,
- (b) that weighs not more than fifty-five kilograms,
- (c) that has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel,
- (d) that has an attached motor driven by electricity or having a piston displacement of not more than fifty cubic centimetres, and
- (e) that does not have sufficient power to enable the bicycle to attain a speed greater than 50 kilometres per hour on level ground within a distance of 2 kilometres from a standing start

"motor vehicle" includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine

"motorcycle" means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a motor scooter, but does not include a motor assisted bicycle

"power-assisted bicycle" means a bicycle that,

- (a) is a power-assisted bicycle as defined in subsection 2 (1) of the Motor Vehicle Safety Regulations made under the Motor Vehicle Safety Act (Canada),
- (b) bears a label affixed by the manufacturer in compliance with the definition referred to in clause (a),
- (c) has affixed to it pedals that are operable, and
- (d) is capable of being propelled solely by muscular power

"roadway" means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively

"vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car

"wheelchair" means a chair mounted on wheels driven by muscular or any other kind of power that is designed for and used by a person whose mobility is limited by one or more conditions or functional impairments

MTO website excerpts of New and Alternative Vehicles

The following are excerpts from the MTO website, including images of various mobility devices, for additional clarity.

Definition of an Electric Bicycle ("e-bike")

(source: <http://www.mto.gov.on.ca/english/dandv/vehicle/emerging/e-bike-faq.shtml>)

What is a power-assisted bicycle ("e-bike")?

For use in the Province of Ontario, a power-assisted bicycle, or e-bike, is a bicycle that:

- Has a maximum weight of 120 kg (includes the weight of bike and battery);
- Has wheels with a diameter of at least 350 mm and width of at least 35 mm; and
- Meets the federal definition of a power-assisted bicycle:
 - has steering handlebars and is equipped with pedals,
 - is designed to travel on not more than three wheels in contact with the ground,
 - is capable of being propelled by muscular power,
 - has one or more electric motors that have, singly or in combination, the following characteristics:
 - it has a total continuous power output rating, measured at the shaft of each motor, of 500 W or less,
 - if it is engaged by the use of muscular power, power assistance immediately ceases when the muscular power ceases,
 - if it is engaged by the use of an accelerator controller, power assistance immediately ceases when the brakes are applied, and
 - it is incapable of providing further assistance when the bicycle attains a speed of 32 km/h on level ground,
 - bears a label that is permanently affixed by the manufacturer and appears in a conspicuous location stating, in both official languages, that the vehicle is a power-assisted bicycle as defined federally, and
 - has one of the following safety features,
 - an enabling mechanism to turn the electric motor on and off that is separate from the accelerator controller and fitted in such a manner that it is operable by the driver, or
 - a mechanism that prevents the motor from being engaged before the bicycle attains 3 km/hr.

Is a power-assisted bicycle the same as an e-bike?

Yes. An e-bike is considered a power-assisted bicycle as long as it meets all the requirements of the Motor Vehicle Safety Act.

Do all e-bikes look like bicycles? I have seen some that look like motor scooters being advertised as e-bikes.

E-bikes may resemble conventional bicycles, or resemble scooters and limited-speed motorcycles.

Effective October 3, 2009, conventional style and scooter-style e-bikes that meet the definition of a power-assisted bicycle, as described above, are permitted on roads and highways where conventional bicycles are currently allowed. They must follow the same

rules of the road as set out in the Highway Traffic Act (HTA) that currently apply to cyclists, with some exceptions.



Vehicles that can operate on roads:

(source: <http://www.mto.gov.on.ca/english/dandv/vehicle/emerging/index.shtml>)

- [Limited-Speed Motorcycles](#)
- [Motor-Assisted Bicycles](#)
- [Motor Tricycles](#)
- [Bicycles](#)
- [Electric Bicycles \("e-bikes"\)](#)
- [Electric Vehicle Conversions](#)
- [Personal Mobility Devices](#)
- [Low-Speed Vehicles](#)
- [Segway™ Human Transporter / Personal Transporter](#)

Vehicles that cannot operate on roads:

- [Pocket Bikes](#)
- [Electric and Motorized Scooters \(Go-peds\)](#)

Introduction

New types of vehicles and devices arrive in the market place everyday. The province recognizes the importance of these new market innovations as they expand mobility options for Ontarians and provide an environmentally friendly way to travel. But, safety is a top priority for the province and the safe integration with other vehicles and pedestrians is a key consideration before any new type of vehicle will be allowed on Ontario roads. Therefore, it is also important to know whether these vehicles can - or cannot - legally operate on our roads and the safety requirements that must be met.

