



**City of Port Colborne
Special Council Meeting 16-20 – Public Hearing
Monday, July 13, 2020 – 6:30 p.m.
Council Chambers, 3rd Floor, 66 Charlotte Street**

Agenda

Notice: Council will meet through electronic participation in accordance with Bill 137, the Municipal Emergency Act in order to keep the health and safety of our community as a priority. If you wish to provide public comments regarding an item on the agenda please submit to deputyclerk@portcolborne.ca by noon on Monday, July 13, 2020.

Watch the Council Meeting streaming live on our [YouTube Channel](#).

1. **Call to Order:** Mayor William C. Steele
2. **Confirmation of Agenda:**
3. **Disclosures of Interest:**
4. **Public Hearing Under the Planning Act:**

Planning and Development Department, Planning Division, Report No. 2020-85, Subject: Public Meeting Report: Proposed Amendment to the Downtown Central Business District Community Improvement Plan

- (i) Purpose of Meeting:
- (ii) Method of Notice:
- (iii) Explanation of Procedure to be Followed:
- (iv) Presentation of Application for Amendment:
- (v) Comments of Applicant:
- (vi) Questions of Clarification to Applicant/Planning Staff:
- (vii) Oral Presentations and/or Questions from the Public:
- (viii) Announcement Respecting Written Notice of Passage of Amendment:
- (ix) Explanation of Future Meetings:

5. **Adjournment:**

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Planning and Development Department

Report Number: 2020-85

Date: July 13, 2020

SUBJECT: Public Meeting Report: Proposed Amendment to the Downtown Central Business District Community Improvement Plan

1) PURPOSE:

The purpose of the report is to provide Council with information for the consideration of expanding the Downtown Central Business District Community Improvement Plan (CBD CIP) project area to include 14 Adelaide Street and 21 Victoria Street.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The CBD CIP was adopted in 2010. Prior to the adoption, the CBD CIP project area (boundary) was approved in 2009 by By-law 5344/98/09.

South Port Condo Inc. has acquired additional properties to better site their proposed development of a nine storey mixed use building with 76 units with respect to greater setbacks and access.

Attached as Appendix A is the CBD CIP project area and the proposed expansion to include 14 Adelaide Street and 21 Victoria Street.

3) STAFF COMMENTS AND DISCUSSIONS

The Notice of Public Meeting was published on June 11, 2020 in the Niagara This Week. The Notice was also posted on the City of Port Colborne website. No comments from the public have been received as of July 3, 2020.

The proposed CBD CIP project area boundary expansion requires staff to review the following:

- The rationale for needs;
- The goals of the existing CBD CIP; and
- A description of the project area characteristics.
- Is the property near the CBD CIP project area?
- Does it have potential for conversion to commercial or mixed use?
- Is it in need of improvement?

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

Not applicable.

b) Other Options

Not applicable.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Appendix A - CBD CIP Project Area & Proposed Addition

7) RECOMMENDATION

That Planning and Development Department Report 2020-85, Subject: Public Meeting Report: Proposed Amendment to the Downtown Central Business District Community Improvement Plan be received for information.

8) SIGNATURES

Prepared on July 3, 2020 by:

Reviewed and Respectfully Submitted:



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



Scott Luey
Chief Administrative Officer

Report 2020-85
Appendix A



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**City of Port Colborne
Regular Meeting of Council 17-20
Monday, July 13, 2020
following Special Council Meeting
Council Chambers, 3rd Floor, 66 Charlotte Street**

Agenda

Notice: Council will meet through electronic participation in accordance with Bill 137, the Municipal Emergency Act in order to keep the health and safety of our community as a priority. If you wish to provide public comments regarding an item on the agenda please submit to deputyclerk@portcolborne.ca by noon on Monday, July 13, 2020.

Watch the Council Meeting streaming live on our [YouTube Channel](#).

1. **Call to Order:** Mayor William C. Steele
2. **Introduction of Addendum Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
 - (a) Regular meeting of Council 15-20, held on June 22, 2020
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Consideration of Items Requiring Separate Discussion:**
9. **Proclamations:**

Nil.
10. **Minutes of Boards, Commissions & Committees:**
 - (a) Minutes of the Port Colborne Public Library Board Meeting of March 3, 2020.
11. **Councillors' Items:**
 - (a) Staff Responses to Previous Councillors' Enquiries
 - (b) Councillors' Issues/Enquiries
12. **Consideration of By-laws:**
13. **Adjournment:**

Council Items:

Notes	Item	Description / Recommendation	Page
WCS MB EB RB GB FD AD DK HW	1.	<p><u>Reconsideration of Planning & Development Department, By-law Enforcement Division, Report 2020-15, Subject: 48 Kent Street Request of Relief of Fines</u></p> <p>That Council reconsiders Planning & Development Department, By-law Enforcement Division, Report 2020-15, Subject: 48 Kent Street Request of Relief of Fines.</p>	-
WCS MB EB RB GB FD AD DK HW	2.	<p><u>Planning and Development Department, By-law Enforcement Division, Report 2020-88, Subject: Proposed Discharge of Firearms and Bows By-law 2020</u></p> <p>That the proposed Discharge of Firearms and Bows By-law be approved, as presented; and</p> <p>That the proposed amendment to the Noise By-law be approved, as presented.</p>	15
WCS MB EB RB GB FD AD DK HW	3.	<p><u>Planning and Development Department, Report 2020-84, Subject: Stopping Up and Closing part of Carl Road and Sale to 1970065 Ontario Inc.</u></p> <p>That the attached By-law to stop up, close, declare surplus to the needs of the municipality and sell part of the Carl Road road allowance, Part 1 & 2 on Plan 59R- 16702 to 1970065 Ontario Inc. be approved; and</p> <p>That the Mayor and Clerk be authorized to sign and execute all documents respecting the sale of these lands.</p>	35
WCS MB EB RB GB FD AD DK HW	4.	<p><u>Chief Administrative Officer Department, Report 2020-89, Subject: Ramey Road Name Change Request</u></p> <p>That Chief Administrative Officer Report 2020-89, Subject: Ramey Road Name Change Request, be received for information; and</p> <p>That Council adopt the Road Name Policy attached as Appendix A to this report.</p>	43

<p>WCS MB EB RB GB FD AD DK HW</p>	<p>5.</p>	<p><u>Corporate Services Department, Report 2020-91, Subject: Niagara’s South Coast Tourism Association</u></p> <p>That Council appoint the following to the Niagara’s South Coast Tourism Association Board of Directors:</p> <ul style="list-style-type: none"> • Mayor William C. Steele • Councillor _____ • Scott Luey • Bryan Boles; and <p>That any and all previous Directors of Niagara’s South Coast Tourism Association be removed; and</p> <p>That the necessary by-law be approved by Council and signed by the Mayor and City Clerk.</p>	<p>55</p>
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>6.</p>	<p><u>Planning and Development Department, By-law Enforcement Division, Report 2020-90, Subject: Parking and Traffic – Pleasant Beach Road</u></p> <p>That Council approve the following recommended measures in order to alleviate the ongoing issues on Pleasant Beach Road:</p> <ul style="list-style-type: none"> • Rename Pleasant Beach Road in accordance with the draft Road Naming Policy • Increase Tow away fines from \$60.00 to \$160.00 • Prepare and complete a RFP for additional towing companies • Enforcement increases as necessary (staffing and vehicles) • Reduce the speed limit after Michener Road to 40 km/hr • Implement one (1) hour parking in front of the restaurant “Rudders” • Extend Prohibited Parking/Tow-Away Zone to cover entire length of Michener Road • Extend the Prohibited Parking/Tow-Away Zone on Pleasant Beach starting at Beach Road; and <p>That Schedule ‘W’ Speed Limits to By-law 89-2000, as amended be further amended to delete the following therefrom:</p>	<p>57</p>

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Pleasant Beach Road	Hwy #3	South to Lake Erie excepting that portion of Pleasant Beach Rd designated as Regn. Rd. No.1	60

That Schedule 'W' Speed Limits to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Pleasant Beach Road	Michener Road	South to Lake Erie	40
Pleasant Beach Road	Hwy #3	South to Michener	60

That Schedule 'E' Time Limited Parking to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2	Column3		Column 4	Column 5
Highway	Side	From	To	Times/Days	Maximum
Pleasant Beach Rd	West	152m north of the lakeshore	14m north therefrom	Anytime	1 hour

That Schedule 'C2' Parking Prohibition Tow Away Zone to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2	Column3		Column 4
Highway	Side	From	To	Times/Day
Michener Road	Both	Pleasant Beach Rd	Holloway Bay Road	Anytime

That By-law 6082/48/14 Schedule "A" – Administrative Penalty Designated By-law Provisions – Traffic By-law 89—2000, as amended, be further amended by deleting therefrom the following:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
69	205.03.01	Park in Tow Away Zone	\$60

That By-law 6082/48/14 Schedule "A" – Administrative Penalty Designated By-law Provisions – Traffic By-law 89—2000, as amended, be further amended by adding thereto the following:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
69	205.03.01	Park in Tow Away Zone	\$160

Miscellaneous Correspondence

WCS RB AD	MB GB DK	EB FD HW	7.	<p><u>Ron Tripp, Acting Chief Administrative Officer for the Regional Municipality of Niagara Re: Joining the Coalition of Inclusive Municipalities</u></p> <p>That the correspondence received from Ron Tripp, Acting Chief Administrative Officer for the Regional Municipality of Niagara, dated February 28, 2020 including Regional report titled "CAO 14-2019 Action and Resources to Join the Coalition of Inclusive Municipalities" which outlines the staff recommendations and resourcing to support this initiative as well as a draft declaration, requesting that the Corporation of the City of Port Colborne support the joining of the Coalition of Inclusive Municipalities and signing of the declaration and participate in a media release and possible media event (as coordinated by Niagara Region with the municipalities); be received; and</p> <p>That, the following Declaration to Join the Coalition of Inclusive Municipalities be adopted and forwarded to Niagara Region:</p> <p>GIVEN THAT The Canadian Commission for UNESCO (United Nations Educational, Scientific and Cultural Organization) is calling on municipalities to join a Coalition of Inclusive Municipalities and to be part of UNESCO's international Coalition launched in 2004: and The Federation of Canadian Municipalities (FCM) endorses the Call for a Coalition of Inclusive Municipalities and encourages its members to join; and</p> <p>WHEREAS Municipal governments in Canada, along with other levels of government, have responsibilities under Canada's Charter of Rights and Freedoms as well as federal, provincial and territorial human rights codes, and therefore have an important role to play in combating racism and discrimination and fostering equality and respect for all citizens;</p> <p>BE IT RESOLVED THAT The Regional Municipality of Niagara, The Corporation of the Town of Fort Erie, The Corporation of the Town of Grimsby, The Corporation of the Town of Lincoln, The Corporation of the City of Niagara Falls, The Corporation of The Town of Niagara-on-the-Lake, The Corporation of the Town of Pelham, The Corporation of the City of Port Colborne, The Corporation of the City of St. Catharines, The Corporation of the City of Thorold, The Corporation of The</p>	63
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			<p>Township of Wainfleet, The Corporation of the City of Welland, and The Corporation of the Township of West Lincoln agree to join the Coalition of Inclusive Municipalities and, in joining the Coalition, endorses the Common Commitments (see Appendix A) and agree to develop or adapt a joint Plan of Action led by the Regional Municipality of Niagara accordingly; and</p> <p>These Common Commitments and the Municipalities' joint Plan of Action will be an integral part of the Municipalities' vision, strategies, and policies; and</p> <p>In developing or adapting and implementing the joint Plan of Action toward progressive realization of the Common Commitments, the Municipalities will cooperate with other organizations and jurisdictions, including other levels of government, indigenous peoples, public and private sector institutions, and civil society organizations, all of whom have responsibilities in the area of human rights; and</p> <p>The Municipalities will set their priorities, actions and timelines and allocate resources according to their unique circumstances, and within their means and jurisdiction. The Municipalities will exchange their expertise and share best practices with other municipalities involved in the Coalition and will report publicly on an annual basis on actions undertaken toward the realization of these Common Commitments.</p>	
WCS RB AD	MB GB DK	EB FD HW	<p>8. <u>Region of Niagara Re: Declaration of Public Health Issues</u></p> <p>That the correspondence received from the Region of Niagara Re: Declaration of Public Health Issues, be received for information.</p>	79
WCS RB AD	MB GB DK	EB FD HW	<p>9. <u>Jack Ammendolia, BES, PLE, Managing Partner and Director, Education, Niagara Catholic District School Board Re: Education Development Charges By-law</u></p> <p>That correspondence received from Jack Ammendolia, BES, PLE, Managing Partner and Director, Education, Niagara Catholic District School Board Re: Education Development Charges By-law, be received for information.</p>	81
WCS RB AD	MB GB DK	EB FD HW	<p>10. <u>Barclay Walker, Dr. Amanda Bell and Terry Suess Re: City of Port Colborne Sidewalk Contract 2020-12 (Stanley Street Portion)</u></p> <p>That correspondence received from Barclay Walker, Dr. Amanda Bell and Terry Suess Re: City of Port Colborne Sidewalk Contract 2020-12 (Stanley Street Portion), be received for information.</p>	235

Outside Resolutions – Requests for Endorsement						
WCS	MB	EB	11.	City of Welland Re: Odour and Light Management Control Issues from Cannabis Facilities		239
RB	GB	FD				
AD	DK	HW		That the resolution received from the City of Welland, Re: Odour and Light Management Control Issues from Cannabis Facilities, be received for information.		
Responses to City of Port Colborne Resolutions						
Nil.						

**Consideration of By-laws
(Council Agenda Item 12)**

By-law No.	Title
6796/46/20	Being a By-law to Amend By-Law No. 6746/110/19, A By-law to Establish Penalty Charges and Interest Charges on Payments Due to the Municipality for 2020
6797/47/20	Being a By-law to Stop Up and to Close and to Declare Surplus and to Authorize the Sale of the Portion of the Carl Road Road Allowance, Being Part 1 & 2, Plan 59R-16702 to 1970065 Ontario Inc.
6798/48/20	Being a by-law to appoint a Board of Directors for Niagara's South Coast Tourism Association
6799/49/20	Being a By-Law to Amend By-Law No. 89-2000, Being a By-Law Regulating Traffic and Parking on Pleasant Beach Road and Michener Road
6800/50/20	Being a By-Law to Amend By-Law No. 6082/48/14 Being a By-law to Establish a System for Administrative Penalties Respecting the Stopping, Standing and Parking of Vehicles, Schedule 'A' – Administrative Penalty By-law Designated By-law Provisions Traffic By-law No. 89-2000 on Pleasant Beach Road
6801/51/20	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Special and Regular Meetings of July 13, 2020



Report Number: 2020-88

Date: July 13, 2020

SUBJECT: Proposed Discharge of Firearms and Bows By-law 2020

1) PURPOSE:

This report was prepared by Sherry Hanson, Manager of By-law Services and authorized by Dan Aquilina, Director of Planning & Development.

The purpose of this report is to present to Council a proposed Discharge of Firearms By-law and an amended Noise By-law.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

It is the protocol of the By-law Enforcement Division to create by-laws that the Division deems necessary and those requested by Council via a resolution. The City's solicitor reviews the draft by-laws prior to presenting them to Council for consideration.

The history of the Discharge of Firearms Bylaw is as follows:

- The current Discharge of Firearms By-law was enacted on October 22, 1990. As By-law staff rarely receive complaints or enforce this by-law, an update was not warranted or requested until this time.
- At the July 22, 2019 Council meeting, Councillor Harry Wells presented a motion that requested staff to prepare and present an updated Discharge of Firearms By-law to include the use of Tannerite. The Councillor further requested that the Discharge of Firearms By-law address the noise that results from exploding Tannerite and the storage thereof. A report and draft by-law was requested to be presented to Council by the fall of 2019.

3) STAFF COMMENTS AND DISCUSSIONS

Staff researched and drafted a by-law that addressed current concerns, including the prohibition of Exploding Shooting Targets such as Tannerite. Staff requested feedback from other departments and agencies. The City's solicitor vetted the final draft version of the Discharge of Firearms By-law.

Highlights of the By-law are as follows:

- Numerous definitions for easy interpretation
- Prohibitions of areas, caliber and type of firearm
- Exceptions
- Exemptions granted by Council – such as Canal Days target shooting
- Enforcement and power of entry
- Penalty
- Schedules outlining the prohibited areas

Councillor Wells also requested an amendment to the Noise By-law to include Tannerite

and to address the storage of Tannerite which was not covered under the *Explosives Act*.

Staff explored the option of a permit process for exploding shooting targets such as Tannerite as well as the storage thereof, and have been advised by the Fire Department that this is not a type of service that can be provided due to officer safety, training, equipment and resources.

Exploding Shooting Targets such as Tannerite will not be permitted under the proposed Discharge of Firearms and Bows By-law or the proposed amendment to the Noise By-law. Section 17 in Schedule 2 of the Noise By-law requires updating in order to reflect the new Discharge of Firearms and Bows By-law Number as well as to add a new section 18 that includes noise from Exploding Shooting Targets such as Tannerite.

After a lengthy review and various discussions with Legal Counsel, it has been determined that the City has jurisdiction to regulate the discharge of firearms and the setting off of fireworks; however, the City was not provided the necessary jurisdiction to regulate the discharge, or setting off of explosives.

Comments from other agencies and departments regarding the proposed draft By-law are below.

Port Colborne Fire Department

Port Colborne Fire & Emergency Services (PCFES) did seek an opinion from Rachel Robbins, Senior Inspector, Pyrotechnics/Fireworks, Explosives Safety and Security Branch Natural Resources Canada in regards to tannerite. Ms. Robbins stated that "they do not regulate the use of exploding targets".

PCFES acquires the City of Port Colborne's authority of inspection, regulation and enforcement for fireworks through the *Explosive Act* and its Regulations. The Fire Chief has advised that the Fire Department has no authority to inspect/regulate/enforce the use of tannerite.

PCFES supports the option of a ban on the use of tannerite over a permit system. Therefore, any enforcement of the by-law would be managed by the Niagara Regional Police.

Niagara Regional Police Department

The Niagara Regional Police have no concerns regarding the proposed By-law.

Ministry of Natural Resources and Forestry

The City of Port Colborne received no comments regarding the proposed By-law.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing

If this option is chosen, the current by-law which was enacted in 1990 will remain in effect.

This is not a viable option at this time as Councillor Wells has requested an update to the Discharge of Firearms By-law.

b) Other Options

Not applicable.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Proactive enforcement is a desire of Council.

6) ATTACHMENTS

Appendix A – Proposed Draft Discharge of Firearms By-law

Appendix B – Proposed Amendment to Noise By-law

7) RECOMMENDATION

That the proposed Discharge of Firearms and Bows By-law be approved, as presented;
and

That the proposed amendment to the Noise By-law be approved, as presented.

8) SIGNATURES

Prepared on February 20, 2020 by:

Reviewed by:



Sherry Hanson, C.P.S.O.
Manager of By-law Services



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

Reviewed and Respectfully Submitted



C. Scott Luey
Chief Administrative Officer

The Corporation of the City of Port Colborne

By-Law No. _____

Being a by-law to regulate the discharge of firearms and bows
in the City of Port Colborne

Whereas Section 9 of the *Municipal Act*, 2001 S.O. 2001, c.25 provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas Section 11 of the *Municipal Act*, 2001 S.O. 2001, c.25 provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, including the passing of by-law within the respective sphere of jurisdiction; and

Whereas pursuant to Subsection 11(2) para 6. of the *Municipal Act*, 2001 S.O. 2001, c.25 municipality may pass by-laws to protect the health, safety and well-being of persons; and

Whereas Sections 23.1(1) of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a municipality to delegate certain powers and duties; and

Whereas Section 119 of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a local municipality for the purpose of public safety, prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon; and

Whereas Section 425 of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a municipality to provide offences for a contravention of a by-law; and

Whereas Section 429 of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a municipality to establish a system of fines under a by-law; and

Whereas Council of the City of Port Colborne has deemed it in the public interest to regulate the discharge of firearms within the City for the purposes of public safety; and

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

That this by-law shall be comprised of SIX (6) parts containing various sections, namely:

PART 1	TITLE AND DEFINITIONS
PART 2	APPLICATION OF THE BY-LAW
PART 3	GENERAL PROVISIONS
PART 4	ENFORCEMENT
PART 5	SCHEDULES
PART 6	REPEAL

Part 1 – Title and Definitions

Short Title

1. This by-law shall be referred to as “The Discharge of Firearms By-law”.

Definitions

2. For the purposes of this By-law, including in the Recitals and the Definitions,
 - a) “Agent” means a person authorized by the Regulations under the *Fish and Wildlife Conservation Act*, to act as an agent for a landowner to kill, capture or harass wildlife for the protection of property and includes:
 - i. Trappers licensed under Ontario Regulation 667/98 (Trapping);
 - ii. Members of a landowner’s immediate family acting on behalf of the landowner on the landowner’s own land;
 - iii. Persons whose business is primarily the business of removing nuisance wildlife, if they harass wildlife or if they capture and release wildlife if capable of being released;
 - iv. Employees or agents of a municipality whose responsibility relates to wildlife control; and
 - v. Persons who hold a valid class H1 outdoors card issued under Ontario Regulation 665/98, for the purposes of killing or harassing the wildlife but not capturing it.
 - b) “Bow” means a curved or re-curved stave of a resilient material, strung taut from end to end and used to launch an arrow, bolt, quarrel or any similar projectile and includes cross-bows, long bows, re-curve bows and compound bows.
 - c) “Business” means a person who carries on a business that includes the manufacture, assembly, possession, purchase, sale, importation,

exportation, display, repair, restoration, maintenance, storage, alteration, pawn brokering, transportation, shipping, distribution or delivery of firearms or bows, and ammunition for firearms or bows.

- d) "City" means the Corporation of the City of Port Colborne, Ontario and its geographical boundaries.
- e) "Conservation Officer" means a Conservation Officer or Deputy Conservation Officer appointed pursuant to the *Fish and Wildlife Conservation Act*.
- f) "Council" means the Council of the Corporation of the City of Port Colborne.
- g) "Defined Areas" includes:
 - i) All lands within the City's urban boundary and hamlets as designated under the City's Official Plan, as amended;
 - ii) Those lands illustrated in Schedules A through E inclusive of this By-law;
 - iii) Those areas within 150 metres from the water's edge into a navigable waterway as defined in the *Navigable Waters Protection Act*, R.S.C. 1985, Chap. N-22; and
 - iv) Those areas within 229 metres from the water's edge into Gravelly Bay in Lake Erie.
- h) "Educational Property" includes school facilities operated by a school board, a private school, a university, a provincial college, a private college or an outdoor area owned by the school when in use for instructional purposes whether or not the area is adjacent to a school building.
- i) "Exploding Shooting Target(s)," means a binary explosive used for firearms practice, including but not limited to Tannerite, and Shockwave.
- j) "Farming and Food Production Protection Act" means the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, or any amending or successor legislation.
- k) "Firearm" means any type of device from which a projectile can be discharged and that is capable of causing serious bodily injury or death, including, but not limited to, handguns, shotguns, rifles, air or pellet guns, spring-guns, bows, long-bows, compound bows and crossbows or any class thereof and includes anything that can be adapted for use as a Firearm.
- l) "Fish and Wildlife Conservation Act" means the *Fish and Wildlife Conservation*

Act, 1997, S.O. 1997 c. 41, or any amending or successor legislation.

- m) “Highway” shall mean a common and public highway and includes a street, public land and road allowance and any bridge, trestle, viaduct or structure that forms part of a highway and all lands between the lateral boundaries
- n) “Law Enforcement Officer” shall mean a Police Officer, a member of the Armed Forces of Canada, a peace officer, an Officer appointed under the *Fish and Wildlife Conservation Act* or the municipality’s Municipal Law Enforcement Officers, Fire Chief or his/her designate.
- o) “Livestock Product” shall be defined as in the *Livestock and Livestock Products Act*, R.S.O. 1990, c.L.20, as amended, or any successor legislation thereto.
- p) “Manager” means the Manager of By-law Services as appointed on behalf of the City of Port Colborne and includes his/her designate.
- q) “Municipal Act” means the *Municipal Act*, 2001, S.O. 2001, c. 45, or any amending or successor legislation.
- r) “Normal Farm Practice”, as defined in the *Farming and Food Production Protection Act*, means a practice which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices, and includes any practice which may be recognized as such by the Normal Farm Practices Protection Board.
- s) “Occupier” shall include,
 - (i) a person who is in physical possession of premises, or
 - (ii) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, even if there is more than one occupier of the same premises; (“occupant”) e.g. an agent.
- t) “Paintball Facility” – means a facility that is designed for the purpose of conducting Paintball Gun activities.
- u) “Paintball Gun” – means a barreled weapon that, is designed for discharging paintballs; and is deemed not to be a firearm pursuant to Section 84(3)(d) of the *Criminal Code*, or any successor thereof.
- v) “Park” includes open space, private and/or Public Park and means an area

open to the public used for sports, picnic, and like activities.

- w) "Peace Officer" means a member of a regional, provincial or federal police force or the Canadian Armed Forces.
- x) "Person" means an individual, firm, corporation, business, association or partnership.
- y) "Property" means any parcel of land and any buildings or structures on the land and includes a portion of property.
- z) "Protection of Property" means the killing, capturing or harassing of wildlife found damaging or destroying property on a person's own land, or, that a person believes, on reasonable and probable grounds, is about to damage or destroy property on their own land.
- aa) "Recreational Trail" shall mean any property that is open or available to the general public for permitted recreational trail uses, and includes any bridge, trestle, viaduct or structure that forms part of a trail and all lands between the lateral boundaries.
- bb) "Target" shall mean an animal, reptile, bird or object.
- cc) "Trapper" means a person licensed by the Ministry of Natural Resources in accordance with the *Fish and Wildlife Conservation Act* and Regulations to hunt and trap fur-bearing mammals.
- dd) "Shooting Range" a location that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of shooting at an object to be aimed at in shooting practice or contests.
- ee) "Wildlife" shall be as defined in the *Fish and Wildlife Conservation Act*.

Part 2 – Application of the By-law

Interpretation

3. For the purposes of this by-law:

Word Usage

- a) words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and this By-law shall be interpreted with all changes in gender or number as the context may require;
- b) unless otherwise defined herein, the words and phrases used in this By-

law have their normal and ordinary meaning;

- c) headings are inserted for convenience and reference purposes only, they form no part of this By-law and shall not affect in any way the meaning or interpretation of the provisions of this By-law; and
- d) reference to any Act, Regulation, By-law, or *Agreement* is a reference to that Act, Regulation, By-law, or *Agreement* as it is amended or re-enacted from time to time.

Application

- 4. The provisions of this By-law shall apply to all discharges of *Firearms* and *Bows* within the boundaries of the *City*.
- 5. Nothing in this By-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable Federal and Provincial statutes and associated Regulations, including but not limited to the following:
 - a) *Criminal Code, R.S.C. 1985, c. C-46;*
 - b) *Firearms Act, S.C. 1995, c. 39;*
 - c) *Migratory Birds Convention Act, 1994, S. C. 1994, c. 22; and*
 - d) *Fish and Wildlife Conservation Act.*

Conflict

- 6. Where this By-law conflicts, or is deemed to conflict, with any applicable Federal or Provincial statute, the provisions of such Federal or Provincial statute shall prevail.

Severability

- 7. If a court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced *Council* to pass the remainder of this By-law, and the remainder of the By-law shall be valid and remain in force.

Part 3 – General Provisions

Prohibitions

- 8. No *Person* shall discharge a *Firearm* or *Bow* in the *City* except in accordance with

this By-law.

9. No *Person* shall discharge any *Firearm* or *Bow* in the *City* upon lands within the *Defined Areas*.

10. No *Person* shall discharge any *Firearm* or *Bow* in the *City* upon lands outside the *Defined Areas* except a land owner, tenant, *Agent* authorized by the land owner or tenant, or a *Person* with the land owner or tenant's permission, provided that:

- a) the *Property* upon which the discharge is to occur is no less than 2.02 hectares (5 acres) in size;
- b) where the *Firearm* is a shotgun, it is of no greater calibre than No. 2 Shot (6.86 millimetres , .270 inches);
- c) no bullet, shot, bolt, arrow, or quarrel shall pass over the boundary of the *Property*; and

10.1 No person shall discharge a *Firearm* in the *City*, regardless of caliber, which incorporates a rifled barrel in its construction.

10.2 No *Person* shall discharge, cause to be discharged or allow to be discharged a *Firearm* for the purposes of detonating *Exploding Shooting Target* or any other binary explosive that requires a shot by a *Firearm* to initiate a detonation.

11. Notwithstanding sections 9 and 10 of this By-law, no *Person* shall discharge any *Firearm* or *Bow* within 150 metres (492 ft) of:

- a) any dwelling, other than a dwelling located on the *Property* upon which the lawful discharge occurs; or
- b) any public or private *Park* (including a *Recreational Trail*) or a public open space; or
- c) the premises of an *Educational Property* or religious institution, including but not limited to any building, structures or grounds related thereto.
- d) all areas fronting onto Lake Erie, measured from the water's edge.

Exceptions

12. This By-law shall not apply to the discharge of a *Firearm* or *Bow*:

- a) for the *Protection of Property* from nuisance *Wildlife* that may be killed or harassed in accordance with the *Ontario Fish and Wildlife Conservation Act*, or a permit issued under the *Canada Migratory Birds Regulations*;

- b) undertaken as a *Normal Farm Practice*;
- c) upon properties being used for the raising of livestock product and where the discharge is necessary to protect the livestock product;;
- d) by any *Peace Officer, Conservation Officer* or *Deputy Conservation Officer* acting in the course of his/her duty under the authority of his/her employment;
- e) at a facility operated or utilized by *Peace Officers* for training purposes;
- f) at a lawful *Shooting Range, Paintball Facility*, skeet club or at a shooting meet which has been authorized by the *Manager*;
- g) at an *Educational Property* used for instruction in the proper use of *Firearms* or *Bows*;
- h) at a federally regulated and licensed *Business*, the use and location of which is lawful and in accordance with all applicable federal, provincial and municipal laws; and
- i) by a *Person* firing blank ammunition for the purposes of:
 - i. a ceremonial event, historical display or educational program;
 - ii. a theatrical film or television production;
 - iii. a sporting event; or
 - iv. the training of animals.

Grant of Exemption by Council

13. Notwithstanding any provisions of this By-law, any *Person* may make application to *Council* to be granted an exemption from any of the provisions of this By-law with respect to the discharge of *Firearms* or *Bows* and *Council*, by resolution, may grant or refuse to grant the exemption applied for, or may grant any exemption of lesser effect, and in granting any exemption *Council* may include such terms and conditions as it deems appropriate.

14. In deciding whether to grant an exemption, *Council* shall give the applicant and any other *Persons* an opportunity to be heard and may consider such other information and matters as it considers appropriate, including but not limited to, the impact on public safety.

15. A breach by the applicant of any of the terms or conditions of any exemption granted by *Council* shall render the exemption immediately null and void and of no force or effect.

Part 4 – Enforcement

16. The provisions of this By-law may be enforced by a *Law Enforcement Officer* or any other *Person* appointed to enforce by-laws for the *City*.

Power of Entry

17. The *City* may enter onto a *Property* at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- a) the provisions of this By-law;
- b) an order issued under this By-law; or
- c) an order made under section 431 of the *Municipal Act*.

18. Where an inspection is conducted by the *City*, the *Person* enforcing the provisions of this By-law and conducting the inspection may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any *Person* concerning a matter related to the inspection including name, address, phone number and identification; and
- d) alone or in conjunction with a *Person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

19. The *City* may undertake an inspection pursuant to an order issued under s. 438 of the *Municipal Act*.

20. The *City's* power of entry and inspection may be exercised by a *Law Enforcement Officer* or any other *Person* appointed or delegated to enforce by-laws for the *City*.

Penalty

21. Every *Person* who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
22. If a corporation has contravened a provision of this By-law, including an order issued under this By-law, every director and officer who knowingly concurred in such a contravention is guilty of an offence.
23. If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
24. Every *Person* who is guilty of an offence under this By-law shall be subject to the following penalties:
 - a) upon a first conviction, to a fine of not less than \$100.00 and not more than \$50,000.00;
 - b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
 - c) Upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00; and
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The total of all fines for each included offence may exceed \$100,000.00.
25. For the purposes of this By-law:
 - a) “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law; and
 - b) an offence is a “second or subsequent offence” if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

Part 5 – Schedules

Schedules to this By-law

27. Schedules A through E inclusive attached hereto shall form part of this By-law.

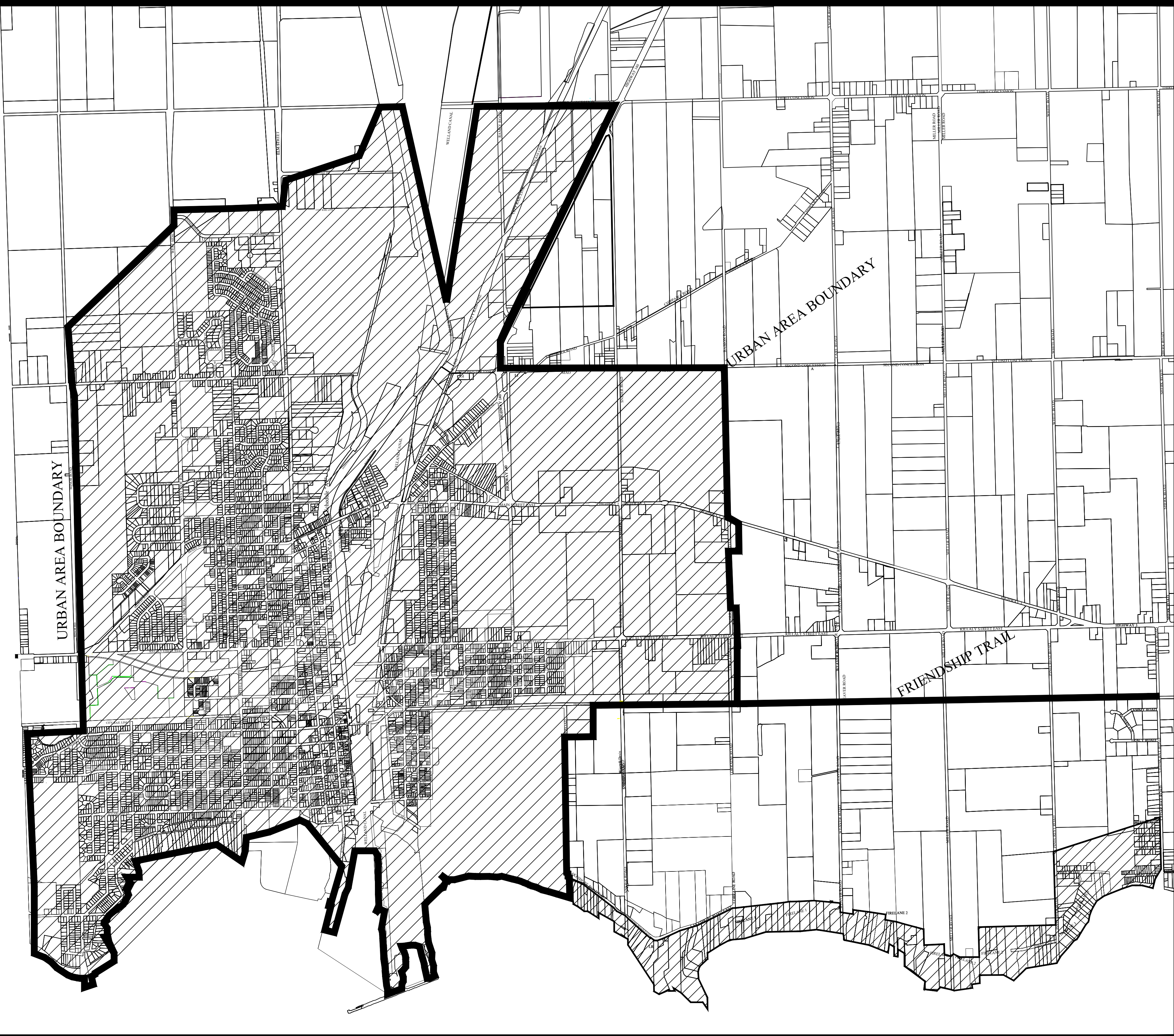
Part 6 – Repeal

28. By-law Number 2499/115/90 and all amendments thereto are hereby repealed.

Enacted and passed this _____ day of _____ 2020.

William C. Steele
Mayor

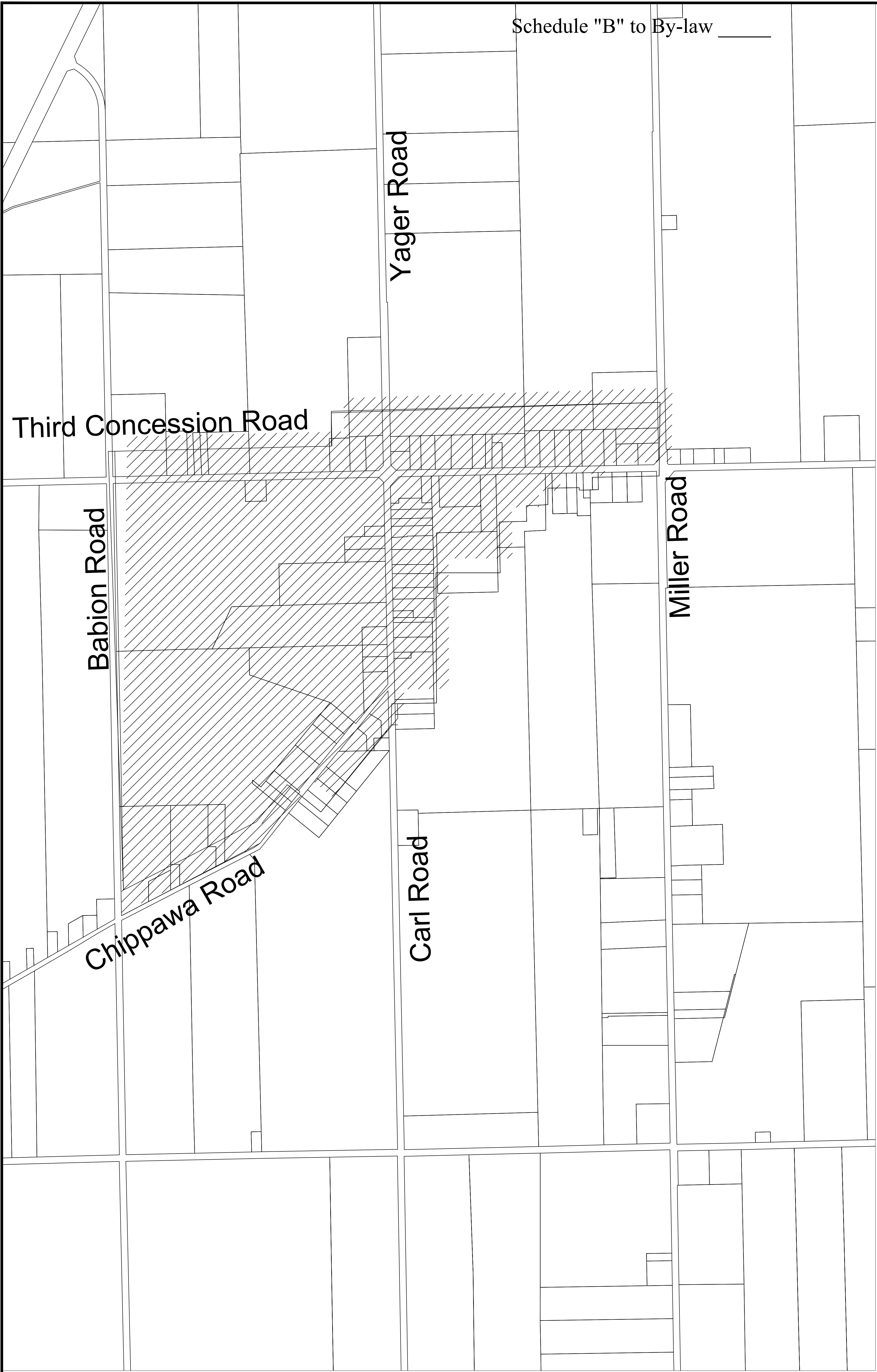
Amber LaPointe
City Clerk



 URBAN AREA BOUNDARY AS OF PASSING OF THIS BY-LAW AND OTHER AREAS SHOWN ON MAP INCLUDING THE FRIENDSHIP TRAIL

THIS IS SCHEDULE "A" TO BY-LAW

MARCH 2020



Third Concession Road

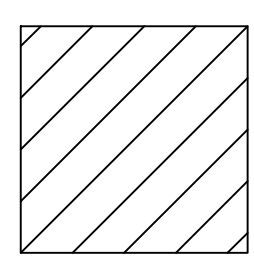
Yager Road

Babion Road

Miller Road

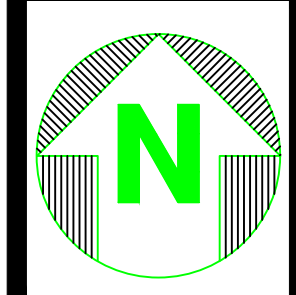
Chippawa Road

Carl Road



HAMLET OF BETHEL AND OTHER PROHIBITED AREAS

THIS IS SCHEDULE "B" TO BY-LAW NO.

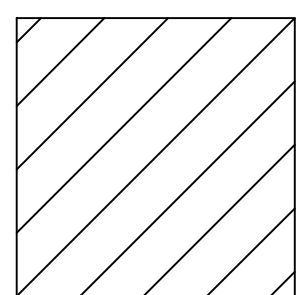
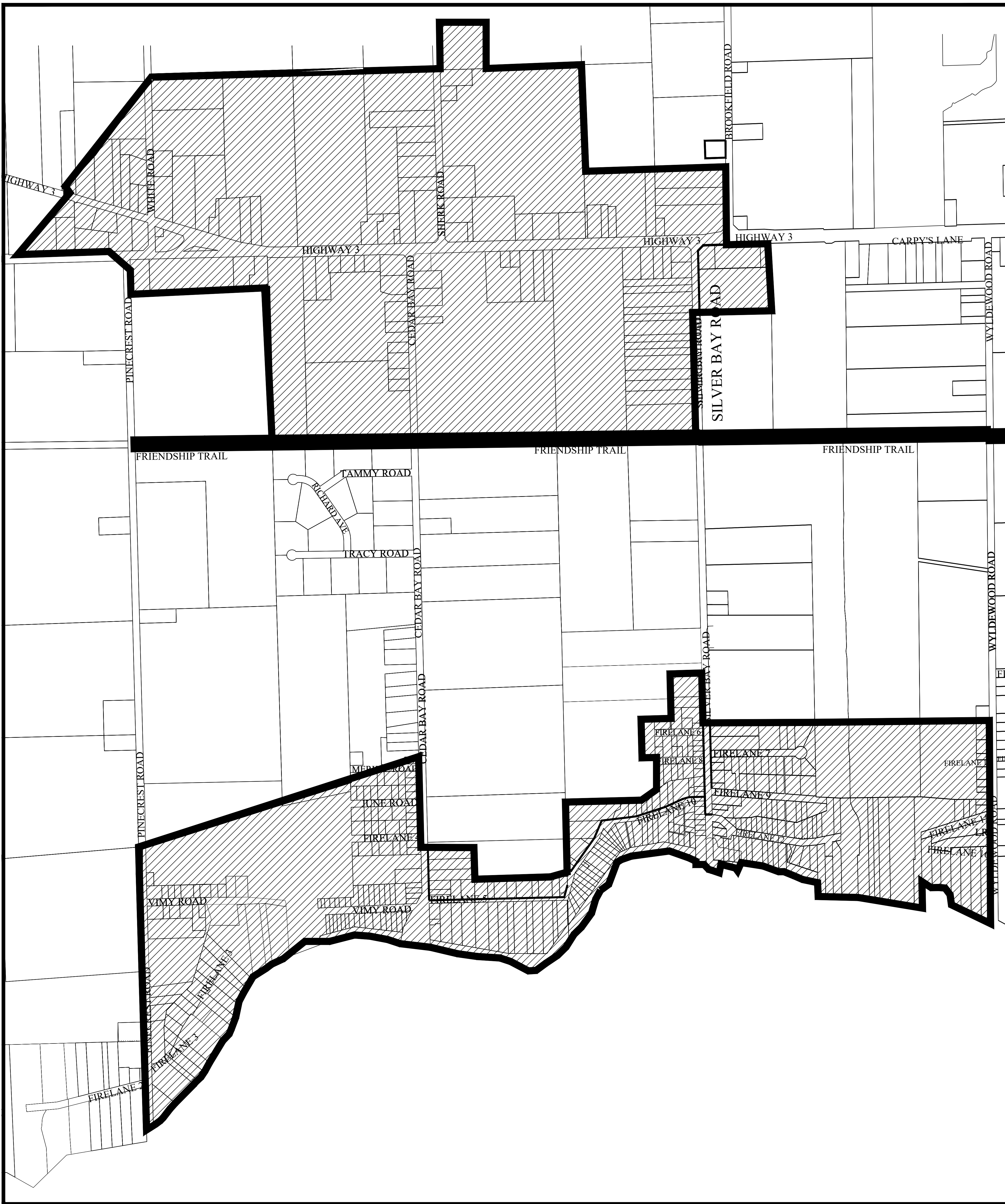


MARCH 2020

FOR HUNTING BY-LAW

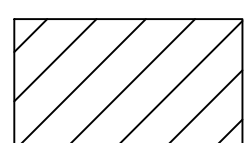
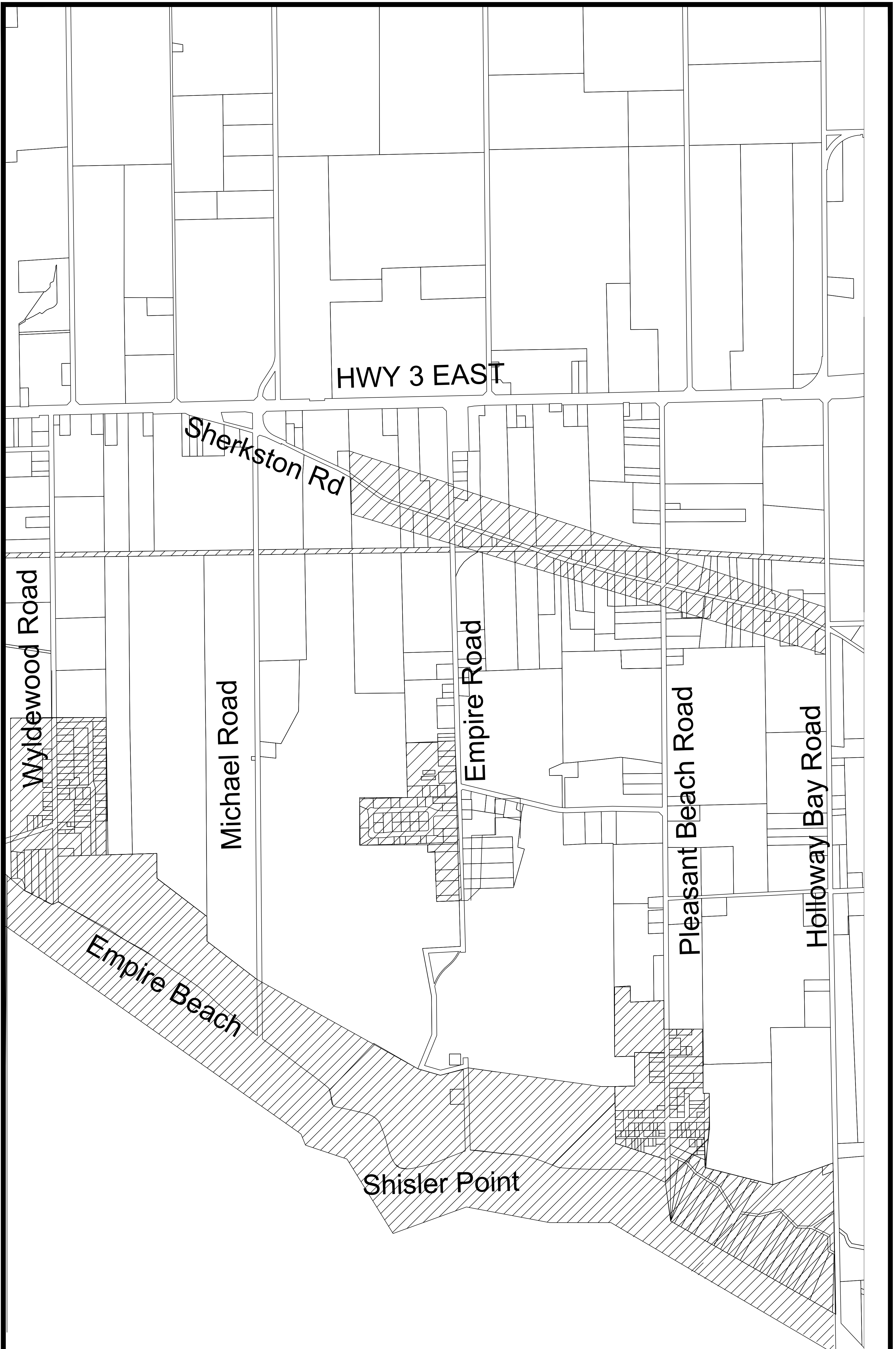
SCALE: NTS