In addition to questions about new vehicle types, the ministry continues to receive questions about bicycle and wheelchair use. Before you operate a new vehicle type, you should read the information following.

Many new vehicles and devices, such as go-peds, pocket bikes, and limited-speed motorcycles fall within the definition of a motor vehicle in Ontario's Highway Traffic Act (HTA).

To operate a motor vehicle on public roads in Ontario, these vehicles must meet:

- Provincial equipment safety standards for motor vehicles, such as standards regulating lighting, braking, seat belts, etc.
- Federal standards for motor vehicles used on public roads.

If a motor vehicle meets the above standards, then the HTA requires it to be registered, have licence plates, and the operator to have a valid driver's licence and appropriate insurance, before it can be operated on public roads in Ontario., unless a pilot is created exempting the vehicle from these requirements (such as the Segway Pilot Project).

Certain vehicles/devices such as go-peds and pocket bikes cannot operate on public roads in Ontario because they do not meet the provincial and federal standards noted.

Motor tricycles that meet the (federal) Canada Motor Vehicle Safety Act definition for that vehicle class may be eligible for registration for on-road use in Ontario. Motor tricycles must also meet Ontario's Highway Traffic Act (HTA) definition of "motorcycle", and all related legislative and regulatory safety standards and requirements for motorcycles.

The province continues to review both existing and new vehicle types to determine whether they fit into the HTA or if a new vehicle definition is required. Road safety will be a key consideration in determining which new vehicles or devices may operate on Ontario's roads.

This information is to be used as a guide only. For official purposes, please refer to the [Highway Traffic Act](#).

Vehicles that can operate on roads

Limited-Speed Motorcycles

Limited-speed motorcycles can be operated on roads in Ontario.



A limited-speed motorcycle is:

- a. a motorcycle that:
 1. can attain a rate of speed of more than 32 km/hr on level ground within a distance of 1.6 kilometres from a standing start;
 2. has a maximum attainable speed of 70 km/h or less;
 3. has steering handlebars that are completely constrained from rotating in relation to the axle of only one wheel in contact with the ground;
 4. has a minimum seat height, when the vehicle is unladen, of 650 millimetres;
 5. has a minimum wheel rim diameter of 250 millimetres and a minimum wheelbase of 1016 millimetres;
 6. has a maximum engine displacement of 50 cubic centimetres or less; **or**,
- b. if the motorcycle was manufactured on, or after, September 1, 1988, it must have affixed a compliance label required under the Federal Motor Vehicle Safety Act (Canada) that identifies the motor vehicle as a limited-speed motorcycle.

A limited-speed motorcycle must meet vehicle requirements as defined under the federal Motor Vehicle Safety Act (MVSA). However, in order to use a limited-speed motorcycle, the driver must comply with the operating requirements of a motorcycle under provincial regulations. A limited-speed motorcycle has a maximum attainable speed of 70 km/h or less.

A restricted class M licence for limited-speed motorcycle (LSM) and moped drivers was introduced on November 28, 2005. This restricted class M licence has a condition that allows licence holders to drive limited-speed motorcycles and mopeds only.

To operate these vehicles on a roadway:

- the driver must hold a restricted class M licence for limited-speed motorcycles and mopeds: Class M2 with L condition or M with L condition or a valid motorcycle licence (Class M1, M2 or M);
- the vehicle must be insured, registered and have a valid LSM licence plate; and
- the operator must wear an approved motorcycle helmet.

See also:

- [Licence for Motor Scooter Moped Drivers](#)
-

Motor-Assisted Bicycles (Mopeds)

Like limited-speed motorcycles, mopeds can be operated on roads in Ontario.

A restricted class M licence for limited-speed motorcycle (LSM) and moped drivers was introduced on November 28, 2005. This restricted class M licence has a condition that allows licence holders to drive limited-speed motorcycles and mopeds only. New moped drivers will be required to take road tests.



A motor-assisted bicycle is a bicycle that:

- is fitted with pedals that are operable at all times to propel the bicycle;
- weighs not more than 55 kilograms;
- has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel;
- has a piston displacement of not more than 50 cubic centimetres; and,
- does not attain a speed greater than 50 km/hr on level ground within a distance of 2 km from a standing start.