DRAWN BY PLANNING AND DEVELOPMENT DEPARTMENT



HAMLET OF GASLINE, FRIENDSHIP TRAIL AND OTHER PROHIBITED AREAS

THIS IS SCHEDULE "C" TO BY-LAW
MARCH 2020

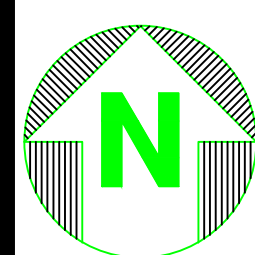


AREA KNOWN AS THE SHERKSTON AREAS, BEING 500 FEET BACK ON BOTH SIDES SHERKSTON ROAD COMMENCING AT EMPIRE ROAD AND RUNNING EAST TO THE EASTERN BOUNDARY OF THE MUNICIPALITY

BUILT UP AREA ON WEST SIDE OF EMPIRE ROAD (MAPLEVIEW) COTTAGE AREA KNOWN AS PLEASANT BEACH BEING THE SOUTH END OF PLEASANT BEACH ROAD AS SHOWN ON THIS SCHEDULE

ALL AREAS WITHIN 150m(492ft) MEASURED FROM THE WATER'S EDGE FRONTING ONTO LAKE ERIE

THIS IS SCHEDULE "D" TO BY-LAW NO. 2499/115/90

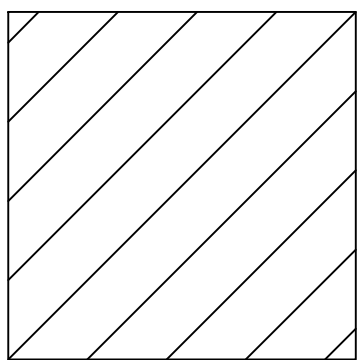
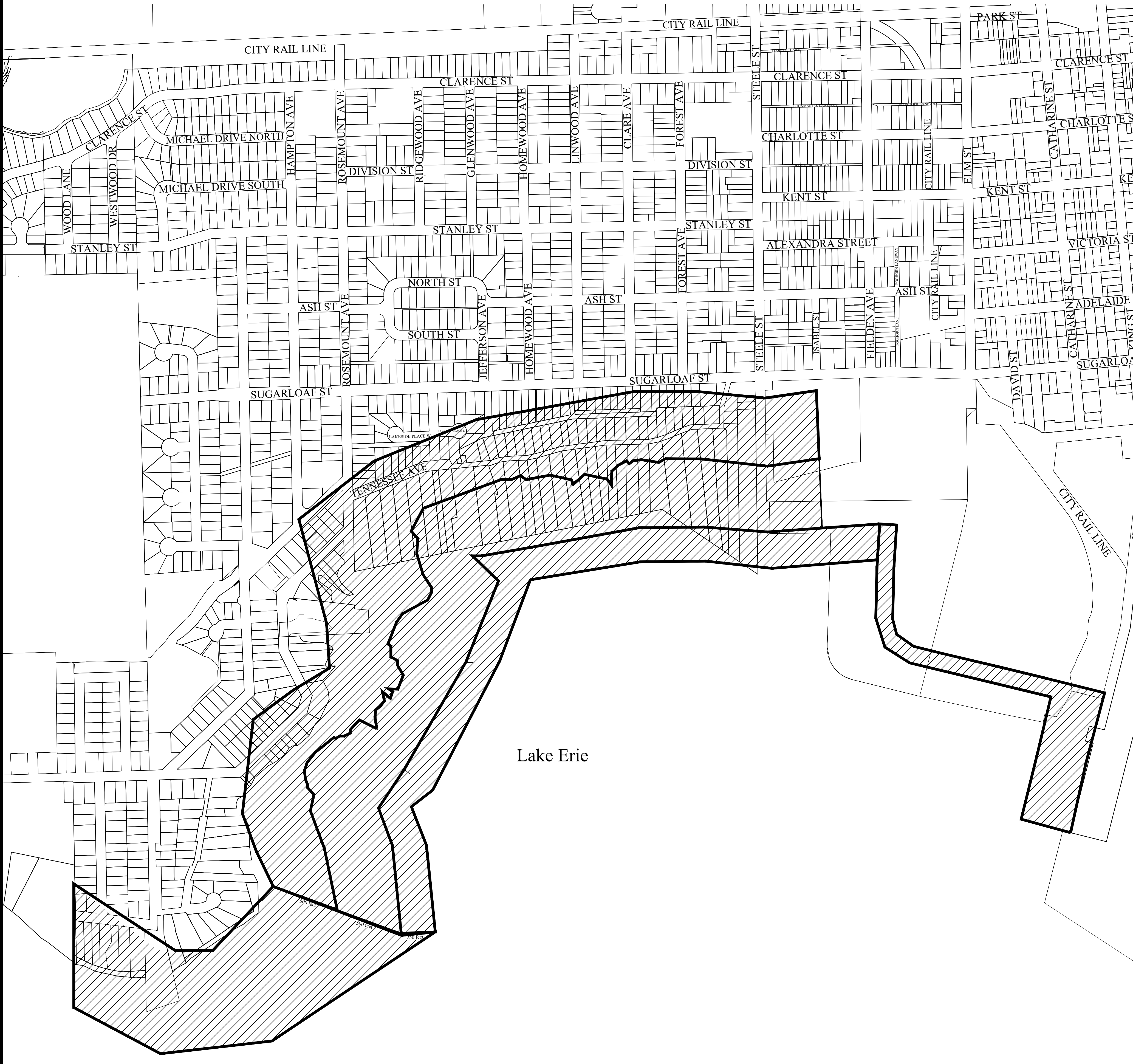


DECEMBER 2019

SCALE: NTS

DRAWN BY PLANNING AND DEVELOPMENT DEPARTMENT

Schedule "E" to By-law _____



AREA KNOWN AS GRAVELLY BAY
 WESTERN SECTION OF WELLAND CANAL
 229m (750ft) FROM THE WATER'S EDGE
 INTO GRAVELLY BAY 46M (150FT) FROM
 MARINA & ELEVATOR WALL

THIS IS SCHEDULE "E" TO BY-LAW
 MARCH 2020

The Corporation of the City of Port Colborne

By-Law No. _____

Being a by-law to amend By-law 4588/119/04, Being a By-law to Regulate Noise

Whereas at its meeting of July 13, 2020, the Council of The Corporation of the City of Port Colborne approved the recommendations of Planning & Development Department, By-law Enforcement Division Report 2020-88, Subject: Discharge of Firearms By-law 2020; and

Whereas the people expect and have a right to an environment free from unusual, unnecessary, or excessive sound or vibration which may degrade the quality and tranquility of their life or cause nuisance as set out under By-law 4588/119/04, Being a By-law to Regulate Noise;

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

1. That By-law 4588/119/04, Being a By-law to Regulate Noise, as Amended, be amended by striking out Section 17 in Schedule 2, Time and Place Prohibited Periods and adding the following thereto:

"17. The discharge of firearms in accordance with the City of Port Colborne's By-law _____ Prohibiting and Regulating the Discharge of Firearms and Bows."

2. That By-law 4588/119/04, Being a By-law to Regulate Noise, as Amended, be further amended by adding the following as Section 18 in Schedule 2:

"18. The detonation of an Exploding Shooting Target as described in the Discharge of Firearms and Bows By-law in the City of Port Colborne at any time."

3. That this by-law shall come into force and take effect on the day of passing.

Enacted and passed this ____ day of _____, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

Report Number: 2020-84

Agenda Date: July 13, 2020

SUBJECT: Stopping Up and Closing part of Carl Road and Sale to 1970065 Ontario Inc.

1) PURPOSE:

The purpose of this report is to stop up and close a portion of Carl Road and to sell it to 1970065 Ontario Inc.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES:

On May 25, 2020, Council received Chief Administrative Officer Report No. 2020-66, Subject: Carl Road road allowance – Proposed Sale for information. The report indicated the following:

“in late 2019, the City was approached by Port Colborne Quarries with an unsolicited offer to sell the Carl Road road allowance to the company for their quarrying operations.”

In accordance with City policy, on June 22, 2020 Council received Planning and Development Report 2020-77 Subject: Public Information Report - Proposed Closing of a portion of Carl Road.” Staff received eight pieces of correspondence from members of the public that will be addressed under Staff Comments and Discussions below.

3) STAFF COMMENTS AND DISCUSSIONS:

Correspondence was received from Morgan Cooper, Beth Palma, Steven Rivers, Jack Hellinga, Cindy Cosby, David Henderson and Betty Konc. The correspondence revolved around the identification of a wetland/woodlot and the need to protect it. Gail Babion’s comments were in support of the closure and sale. Golder Associates for Port Colborne Quarries (PCQ) provided comments with mapping that illustrate future operations to be outside of the wetland/woodlot area.

A Provincially Significant Wetland (PSW) is identified on the property and its protection from development falls under the *Conservation and Authorities Act*, which addresses the public’s concern. The City has no authority to make any changes to its location or identification. Further PCQ has confirmed in their correspondence that the PSW will be protected.

The attached sale agreement with 1970065 Ontario Inc. complies with the City's land sale policy. The City will sell the road allowance between Second Concession Road and Highway 3 for \$200,000 (plus HST).

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

Not applicable.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:

Not applicable.

6) ATTACHMENTS:

Appendix A – Draft By-law for the Road Closure and Sale to 1970065 Ontario Inc.

Appendix B – Agreement of Purchase and Sale

7) RECOMMENDATION:

That the attached By-law to stop up, close, declare surplus to the needs of the municipality and sell part of the Carl Road road allowance, Part 1 & 2 on Plan 59R- 16702 to 1970065 Ontario Inc. be approved; and

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

8) SIGNATURES:

Prepared on June 30, 2020:



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

Reviewed and Respectfully Submitted:



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 and to Declare Surplus and to Authorize the Sale of the Portion of the Carl Road Road Allowance, Being Part 1 & 2, Plan 59R-16702 to 1970065 Ontario Inc.

Whereas Section 27(1) of the *Municipal Act*, 2001, S.O. 2001, as amended, 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, S.O. 2001, as amended, the Municipal 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*, 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, S.O. 2001, c. 25, 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, June 22, 2020;

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 Carl Road road allowance is hereby stopped up and closed.
2. That the lands hereinbefore described as Part 1 & 2 on Plan 59R-16702 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 1970065 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 Carl Road 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 13th day of July, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

AGREEMENT OF PURCHASE AND SALE

Buyer: 1970065 Ontario Inc.

Seller: The Corporation of the City of Port Colborne

Address of Property: Carl Road Allowance

Frontage: 20m more or less

Depth: 1391m more or less

Legal Description: Part of the road allowance between Lots 18 & 19, Concession 2 more particularly described as Part 1 & 2 on Plan 59R-16702

Purchase Price: Two Hundred Thousand (\$200,000.00) CDN Dollars

Deposit: Zero (\$0) CDN Dollars

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 and the following:

Schedule A attached hereto shall form part of this agreement.

1. **Chattels:** None.

2. **Fixtures:** None.

3. **Rental Items:** None.

4. **Irrevocability:** This offer shall be irrevocable by the Buyer until 6:00pm on **August 11, 2019**, 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 6:00pm on **August 28, 2020**. Upon completion, vacant possession of the property shall be given to the Buyer unless otherwise provided for herein.

6. **Notices.** Any notice to given herein shall be in writing and delivered to the Buyer or the Seller at the address for service provided for herein. The parties agree that this agreement may be sent and received by facsimile transmission 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 as above.

7. **HST.** If this transaction is subject to the HST, then such tax shall be **in addition to** the purchase price. If this transaction is not subject to the HST the Seller shall certify on or before closing that the transaction is not subject to the HST. .

8. **Title Search.** Buyer shall be allowed until **3 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 residential** 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 50 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 "" 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, surveyor 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 Sellers 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. 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 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. 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.

20. 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.

21. **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 thereafter provided.

22. **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 urea formaldehyde, and that to the best of the Seller's knowledge no building on the property contains or has ever contained insulation that contains urea formaldehyde. 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 subject to this transaction.

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:

Signed, Sealed and Delivered
in the presence of:

Tom Rankin
I have signing authority

The Seller hereby accepts the above offer.

Dated:

Signed, Sealed and Delivered
in the presence of:

William C. Steele, Mayor

Amber LaPointe, City Clerk

Chris Wilson
Name of Seller's Lawyer

190 Elm Street

Rocky Vacca, Sullivan Mahoney
Name of Buyer's Lawyer

4781 Portage Road
Niagara Falls, ON L2E 6B1

Port Colborne, ON L3K 4N4
Tel: 905-835-1163

Tel: (905) 357-0500

Fax: (905) 357-0501

"Chris Wilson" <cwilson@wilsonop.com>

rvacca@sullivan-mahoney.com

Schedule A

The Buyer agrees to accept title to the Property in such a manner so as to merge the property conveyed herein with the Buyer's adjoining lands.



Report Number: 2020-89

Date: July 13, 2020

Subject: Ramey Road Name Change Request

1) PURPOSE:

This CAO generated report is provided in response to Council's direction from the August 12, 2019 Council meeting.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

At the August 12, 2019 meeting, Council received a delegation from Sandeep Chera, Operations Manager of B.C. Investments Ltd. Operating as Storage Guyz on Ramey Road in Port Colborne. In his presentation, Mr. Chera asserted that the sectional nature of Ramey Road created confusion among his customers and made it difficult for drivers to locate the place of business in question. Mr. Chera went on to request that the section of Ramey Road that runs north west from Highway 140 be renamed to Chera Road.

Upon the conclusion of Mr. Chera's presentation, Council passed the following motion:

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That the Chief Administrative Officer be directed to provide a report back to Council with respect to a policy and practice regarding re-naming of City roads.

CARRIED.

Based on that direction, staff have prepared the attached draft Road Naming Policy for Council's consideration.

3) STAFF COMMENTS AND DISCUSSIONS

The City does not have an existing policy for issuing names for newly created streets and changing the name of streets due to municipal needs or resident requests. The City does have a policy that governs property numbers, but this policy is silent on street names. Mr. Chera's request is the first request of its type in many years. Staff believe that, while it would be reasonable to deal with Mr. Chera's request as a singular request, it would be in the best interest to put a policy in place to deal with requests of this nature in a consistent manner as they come before Council.

Staff have created a draft road name policy and have attached it as Appendix A to this report. The draft policy considers best practices in road naming including compliance with 911 Emergency dispatch requirements and can be applied equally to road name changes

deemed necessary by the City as well as unsolicited requests from the community for a change. Likewise, the road name policy includes a list of suggested road names that can be updated from time to time and can be applied to a single road or a development that includes any number of newly created roads.

In the case of Ramey Road, the current road allowance is broken into four open sections as shown on Appendix B – Ramey Road map:

- From Third Concession Road running south ending at the railway tracks
- From the railway tracks running south and east meeting Highway #3
- From Second Concession Road running north ending in a cul de sac
- From Second Concession Road running south ending just past the weigh scales and office at Port Colborne Quarries

The only sections that traffic can continue on Ramey Road across a major road is the two section length on either side of Second Concession Road. As part of the delegation before Council, Mr. Chera pointed out that this caused confusion for drivers and could send drivers to the wrong section of Ramey Road when looking for a particular location.

This situation persists in other areas of the community where exact or similar road names exist in several locations yet are not contiguous. At this time, staff does not recommend addressing these locations.

In the case of Ramey Road, staff reached out to other owners of property on the particular section in question (from Highway 140 north to the railway) to obtain comment on the application before Council. The following comments were received as attributed to the property owner or agent as shown on Appendix C – Ramey Road Parcels:

Parcel Number	Agent Comments
1	Doesn't object to the name change in general but feels that it's not right to be someone's last name, if that's the case perhaps it should be her own last name.
2	Applicant
3	MTO – not contacted by staff
4	MTO – not contacted by staff
5	Ramey Road can be confusing. No objection to name change, major objection to using a family name. Believes there should be a generic name that is meaningful to whole area City/Region.
6	Applicant
7	Applicant
8	Not anxious to change, would require a lot of work and expense - and create headaches. More trouble than it's worth. Used to have a problem with trucks trying to get through Ramey Road from Third Concession. Probably have the most trucks and deliveries on the street and haven't had a problem for a few years.

Based on the draft policy and the stakeholders' comments received from other property owners on Ramey Road, staff recommend maintaining the Ramey Road name. Staff also recommend that Council adopt the Road Name Policy attached to this report to govern the administration of road name changes in the future.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

There is no financial implication for maintaining the Ramey Road name. If Council decides to change the name of Ramey Road to another name there will be a nominal impact on the City's budget in the form of signs and mapping being changed to reflect the new name. If the road name is changed to any new name, the two operating businesses on the road will incur a cost to update printed material such as business cards and letterhead as well as the intangible cost of updating address information with suppliers, customers, and utility companies.

a) Do nothing.

If Council chooses to do nothing, the current name of Ramey Road will remain in place. (Recommended)

b) Other Options

Council could direct staff to implement the name Chera Road as requested by the applicant. (Not recommended)

Council could direct staff to implement a new name for Ramey Road in accordance with the Road Name Policy. (Not recommended)

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not Applicable.

6) ATTACHMENTS

Appendix A – Road Name Policy (draft)

Appendix B – Ramey Road Map

Appendix C – Ramey Road Parcels

7) RECOMMENDATION

That Chief Administrative Officer Report 2020-89, Subject: Ramey Road Name Change Request, be received for information; and

That Council adopt the Road Name Policy attached as Appendix A to this report.

8) SIGNATURES

Prepared on June 30, 2020 and
respectfully submitted by:

A handwritten signature in black ink, appearing to read "C. Luey", followed by a period.

C. Scott Luey
Chief Administrative Officer

Policy Overview

Administrative Policy No:	TBD
Policy:	Road Name Policy
Effective:	TBD
Revised:	Not applicable

Article 1 - Background

- 1.1 Modern day emergency dispatch systems rely on accurate civic addressing to support emergency response services. To fulfill this, the data must be complete and up to date. Municipal addresses must have easily identifiable property numbers and road names. IN Port Colborne, municipal numbers are governed by By-Law #5044/99/07 – Emergency Response Numbering System. The absence of a policy governing road names can cause a problem in an emergency situation when the responding Police, Fire or EMS staff cannot find the building or the entranceway.

Municipal properties can be difficult to locate without an easily understood addressing system.

Article 2 – Purpose/Objectives

- 2.1 This policy will guide the municipal staff, who have been delegated the responsibility by Council, in assigning road names to new and existing streets, in order to maintain a complete and consistent civic addressing system within the Municipality.
- 2.2 The objectives of this Policy are:
1. To ensure every occupied building has a unique address making it easy to identify and locate.
 2. To provide assistance to emergency personnel in the location of properties.
 3. To improve services to residents from local government, utility companies and other service providers.
 4. To have a simple logical addressing system, understandable by all user groups including the general public.
 5. To have an addressing system that can be maintained at minimal cost.
 6. To have an addressing system compatible with an enhanced 9-1-1 system.

Article 3 – Responsibility

- 3.1 The Planning and Development Department is responsible for the municipal addressing of all structures and properties in the City of Port Colborne. Road names assigned by the Planning Department are considered the official municipal road name regardless of any other name assigned by any other agency or City department.
- 3.2 This document is to be used for assigning any new municipal addresses within the City of Port Colborne.

Article 4 – Road Naming Policies

4.1 General Guidelines

- Road Names will be assigned by the Chief Building Official (or designate).
- All single and multi-lane paths accessible to vehicles (including private roads) are to be named.
- There cannot be any duplication of road names within a municipality.
- Duplication of road names with neighbouring municipalities and the Niagara 9-1-1 service area will be avoided.
- Similar sounding names should be avoided to prevent potential confusion for emergency vehicles dispatch and for other service providers.
- The use of hyphenated names, apostrophes in names or multiple word names should be avoided.
- Road naming policies and guidelines shall apply to both public and private roadways where names are deemed necessary by the Chief Building Official.

4.2 Road Naming Conventions

- Priority will be given to Road Names that reflect the nautical terms and flora and fauna that are prevalent in the City of Port Colborne.
- Road names for new streets, previously unnamed streets, and changed street names will be chosen by the Chief Building Official (or designate) from the list attached to this policy as Appendix “A”.
- In cases where existing street names contravene the naming principles but maintain the objectives of this policy renaming may not be necessary.

Article 5 – Address Changes

- 5.1 The City of Port Colborne, through the Chief Building Official may assign a new road name to existing addresses at any time and under the following circumstances:
1. Where the existing property, building or occupancy unit does not conform to the requirements provided in this policy.
 2. If a building or property is redeveloped, addressing changes to the subject land or to neighbouring properties may be necessary in order to conform to this policy.
 3. The Fire Chief recommends a change where he or she believes the level of emergency service response would be improved.
- 5.2 Notice of the new address shall be provided by first class letter mail to the owner of the property as identified in the latest property assessment roll.
- 5.3 Highway construction or re-alignment may also have an impact on addressing and may result in address changes for one or more properties.
- 5.4 An address change request based on personal numerical preferences shall not be accepted.
- 5.5 Compensation for costs incurred by the owner or the occupant for any change of an address will not be granted.

Article 6 – Notification of Assigned Address:

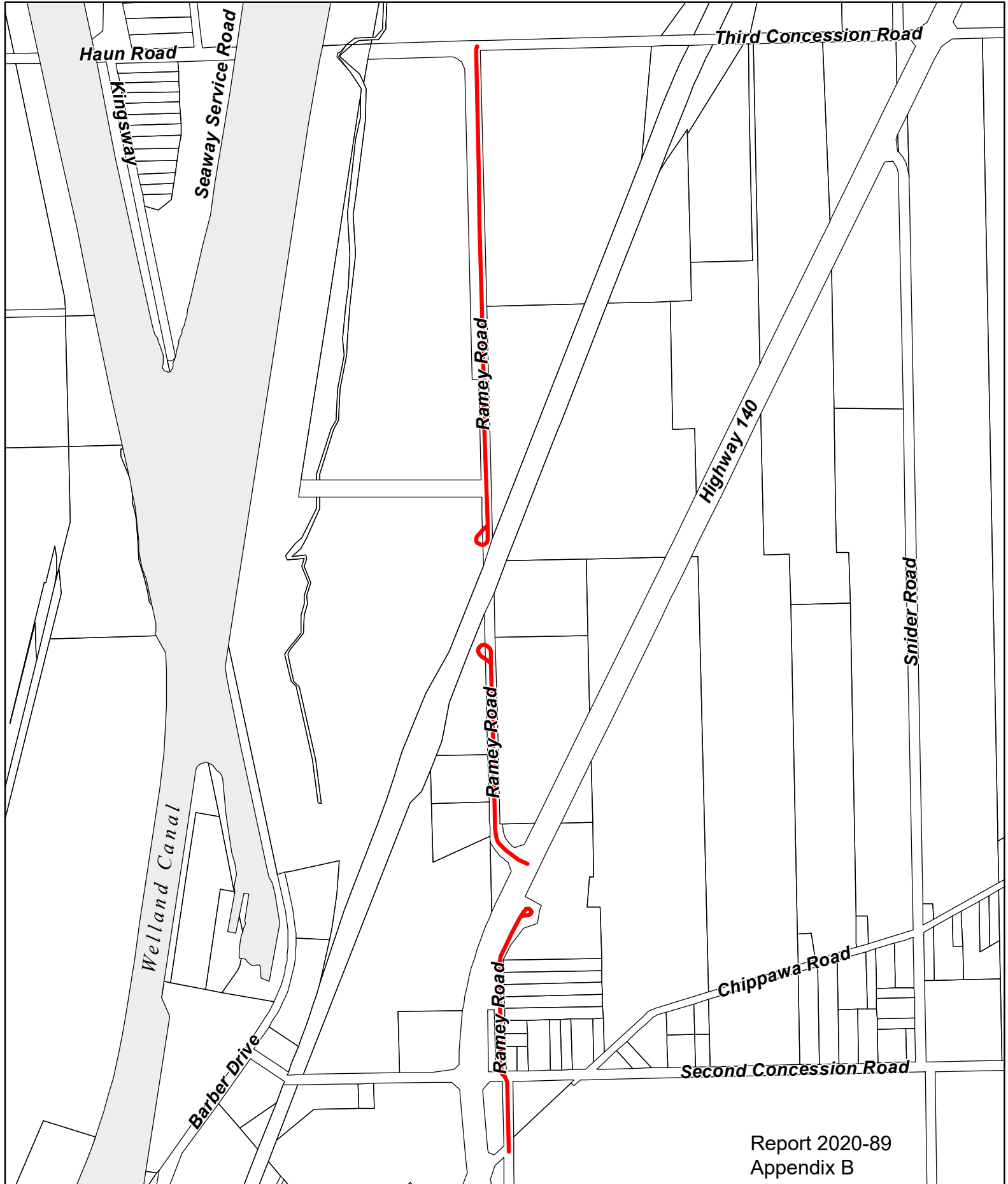
- 6.1 Immediately following the assigning of a new or changed address, the Chief Building Official, or designate, is responsible for making the necessary entries on addressing maps and/or records, and for providing written notice to the agencies and departments which require continuous update of municipal address changes. These agencies include but are not limited to the following:
- Municipal Departments:
 - Fire Department
 - Tax Department
 - Water Department
 - Building Department
 - Engineering Department – GIS Group
 - Region of Niagara
 - Statistics Canada
 - CMHC

- 6.2 It is the property owner's responsibility to notify utility companies and service providers of a new or changed address.

Appendix “A” – Approved Road Names

	Existing Name	Closest Existing Name
Birds:		
Robin Place	No	
Flicker Avenue	No	
Finch Street	No	
Bluebird Place	No	
Cardinal Court	No	
Sparrow Street	No	
Chickadee Lane	No	
Trees:		
Douglas Boulevard	No	
Linden Lane	No	Linwood Avenue
Mulberry Lane	No	
Birch Lane	No	Birch Court
Hemlock Lane	No	
Magnolia Court	No	
Oleander Lane	No	
Poplar Place	No	
Spruce Street	No	
Dogwood Place	No	
Redbud Place	No	
Nautical:		
Admiral Lane	No	
Admidship Lane	No	
Anchors Place	No	
Portside Lane	No	Portal Drive
Starboard Street	No	
Beacon Lane	No	Beach Road
Belows Court	No	
Bollard Lane	No	Bollard Laneway
Bowline Lane	No	

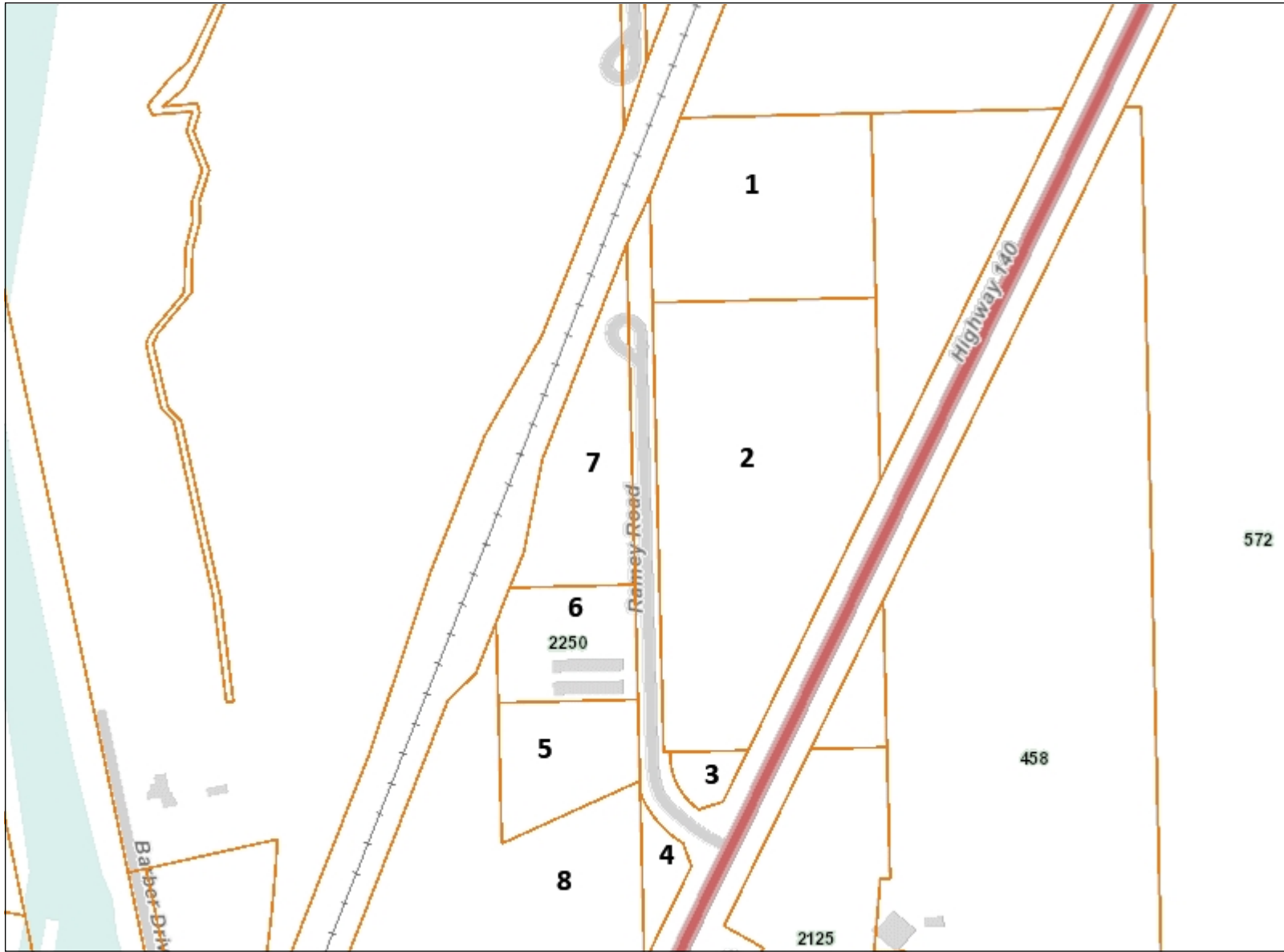
Breakwater Lane	No	Breakwater Laneway
Buoy Lane	No	
Canalwater Lane	No	
Captains Court	No	
Catamaran Lane	No	
Crows Nest Court	No	
Cutwater Road	No	
Mooring Lane	No	Mooring Laneway
Derrick Boulevard	No	
Pier Street	No	
Wharf Road	No	
Fairwater Road	No	
Icebreaker Lane	No	
Jetty Road	No	
Leeward Lane	No	
Nautical Way	No	
Regatta Road	No	
Sailors Way	No	
Skippers Way	No	
Sternway Street	No	
Sunfish Court	No	
Tabernacle Street	No	
Tall Ship Lane	No	
Travellers Circle	No	
Voyagers Circle	No	
Waterway Lane	No	
Waypoint Road	No	
Windward Street	No	




Report 2020-89
Appendix B



Ramey Road Map



Legend

 Parcel Fabric

254.0 0 127.00 254.0 Meters

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.



Notes



Corporate Services Department

Report Number: 2020-91

Date: July 13, 2020

SUBJECT: Niagara's South Coast Tourism Association

1) PURPOSE

The purpose of this report is to initiate a Board of Directors for the Niagara's South Coast Tourism Association.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

In 2012, the City of Port Colborne established the Niagara's South Coast Tourism Association ("NSCTA") as a not-for-profit corporation registered as a Destination Marketing Organization ("DMO"). The intent was to work with neighbouring municipalities to support tourism activities along the south cost of the Niagara Region.

Since its inception, there has been limited activity within the corporation as municipalities have organized and partnered on different tourism initiatives separately.

3) STAFF COMMENTS AND DISCUSSIONS

In early June an opportunity arose to submit an application to the Tourism Industry Association of Ontario ("TIAO") for funding to support our recovery from the economic disruption associated with the COVID-19 pandemic. The funding was only available to a DMO.

The City of Port Colborne (the "City"), in partnership with the cities of Welland, Fort Erie and Wainfleet, submitted an application and were successful in obtaining approval in the amount of \$473,963.75.

To support the coordination of the grant, an active Board of Directors for NSCTA is required. Recognizing the inactivity of the corporation in recent years, staff sought legal advice. That advice identified the City, through Council could establish the Board of Directors. Staff plan to discuss with neighbouring municipalities their continued involvement in the corporation subsequent to receiving and disbursing the grant. If there is interest, staff suggest the Board of Director complement may need to evolve to include neighbouring municipalities.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

In the absence of an active Board of Directors, the grant cannot be accessed.

b) Other Options

Approve a New Board of Directors – NSCTA could be established with a Board of Directors using any combination of Councillors, City staff positions and/or private

businesses/individuals. Staff identify to Council this corporation is essentially an administrative vehicle for Council (the membership) to support tourism.

Staff recommend Council appoint the following as the NSCTA Board of Directors:

- Mayor William C. Steele
- Councillor _____
- Scott Luey
- Bryan Boles

In doing so Council will need to appoint a Council member. Staff identify that Councillor Ron Bodner has been instrumental in the establishment of this organization and in obtaining this grant from TIAO.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Establishing a Board of Directors at NSCTA allows Council the opportunity to access funding otherwise not available to support tourism.

6) ATTACHMENTS

None.

7) RECOMMENDATION

That Council appoint the following to the Niagara's South Coast Tourism Association Board of Directors:

- Mayor William C. Steele
- Councillor _____
- Scott Luey
- Bryan Boles; and

That any and all previous Directors of Niagara's South Coast Tourism Association be removed; and

That the necessary by-law be approved by Council and signed by the Mayor and City Clerk.

8) SIGNATURES

Prepared on July 13, 2020 by:

Reviewed and respectfully submitted by:



Bryan Boles
Director Corporate Services / Treasurer



C. Scott Luey
Chief Administrative Officer

Report Number: 2020-90

Date: July 13, 2020

Subject: Parking and Traffic – Pleasant Beach Road

1) PURPOSE

The purpose of this report is to inform Council of the outcome resulting from the meeting that occurred at Pleasant Beach Road on June 24, 2020.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Pleasant Beach Road has had ongoing issues with parking as well as with visitors trying to access the water at the Pleasant Beach Road end.

The By-law Enforcement Division has implemented the following:

- Increased area of Prohibited Parking
- Tow away zones
- Increased patrols to twice daily (7 days per week from May to September)

Staff has implemented or are in the process of implementing the following:

- An increase of patrols to three times per day when staff are available
- Information signage is being developed
- Paid duty Niagara Regional Police Officers enforcing on weekend shifts
- Hiring an additional four month contract COVID Emergency Officer (similar COVID-19 duties to By-Law Enforcement Officer)

The following are recommended measures to alleviate the parking and traffic issues on Pleasant Beach Road:

- Rename Pleasant Beach Road in accordance with the draft Road Naming Policy, such as Flicker Road, Redbud Road or Tabernacle Road. All of these street names are in the draft road name policy
- Increase Tow away fines from \$60.00 to \$160.00
- Prepare and complete a RFP for additional towing companies
- Enforcement increases as necessary (staffing and vehicles)
- Reduce the speed limit south of Michener Road to 40 km/hr
- Convert existing parking to one (1) hour parking in front of the restaurant “Rudders”
- Extend Prohibited Parking/Tow-Away Zone to cover entire length of Michener Road
- Extend the Prohibited Parking/Tow-Away Zone on Pleasant Beach starting at Beach Road

3) STAFF COMMENTS AND DISCUSSIONS

Staff are of the opinion that the word ‘Beach’ in the road’s name serves to entice and attract visitors. Renaming the road to remove ‘Beach’ would alleviate some of the traffic volume and reduce issues surrounding parking and traffic.

Engineering Comments

No comments submitted.

Fire Department Comments

- Obstruction of the roadway, as well as parking in fire lanes has been an issue in the past.
- Fires on the beach have also been a problem as recently as June 2020.
- Speed reduction would make the roadway safer for both vehicles and pedestrians choosing to walk on roadway.
- Tighter enforcement would also reduce unsafe situations

By-law Enforcement Division Comments

- Speed Limit reduction may help with pedestrians now using the road, as they are parking as far as 1000 metres down the road.
- Implement “No Parking/Tow Away Zone” on the entire length of Michener Road and extend to Beach Road on Pleasant Beach Road
- One hour parking in front of the restaurant may help with turn-over
- Increase in fine to help discourage illegal parking.
- Advertise to determine if it is possible to attract local towing companies to be available, such as a call list or a RFP.
- Changing the name of the road will require amendments to all by-laws that reference the street name.

In order to implement these recommendations, the following By-law amendments would require approval:

That Schedule ‘W’ Speed Limits to By-law 89-2000, as amended be further amended to delete the following therefrom:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Pleasant Beach Road	Hwy #3	South to Lake Erie excepting that portion of Pleasant Beach Rd designated as Regn. Rd. No.1	60

That Schedule ‘W’ Speed Limits to By-law 89-2000, as amended be further

amended by adding thereto the following:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Pleasant Beach Road	Michener Road	South to Lake Erie	40
Pleasant Beach Road	Hwy #3	South to Michener	60

That Schedule 'E' Time Limited Parking to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2	Column3		Column 4	Column 5
Highway	Side	From	To	Times/Days	Maximum
Pleasant Beach Rd	West	152m north of the lakeshore	14m north therefrom	Anytime	1 hour

That Schedule 'C2' Parking Prohibitions Tow Away Zone to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2	Column3		Column 4
Highway	Side	From	To	Times/Day
Michener Road	Both	Pleasant Beach Rd	Holloway Bay Road	Anytime

That By-law 6082/48/14 Schedule "A" – Administrative Penalty Designated By-law Provisions – Traffic By-law 89—2000, as amended, be further amended by deleting therefrom the following:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
69	205.03.01	Park in Tow Away Zone	\$60

That By-law 6082/48/14 Schedule "A" – Administrative Penalty Designated By-law Provisions – Traffic By-law 89—2000, as amended, be further amended by adding thereto the following:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
69	205.03.01	Park in Tow Away Zone	\$160

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

The City currently uses the services of a tow truck operator to remove cars parked illegally in tow away zones. The cost for towing is approximately \$65 and storage is \$50 per day. This cost is borne by the car owner, not the City.

a) Do Nothing

Leaving the status quo will not resolve the current traffic and parking issues.

b) Other Options

Council could choose to implement some, but not all, of the recommendations in this report.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

None.

7) RECOMMENDATION

That Council approve the following recommended measures in order to alleviate the ongoing issues on Pleasant Beach Road:

- Direct staff to bring forward a report proposing a new name Pleasant Beach Road in accordance with the draft Road Naming Policy
- Increase Tow away fines from \$60.00 to \$160.00
- Prepare and complete a RFP for additional towing companies
- Enforcement increases as necessary (staffing and vehicles)
- Reduce the speed limit south of Michener Road to 40 km/hr
- Implement one (1) hour parking in front of the restaurant “Rudders”
- Extend Prohibited Parking/Tow-Away Zone to cover entire length of Michener Road
- Extend the Prohibited Parking/Tow-Away Zone on Pleasant Beach starting at Beach Road; and

That Schedule ‘W’ Speed Limits to By-law 89-2000, as amended be further amended to delete the following therefrom:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
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Column 1	Column 2	Column3		Column 4	Column 5
Highway	Side	From	To	Times/Days	Maximum
Pleasant Beach Rd	West	152m north of the lakeshore	14m north therefrom	Anytime	1 hour

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Column 1	Column 2	Column3		Column 4
Highway	Side	From	To	Times/Day
Michener Road	Both	Pleasant Beach Rd	Holloway Bay Road	Anytime

That By-law 6082/48/14 Schedule "A" – Administrative Penalty Designated By-law Provisions – Traffic By-law 89—2000, as amended, be further amended by deleting therefrom the following:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
69	205.03.01	Park in Tow Away Zone	\$60

That By-law 6082/48/14 Schedule "A" – Administrative Penalty Designated By-law Provisions – Traffic By-law 89—2000, as amended, be further amended by adding thereto the following:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
69	205.03.01	Park in Tow Away Zone	\$160

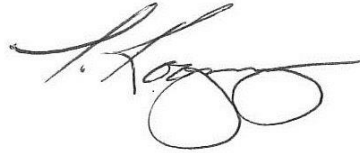
8) SIGNATURES

Prepared on June 29, 2020 by:



Sherry Hanson, C.P.S.O.
Manager of By-law Services

Reviewed by:



Acting Director, Planning & Development

Reviewed and Respectfully Submitted:



C. Scott Luey
Chief Administrative Officer

February 28, 2020

Mayor Steele
City of Port Colborne
66 Charlotte Street
Port Colborne, Ontario, L3K 3C8

Dear Mayor Steele,

On September 19, 2019, Niagara Regional Council approved a motion for the Niagara Region to join the Canadian Coalition of Inclusive Municipalities. By way of background, I have enclosed for you the report titled “**CAO 14-2019 Action and Resources to Join the Coalition of Inclusive Municipalities**” which outlines the staff recommendations and resourcing to support this initiative.

On December 12, 2019, Niagara Regional Council approved the resource recommendations in the report as part of the 2020 Regional budget process, and we would like to finalize our commitment by officially joining the Coalition of Inclusive Municipalities in early 2020.

What this entails, is signing a declaration to join the Coalition of Inclusive Municipalities, including a formal announcement via a media release and possible media event.

We would like to invite all twelve municipalities to join in signing this declaration, and participating in a media event, as one Niagara region. For municipalities to participate, the Coalition of Inclusive Municipalities has requested that each municipal Council pass a motion of support. Attached is a draft declaration, which includes all twelve municipalities working with the Niagara Region to develop a joint Plan of Action.

We know that diversity, equity and inclusion matter to all of us in Niagara, and we are determined to work supportively together to tackle racism and discrimination and promote human rights and diversity.

Please respond to indicate your interest in joining in this work. Cassandra Ogunniyi will be reaching out in the coming weeks to follow up on any questions you may have, or additional information we can provide to you, your staff, or your municipal Council.

With thanks,



Ron Tripp, P.Eng.
Acting Chief Administrative Officer

cc: Area Municipal Mayors
Area Municipal CAOs



Declaration to Join the Coalition of Inclusive Municipalities

Given that:

- 1 The Canadian Commission for UNESCO (United Nations Educational, Scientific and Cultural Organization) is calling on municipalities to join a Coalition of Inclusive Municipalities and to be part of UNESCO's international Coalition launched in 2004; and
2. The Federation of Canadian Municipalities (FCM) endorses the Call for a Coalition of Inclusive Municipalities and encourages its members to join; and

Whereas:

3. Municipal governments in Canada, along with other levels of government, have responsibilities under Canada's *Charter of Rights and Freedoms* as well as federal, provincial and territorial human rights codes, and therefore have an important role to play in combating racism and discrimination and fostering equality and respect for all citizens;

Be it resolved that:

4. The Regional Municipality of Niagara, The Corporation of the Town of Fort Erie, The Corporation of the Town of Grimsby, The Corporation of the Town of Lincoln, The Corporation of the City of Niagara Falls, The Corporation of The Town of Niagara-on-the-Lake, The Corporation of the Town of Pelham, The Corporation of the City of Port Colborne, The Corporation of the City of St. Catharines, The Corporation of the City of Thorold, The Corporation of The Township of Wainfleet, The Corporation of the City of Welland, and The Corporation of the Township of West Lincoln agree to join the Coalition of Inclusive Municipalities and, in joining the Coalition, endorses the Common Commitments (see Appendix A) and agree to develop or adapt a joint Plan of Action led by the Regional Municipality of Niagara accordingly.
5. These Common Commitments and the Municipalities' joint Plan of Action will be an integral part of the Municipalities' vision, strategies and policies.
6. In developing or adapting and implementing the joint Plan of Action toward progressive realization of the Common Commitments, the Municipalities will cooperate with other organizations and jurisdictions, including other levels of government, Indigenous peoples, public and private sector institutions, and civil society organizations, all of whom have responsibilities in the area of human rights.
7. The Municipalities will set their priorities, actions and timelines and allocate resources according to their unique circumstances, and within their means and jurisdiction. The Municipalities will exchange their expertise and share best practices with other municipalities involved in the Coalition and will report publicly on an annual basis on actions undertaken toward the realization of these Common Commitments.

The Regional Municipality of Niagara, insert date (month day, year)



His Worship, Regional Chair Jim Bradley

SIGNATURE OF THE CHAIR



The Coalition of Inclusive Municipalities is endorsed by



Canadian Association of
Statutory Human Rights Agencies
Association canadienne des
commissions et conseil des droits de la personne



Canadian Race
Relations
Foundation

Fondation
canadienne des
relations raciales

The Corporation of the Town of Fort Erie, insert date (month day, year)

His Worship Wayne Redekop

SIGNATURE OF THE MAYOR

The Corporation of the Town of Grimsby, insert date (month day, year)

His Worship Jeff Jordan

SIGNATURE OF THE MAYOR

The Corporation of the Town of Lincoln, insert date (month day, year)

Her Worship Sandra Easton

SIGNATURE OF THE MAYOR

The Corporation of the City of Niagara Falls, insert date (month day, year)

His Worship Jim Diodati

SIGNATURE OF THE MAYOR

The Corporation of the Town of Niagara-on-the-Lake, insert date (month day, year)

Her Worship Betty Disero

SIGNATURE OF THE MAYOR

The Corporation of the Town on Pelham, insert date (month day, year)

His Worship Marvin Junkin

SIGNATURE OF THE MAYOR

The Corporation of the City of Port Colborne, insert date (month day, year)

His Worship Bill Steele

SIGNATURE OF THE MAYOR



The Coalition of Inclusive Municipalities is endorsed by



Canadian Association of Statutory Human Rights Agencies
Association canadienne des commissions et conseil des droits de la personne



Canadian Race Relations Foundation
Fondation canadienne des relations raciales

The Corporation of the City of St. Catharines, insert date (month day, year)

His Worship Walter Sendzik

SIGNATURE OF THE MAYOR

The Corporation of the City of Thorold, insert date (month day, year)

His Worship Terry Ugolini

SIGNATURE OF THE MAYOR

The Corporation of the Township of Wainfleet, insert date (month day, year)

His Worship Kevin Gibson

SIGNATURE OF THE MAYOR

The Corporation of the City of Welland, insert date (month day, year)

His Worship Frank Campion

SIGNATURE OF THE MAYOR

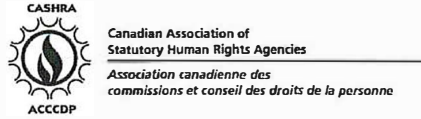
The Corporation of the Township of West Lincoln, insert date (month day, year)

His Worship Dave Bylsma

SIGNATURE OF THE MAYOR



The Coalition of Inclusive Municipalities is endorsed by



Canadian Race Relations Foundation

Fondation canadienne des relations raciales

Appendix A: Coalition for Inclusive Municipalities, Common Commitments

The municipality as a guardian of the public interest

1. Increase vigilance against systemic and individual racism and discrimination.
2. Monitor racism and discrimination in the community more broadly as well as municipal actions taken to address racism and discrimination.
3. Inform and support individuals who experience racism and discrimination.
4. Support policing services in their efforts to be exemplary institutions in combating racism and discrimination.

The municipality as an organization in the fulfillment of human rights

5. Provide equal opportunities as a municipal employer, service provider, and contractor.
6. Support measures to promote equity in the labour market.
7. Support measures to challenge racism and discrimination and promote diversity and equal opportunity in housing.

The municipality as a community sharing responsibility for respecting and promoting human rights and diversity

8. Involve citizens by giving them a voice in anti-racism initiatives and decision-making.
9. Support measures to challenge racism and discrimination and promote diversity and equal opportunity in the education sector, and in other forms of learning
10. Promote respect, understanding and appreciation of cultural diversity and the inclusion of Aboriginal and racialized communities into the cultural fabric of the municipality.

Subject: Actions & Resources to Join the Coalition of Inclusive Municipalities

Report to: Regional Council

Report date: Thursday, September 19, 2019

Recommendations

1. That Council **RESOLVE** to join the Coalition of Inclusive Municipalities (CIM), formerly known as Canadian Coalition for Municipalities Against Racism and Discrimination (CCMARD) and **SIGN** a declaration to support the ten CIM commitments; and
2. That staff **BE DIRECTED** to create supporting governance structures with internal and external stakeholders to advise on internal diversity, equity, and inclusion issues and support the creation of a Diversity, Equity, and Inclusion Action Plan; and
3. That the dedicated resources required for developing the Diversity, Equity, and Inclusion Action Plan **BE REFERRED** for consideration as part of the 2020 budget process.