To operate these vehicles on the roadway:

- driver must hold the new restricted class M licence for limited-speed motorcycles/mopeds (Class M2 with L restriction or M with L restriction or a valid motorcycle licence (Class M1, M2 or M);
- approved motorcycle helmet is required;

- vehicle must be insured and registered and have a valid licence plate;
- no passengers allowed;
- they must meet federal safety standards for a limited speed motorcycle;
- motor-assisted bicycles are not allowed to travel on 400 series highways.

See also:

- Licence for Motor Scooter and Moped Drivers

Motor Tricycles

Motor tricycles can be operated on roads in Ontario.



Motor tricycles are eligible for registration as motorcycles for on-road use in Ontario. Typically, these three-wheeled motorcycles were designed with a single front wheel and two rear wheels.

Motor tricycles with two front wheels have emerged on the market. These can be registered for on-road use as motorcycles in Ontario if they meet all of the (federal) Canada Motor Vehicle Safety Standards contained in the Motor Vehicle Safety Act (MVSA) for a motor tricycle. Motor tricycles must also meet Ontario's Highway Traffic Act (HTA) definition of a "motorcycle", and all related legislative and regulatory safety standards and requirements for motorcycles.

The MVSA defines a motor tricycle as a motorcycle that:

- a. is designed to travel on three wheels in contact with the ground,
- b. has seating on which all occupants must sit astride,
- c. has no more than four designated seating positions,
- d. has a GVWR of 1,000 kg or less; and
- e. does not have a structure partially or fully enclosing the driver and passenger, other than that part of the vehicle forward of the driver's torso and the seat backrest.

The HTA defines a motorcycle as a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground. This definition includes a motor scooter, but does not include a motor-assisted bicycle. The HTA also specifies requirements and standards for braking, lighting, safety inspections, etc.

A driver of a motor tricycle is required to hold a M-class licence and must wear an approved motorcycle helmet. A driver that chooses to complete their M1 or M2 exit road test on a motor tricycle - and that includes a motorcycle with a sidecar --- will be issued an M licence with a restriction to operate motor tricycles only upon successful test completion. The endorsement will appear as Condition "M" on the front of the licence card and "Restricted Motorcycle" category on the back of the licence card. NOTE: Anyone with this endorsement is not authorized to operate a two-wheeled motorcycle.

An example of a motor tricycle that has two front wheels and one back wheel and can be registered as a motorcycle is the Bombardier Recreational Products (BRP) Can-Am Spyder Roadster.

The Piaggio MP3, because of the close spacing of its front wheels, is considered to be a two-wheeled open motorcycle by Transport Canada. It can be registered as a motorcycle. Anyone taking his/her road test on the Piaggio MP3, will receive an unrestricted M class licence.

See also:

- Frequently Asked Questions: [Motor Tricycles](#)

**Electric Bicycles ("e-bikes")
Can be operated on roads in Ontario**



Since October 3, 2009, electric bikes (both those resembling conventional bicycles and those resembling motor scooters) have been permanently allowed on roads and highways where conventional bicycles are currently permitted. They must follow the same rules of the road as set out in the Highway Traffic Act (HTA) that currently apply to cyclists, with some exceptions.

In order to operate an e-bike:

- Operators must be 16 years of age or older;
- **All operators must** wear an approved bicycle or motorcycle helmet at all times.

In addition:

- No person who is the owner or is in possession or control of an e-bike shall permit a person who is under the age of 16 years to ride on, drive or operate the e-bike on a highway.
- An e-bike must not be ridden on, driven or operated unless it is good working order.
- Similar to bicycles and mopeds, power-assisted bicycles are prohibited from use on certain provincial controlled-access highways.
- Any municipal by-law prohibiting bicycles from highways under their jurisdiction also apply to e-bikes. Municipalities may also pass by-laws specific to e-bikes that prohibit them from municipal roads, sidewalks, bike paths, bike trails, and bike lanes under their jurisdiction.