Key Facts

- The purpose of this report is to outline the action and resources involved for Niagara Region to join the Coalition of Inclusive Municipalities, in response to the motion of Council (COM 14-2019) on May 16, 2019.
- In 2017, there were 21 hate crimes reported to police in Niagara, which was an increase from 11 in 2016. In London there were 26, Windsor had 19, Hamilton had 91 and was the second highest rate per 100,000 in Canada. In Canada the majority of hate crimes are motivated by race or ethnicity (45%), religion (35%), sexual orientation (11%).
- The population of Niagara is growing, as is the diversity of those coming to Niagara. According to the 2016 census, 8.9% of people in Niagara are a visible minority (38,810 individuals), up from 7.0% in 2011. There are 18,625 people (4.3%) in Niagara with North American Indigenous origins (First Nations, Inuit, or Métis). In 2011, there were 14,720 people (3.8%) with North American Indigenous origins.
- Recognizing the importance of attracting and retaining a diverse workforce for achieving economic prosperity, a Global Attractiveness project was undertaken under the previous Council Strategic Plan. The 2017 report outlined actions associated with three objectives (see Appendix 1):
 - Supporting community readiness
 - Marketing to migrants
 - Supporting retention programs

- A strategic marketing manager has been hired to address one of the objectives, however, work has not yet been able to progress for the other two objectives absent dedicated resources.
- There are 77 municipalities across Canada that have joined CIM, with 20 in Ontario, including City of Hamilton, City of London, and City of Windsor.
- Other municipalities that have supported CIM have resourced at least one FTE for developing and implementing an action plan, and/or up to one FTE support for advisory committees.

Financial Considerations

Based on the experiences of other municipalities in Canada, providing dedicated resources is crucial to realize Council-led action pursuant to joining CIM.

Dedicated resources are recommended for a two-year period in order to fulfill the requirements of joining the CIM. The annual operating impact is estimated at \$144,000, which includes one temporary non-union FTE dedicated for the duration of the project, student support, and funds for training, conferences, mileage and community engagement. We estimate a total project cost of \$288,000 over two years. If the recommendations in this report are approved, a business case will be submitted for consideration through the 2020 budget approval process. The financial implication of these resources would be equivalent to 0.04% of the levy.

This potential financial implication should be considered in context of new budget commitments previously endorsed by Council and new budget pressures outlined by staff, as summarized in the following table presented to Budget Review Committee to illustrate the potential levy impact estimated for the 2020 budget.

<i>Previously Identified Budget Commitments/Pressures</i>	<i>Council Report</i>	<i>Levy Amount (M\$)</i>	<i>Levy Increase %</i>
Suicide Prevention Initiative	PHD 8-2019	0.200	0.05%
Niagara Airports	CAO 04-2019	2.240	0.61%
Waterfront Investment Program – Base funding	CSD 40-2019	1.000	0.27%
Smarter Niagara Incentive Program – Base funding	CSD 40-2019	0.600	0.16%
Brock LINC request for funding	ED 9-2019	1.500	0.41%
Niagara Regional Transit - phase in cost	CSD 40-2019	6.213	1.70%
NRPS 2019 position hiring deferral	BRC-C 7-2019	0.706	0.19%
Long-Term Care Home Redevelopment capital funding	COM 32-2019	5.899	1.62%
GO Project - Station Operations	CSD 17-2019	1.410	0.39%

<i>Previously Identified Budget Commitments/Pressures</i>	Council Report	Levy Amount (M\$)	Levy Increase %
EMS Central Hub capital funding	CSD 40-2019	0.390	0.11%
Potential Budget Pressure To-date		\$20.158	5.51%

Analysis

Background

The Niagara Region Global Attractiveness Committee Report was submitted in February 2017, written by external consultants, Sarah Wayland and Huyen Dam, in conjunction with the internal Niagara Region Global Attractiveness Committee. The report outlined current immigration patterns, the attraction and retention factors in Niagara, and an action plan with three objectives:

1. To support community readiness to be a welcoming region through engagement and fostering collaboration with key stakeholders using tailored information and data.
2. To improve Niagara's existing marketing and migrant/immigrant focused literature and create new marketing to attract primary and secondary migration from within Canada and internationally.
3. To support further implementation of concrete programs that will retain immigrants and international students.

The objectives were supported by six tactics, and short, medium, and long term actions (see Appendix 1). A Strategic Marketing Manager was hired to address the second objective, however, work has not yet progressed on the other two objectives due to a lack of dedicated resources. Although these objectives focus on Niagara being a welcoming community, able to retain immigrants, it was not focused specifically on addressing discrimination and racism as in the CIM ten common commitments.

The Canadian Coalition Against Racism and Discrimination (CCMARD) was launched in 2004 as part of the International Coalition of Inclusive and Sustainable Cities (ICCAR) supported by the United Nations Educational, Scientific, and Cultural Organization (UNESCO). The name changed to Coalition of Inclusive Municipalities in 2019. Joining the Coalition and working actively towards the 10 commitments is beneficial for municipalities to be able to build respectful, inclusive and diverse societies, for the whole region, and specifically for newcomers, immigrants, refugees, Indigenous peoples, visible minorities, people with disabilities, and the LGBTQ2S+ community.

Additional benefits of joining CIM include access to a network of municipalities across the world to share best practices and resources, strengthening community partnerships,

involving diverse community stakeholders to understand their realities, and working together to form an Action Plan. Joining CIM can lead to increased accountability to citizens around issues of racism and discrimination, and increased trust, loyalty and respect towards the municipality, as the government works towards equity, inclusion, and appreciation of diversity in the community.

Creating an inclusive and diverse workforce and municipality leads to greater economic innovation and increased profitability. A 2018 report by McKinsey & Company called *Delivering through Diversity* described research conducted with 1,000 companies in 12 countries.¹ The research found that companies in the top-quartile for gender diversity on executive teams were 21% more likely to outperform on profitability and 27% more likely to have superior value creation. Companies in the top-quartile for ethnic/cultural diversity on executive teams were 33% more likely to have industry-leading profitability.

Focus groups and interviews with community partners and residents of Niagara conducted while developing the Public Health & Emergency Services Health Equity Strategic Plan found that discrimination based on race, gender, religion, sexuality, and other characteristics is experienced by people in multiple locations across the region. This results in negative health, social, and justice impacts for individuals and groups of people.² These negative results include physical harm as well as social or emotional impacts.² Studies have shown that when services have been withheld from people from certain populations due to stereotypes and misconceptions, has led to negative social and health outcomes and reluctance to access services when issues arise in the future.³ This applies not only for that individual, but for other family members as well. There is an over-representation of Indigenous peoples and visible minorities in many social services, including Family and Children's Services, the justice system, and in the homeless shelters.

Joining the Coalition

There are six steps to join the Coalition:

1. Prepare the case
2. Adopt a resolution to join
3. Sign the Declaration
4. Inform the Canadian Commission for UNESCO
5. Announce your involvement to local partners and residents
6. Agree to develop or adapt a unique plan of action

¹ Hunt V, Prince S, Dixon-Fyle S, & Yee L. (2018). *Delivering through Diversity*. McKinsey & Company.

² Paradies Y, Ben J, Denson N, Elias A, Priest N, Pieterse A, et al. (2015). Racism as a Determinant of Health: A Systematic Review and Meta-Analysis. *PLoS ONE* 10(9): e0138511.

<https://doi.org/10.1371/journal.pone.0138511>

³ Ben J, Cormack D, Harris R, & Paradies Y. (2017). Racism and health service utilisation: A systematic review and meta-analysis. *PLoS ONE* 12(12): e0189900. <https://doi.org/10.1371/journal.pone.0189900>

A summary of the ten Common Commitments grouped under three categories are listed in Appendix 2 with examples of current internal and external facing work from across the Regional departments and potential opportunities.

Other Municipal Action

There are 77 municipalities across Canada that have joined CIM, and 20 within Ontario. Here are some of the activities and resources of other similar municipalities.

Municipality	Committee	Action Plan	Staff Resources
Region of Peel	Diversity, Equity, and Anti-Racism Committee Seven members		Office of Culture and Inclusion – seven staff
City of Hamilton	Hamilton Committee Against Racism	Equity, Diversity, and Inclusion Plan (announced 2019)	Human Rights, Diversity and Inclusion Office – eight staff
City of London		Diversity and Inclusion Strategy (2015-2019)	One staff member (Coordinator, Government & External Relations)
City of Windsor	Diversity Committee Nine members		One staff (Diversity & Accessibility Advisor) – Clerks Office
Region of Waterloo (Not part of CIM)	Grand River Accessibility Advisory Committee (GRAAC) 12 members	Diversity, Equity and Inclusion Plan (2018-2022)	One staff member

Based on the learnings and experiences of other municipalities in Canada, we recommend dedicated personnel and operating costs. Personnel would coordinate the governance structures with internal and external stakeholders, and draft a Diversity, Equity, and Inclusion Action Plan.

Drafting the Action Plan would include conducting literature reviews, community engagement, and an environmental scan of best practices across Canada and internationally, as well as identifying needs, best practices, resources, and areas of focus for advancing a more inclusive Niagara that supports the ten CIM commitments.

Alternatives Reviewed

Staff considered waiting until the 2021 budget cycle to request dedicated resources for this initiative. This is not recommended as there are no staff that can be reassigned in the meantime to support the proposed governance structures. This alternative would result in the work towards the commitments and action plan to progress slower, with an action plan not being created until 2021-2022.

A second alternative considered was for potential FTE support through the Community Safety and Well-Being (CSWB) Plan. There is potential alignment between the CSWB Plan and the CIM recommendations for some aspects of the two projects, however, this would require the community consultations to identify diversity, equity, and/or inclusion as a key issue. This option is dependent on many variable factors, and does not offer committed support for CIM.

A third alternative considered was to hire a consultant to conduct research and draft an Action Plan. However, this would still require FTE support in directing the consultant, and would not be able to provide sustainable support to the internal Task Force or the Advisory Committee. A consultant would also not be able to develop and sustain quality internal and external stakeholder relationships that are important for this work.

A final alternative considered was leveraging existing resources by repurposing a current position. This option is not recommended, as there are no staff available for reallocation without significant impact on core Region operations or other strategic priorities.

Relationship to Council Strategic Priorities

Supporting Business and Economic Growth, which works towards a coordinated approach to fostering economic growth in Niagara. Research has shown that culturally diverse regions are more innovative and economically prosperous.

Healthy and Vibrant Community, specifically with objective 2.1: Enhancing Community Wellbeing with the intended outcome to foster a safe and inclusive community. Council will contribute to creating a healthy and vibrant community through advancing the ten commitments, which include monitoring and taking action against racism and discrimination in the region, supporting people who experience racism and discrimination, as well as the police as they combat racism and discrimination.

Sustainable and Engaging Government, through committing to high quality, efficient, fiscally sustainable and coordinated services. Creating an inclusive, equitable, and diverse region will enhance Council's ability to provide customer focused services, demonstrates a value to continuous improvement, collaboration and innovation, and be inclusive through reaching and maximizing the assets of all members of the community.

Other Pertinent Reports

- [COM 14-2019](#) - Canadian Coalition of Municipalities Against Racism and Discrimination (CCMARD)
- [CAO 08-2019](#) - Community Safety and Well-Being Plan
- [CWCD 70-2017](#) - Global Attractiveness Committee Report

Prepared by:

Cassandra Ogunniyi
Strategic and Health Equity Initiatives
Coordinator
Public Health and Emergency Services

Recommended by:

M. Mustafa Hirji, MD MPH RCPC
Medical Officer of Health/Commissioner
(Acting)
Public Health and Emergency Services

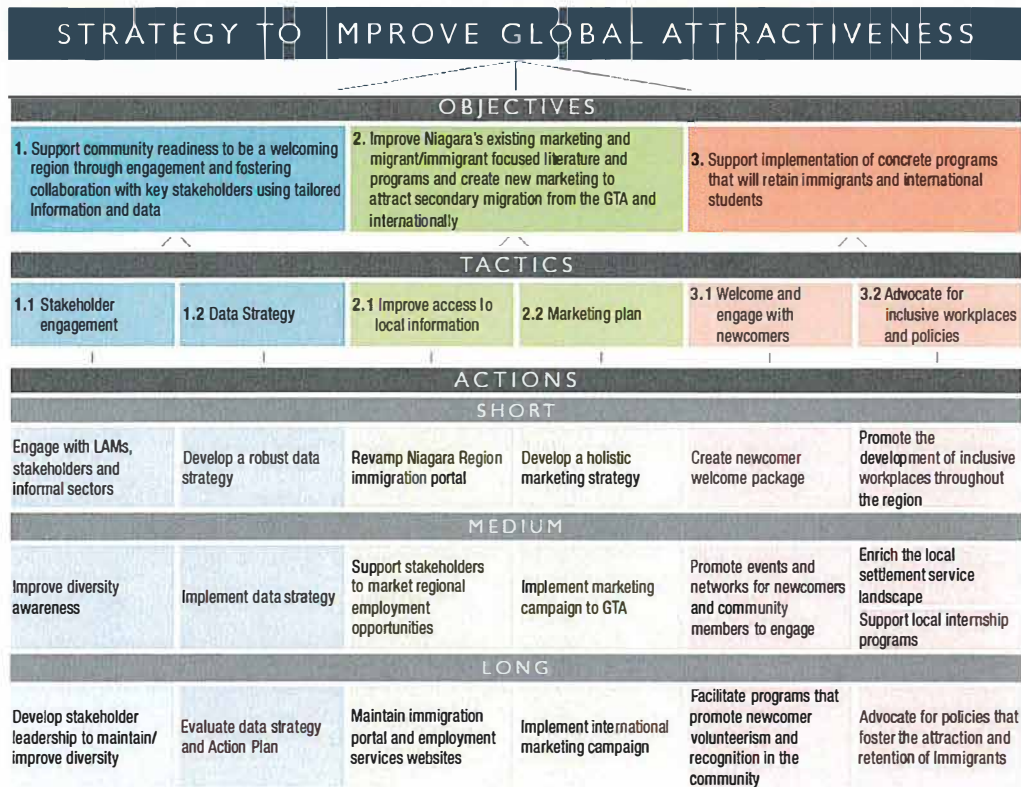
Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Farzana Crocco, Strategic Marketing Manager; Sandy Dupuis, Corporate Performance Specialist; Donovan D'Amboise, Manager, Program Financial Support, and reviewed by Dr. Andrea Feller, Associate Medical Officer of Health.

Appendices

Appendix 1 Global Attractiveness Action Plan



Appendix 2 CIM Commitments - Current and Potential Future Activities

The municipality as a guardian of the public interest

1. Increase vigilance against systemic and individual racism and discrimination.

Current Internal Activities: HR policies

Potential Opportunities: Establish an external consultation or advisory committee

2. Monitor racism and discrimination in the community more broadly as well as municipal actions taken to address racism and discrimination.

Current Activities: None

Potential Opportunities: Report on the incidence of hate crimes, racism, and discrimination, as well as the responses taken, including areas such as housing, recreation, health, and other social programs

3. Inform and support individuals who experience racism and discrimination.

Current Internal Activities: HR Policies

Potential Opportunities: Use awareness materials and campaigns to inform citizens about their rights and obligations, including available resources and mechanisms for prevention and redress, as well as penalties for racist acts or behaviour and other forms of discrimination

4. Support policing services in their efforts to be exemplary institutions in combating racism and discrimination.

Potential Opportunities: Consult with local communities to hear concerns and receive input on responsive measures. Establish or enhance a comprehensive anti-racism and anti-discrimination vision statement and implement effective policies and procedures (including a complaints mechanism), as well as staff training to help prevent and respond to issues of racism and discrimination in policing services and in the community.

The municipality as an organization in the fulfillment of human rights

5. Provide equal opportunities as a municipal employer, service provider, and contractor.

Current Internal Activities: HR Policies

Current External Activities: Support Social Procurement

Potential Opportunities: Examine equity at a systemic level, such as auditing different aspects of the municipality's operations, including corporate planning, policy and program development, and procedures and practices with respect to employment, service delivery and contracting, as well as organizational culture; take steps to eliminate barriers; and finally, measure progress. Educate and sensitize elected officials and civil servants on mutual respect, citizenship and the obligation to protect and promote human rights.

6. Support measures to promote equity in the labour market.

Current Internal Activities: Corporate Diversity Training

Current External Activities: SAEO Employment Services, Bend the Curve

Potential Opportunities: In partnership with local chambers of commerce, set up a certification program for businesses, organizations, and professional bodies to integrate mechanisms into their own organizations for combating racism and building inclusive and respectful workplaces. Facilitate monitoring and removal of systemic barriers that impede fair and equitable access for full participation of Aboriginal and racialized communities in the economic life of the municipality, as well as access to professions and trades for foreign trained professionals.

7. Support measures to challenge racism and discrimination and promote diversity and equal opportunity in housing.

Current External Activities: 10 Year Housing and Homelessness Action Plan, Niagara Housing Statement

Potential Opportunities: Work with landlords and social housing providers, with the assistance of tenant associations and community organizations, including legal clinics, to adopt equitable policies and practices with respect to qualifying applicants and selecting tenants for market rent units consistent with human rights principles. Work with homebuilder, realtor, rental, hotel, tourist and hospitality associations to draw up anti-discrimination codes of practice for their respective industry businesses and organizations.

The municipality as a community sharing responsibility for respecting and promoting human rights and diversity

8. Involve citizens by giving them a voice in anti-racism initiatives and decision-making.

Current Internal and External Activities: Accessibility Advisory Committee, Lived Experience Advisory - homelessness, Mental Health Client Advisory, Youth Advisory Committee (YAC), Lived Experience Advisory Network (LEAN) - poverty, Council Strategic Plan (Shape Niagara)

Potential Opportunities: Take steps to facilitate and increase the representation of Aboriginal and racialized communities on municipal boards, commissions and committees. Organize regular community forums in collaboration with existing organizations and mechanisms in order to offer citizens an opportunity to discuss and be heard on issues of racism and discrimination in the municipality, including effectiveness of local policies and programs

9. Support measures to challenge racism and discrimination and promote diversity and equal opportunity in the education sector, and in other forms of learning

Current Internal Activities: Public Health – Indigenous Cultural Safety Training

Current External Activities: SAEO – Local Immigration Partnership (LIP)

Potential Opportunities: Support partnerships between educators and front-line community organizations to reach out to vulnerable youth whose access to education is adversely affected by bullying and violence or discriminatory discipline policies or practices. Create a program to recognize schools for their anti-racism and anti-discrimination initiatives.

10. Promote respect, understanding and appreciation of cultural diversity and the inclusion of Aboriginal and racialized communities into the cultural fabric of the municipality.

Current Internal Activities: Public Health - Indigenous Cultural Safety Training, Public Health - Health Equity Strategic Plan, Seniors Services and Community Programs – Diversity and Inclusivity Committee, Diversity Calendar for new International Plaza and Civic Park

Current External Activities: SAEO - LIP, 10 Year Housing and Homelessness Action Plan, Indigenous Community Engagement Consultant, Overdose Prevention and Education Network of Niagara (OPENN), Public Health - Health Equity Strategic Plan, Economic Development marketing and promotion of Niagara, Diversity Calendar for new International Plaza and Civic Park

Potential Opportunities: Support initiatives that increase expertise and capacity within ethno-cultural organizations to effect change in their communities and enable their members to participate fully in society. Promote awareness of the fact that integration of a community's cultural fabric, together with its economic, educational, social and security interests, strengthens and benefits the whole community.

July 2, 2020

Council Session CL 9-2020, June 25, 2020

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

**RE: Declaration of Public Health Issues
Minute Item 11.1 CL 9-2020, June 25, 2020**

Regional Council, at its meeting held on June 25, 2020, passed the following resolution:

WHEREAS racism, homophobia, transphobia, discrimination, and stigma are associated with poorer physical, mental, and emotional health and greater mortality, making racism an important public health issue; and

WHEREAS Public Health has a role in promoting the health of the entire population by working with others to ensure fair opportunities for health and well-being; and

WHEREAS Niagara Region and its Board of Health is guided by Objective 2 in Niagara Region's Strategic Plan to foster a high quality of life through safe, healthy, and inclusive neighbourhoods and delivery of quality, affordable, and accessible human services; and

WHEREAS members of the Black, Indigenous, 2SLGBTQQIA, and many other communities experience physical, social, mental, and emotional harms due to racism, homophobia, transphobia, and other discrimination and stigma present across sectors, including health, education, employment, housing, child care and child welfare, policing and law enforcement, and the criminal justice system; and

WHEREAS the Region of Niagara has become a member of the Coalition of Inclusive Municipalities and committed to appropriately resourcing the work of the Coalition;

NOW THEREFORE BE IT RESOLVED:

1. That Regional Council **ACKNOWLEDGE** that racism, homophobia, transphobia, and all forms of discrimination or oppression are public health issues;
2. That Niagara Region **COMMIT** to using an equity, diversity, and inclusion lens in all future decision-making;
3. That Niagara Region **COMMIT** to considering social determinants of health, including income, education, employment, early childhood development, food insecurity, housing, social exclusion and social safety network, health services, aboriginal status, gender, race, and disability, in all future program and budget decisions including revising the Region Budget By-Law Principles to include healthy communities;
4. That Niagara Region **RECONFIRM** its efforts through the Coalition of Inclusive Municipalities to promote social inclusion, human rights, and diversity, as well as eradicating all forms of racism and discrimination that continue to persist in Niagara; and
5. That this motion **BE CIRCULATED** to the local area municipalities.

Yours truly,



Ann-Marie Norio
Regional Clerk
CLK-C 2020-163



Education Development Charges Stakeholder Information

Niagara Catholic District School Board

April 29, 2020



KEY CONTACTS

NCDSB: Scott Whitwell,
Controller of Facilities Services
and Kathy Levinski,
Administrator of Facilities
Services

Consultant: Jack Ammendolia,
Watson & Associates

Legal: Brad Teichman,
Overland LLP

What Are The Existing Charges & How Are They Applied?



The Niagara Catholic District School Board (NCDSB) has existing EDC by-laws that cover the former Lincoln County and the former Welland County portions of its jurisdiction.

Existing Charge:

School Board	In-force Date	Area of By-law	% Residential/ Non-residential	Charge
NCDSB	June 22, 2015	Former Lincoln	100%(Res.)	\$186/Unit
NCDSB	June 22, 2015	Former Welland	100%(Res.)	\$172/Unit

The charge is allocated 100% to residential – There is no non-residential component to the charge.

The Board proposes to consider passage of new by-laws in Fall of 2020.

What Is An EDC?



An Education Development Charge is a development charge that is imposed under a bylaw respecting growth-related net education land costs incurred or proposed to be incurred by a School Board.

In layman's terms this means it is a charge that is levied on new development (residential or non-residential) that is paid when the building permit is issued by the municipality. The revenue collected from the charge is used by a school board to purchase land/sites for new schools.

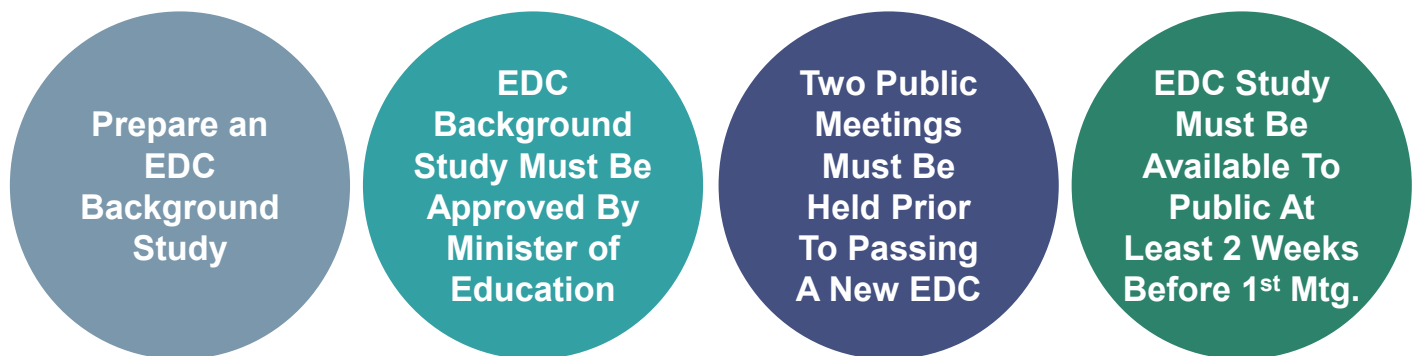
Education development charges are the primary source of funding site acquisition needs for a school board (that qualifies) experiencing growth in its jurisdiction.

A Review Of The Key Elements



School Boards Can Allocate Education Land Costs To Both Residential and Non-Residential Developments

What Does A School Board Have To Do?



Notice Of Public Meetings Must Be Provided At Least 20 Days Prior To Said Meetings

Process and Methodology



➤ Board Eligibility

- *Enrolment v. Capacity*
- *Financial Obligations*

➤ Demographic Projections

- Enrolment Projections
- Growth Forecasts

➤ Reserve Fund Analysis

- EDC expenditures and revenues
- Existing reserve fund balance

➤ Site Needs

- Net growth-related pupil places
- Legislation determines site sizes

➤ Net Education Land Costs

- Estimated site acquisition costs (appraisals)
- Site preparation costs/Study costs

➤ Determination of EDC

Projected Enrolment



Former Lincoln Elementary Review Areas

Review Area	Year 1 2020/21	Year 5 2024/25	Year 10 2029/30	Year 15 2034/35
ERA01	3,663	3,598	3,706	3,849
ERA04	272	280	326	372
ERA09	473	504	549	650
ERA11	1,943	2,027	2,255	2,428
Total	6,351	6,410	6,835	7,298

Former Lincoln Secondary Review Areas

Review Area	Year 1 2020/21	Year 5 2024/25	Year 10 2029/30	Year 15 2034/35
SRA01	1,823	1,768	1,721	1,896
SRA03	1,094	1,235	1,307	1,460
Total	2,917	3,003	3,028	3,356

Former Welland Elementary Review Areas

Review Area	Year 1 2020/21	Year 5 2024/25	Year 10 2029/30	Year 15 2034/35
ERA02	1,456	1,535	1,577	1,613
ERA03	2,157	2,314	2,587	2,898
ERA05	843	842	929	1,013
ERA06	556	596	637	629
ERA07	1,682	1,670	1,732	1,817
ERA08	80	99	117	124
ERA10	1,043	1,105	1,280	1,420
TOTAL	7,818	8,161	8,859	9,515

Former Welland Secondary Review Areas

Review Area	Year 1 2020/21	Year 5 2024/25	Year 10 2029/30	Year 15 2034/35
SRA02	2,876	2,817	2,986	3,201
SRA04	697	707	636	751
TOTAL	3,572	3,524	3,622	3,951

The Residential Growth Forecast – 15 Years



Former Lincoln

Dwelling Type	# of Units	% By Density
Low Density (Singles/Semis)	7,848	40%
Medium Density (Townhouses)	5,958	30%
High Density (Apartments)	5,827	30%
<i>Total</i>	19,633	100%

Former Welland

Dwelling Type	# of Units	% By Density
Low Density (Singles/Semis)	12,253	56%
Medium Density (Townhouses)	6,418	30%
High Density (Apartments)	3,113	14%
<i>Total</i>	21,784	100%

Net Growth-Related New Pupil Places



Former Lincoln				
Elementary			Secondary	
New Pupils:	1,534		New Pupils:	784
Less Available Pupil Places:	738		Less Available Pupil Places:	418
Total EDC Pupils:	797		Total EDC Pupils:	366

Former Welland				
Elementary			Secondary	
New Pupils:	2,149		New Pupils:	804
Less Available Pupil Places:	1,276		Less Available Pupil Places:	390
Total EDC Pupils:	874		Total EDC Pupils:	414

Legislated EDC Eligible Site Sizes



Elementary schools	
Number of Pupils	Maximum Area (acres)
1 to 400	4
401 to 500	5
501 to 600	6
601 to 700	7
701 or more	8

Secondary schools	
Number of Pupils	Maximum Area (acres)
1 to 1000	12
1001 to 1100	13
1101 to 1200	14
1201 to 1300	15
1301 to 1400	16
1401 to 1500	17
1501 or more	18

Appraised Land Values



Land Values Per Acre (2020)	
Lincoln/Grimsby	\$1,100,000 - \$1,250,000
Niagara Falls	\$700,000 - \$775,000

Proposed Charges



Former Lincoln

Uniform Residential EDC Per Dwelling Unit	\$418
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Former Welland

Uniform Residential EDC Per Dwelling Unit	\$383
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Recent EDC Legislative Changes – A Summary



On October 12, 2018, the Provincial government made a change to the legislation that pertains to education development charges;

- ❖ Ontario Regulation 438/18 amended Ontario Regulation 20/98 and namely;
- ❖ Maintained EDC rates at the levels in existing EDC by-laws as of August 31, 2018
- ❖ Limited the ability of school boards to change the areas in their by-law that are subject to EDCs

On March 29, 2019 the Ontario Government further amended the EDC legislation.

- ❖ Ontario Regulation 55/19 amended Ontario Regulation 20/98.
- ❖ *O. Reg 55/19, essentially lifted the EDC rate freeze by implementing a provisional phase-in of proposed EDC rates.*

Phased In EDC Rates



- In year 1, the existing EDC rate could be increased by \$300 or 5% of the existing residential EDC rate, whichever is greater. The non-residential rate can similarly be increased by \$0.10 or 5% of the existing non-residential EDC rate;
- In the second year of the by-law and in each subsequent year, the rate could be increased by another \$300 or 5% of the previous year's residential EDC rate, whichever is greater. Again, the non-residential rate can also be increased by another \$0.10 or 5% of the previous year's non-residential EDC rate.
- Both the residential and non-residential rates are subject to maximum rates, which are the proposed EDC rates in the EDC Background Study.

Proposed Phase-In Of EDC Rates



Area Specific EDC	2015 EDC Rate	Year 1	Year 2	Year 3	Year 4	Year 5	Maximum Rate
NCDSB - Former Lincoln	\$186	\$418	\$418	\$418	\$418	\$418	\$418
NCDSB - Former Welland	\$172	\$383	\$383	\$383	\$383	\$383	\$383

*New Slide Added April 1, 2019

Additional Education Act/Regulation Changes



Further legislative changes to the Education Act and the regulations governing EDCs were made in the Fall of 2019. A brief summary is provided below:

- **Additional legislated EDC exemptions;**
- **Elimination of clause not allowing new EDC bylaws in areas where no bylaw was in-force on August 31, 2018;**
- **Phase-in for non-residential EDCs was limited to a 5% yearly increase whereas now it is the greater of 5% or \$0.10 (10 cents).**
- **Alternative projects/local education developer agreements (LEDA)**

Alternative Projects & LEDA



Part of the legislative changes, introduced the possibility of new options for both school boards and building permit takers or developers.

ALTERNATIVE PROJECTS

- A Board may request approval from the Minister of Education, that EDC monies be used towards an “alternative project”. An alternative project is deemed as a “project, lease or other prescribed measure...that would address the needs of the board for pupil accommodation and would reduce the cost of acquiring land.” Some examples provided by the Ministry of Education include, alternative parking arrangements (i.e. underground parking), additional costs attributed to vertical construction etc.

LEDA

- A LEDA is an agreement between a school board and a landowner, such as a developer, in which the owner provides a means for pupil accommodation or other benefit to be used for pupil accommodation and in exchange, the geographical area that the LEDA will service will be exempt from the collection of EDCs. Examples of a LEDA provided by the Ministry of Education include, the provision of access to land (either through long-term lease or gift), owner constructs and provides facilities (podium schools) etc.

Stakeholder Feedback



Notice of public meetings will be provided a minimum of 20 days prior to these meetings. The EDC Background Study was released to the public in April of 2020.

The Boards began notifying stakeholders of their intention to renew their EDC by-laws in March of 2020. The Boards intended to hold stakeholder information sessions in the Spring of 2020, however, those sessions were cancelled due to the COVID-19 pandemic measures. Sessions may be re-scheduled if time and requirements permit.

All efforts have been and will be made to engage with stakeholders in alternative formats.

The Boards encourage all stakeholders to provide feedback on all facets of the studies.



Next Steps & Important Dates



- Continued dialogue with stakeholders
- Public Meetings
- Staff recommendations and reports
- Examination of by-laws
- New EDC by-law consideration/passage

Public Meeting
September 2020
Details To Be Determined

Bylaw Passage
September/October 2020
Details To Be Determined

QUESTIONS?



Education Development Charges Background Study

Niagara Catholic District School Board

April 29, 2020

Watson & Associates Economists Ltd.
info@watsonecon.ca

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List of Acronyms and Abbreviations

Acronym	Full Description of Acronym
DSBN	District School Board of Niagara
NCDSB	Niagara Catholic District School Board
EDC	Education Development Charge
GFA	Gross Floor Area
GSR	Grade Structure Ratio
JK	Junior Kindergarten
LEDA	Localized Education Development Agreements
LPAT	Local Planning Appeal Tribunal
MCR	Municipal Comprehensive Review
NOTL	Niagara-on-the-Lake
OTG	On the Ground
OMB	Ontario Municipal Board
O. Reg.	Ontario Regulation
SK	Senior Kindergarten



Foreword and Acknowledgements

Section 257.61 (1) of the *Education Act* states that, “Before passing an education development charge by-law, the board shall complete an education development charge background study.” Section 257.61 (2) of the Act and section 9 of Ontario Regulation 20/98, as amended, provide the information that must be contained in the background study. This report contains the background study for the Niagara Catholic District School Board (NCDSB). The information contained within this report pertains to separate education development charge by-laws for the Former Lincoln portion and Former Welland portion of the Board’s jurisdiction.

This report, the EDC Ministry of Education Forms Submission and all assumptions contained herein were prepared during October 2019 to March 2020. Much of the enrolment projections, residential forecasts and financial assumptions were prepared using studies or information prior to the COVID-19 pandemic. The implications and effects of this pandemic may have impacts on the estimates contained in this report and the school board and consultant will provide updates to this report and stakeholders as required and as necessary.

The consultant would like to acknowledge and thank the staff at the NCDSB for their work, time and effort over the past several months. Staff from the Board provided invaluable input and assistance throughout the EDC process.

The consultant would also like to thank Mr. Brad Teichman of the firm Overland LLP, legal counsel for the Board.



Executive Summary



Executive Summary

Education development charges (EDCs) are a revenue source, for school boards that qualify, to purchase and develop land for new schools. EDCs are meant as a funding mechanism for boards that are experiencing a growth-related accommodation need in their jurisdiction. In order to enact a by-law, the board must follow certain processes and guidelines as required by provincial legislation. This background study fulfills certain requirements while providing the background necessary to understand and determine the education development charge.

The general authority for school boards to impose EDCs is provided by Division E of Part IX of the *Education Act*. Ontario Regulation 20/98, as amended, provides the requirements necessary to determine an EDC. In addition, the Ministry has published a set of EDC Guidelines to assist boards with the EDC process.

The jurisdiction of the Niagara Catholic District School Board (NCDSB) consists of the Region of Niagara including the Cities of Niagara Falls, Port Colborne, St. Catharines, Thorold and Welland; the Towns of Fort Erie, Grimsby, Lincoln, Niagara-on-the-Lake and Pelham; and the Townships of Wainfleet and West Lincoln. For the purposes of calculating EDCs, the Board's jurisdiction is divided into two regions and each region must have a separate EDC by-law as per section 257.57 of the *Education Act*. The first region is based on the boundary of the former Lincoln County (Niagara-on-the-Lake, St. Catharines, West Lincoln, Lincoln and Grimsby) and the second region is based on the boundary of the former Welland County (Niagara Falls, Port Colborne, Thorold, Welland, Fort Erie, Pelham and Wainfleet).

Before an EDC by-law can be passed, school boards must ensure they:

- Demonstrate that their elementary or secondary enrolment on a jurisdiction-wide basis is greater than the elementary or secondary Ministry-approved On-The-Ground capacity or for Boards that have had a previous by-law, that their EDC reserve fund is in a deficit position;
- Prepare a background study meeting the requirements of the legislation;
- Hold required legislated public meetings; and
- Receive written Ministry approval of certain estimates such as the projected number of students and school sites.



The NCDSB is eligible to renew its existing by-laws on the basis of:

- **Reserve Fund Qualification** – The Board has a deficit in the EDC reserve funds and outstanding financial obligations in each of its EDC regions.

The Board intends to hold a statutory public meeting to inform the public as to the new proposed EDC by-laws. The Board intends to hold such a meeting in the late summer or early fall of 2020 as part of a regularly scheduled Board meeting and will consider passage of the EDC by-laws at an additional Board meeting in the fall of 2020. Further details will be provided by official Board notice.

Please note that due to the current situation regarding COVID-19, currently scheduled meetings assume a best-case scenario when daily activities and business can resume. Public consultation methods will need to be re-evaluated during the course of the study in order to align with public health measures regarding COVID-19 at that time. As such, public consultation methods may be subject to change.

Demographic projections form an important component of the EDC analysis. The residential dwelling unit forecast is used both to project pupils from new development and to determine the final quantum of the residential charge. The residential forecasts used in this analysis are consistent with the most recent area forecasts that were available at the time of study preparation. The number of net new units projected in the jurisdiction for the 15 years in the EDC analysis totals **40,588**, with **19,240 (47%)** in the Former Lincoln portion and **21,348 (53%)** in the Former Welland portion. The total net estimated non-residential board-determined gross floor area to be constructed over 15 years from the date of by-law passage is **3,974,829 (1,816,111** within Former Lincoln and **2,158,718** within Former Welland).

The number of growth-related pupils is based on the aforementioned residential forecast and pupil yields have been derived from Statistics Canada custom tabulated data and historical board enrolment information. Pupil yields are mathematical representations of the number of school-aged children that will be generated by particular dwellings. The total growth-related pupils must be offset by any available pupil places that are not required by existing pupils of the Board. These calculations were done for the Board on a review area basis to determine the total net growth-related pupil places.



The 15-year growth projection analysis estimates a total of 1,671 elementary net growth-related pupils and 780 secondary net growth-related pupils for the NCDSB across the jurisdiction. From those estimates, 797 elementary and 366 secondary net growth-related pupils are expected in the Former Lincoln portion and 874 elementary and 414 secondary net-growth-related pupils are anticipated in the Former Welland portion.

Once the net growth-related pupil place requirements have been determined, it is necessary for the Board to decide the number of new schools that will be built to accommodate that need. The EDC legislation provides a table that relates pupil place requirements to school site sizes. The table, as well as a description and methodology, is provided in the background study. The study also provides information on the approximate timing, size and location of the proposed new schools/sites.

The EDC analysis projects that the NCDSB will require a total of three new elementary sites – one in the Former Lincoln portion (ERA11 – Grimsby/Lincoln) and two in the Former Welland portion (two within ERA03 – Niagara Falls South). Two of these sites are currently in the process of being purchased. A detailed summary of the site requirements can be found in each by-law region's Form G in Appendix A.

One of the final steps of the EDC process involves translating the land requirements to actual land costs. In this case, land values were derived from appraised values for the two school sites the Board is currently in the process of purchasing/making offers on. For the Lincoln/Grimsby site, land was valued at between \$1.1 million and \$1.25 million per acre and in Niagara Falls, land was estimated at between \$700,000 and \$775,000 per acre. Similar to many areas in Ontario, the cost to acquire land has been increasing in the region. Due to the uncertain nature of the housing and economic markets at the time this report was prepared, land acquisition costs have not been escalated.

The costs to prepare and develop a school site for school construction are also EDC-eligible costs. The assumed site preparation costs are based on historical data and the rates contained in the 2015 EDC report and escalated to current dollars. A site preparation cost of \$53,974 per acre has been assumed for the NCDSB in this study. Site preparation costs are escalated to the time of site purchase at a rate of 3.1% per year.



The total net land costs (acquisition and servicing costs), as well as study costs, must be included by the Board to determine the final net education land costs. The NCDSB's total net education land costs are estimated to be **\$16,209,301** on a Board-wide basis.

The Former Lincoln total net education land costs are estimated to be **\$8,042,100** which includes a deficit balance of **\$6,022,726** in the existing EDC reserve fund that was added on top of the total costs.

The Former Welland total net education land costs are estimated to be **\$8,167,201**, which includes an existing EDC reserve fund deficit of **\$2,975,094** that was added on top of the total costs.

On the basis of the aforementioned net education land costs and net new unit forecasts, the analysis resulted in a proposed EDC rate of **\$418 per dwelling unit** for the residential charge in Former Lincoln. The new proposed EDC rate for Former Welland is **\$383 per dwelling unit** for the residential charge. The charges contained herein are based on a uniform rate for all types of development, with a 100% residential allocation and applicable jurisdiction-wide charge for each previously mentioned region in the Region of Niagara.

Over the last several years, there have been amendments made to the legislation that governs EDCs. In particular, the EDC rates were “frozen” in 2018 for a short time, while the Ministry of Education reviewed the legislation and public feedback. As a result of the Ministry review, certain changes were made, and EDC rates are now phased in. The phase-in calculation is dependent on the Board’s existing or most recent EDC charge and the new EDC rate that is calculated in the new EDC background study.

Residential EDC rates can be increased by no more than \$300 or 5% (whichever is greater) of the existing or most recent residential EDC rate and can increase by that amount once per year until the “maximum” rate is achieved. The “maximum” rate is the Board’s new proposed EDC rate. Similarly, on the non-residential side, EDC rates can be increased by no more than \$0.10 or 5% (whichever is greater) of the existing or most recent non-residential EDC rate and can also increase once per year until the “maximum” rate is achieved (the maximum being the new proposed rate in the new EDC background study).

The existing in-force EDC rates for the NCDSB within Former Lincoln are **\$186** per residential unit, and **\$172** per residential unit within Former Welland. This means that



their new proposed residential EDC rate can increase by a maximum of \$300 over the existing rate. The new proposed rates are not more than \$300 over the existing rates and as such, upon passage of new by-laws, Former Lincoln EDC residential rates would equal \$418 per unit and Former Welland would equal \$370 per unit.



Report



Chapter 1

Introduction



1. Introduction

1.1 Background

Education development charges (EDCs) are a revenue source, for school boards that qualify, to purchase and develop land for new schools. EDCs are meant as a funding mechanism for boards that are experiencing a growth-related accommodation need in their jurisdiction. In order to qualify for EDCs, it is necessary for school boards to meet certain “triggers.”

School boards no longer have the ability to implement property taxes to fund education costs and now rely on a system of per-pupil grants established by the Ministry of Education. The grants are set out to cover expenses such as teacher salaries, textbooks, heating of schools, renewing schools, building schools, etc. EDCs are meant to fund the acquisition and development of growth-related school sites outside this grant envelope. EDCs are based on a formulaic approach that looks at three main areas – enrolment projections to determine need, the number of school sites necessary to meet need, and the costs related to the purchase and development of those school sites.

The EDC may be levied by a school board on both residential and non-residential developments, subject to certain exemptions which are outlined in the legislation. Division E of Part IX of the *Education Act* is the legislation responsible for governing the EDC. Ontario Regulation (O. Reg.) 20/98, as amended, provides guidelines and requirements on the qualification process for a school board as well as the specifics on calculating the charge. The charges are collected at building permit issuance on behalf of the school board by the local area municipality to which the by-law applies.

As mentioned earlier, not all school boards are eligible to implement EDCs due to qualification triggers that must be met. To qualify, there are two triggers that can be met. One trigger is that the board’s total projected enrolment for the five-year period following expected by-law passage must exceed the board’s Ministry-rated On-The-Ground capacity on either the elementary or secondary panel.

The other qualification trigger deals with unmet financial obligations regarding the purchase and development of growth-related school sites. If the school board has an existing EDC by-law in place and they can demonstrate that there are existing



outstanding financial obligations, the school board will automatically qualify for a subsequent by-law. The *Education Act*, specifically section 257.54, gives school boards the ability to pass EDC by-laws.

“If there is residential development in the area of jurisdiction of a board that would increase education land costs, the board may pass by-laws for the imposition of education development charges against land in its area of jurisdiction undergoing residential or non-residential development.”

School boards are responsible for providing school sites and can do so through such limited revenue sources as selling surplus school sites, revenue from leasing sites, entering into joint use agreements with other school boards or public/private partnerships and the imposition of EDCs – thus making EDCs an important revenue source.

1.2 Existing By-Laws

This EDC background study has been prepared for the Niagara Catholic District School Board (NCDSB) in consideration of renewing their EDC by-laws within the Former Lincoln and Former Welland portions of their jurisdiction. The NCDSB’s current in-force by-laws came into effect on June 22, 2015 and are based on 100% recovery of costs from residential development.

The current EDC rates are shown below in Table 1.1. Within the Former Lincoln area, the EDC is currently \$186 per residential dwelling unit; the EDC is currently \$172 per residential dwelling unit within the Former Welland area.

Table 1.1: Current In-Force EDC By-laws for the NCDSB

School Board	In-force Date	Area of By-law	% Residential/ Non-residential	Charge
NCDSB	June 22, 2015	Former Lincoln	100%(Res.)	\$186/Unit
NCDSB	June 22, 2015	Former Welland	100%(Res.)	\$172/Unit



EDC Policy Review

All school boards with an existing EDC by-law in place must conduct a review of the policies contained in their existing by-laws before passing a new by-law. This process includes a policy review report as well as a public meeting to review the policies in a public forum.

Section 257.60 subsection (1) of the *Education Act* states that:

“Before passing an education development charge by-law, the board shall conduct a review of the education development charge policies of the board.”

Subsection (2) goes on to state that:

“In conducting a review under subsection (1), the board shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given.”

1.3 Area in Which By-law May Apply

The legislation states that an EDC by-law may apply to the entire area of the jurisdiction of a board or only part of it. In addition, an EDC by-law of the board shall not apply with respect to land in more than one “region” if the regulations divide the area of the jurisdiction of the board into prescribed regions. The NCDSB’s jurisdiction is divided into two “regions” for the purposes of calculating and enacting EDC rates and by-laws. The first region is based on the boundary of the former Lincoln County (Niagara-on-the-Lake, St. Catharines, West Lincoln, Lincoln and Grimsby) and the second region is based on the boundary of the former Welland County (Niagara Falls, Port Colborne, Thorold, Welland, Fort Erie, Pelham and Wainfleet). The existing and proposed EDC by-laws cover each of these areas and as such are area specific by-laws within the Niagara Region. Any revenue that is collected under these EDC by-laws can only be used within that affiliated area (unless otherwise approved by the Minister of Education).

“Education development charges collected under an education development charge by-law that applies to land in a region shall not, except with the prior written approval of the Minister, be used in relation to land that is outside that region” and “money from an EDC reserve fund established under section 16 (1) of O. Reg. 20/98 may be used only for



growth-related net education land costs attributed to or resulting from development in the area to which the EDC by-law applies.”

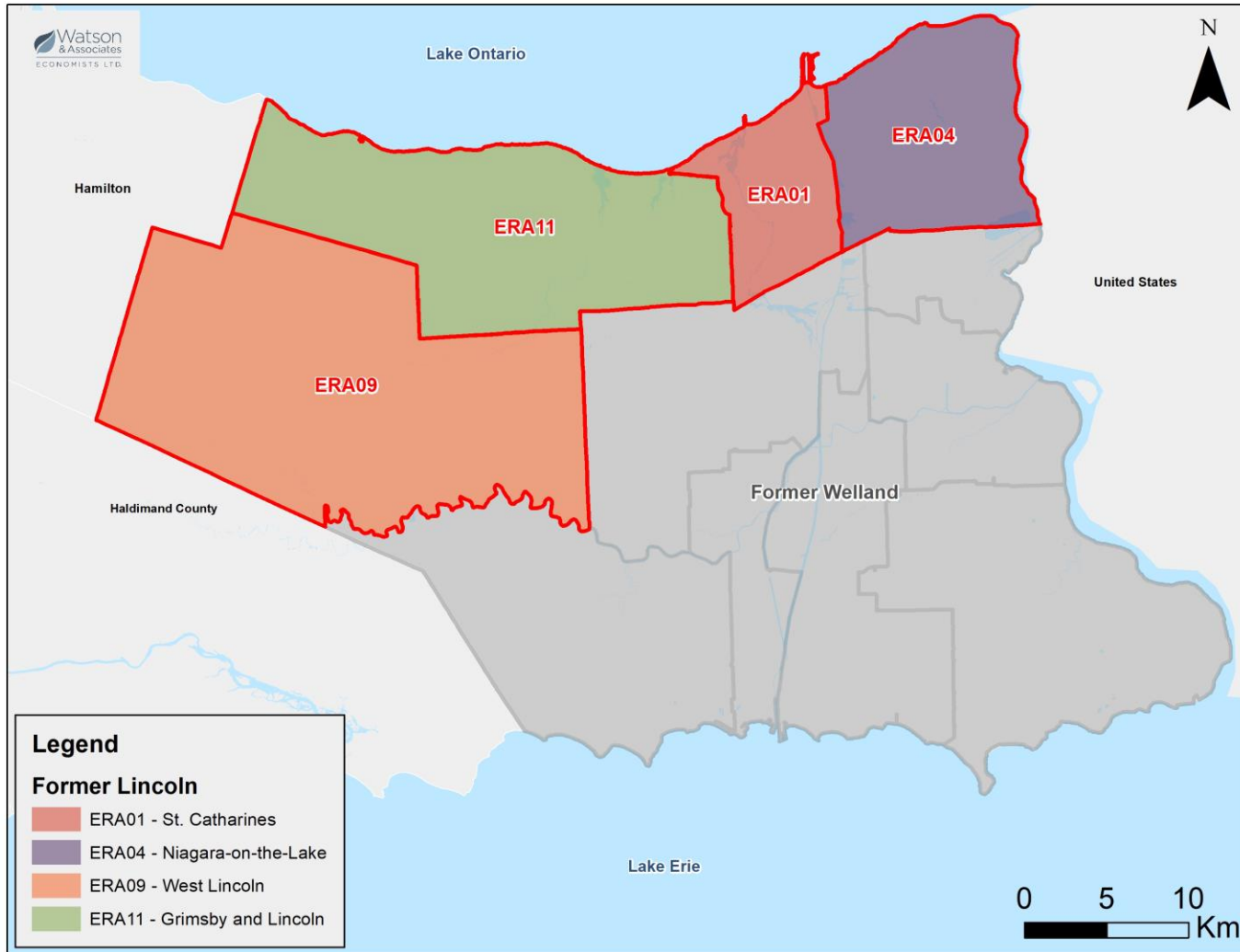
EDC background studies should clearly outline the areas that will be covered by EDC by-laws. Four maps have been included on the following pages outlining the area to which the EDC by-laws will apply and the respective review areas for each Board panel.