To operate an e-bike on Ontario roads, an e-bike must meet the following equipment requirements:

- Have a maximum unladen weight of 120 kg (includes the weight of vehicle and battery).
- Must be equipped with at least two independent braking systems that applies force to each wheel and is capable of bringing the e-bike, while being operated at a speed of 30 km/h, to a full stop within 9 metres from the point at which the brakes were applied.
- Must have wheels with a minimum diameter and width of 350 mm and 35 mm respectively.
- Must have all electrical terminals completely insulated or covered and, along with the battery and motor, must be securely fastened to the bicycle to prevent them from moving while the bicycle is in motion.
- No modifications to the motor of an e-bike to permit it to exceed the federal requirements for motor output or speed for an e-bike (500W and a speed greater than 32 km/h) are allowed.
- Must meet the federal definition of a power-assisted bicycle (*for the full definition, please see subsection 2(1) of the Motor Vehicle Safety Regulations under the Motor Vehicle Safety Act*, which includes:
 - Has steering handlebars and is equipped with pedals;
 - Is designed to travel on not more than three wheels;
 - Has an electric motor that has a power output rating of 500W or less. (Note: the motor is electric, and is incapable of propelling the cycle at speed of 32 km/h or greater on level ground, without pedaling) and
 - Bears a permanently affixed label by the manufacturer stating in both official languages that the vehicle conforms to the federal definition of a power-assisted bicycle (refer to image below).

Sample label



See also:

- Frequently Asked Questions: [Electric Bicycles \("e-bikes"\)](#)

Low-Speed Vehicles

Can be operated by park employees who have a valid driver's licence, other than an M-class licence or G1, on roads in provincial parks, municipal parks and conservation areas in Ontario.



Can be operated by any person with a valid Class A, B, C, D, E, F or G driver's licence on roads with speed limits of 50 km/h or less on Pelee Island, within 50 metres of property owned or occupied by a university or college of applied arts and technology and between private properties by directly crossing certain public roads subject to specific equipment requirements and operating conditions.

Can be operated by any person with a valid Class A, B, C, D, E, F or G driver's licence on public roads with speed limits of 50 km/h or less province-wide, if the LSV meets prescribed additional equipment requirements and Canada Motor Vehicle Safety Standards (CMVSS).

"A "low-speed vehicle" means a vehicle, other than an all-terrain vehicle, or a vehicle imported temporarily for special purposes, that:

- is designed for use primarily on streets and roads where access and the use of other classes of vehicles are controlled by law or agreement;
- is powered by an electric power train;
- does not produce emissions;

- is designed to travel on four wheels;
- does not use fuel as an on-board source of energy;
- has a gross vehicle weight rating of less than 1,361 kg;
- has an attainable speed in 1.6 km of more than 32 km/h but not more than 40 km/h, on a paved level surface; and
- meets the Transport Canada Technical Document 500 standards for LSVs. (This means LSVs are required to have, at minimum, such equipment as headlamps, turn signals, parking brake, windshield, seat belt assembly, and exterior and interior mirrors).

***Please note there are different sets of rules, depending on where a LSV is used.**

LSV usage in parks and conservation areas

On September 19, 2006, the Province of Ontario began a five-year [pilot project](#) to evaluate the use of low-speed vehicles (LSVs) on roads in provincial parks, municipal parks and conservation areas. This pilot has been extended and will expire on December 31, 2014.

During the pilot, low-speed vehicles used in parks and conservation areas must:

- meet [definition and requirements of an LSV](#) in the federal Motor Vehicle Safety Regulations,
- operate on park roads with speed limit of 40 km/h or less,
- be driven by park employees who hold a valid driver's licence; and,
- have liability insurance.

LSV usage in controlled environments and on public roads province-wide with posted speed limits of 50 km/h or Less

Effective March 21, 2009, the Province of Ontario expanded the LSV pilot for five years to allow any person with a valid Class A, B, C, D, E, F or G driver's licence to drive an LSV on roads with speed limits of 50 km/h or less on Pelee Island, within 50 metres of property owned or occupied by a university or college of applied arts and technology and between private properties by directly crossing certain public roads subject to specific equipment requirements and operating conditions. LSVs will also be permitted to operate on public roads with speed limits of 50 km/h or less province-wide if the LSV meets prescribed additional equipment requirements and Canada Motor Vehicle Safety Standards (CMVSS).

To operate an LSV in a controlled environment with a speed limit of 50 km/h or less, your LSV must:

- Comply with the federal LSV definition;
- Meet the three Canada Motor Vehicle Safety Standards (CMVSS) for LSVs. (i.e., seatbelt assembly, windshield, VIN);
- Be equipped with compartment doors; and
- Meet additional HTA motor vehicle requirements requiring service brakes, high and low-beam headlamps, windshield wiper, odometer, safety glass where glass is used, horn and federally compliant tires.

To operate an LSV on public roads with a speed limit of 50 km/h or less, your LSV must:

- Comply with the federal LSV definition;

- Meet additional HTA motor vehicle requirements requiring service brakes, high and low-beam headlamps, windshield wiper, odometer, safety glass where glass is used, horn and federally compliant tires;
- Be equipped with doors, defog/defrost and heating systems, 3-point seat belts, slow-moving vehicle sign, and a proximity warning device that emits intermittent noise when the vehicle is near pedestrians/bicyclists; and
- Meet eight Canada Motor Vehicle Safety Standards (CMVSS):
 - The current three CMVSS required federally for LSVs. (i.e., seatbelt assembly, windshield, VIN); and
 - Five additional federal Canada Motor Vehicle Safety Standards (CMVSS) requirements for occupant protection, driver impact protection, occupant restraint systems in frontal impacts, seat belt assembly anchorages and side door strength.

During the pilot, the following operating conditions must be met for both pilots:

- Operator must have a valid full driver's licence (other than Class M, M1, M2, G1 or G2) and insurance coverage;
- LSV must have a Motor Vehicle Safety Act (Canada) compliance label* from a manufacturer/importer registered with Transport Canada, and be manufactured as an LSV;
- LSV must be registered and plated as a passenger vehicle;
- Slow-moving vehicle sign required;
- Operator to provide a signed "Declaration Form" prior to vehicle registration that states acknowledgement of LSV pilot and the vehicle's safety limitations;
- All HTA rules of the road and speed limits apply to LSVs and their drivers;
- LSV to have an interior warning label visible to occupants at all times;
- LSVs not to be driven faster than 40 km/h;
- A traffic control device must be present before a low-speed vehicle may directly cross a higher speed road of up to 80 km/h;
- No passengers under age eight;
- No towing;
- No modifications to increase maximum speed; and
- You cannot use an LSV for an MTO road test.

* Low-speed vehicles being operated as part of the controlled environment pilot (e.g., college and university campuses and Pelee Island) must have a compliance label that bears the notation "ONT-LSV-BASIC" or "ONT-LSV-5CMVSS." Low-speed vehicles being operated on roads with speed limits of 50 km/h or less must have a compliance label that bears the notation "ONT-LSV-5CMVSS."

Only LSVs manufactured/imported by a company registered with Transport Canada, that have a compliance label indicating compliance with the additional five CMVSS requirements, and meet all additional equipment requirements are eligible for use on roads with a speed limit of 50 km/h or less province-wide (subject to the above operating conditions). To view a list of LSV manufacturers/importers that are currently registered, please visit Transport Canada's website at: <http://wwwapps.tc.gc.ca/saf-sec-sur/7/vmrtc-cvaetc/search.aspx>

Please note that prior to LSV registration for province-wide use, LSV manufacturers/importers registered with Transport Canada must also provide proof of compliance with the additional 5 CMVSS to the Ministry of Transportation.

Please note that a declaration form must be provided to the buyer by the seller prior to purchase and that a signed copy must be submitted at the time an LSV is registered. The declaration form outlines the conditions of the pilot, the operator requirements and the limited safety features compared to a passenger car. This form must be signed and handed in when you register your vehicle – without this form, you cannot register your LSV. A copy of the declaration form can be printed and filled out prior to purchasing an LSV.

Municipalities have not been granted the authority to pass by-laws to prohibit LSVs on roads within their jurisdiction.

See also:

- Frequently asked questions:
- [Low-Speed Vehicles - General](#)
- For more information on federal safety standards and recommendations, read Transport Canada's [low-speed vehicle information sheet](#).
- [For full report:](#) Safe Integration of Electric Low-Speed Vehicles on Ontario's Roads in Mixed Traffic

Electric Vehicle Conversions

Electric vehicle (EV) conversions can be operated on roads in Ontario.