1.4 EDC Review Areas

The EDC methodology allows school boards to examine growth-related needs on a jurisdiction-wide basis – that is, treat the whole EDC area as one review area – or to examine them on a sub-area basis or review areas. Review areas are artificial constructs intended to divide the board’s jurisdiction into sub-areas in order to more accurately determine the location of new school sites. Board review areas are likely to reflect attendance boundaries for families of schools, natural dividers such as rivers, creeks, etc., or man-made barriers such as major thoroughfares. The Ministry of Education’s EDC Guidelines recommend that review areas are consistent with board review areas used for capital planning purposes and that they try to maintain consistency with review areas of subsequent EDC by-laws.

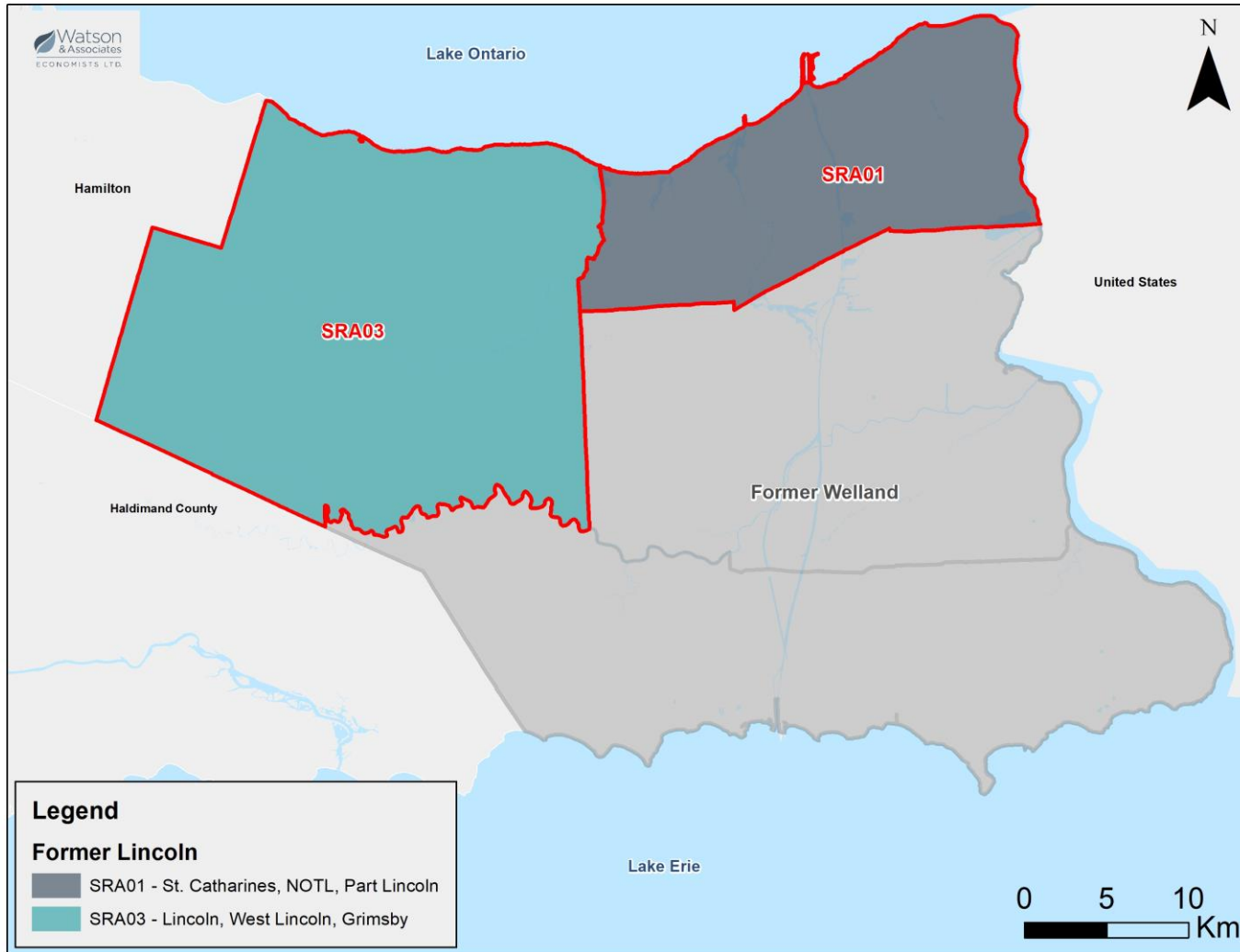


Map 1: NCDSB EDC 2020 – Elementary Review Areas (Former Lincoln)



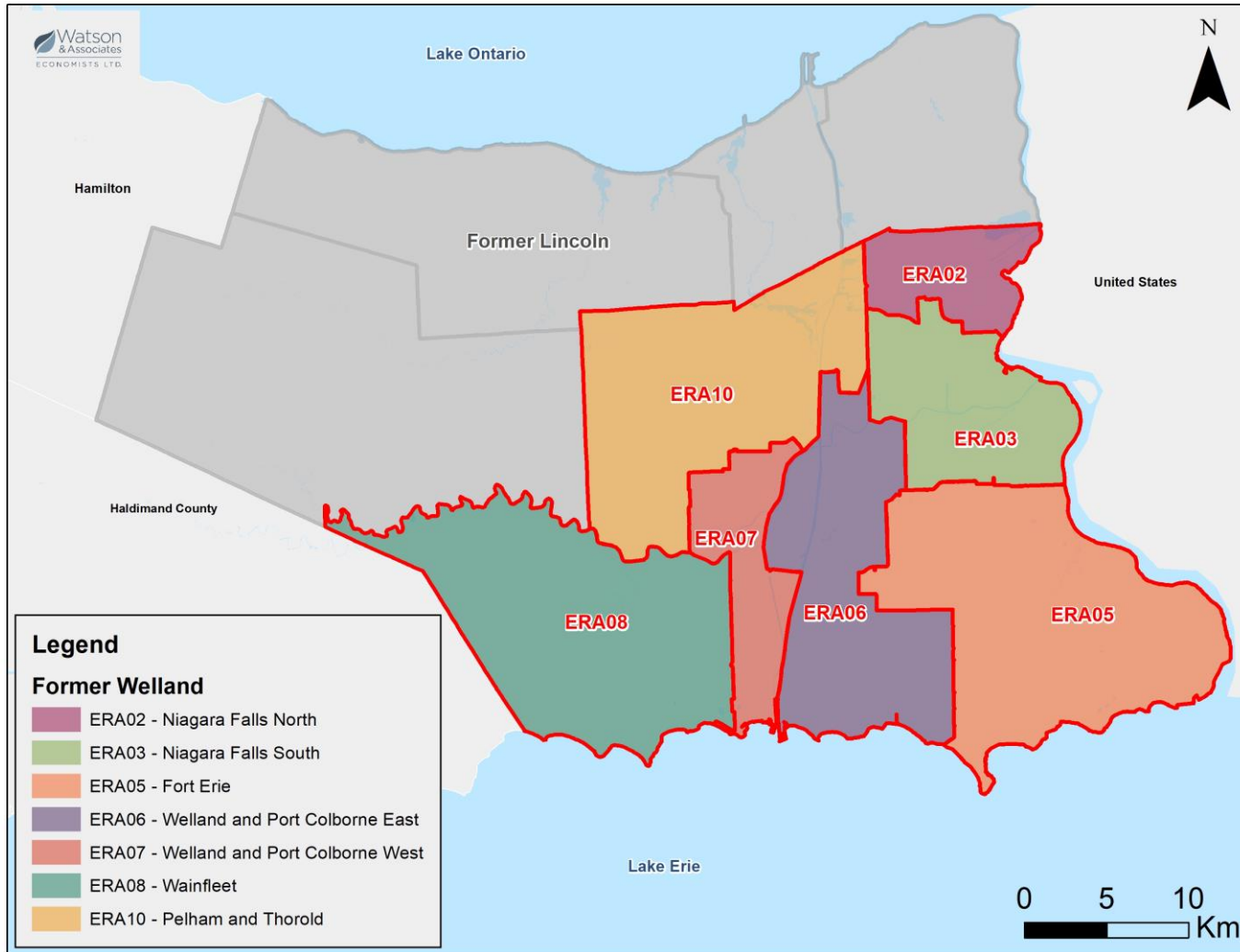


Map 2: NCDSB EDC 2020 – Secondary Review Areas (Former Lincoln)



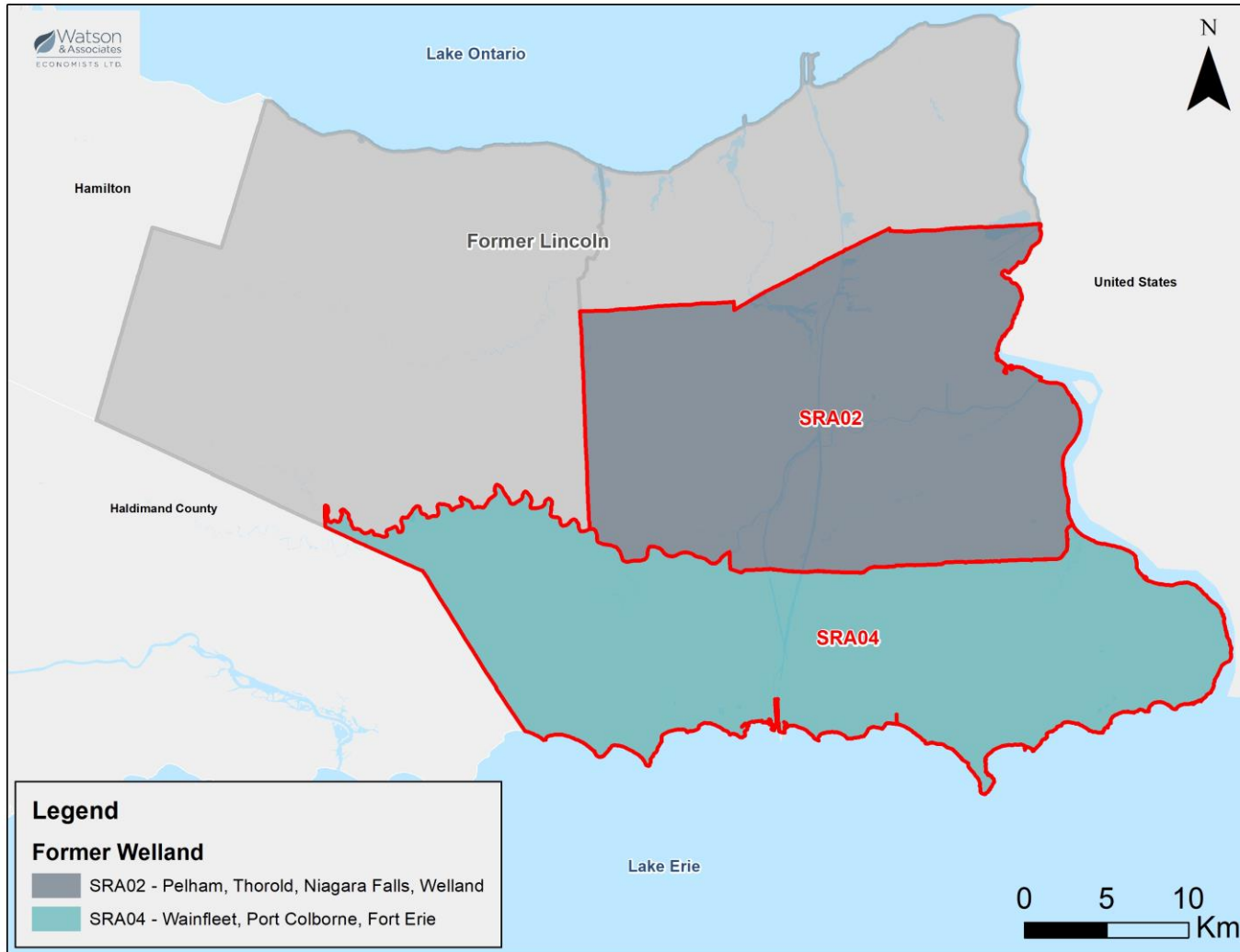


Map 3: NCDSB EDC 2020 – Elementary Review Areas (Former Welland)





Map 4: NCDSB EDC 2020 – Secondary Review Areas (Former Welland)





The NCDSB's review areas used in this background study are largely consistent with the Board's review areas used in their long-term accommodation studies. For the purpose of calculating an EDC, the NCDSB has used a total of **11** elementary review areas and **4** secondary review areas. There are **4** elementary review areas and **2** secondary review areas in the Former Lincoln portion and **7** elementary review areas and **2** secondary review areas in the Former Welland portion.

Former Lincoln

Elementary Review Areas:

- ERA01 – St. Catharines
- ERA04 – Niagara-on-the-Lake
- ERA09 – West Lincoln
- ERA11 – Grimsby and Lincoln

Secondary Review Areas:

- SRA01 – St. Catharines, NOTL, Part Lincoln
- SRA03 – Lincoln, West Lincoln, Grimsby

Former Welland

Elementary Review Areas:

- ERA02 – Niagara Falls North
- ERA03 – Niagara Falls South
- ERA05 – Fort Erie
- ERA06 – Welland and Port Colborne East
- ERA07 – Welland and Port Colborne West
- ERA08 – Wainfleet
- ERA10 – Pelham and Thorold

Secondary Review Areas:

- SRA02 – Pelham, Thorold, Niagara Falls, Welland
- SRA04 – Wainfleet, Port Colborne, Fort Erie



The EDC, when calculated on a review area basis, assumes that the combined OTG capacity of the existing facilities located within the review area is considered to be the total available capacity. Determining board needs on a review area basis is premised on the following:

- Available space is determined by subtracting the year-15 existing community enrolment number from the current OTG capacity figure;
- Pupils that are generated from new development must fill any available surplus OTG capacity first; and
- Pupils generated from new development, above and beyond those that fill any available surplus space within the review area, are net growth-related pupil place requirements and can potentially be funded through EDCs.

The review area approach to calculating EDCs has been undertaken by both boards and is largely consistent with the way in which future capital needs will be assessed over the long term.



Chapter 2

The EDC By-law



2. The EDC By-law

2.1 Imposition of an EDC

The passage of an EDC by-law gives school boards the authority to impose and collect EDCs for the purpose of acquiring and developing growth-related school sites. Each by-law has a maximum term of five years and must be passed within one year of EDC background study completion. Before a school board can proceed with an EDC by-law, it must receive confirmation in writing from the Ministry of Education acknowledging receipt of the background study and approving estimates of school capacities, available surplus spaces, enrolment projections and future site needs contained in the background study.

Section 10 of O. Reg. 20/98 sets out the conditions that must be satisfied in order for a board to pass an EDC by-law:

- The Minister has approved the board's estimates of the total number of elementary and secondary pupils over each of the 15 years of the forecast period, as well as the number of existing school pupil places that could reasonably be used to accommodate them;
- The Minister has approved the board's estimates of the number of elementary and secondary school sites used by the board to determine the net education land costs;
- The board has demonstrated that the average elementary or secondary enrolment within its jurisdiction exceeds the board's elementary or secondary capacity; or the board's current EDC financial obligations exceed revenues reported in the EDC reserve fund;
- The board has prepared a background study and given a copy of the EDC background study relating to the by-law to the Minister and each board having jurisdiction within the area to which the by-law would apply;
- The board provides any information regarding the calculation of the EDC if requested by the Minister upon the review of the background study.



2.2 The Background Study

An EDC background study must be completed by a school board that wishes to pass an EDC by-law. The intention of the background study is to provide information on the process and methodology of calculating an EDC, as well as the background and assumptions that make up the estimates of the enrolment projections and site needs.

Section 257.61 (1) of the Act requires that “before passing an education development charge by-law, the board shall complete an education development charge background study.”

Section 257.61 (2) of the Act and O. Reg. 20/98 sections 9 (1) and (2) set out the following information that must be included in an EDC background study:

Section 9 (1):

- Estimates of the anticipated amount, type and location of new dwelling units for each year of the Board’s intended forecast period in the area in which the charge is to be imposed;
- The number of projected new pupil places as a result of new growth and the number of new school sites needed to provide accommodation for those students;
- The number of existing pupil places by school and the number of available spaces to accommodate the projected number of new pupil places; and
- For every existing elementary and secondary pupil place in the board’s jurisdiction that the board does not intend to use to accommodate pupils from new growth, an explanation as to why the board does not intend to do so.

Section 9 (2):

- For each school site, estimates of the net education land cost, the location of the site, the area of the site;
- The number of pupil places the board estimates, provided by the school to be built on the site, and the number of those pupil places that the board estimates will be used to accommodate new pupil places.



2.3 Public Meetings

Before a school board can pass an EDC by-law, the legislation requires that the board hold at least one public meeting. The purpose of the meeting is to advise any interested stakeholders and the public at large of the board's intentions and address the new proposed EDC by-law. The public meeting also gives the community and stakeholders the opportunity to voice any issues or concerns they have regarding the proposed by-law.

The board is required to provide at least 20 days' notice of the meeting and must make the background study, as well as the new proposed by-law, available to the public at least two weeks in advance of said meeting. O. Reg. 20/98 states that notice of a public meeting can be given in two ways:

- To every owner of land in the area to which the proposed by-law would apply by personal service, electronic mail or mail.
- By publication in a newspaper that is, in the Secretary of the Board's opinion, of sufficiently general circulation in the area to which the proposed by-law would apply to give the public reasonable notice of the meeting.

If a school board already has an existing in-force EDC by-law in place, the board must hold an additional meeting to review the existing policies of the current EDC by-law. This part of the process is necessary in order to fulfil the necessary requirements of the policy review process. It should be noted that this policy review meeting can be addressed by the board during its aforementioned EDC public meeting.

The Board intends to hold a statutory public meeting to inform the public as to the new proposed EDC by-laws as well as its existing EDC policies. The Board intends to hold such a meeting in the late summer or early fall of 2020 as part of a regularly scheduled Board meeting and will consider passage of the EDC by-laws at an additional Board meeting in the fall of 2020.

Please note that due to the current situation regarding COVID-19, currently scheduled meetings assume a best-case scenario when daily activities and business can resume. Public consultation methods will need to be re-evaluated during the course of the study in order to align with public health measures regarding COVID-19 at that time. As such, public consultation methods may be



subject to change. Detailed notices will be issued in advance of the meetings as per legislative requirements and include relevant meeting details.



OFFICIAL NOTICE WILL BE INSERTED WHEN COMPLETE



OFFICIAL NOTICE WILL BE INSERTED WHEN COMPLETE



Stakeholder Participation

In addition to the legislated public meetings, the Ministry encourages school boards to include relevant stakeholders in the EDC process and discussions. Local developers or development associations, as well as municipalities, should be contacted in advance of the public meetings to ensure they are aware of the proposed EDC and bring to light any potential issues, etc. It is essential that stakeholders are part of the process and that the discussions always remain transparent to help ensure a smooth passage of the EDC by-law.

The Board had scheduled plans to hold an information session for stakeholders; however, due to the current situation regarding COVID-19 and due to public health policies, these meetings were forced to be cancelled. It is hopeful that an in-person stakeholder session can be re-scheduled. As a result, in the interim, all efforts will be made to provide all applicable information to stakeholders in a manner that abides by public health measures during the pandemic emergency measures.

2.4 Exemptions, Expiration, Collection

Exemptions

The EDC by-law is subject to certain statutory exemptions for both residential and non-residential collection. The exemptions for residential development deal with residential intensification and replacement of units. If a new unit is added to an existing dwelling unit, for example a single detached unit is converted to a duplex, the additional unit is exempt from EDCs. Section 3 of O. Reg. 20/98 sets out the classes of residential buildings and the maximum number of dwelling units that can be added under the exemption.

The legislation also allows for exemptions dealing with the replacement of residential units when the unit has been destroyed by fire, demolition or otherwise, or has been rendered uninhabitable, subject to certain conditions prescribed under section 4 of O. Reg. 20/98.

Non-residential statutory exemptions deal similarly with additions/enlargements of space and replacement of existing non-residential space that has been destroyed. A non-residential development that includes the enlargement of existing industrial space,



up to 50% of the gross floor area (GFA) of the existing development, is exempt from EDCs as per section 257.55 of Division E of the *Education Act*. Replacement of non-residential building space is exempt from EDCs if the existing space was destroyed by fire, demolition or otherwise, or has been rendered uninhabitable, subject to certain conditions in section 5 of O. Reg. 20/98.

In addition to the exemptions mentioned, the legislation allows for a limited non-residential exemption for certain institutional developments. Section 257.54 (5) of the *Education Act* stipulates that, “No land, except land owned by and used for the purposes of a board or municipality, is exempt from an EDC under a by-law passed under subsection (1) by reason only that it is exempt from taxation under section 3 of the *Assessment Act*.”

Finally, under new legislation passed in the fall of 2019, additional exemptions were introduced for certain types of properties. A list of the new exemptions can be found below:

- “1. Subject to subsection (2), the development would construct, erect or place a building or structure, or make an addition or alteration to a building or structure for one of the following purposes:
 - i. A private school.
 - ii. A long-term care home, as defined in the *Long-Term Care Homes Act, 2007*.
 - iii. A retirement home, as defined in the *Retirement Homes Act, 2010*.
 - iv. A hospice or other facility that provides palliative care services.
 - v. A child-care centre, as defined in the *Child Care and Early Years Act, 2014*.
 - vi. A memorial home, clubhouse or athletic grounds owned by the Royal Canadian Legion.
2. The owner is a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.
3. The owner is a university that receives regular and ongoing operating funds from the Government of Ontario for the purposes of post-secondary education.



4. The owner is an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*. O. Reg. 371/19, s. 1.”

School boards may also decide to impose their own non-statutory exemptions to certain developments, both residentially and non-residentially. These types of exemptions may be for developments like seniors' housing, social housing or recreational developments. Non-statutory exemptions are entirely at the discretion of the board and any EDC revenues lost as a result cannot be recovered.

Expiration

A school board can specify any date as the expiration date of the EDC by-law if the term of the by-law does not exceed five years. The exception to this rule is that the EDC by-law of one school board automatically expires on the same date as an existing by-law of a coterminous school board if they are in force in any part of the same area. Section 17 of O. Reg. 20/98 prescribes the conditions dealing with this special rule of expiry of by-laws.

Collection

The EDC is collected by local municipalities on behalf of the school boards at the time a building permit is issued. The funds are deposited into an EDC reserve fund. The municipality, under the legislation, cannot issue a building permit if the EDC has not been paid. In addition to collecting the charge and transferring the monies to the school boards, municipalities are also required to provide the boards with detailed reports respecting all EDC transactions (section 20 of O. Reg. 20/98). At a minimum, each report should cover the total EDCs that have been collected, the number of building permits issued (or GFA for non-residential), any exemptions granted and any permits that were issued without an EDC being paid.

The municipalities do not receive any remuneration for collecting EDCs on behalf of the school boards; however, municipalities can retain any interest earned on the monthly EDC balances.



2.5 Appeals and Amendments

Appeals

The EDC by-law can be appealed by any individual or organization in accordance with the provisions in the *Education Act*. Sections 257.64 to 257.69 of the Act outline the legislation dealing with the appeal of the EDC by-law. The by-law is subject to appeal for a maximum of 40 days after the by-law has been passed. The school board must provide a written notice that an EDC by-law has been passed (within 20 days of passage) and this notice must include information on how to file an appeal.

An appeal of an EDC by-law goes to the Local Planning Appeal Tribunal (LPAT), formerly known as the Ontario Municipal Board (OMB), to be decided. All appeals must be filed in writing with the secretary of the school board within the allotted time allowed. The reasons for the appeal must be included in the notice. It is the responsibility of the secretary of the school board to forward a copy of the Notice of Appeal to the LPAT within 30 days after the last day of the appeal period. In addition to the Notice of Appeal, the secretary must provide:

- A copy of the by-law certified by the secretary;
- A copy of the background study;
- An affidavit or declaration certifying that notice of the passing of the by-law was provided in accordance with the *Education Act*; and
- The original or true copy of all written submissions and material relevant to the by-law.