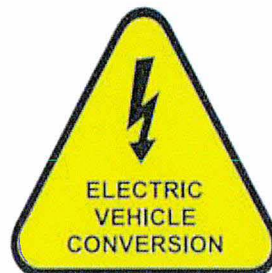
Ontario is reviewing registration and safety requirements for vehicles that have been converted to electric power. In the interim, the following registration rules apply. Please note that these rules may change in the future.

EV conversions are:

- Road worthy vehicles that have been converted from an internal combustion engine (gasoline) to an electric power engine.
- Powered exclusively by an electric battery.
- Not equipped or powered by an internal combustion engine or any other method.

To register an EV conversion in Ontario, you will need the following:

- A completed EV [Conversion Declaration form](#) (PDF).
- A valid Safety Standards Certificate (SSC) completed after the conversion date.
- A vehicle permit if the vehicle is already registered in Ontario; or appropriate vehicle registration documents.
- Two EV conversion decals (pictured below) which must be affixed to the front windshield and rear window of the vehicle. The decals will be provided at the Driver and Vehicle Licence Issuing Office.



An EV conversion may only be registered at the following three Driver and Vehicle Licence Issuing Offices:

- College Park (Toronto) – 777 Bay Street, Toronto, M7A 2J3
- Downtown Ottawa – 110 Laurier Avenue West, Ottawa, K1P 1J1
- North York (Toronto) – 47 Sheppard Avenue East, Toronto, M5W 1G9

See also:

- Frequently Asked Questions: [Electric Vehicle Conversions](#)

Personal Mobility Devices (Motorized Wheelchairs and Medical Scooters)
Do not require registration, licence plates, driver's licence or vehicle insurance.



Persons operating motorized wheelchairs are treated in the same way as pedestrians.

Wheelchairs can be driven by muscular power or other types of power, and are designed for and used by people whose mobility is limited by one or more conditions or functional impairments. In general, municipalities establish by-laws for where wheelchairs can or cannot be used. Operators should check with their local municipality to ensure by-laws permit their use on sidewalks.

A sidewalk should be the first choice for someone using a wheelchair or medical scooter. When there is no wheelchair accessible curb, the person should return to the sidewalk at the first available opportunity.

If there is no sidewalk available, people using wheelchairs or personal mobility devices should travel, like pedestrians, along the left shoulder of the roadway facing oncoming traffic.

Bicycles

Can be operated on roads in Ontario.



In the HTA, the definition of bicycle includes tricycles and unicycles but not motor-assisted bicycles. You do not need a driver's licence to operate a bicycle in Ontario.

A bicycle is a vehicle that:

- has steering handlebars and is equipped with pedals
- is designed to be propelled by muscular power
- has no age restriction for operators
- can be operated on most roadways (e.g., not allowed to travel on 400 series highways)
- cannot be operated across a roadway within a pedestrian cross-over

An operator must wear a bicycle helmet if under 18 and operating the bicycle on the road. If the operator is under 16 it is the duty of the operator's parent or guardian to ensure that he/she wears a helmet. If the person is 16 or 17 it is his or her personal responsibility to wear a helmet.

No passengers are allowed if the bicycle is only meant for one person. When going slower than the rest of traffic, cyclists should stay as close to the right edge of the road as is practicable. Cyclists are allowed to safely use the full lane if staying close to the right edge of the road is unsafe.

Segway™ Human Transporter / Personal Transporter

Can be operated in Ontario by individuals aged 14 and older with a disability that impairs their mobility, Canada Post employees delivering mail door-to-door, and police officers.



The Segway Human Transporter, also known as the Segway Personal Transporter (commonly referred to as a "Segway"), is a self-balancing, electric-powered transportation device able to turn in place and designed for one person, with a top speed of 20 km/h.

On October 19, 2006, the Province of Ontario began a pilot project to evaluate the use of the Segway Human Transporter and the Segway Personal Transporter device on roads in Ontario. The pilot will expire on October 19, 2018.

The Segway pilot is open to:

- Person 14 years of age or older who have a condition that impairs mobility, or
- Any employee of Canada Post who delivers mail door to door, or

- Any police officer using a Segway for law enforcement purposes.

During the pilot, the following requirements must be met:

- Helmet use for those under the age of 18
- Lights and bell required
- When Segways are being used on sidewalks, Segway operators would be subject to the rules of the road that apply to pedestrians under the Highway Traffic Act.
- The operator must restrict his/her speed to walking speed (police are exempt).
- Where sidewalks are not provided or where the operation of Segways on sidewalks is prohibited by municipal by-law, a Segway can be operated on the shoulder of the road as close to the right edge of the shoulder or if there is no shoulder, on the right side of the roadway as close to the edge of the roadway as possible.
- Segways are prohibited from highways where pedestrians and bicyclists are prohibited by provincial regulation and municipal by-law.

Segways users are not required to hold a driver's licence or have vehicle registration or liability insurance; however, any collision with an animal, pedestrian or vehicle resulting in personal or property damage is to be reported to police.

See also:

- Frequently Asked Questions: [Segway Pilot Test](#)

Vehicles that cannot operate on roads

Pocket Bikes

Cannot be operated on roads in Ontario.



Pocket bikes are meant for closed circuit use only, not public roadways.

These bikes can be imported as "restricted-use motorcycles." However, in order to comply with federal standards, pocket bikes require 17-digit vehicle identification numbers, reflectors and warning labels that clearly state these bikes are intended for off-road use only.

Electric and Motorized Scooters (Go-peds)

Cannot be operated on roads in Ontario.



While these devices fall within the definition of a motor vehicle under Ontario's HTA, they do not meet the provincial equipment safety standards for on-road use. As such, these devices may only be operated where Ontario's HTA does not apply, such as on private property.

Anyone using a go-ped should contact their local municipalities for by-laws pertaining to their use on sidewalks or bike paths.

Table of Vehicle Types and Permitted Use

Vehicle Type	Human powered?	Permitted on:				Weight	Speed Limit	Helmets
		sidewalk	multi-use trail (Murt)	on-street bike lanes	on-street auto lanes			
Motorcycle/ Motor Tricycle	no, gas or battery only	no	no	no	yes	< 1000 kg	posted speed	helmet required for all
ATV	no, gas or battery only	no	no	no	yes - when licensed		?	
Limited-Speed Motorcycle (eg. vespa)	no, gas or battery only	no	no	no	yes		70 km/hr	helmet required for all
Motor-Assisted Bicycle (moped or can look like a typical bicycle)	yes, combo with gas	no	no	no	yes	< 55 kg	50 km/hr	helmet required for all
e-bike: with impractical pedals	maybe, combo with battery	no	no	yes	yes	< 120 kg	32 km/hr without pedalling	helmet required for all
e-bike: pedaling NOT required to engage electric power assist	yes, combo with battery	no	no	yes	yes	< 120 kg	32 km/hr without pedalling	helmet required for all
e-bike: pedaling required to engage electric power assist	yes, combo with battery	no	yes	yes	yes	< 120 kg	32 km/hr with power assist	helmet required for all
Bicycle	yes (only)	no, children excepted	yes	yes	yes		posted speed	helmet required if younger than 18
Skateboard/ In-line skates/ Longboard	yes (only)	no	yes	no	no		?	recommended
Personal Transporter (Segway)	no, battery only	yes, for disability, police, or letter carrier	yes, for disability, police, or letter carrier	no	no		20 km/hr	helmet required if younger than 18
Personal Mobility Device (wheelchair, medical scooter)	no, battery only	yes	yes	no	no		TBD (10 km/hr?)	not required
Pedestrian	yes (only)	yes	yes	no	no			
Low-speed Vehicle (golf cart)	no, battery only	no	no	no	no	< 1361 kg	40 km/hr	not required
Pocket Bike	no, gas only	no	no	no	no			recommended
Electric or Motor Scooter (skateboard with a steering stick)	combo with gas or battery	yes for electric (children only)	yes for electric	no	no			recommended

General Notes:

A DRAFT SUMMARY OF CONSIDERATIONS ONLY (CITY OF HAMILTON):

- rules for the public, exceptions for service vehicles and police/emergency services
- bicycle with training wheels treated the same as "Bicycle"
- trailers/ wikes/ child-attached-one-wheelers do not change the classifications of the above table
- toy vehicles are permitted on a sidewalk or "Murt" (multi-use trails), but are subject to enforcement/banishment if operating in a dangerous manner to the operator or to others

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PORT COLBORNE TRANSIT ADVISORY COMMITTEE MEETING FEB 01 2018
WEDNESDAY, OCTOBER 18, 2017 CORPORATE SERVICES
COMMITTEE ROOM 2 ENGINEERING & OPERATIONS CENTRE DEPARTMENT

Attendance:

Scott Mathieson, Denise Archer, Stephen Corr, Janice Peyton, Melissa Bigford, Alfred Stockwell, Casey Biko, Bea Kenny, Jim Huppunen, Casey Forgeron

Regrets

Peter Senese, Yvon Doucet, Mayor John Maloney

Casey called the meeting to order at 3:06 p.m.

1. **Adoption of Agenda**

Moved by D. Archer
Seconded by B. Kenny

That the agenda dated October 18, 2017 be accepted as presented.
CARRIED.

2. **Disclosures of Interest**

Nil.

3. **Approval of Minutes of April 26, 2017**

Moved by S. Mathieson
Seconded by B. Kenny

That the minutes of April 26, 2017 be approved as presented.
CARRIED.

Casey advised that he and Melissa have agreed to to exchange their committee positions of Chair and Vice Chair.

Moved by C. Forgeron
Seconded by S. Mathieson

That Melissa Bigford be appointed the Chair of the Transit Advisory Committee and that Casey Forgeron be appointed the Vice Chair of the Transit Advisory Committee.
CARRIED.

4. Actions Arising from Previous Minutes

a) Bus Stop at Canadian Tire – Request for Bench

Scott advised that he has spoken to both the manager of the mall and the manager of Canadian Tire. There is no problem with having a bench, however there are restrictions as to where it can be located. Scott suggested the bench be placed near the propane tank station. Jim will look further into this and be in contact with the mall/store managers and Phil Porter of Creative Outdoor Advertising.

b) Regional Transit Update – Alfred

Alfred advised that every community voted in favour of moving ahead with the Regional Transit study. Two committees have been formed, a Steering Committee consisting of Mayors and CAO's and a Working Committee consisting of one member of every municipality. CAO Scott Luey, has been attending the Working Committee meetings for Port Colborne and has requested communication in the form of transit meeting updates and periodic presentations to Council. The Working Committee is looking at all details of Regional Transit and is currently working on uniform radio codes, uniform fare structure and operating procedures. Alfred will provide a list of members of the two committees at the next meeting.

c) Results of Survey re: Link Schedule Changes

Alfred will bring the results of the survey to the next meeting.

Alfred gave an explanation of the Welland Transit link proposal. Alfred will discuss this further with Peter. If Peter is in favour of this proposal, this item will be voted on at the next meeting.

d) Attendance – Melissa reminded everyone of the committee terms of reference regarding attendance and asked that Janice be notified in a timely manner if a member has to decline a meeting.

Subsection 8(e) of the City of Port Colborne Appointments to Boards and Committees Policy provides the following:

A member of a committee shall be deemed to have forfeited their committee position should the member be absent, without the approval of the committee by resolution, from three consecutive meetings of the Committee or from over 50 percent of the meetings in one year subject to an opportunity for the member to address Council in writing regarding their absenteeism and the committee chair to do the same. Council reserves the right to make the final decision regarding ending committee appointments. The staff liaison

shall notify Council through the Clerk of any appointee who has contravened this section.

e) Fares (Alfred)

Moved by M. Bigford
Seconded by C. Forgeron

To increase the Link cash fare from \$3.50 to \$4.00 and the Link 10 rides from \$32.00 to \$35.00.

And that Corporate Services staff be directed to prepare a report to Council for the first meeting in November regarding the increase in fares.
CARRIED.

5. Information Items

a) Memo to City Clerk Re: Niagara Regional Transit Service Delivery and Governance Strategy

The memo to the City Clerk regarding Niagara Regional Transit Service Delivery and Governance Strategy was provided for information.

6. Other Business

a) Bus Ramp Concerns – Forwarded by the AAC September 19, 2017

The email regarding bus ramp concerns, forwarded by Carrie McIntosh on behalf of the AAC was discussed. Alfred will follow up on this. Alfred commented that the bus drivers should be lowering the ramp at the request of a passenger, as they cannot ask questions about the disability. Janice will advise Carrie that this is being looked into.

7. Next Meeting

The next meeting of the Transit Advisory Committee will be held on Wednesday, November 22, 2017 at 3:00 p.m.

8. Adjourn

Moved by D. Archer
Seconded by A. Stockwell

That there being no further business to discuss, the meeting be adjourned at 4:05 p.m.
CARRIED.

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