After hearing an appeal, the LPAT may decide to:

- Dismiss the appeal in whole or in part.
- Order the board to repeal or amend the by-law.
- Repeal or amend the by-law itself.

If the by-law is repealed, the EDCs that have already been paid must be refunded. If the by-law is amended and the amended charge is lower than the original charge, the difference must be refunded. All refunds are due within 30 days of the by-law being repealed or amended. While the LPAT does have the power to repeal or amend the by-



law, they are not able to increase the quantum of the charge, remove or reduce the scope of discretionary exemptions or change the expiration date of the by-law.

Amendments

The EDC legislation gives school boards the authority to amend their by-laws. Section 257.70 (1) of the Act states: “Subject to subsection (2), a board may pass a by-law amending an education development charge by-law.” There are certain limitations to an EDC amendment, specifically laid out in section 257.70 (2) of the Act, as follows:

A board may not amend an education development charge by-law so as to any one of the following more than once in the one-year period immediately following the coming into force of the by-law or in any succeeding one-year period:

- Increase the amount of an EDC.
- Remove or reduce the scope of an exemption.
- Extend the term of the by-law.

There are a variety of reasons why school boards may feel the need to amend their by-law. School boards may be paying more for school sites than what was estimated in the EDC and may need to increase their land cost assumptions, or they may need to change a discretionary exemption. The board does not need Ministry approval to pass an amending by-law; however, boards are required to provide proper notice proposing an amendment and of the amendment itself. Boards are also required to ensure that the original EDC background study is available, as well as any additional information that would explain the reason for the amendment. A public meeting is not required to pass an amending by-law, but it is recommended.



Chapter 3

The Process and Methodology of Calculating an Education Development Charge



3. The Process and Methodology of Calculating an Education Development Charge

The following chapter will outline the procedures and methodologies utilized to calculate the EDC. As mentioned earlier in this report, the EDC calculation is formulaic and technical in nature and encompasses three main components – demographic projections, determination of need (new school sites) and the associated costs.

3.1 Eligibility

School boards must first qualify by meeting certain criteria in order to be eligible to impose EDCs. The first criterion deals with the Board's average projected enrolment compared to its OTG capacity. The second criterion, available only to school boards who have an existing in-force by-law, deals with outstanding EDC financial obligations.

Capacity Trigger

If a school board's average elementary or secondary enrolment on a jurisdiction-wide basis over the five years following proposed by-law passage is greater than the board's elementary or secondary OTG capacity, then it is eligible to impose an EDC. Qualification on either panel allows the board to impose EDCs throughout its jurisdiction for both elementary and secondary new school sites. Form A of the EDC submission sets out the board's projected average daily enrolment over the proposed five-year term of the EDC by-law (2020 to 2025), as compared to the board's OTG capacity on both the elementary and secondary panels.

The board's OTG capacity for the EDC is based on the Ministry-approved permanent capacity according to the School Facilities Inventory System on the proposed date the new by-law is to come into force. Additional adjustments may be made to the capacity figure used in the study, in consultation with Ministry staff and subject to approval of the Minister, for circumstances such as:

- OTG capacity of schools that are transferred from one panel to the other within 12 months of by-law passage may be attributed to the panel the school will be used for after the transfer is complete. Boards must have passed a resolution for this to take effect.



- The capacity of all schools or additions under construction and that are planned for opening within 12 months of the by-law coming into force are to be included in the capacity determination.
- Purpose built space that cannot be reasonably used to accommodate pupils from new growth may be excluded from the permanent capacity determination.
- The capacity of a leased school must be included if the school has a “New Pupil Place” capacity attributed to it. The “New Pupil Place” capacity is the capacity used in the determination of Ministry grants.
- Any schools that have been closed (in accordance with the board’s school closure policy) may be excluded from the permanent capacity. In addition, if a school is scheduled to close during the tenure of the by-law (with board-passed resolution) then the capacity may also be excluded.

The permanent jurisdiction-wide capacity used for the NCDSB is **16,870** spaces on the elementary panel and **7,278** spaces on the secondary panel.

The NCDSB does not meet the capacity trigger for either the elementary or secondary panel. The NCDSB’s average projected elementary enrolment from 2020/21 to 2024/25 jurisdiction-wide is 14,309, compared to a capacity of 16,870, for a surplus of 2,561 spaces. The secondary panel average projected enrolment jurisdiction-wide is 6,511, compared to the capacity of 7,278, leaving a surplus of 767 spaces.

Form A from the EDC Ministry Submission for the Board can be found as Figure 1 on the following page.



Figure 1: NCDSB – Form A

**Niagara Catholic District School Board
Education Development Charges Submission 2020
Form A - Eligibility to Impose an EDC**

A.1.1: CAPACITY TRIGGER CALCULATION - ELEMENTARY PANEL

Elementary Panel Board-Wide EDC Capacity	Projected Elementary Panel Enrolment - Jurisdiction Wide						Elementary Average Projected Enrolment less Capacity
	Year 1 2020/ 2021	Year 2 2021/ 2022	Year 3 2022/ 2023	Year 4 2023/ 2024	Year 5 2024/ 2025	Average Projected Enrolment Over Five Years	
16,870.0	14,169	14,197	14,236	14,372	14,571	14,309	-2,561

A.1.2: CAPACITY TRIGGER CALCULATION - SECONDARY PANEL

Secondary Panel Board-Wide EDC Capacity	Projected Secondary Panel Enrolment - Jurisdiction Wide						Secondary Average Projected Enrolment less Capacity
	Year 1 2020/ 2021	Year 2 2021/ 2022	Year 3 2022/ 2023	Year 4 2023/ 2024	Year 5 2024/ 2025	Average Projected Enrolment Over Five Years	
7,278.0	6,490	6,470	6,527	6,544	6,526	6,511	-767



Financial Obligations

A school board that has an existing EDC by-law in place and has outstanding financial obligations related to its existing by-law that exceed the balance of the EDC reserve fund, is eligible to impose EDCs. It is possible for a board to have sufficient capacity to accommodate projected enrolment, yet still be obligated to pay for sites that have been purchased as a result of a growth-related need. Outstanding financial obligations can result from a board not having collected enough revenue because of growth shortfalls or an increase in land prices, or if a board has purchased school sites earlier than what was projected in the background study.

This financial obligation eligibility trigger was added to the original capacity trigger criteria with an amendment to O. Reg. 20/98 and came into force on March 12, 2002.

For school boards to qualify under this trigger, an EDC financial obligation must be demonstrated in the background study, including the following required information:

- Board must have a previous by-law in effect after September 1, 1999;
- Funds borrowed from the EDC reserve fund must be reconciled back;
- Copies of Appendix D1 and D2 must be provided;
- A transaction history of EDC financial activity must be provided from the last Appendix D1 and D2 statements to proposed by-law implementation; and
- A repayment schedule outlining the elimination of the EDC financial obligation must be provided.

An outstanding EDC financial obligation exists if the adjusted outstanding principal as per Appendix D of the board's financial statements (plus any adjustments made), is greater than the adjusted EDC reserve fund balance from Appendix D (including adjustments).

The NCDSB's Former Lincoln EDC reserve fund has an existing EDC financial obligation of -\$6,022,726 which means that the reserve fund is currently in a deficit position and qualifies the Board to pursue an additional by-law in the Former Lincoln area.

The NCDSB's Former Welland EDC reserve fund has an existing EDC financial obligation of -\$2,975,094 which means that the reserve fund is currently in a deficit



position and qualifies the Board to pursue an additional by-law in the Former Welland area.

Form A, part A.2 of the Ministry EDC forms outlines the Board's proposed reserve fund balances at the time of by-law renewal. Part A.2 of Form A for the Board's EDC reserve fund can be found below.

Table 3.1: NCDSB: Former Lincoln – Form A.2

NCDSB
Former Lincoln EDC By-law
 Education Development Charges Submission 2020
 Form A – Eligibility to Impose an EDC

A.2: EDC FINANCIAL OBLIGATIONS (Estimated to June 15, 2020)

Total EDC Financial Obligation:	-\$6,022,726
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Table 3.2: NCDSB: Former Welland – Form A.2

NCDSB
Former Welland EDC By-law
 Education Development Charges Submission 2019
 Form A – Eligibility to Impose an EDC

A.2: EDC FINANCIAL OBLIGATIONS (Estimated to June 15, 2020)

Total EDC Financial Obligation:	-\$2,975,094
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3.2 Demographic Projections

The demographic projections respecting school enrolment and housing and population growth form an important basis for the entire EDC analysis. These projections ultimately determine eligibility, need and the final quantum of the charge. The housing unit forecasts contained in this study are consistent with the most recent Regional forecasts that were available at the time of study. Background, methodologies and overviews of both the enrolment and housing forecasts can be found in Chapter 4 of this report.

The demographic projection requirements of the EDC consist of three distinct components: projecting the number of annual building permits that will be issued for



new dwelling units and new non-residential space; projecting enrolment of the existing community; and projecting enrolment from new housing growth.

New Dwelling Units

The number of new dwelling units in the area of the EDC by-law must be estimated for each of the next 15 years. The forecast is set out by three types of development, low density (single and semi-detached houses), medium density (townhouses) and high density (apartments) and is broken down by the school board review areas that were outlined earlier in this report in section 1.4.

The forecast is set out by varying types of development for two reasons. The first is that different types of development produce school-aged children in different ways. Lower-density developments typically produce greater numbers of school-aged children than do apartments. Defining various types of developments allows for greater accuracy when projecting the number of new pupils arising from new developments. The second reason is to be able to calculate a differentiated charge should the Board choose to do so. Each Board can charge a uniform EDC rate across all types of development – meaning that the EDC is one rate for a single detached unit or an apartment – or can choose to charge separate rates depending on the type of development.

There are certain situations, as defined by the legislation, where specific developments are exempt from EDCs, such as housing intensification. The forecast of *net new dwelling units* should ensure that these exempt units are factored into any forecast and excluded.

Existing Community Projections and Projections of New Pupils

The enrolment projections required in order to calculate EDCs must be made up of two distinct projections, one for the existing community and one for pupils from new housing growth. This is done because ultimately the number of total growth-related pupils must be offset by any available pupil places that are not required by pupils of the existing community in year 15 of the forecast. The existing community projection must estimate, by school, the number of students for 15 years based on the number of existing students today and assuming no additional new housing growth. The Board's total OTG capacity of the review area (as of by-law inception), less the projected number of existing community pupils in the review area in year 15, is the Board's *total available space*.



The determination of pupils from new development is based on the housing forecast and the use of pupil yield factors. Pupil yields are mathematical representations of the number of school-aged children that will be generated by a particular dwelling over the planning forecast and that will attend a particular school board. Pupil yields used in this analysis are based on Statistics Canada data and board historical enrolment information. Multiplying the pupil yield factors by the appropriate type of developments in the net new dwelling forecast determines the projected pupils from new development.

To determine the total *net growth-related pupil place requirements*, the available pupil places (total available space referenced above) must be subtracted from the total pupils projected from new development. Enrolment projections and the determination of net growth-related pupil places can be done on a jurisdiction-wide basis or on a review area basis. The EDC analysis in this study is based on a review area approach.

Site Needs

The final “planning” or “forecasting” step in the EDC process is to determine the board’s site needs, specifically the number, location and size of sites for new growth-related schools. The calculation of net growth-related pupil place requirements ultimately determines the number of necessary sites and their size. The regulation governing the EDC provides a table of maximum sizes depending on the number of pupil places that will be constructed. These tables can be found on the following page.

While the calculations shown in the tables ultimately determine the amount/size of land that will be necessary for new school sites, the legislation also recognizes that there may be situations in which the necessary site for a new school may exceed the size specified in the table. For example, a board may need a larger site to accommodate certain municipal requirements or Ministry initiatives. Should a site exceed the legislative requirements, justification must be included in the EDC background study.



Table 3.3: Elementary School Maximum Area to Pupils

Elementary Schools	
Number of Pupils	Maximum Area (acres)
1 to 400	4
401 to 500	5
501 to 600	6
601 to 700	7
701 or more	8

Table 3.4: Secondary School Maximum Area to Pupils

Secondary Schools	
Number of Pupils	Maximum Area (acres)
1 to 1,000	12
1,001 to 1,100	13
1,101 to 1,200	14
1,201 to 1,300	15
1,301 to 1,400	16
1,401 to 1,500	17
1,501 or more	18

Form G of the Ministry EDC Forms submission provides specific details on each site the board is proposing to acquire to construct new schools. On a site by site basis, Form G provides information on the general location of the site (by review area or greater detail, if available), the proposed size of the new school, the approximate timing of site purchase as well as the percentage of the site that is considered EDC eligible. The Ministry also recommends that proposed site purchases for new schools are consistent with the board's long-term accommodation plans.



3.3 Growth-Related Net Education Land Costs

The planning or forecasting component of the EDC analysis is critical to determining the overall EDC-eligible needs of the Board. To finalize the calculation process of the EDC, these accommodation needs must be translated into financial requirements. The analysis in the previous section determined the total growth-related pupil needs as well as the amount of land (in acres) that will be required to accommodate those pupils. EDC-eligible expenses are determined by attaching costs to acquire and service the land needed.

Land acquisition costs have been determined by qualified appraisers and the methodologies used as well as relevant data can be found in Chapter 5 of this report. Servicing costs are based on historical costs provided by the School Board with respect to sites that have been recently developed. Once costs for each site have been finalized, the next step is to determine the percentage of each site that is EDC eligible. This is based on the percentage of net growth-related students that make up the total capacity of the proposed new school. For example, if the new proposed school had a capacity of 450, and 400 of the spaces were accounted for by new growth-related pupils, then the site would be 88.88% eligible for EDCs ($400/450 = 88.88\%$).

In addition to site acquisition and servicing costs, there are other EDC-eligible expenses that can be included in the analysis. Examples of other EDC-eligible costs include:

- Interest and borrowing costs related to site acquisition;
- Land escalation costs;
- Costs related to the preparation and distribution of EDC background studies;
- Costs related to studies of land being considered for acquisition (environmental assessments); and
- Costs to service/prepare land for construction (grading, service lines, etc.).

Outstanding Financial Obligations

In addition to the costs that have been outlined above, any outstanding financial obligations from previous by-laws are also eligible education land costs. A negative balance in the Board's EDC reserve funds, established for the area to which the proposed by-laws will apply, is considered an outstanding financial obligation and can be added to the total net education land costs. It should be noted that if the Board has



positive balance in its EDC reserve funds, these funds must be used to defray any EDC-eligible expenditures. The total eligible costs are referred to as the *total growth-related net education land costs*.

3.4 Alternative Projects and Localized Education Development Agreements

As mentioned earlier in this report, legislative changes were made to the legislation pertaining to EDCs in the fall of 2019. Part of those changes introduced the possibility of new options for both school boards and building permit takers or developers.

Section 257.53.1 (1) of the *Education Act* says, “Before an education development charge by is passed under subsection 257.54 (1), a board may request and the Minister may approve, in accordance with subsection (2), an allocation of revenue raised by charges imposed by the by-law towards an alternative project.” The legislation defines an alternative project as “a project, lease or other prescribed measure, approved by the Minister under section 257.53.1, that would address the needs of the board for pupil accommodation and would reduce the cost of acquiring land. This is new legislation and at the time this report was prepared, there have been no alternative projects defined or approved yet.

In addition, section 257.53.2 (1) also introduced what are being called Localized Education Development Agreements or LEDA. The relevant legislation states,

“Before an education development charge by is passed under subsection 257.54 (1), a board may, in accordance with subsection (2), enter into a localized education development agreement with an owner of land that would be subject to the imposition of education development charges under the by-law, in which,

- (a) The owner provides a lease, real property or other prescribed benefit to be used by the board to provide pupil accommodation; and
- (b) The board agrees not to impose education development charges again the land that would otherwise be subject to the charges.”

Similar to the alternative projects legislation, the LEDA legislation is also recent and there have been no LEDAs entered into at the time this report was prepared.



3.5 Determination of the Charge

Once the total growth-related net education land costs have been determined, there are certain prescribed steps that must be followed to determine the actual quantum of the EDC. As discussed in Chapter 2, the legislation allows school boards to determine the type of EDC it will impose. Boards can impose EDCs on residential or non-residential developments and can also charge a uniform rate for all types of developments or can differentiate the rate based on dwelling unit types.

Apportionment of Land Costs

The legislation allows school boards to allocate up to 40% of their education land costs to non-residential development. If a school board had a non-residential component to their EDCs, then the land costs would be multiplied by whatever percentage the board deemed to be apportioned to non-residential. For example, if the total land costs were estimated to be \$1 million and the non-residential allocation was 10%, then the *non-residential growth-related net education land costs* would total \$100,000. The remaining balance would make up the *residential growth-related net education land costs*.

To determine the residential charge (assuming a uniform charge), the total residential growth-related net education land costs are divided over the projected number of net new dwelling units assumed in the EDC forecast over the next 15 years. The result is the amount of the uniform residential EDC per dwelling unit. If charges are to be imposed on non-residential development, a non-residential forecast of GFA is compiled and the total non-residential growth-related net education land costs are divided by the estimated GFA of proposed non-residential developments.

Once the residential charge is determined, it can be charged uniformly across all types of development or different rates can be charged depending on the types of units being built. If the EDC is applied in a uniform manner, then the total residential land costs are simply divided over the estimated net new dwelling units as described earlier. If the board chooses to impose a differentiated EDC, then the charges are apportioned based on different unit types producing different amounts of pupils. Boards may choose to define developments as they wish (i.e. low density, high density, condos, apartments, single family, etc.) but are encouraged to stay as consistent as possible with categories used by the municipalities impacted by the by-law.



A flow chart detailing the EDC process can be found at the end of this chapter. In addition, the Ministry EDC Forms, which detail the calculations required to determine the EDC can be found in Appendix A at the end of this report.

The final step that must be taken by school boards when calculating their EDC rate is to figure out the permitted phase-in of the charge. Certain legislative changes over the last several years have resulted in some changes to the calculation and implementation of the EDC by-laws and rates, as has been discussed previously in this report. In 2018, EDC rates were temporarily frozen while legislation and public feedback was reviewed by the government. EDC consultations occurred with various stakeholders and one of the resultant changes in legislation lifted the EDC rate freeze and implemented a prescribed phase-in system of EDC rates.

The phase-in calculation is dependent on the Board's existing or most recent EDC charge and the new EDC rate that is calculated in the new EDC background study. Residential EDC rates can be increased by no more than \$300 or 5% (whichever is greater) of the existing or most recent residential EDC rate and can increase by that amount once per year until the "maximum" rate is achieved. The "maximum" rate is the Board's new proposed EDC rate. Similarly, on the non-residential side, EDC rates can be increased by no more than \$0.10 or 5% (whichever is greater) of the existing or most recent non-residential EDC rate and can also increase once per year until the "maximum" rate is achieved (the maximum being the new proposed rate in the new EDC background study).

The relevant sections of the new legislation describing the prescribed phase-in calculation are included below.

For residential:

- "i. In respect of the first year of the by-law, take the greater of,
 - A. the product of 1.05 and,
 - 1. if a by-law is currently in force, the residential rate set out in that by-law that would apply, on the day immediately before the day the proposed by-law would come into force, to the area to which the proposed by-law would apply,



2. if a by-law is not currently in force, the residential rate set out in the most recent by-law that would have applied, on the day that by-law expired, to the area to which the proposed by-law would apply, or
 3. zero, if a by-law has never applied to the area to which the proposed by-law would apply, and
- B. the sum of \$300 and,
1. if a by-law is currently in force, the residential rate set out in that by-law that would apply, on the day immediately before the day the proposed by-law would come into force, to the area to which the proposed by-law would apply,
 2. if a by-law is not currently in force, the residential rate set out in the most recent by-law that would have applied, on the day that by-law expired, to the area to which the proposed by-law would apply, or
 3. zero, if a by-law has never applied to the area to which the proposed by-law would apply.
- ii. In respect of the second year of the by-law and each subsequent year, if applicable, take the greater of,
- A. the product of 1.05 and the residential rate determined under subparagraph 9 iii in respect of the previous year of the by-law, and
 - B. the sum of \$300 and the residential rate determined under subparagraph 9 iii in respect of the previous year of the by-law.”

For non-residential:

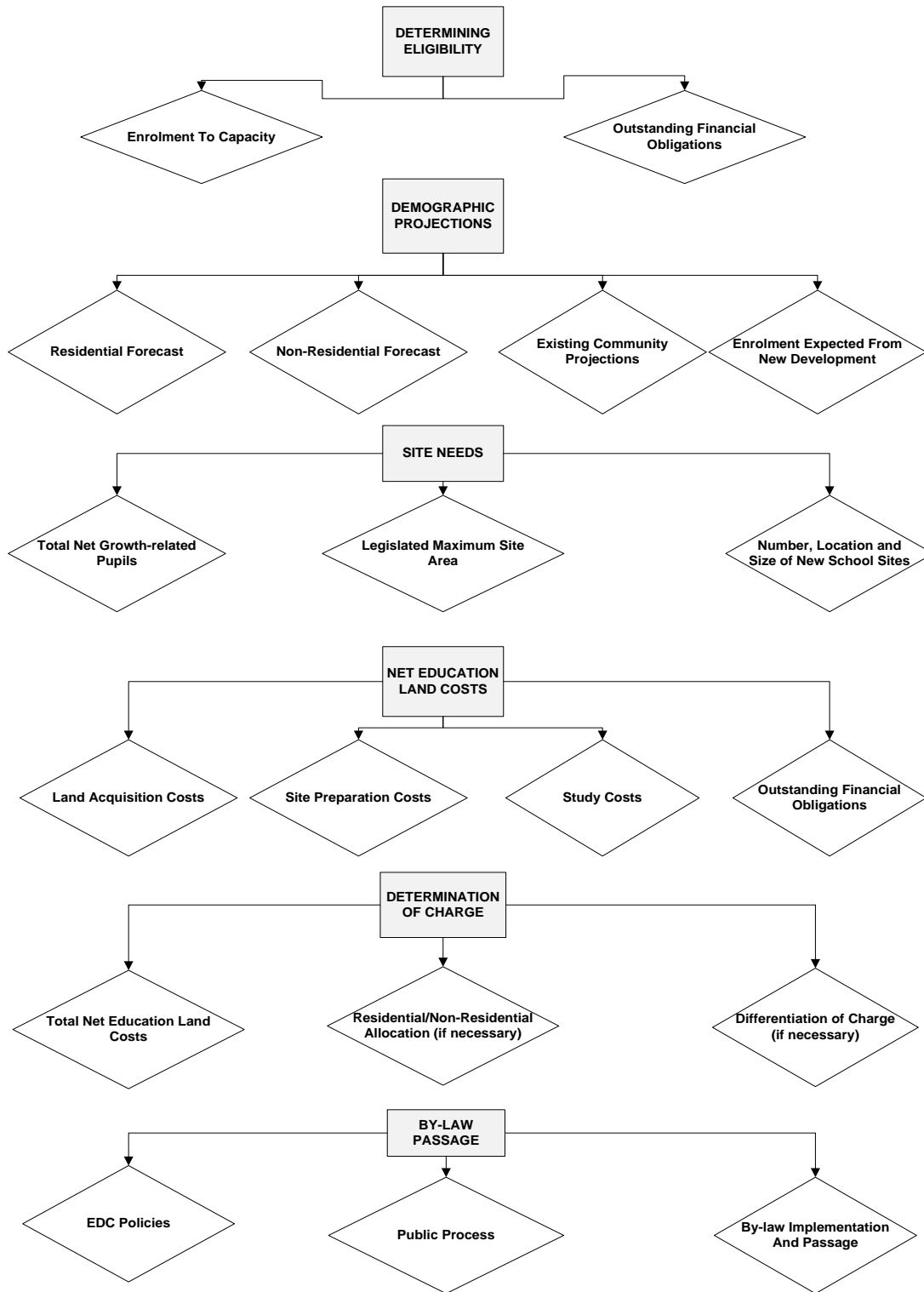
- “i In respect of the first year of the by-law, take the greater of,
- A. the product of 1.05 and,
1. if a by-law is currently in force, the non-residential rate set out in that by-law that would apply, on the day immediately before the day the proposed by-law would come into force, to the area to which the proposed by-law would apply,
 2. if a by-law is not currently in force, the non-residential rate set out in the most recent by-law that would have applied, on the day that by-law expired, to the area to which the proposed by-law would apply, or



3. zero if a by-law has never applied to the area to which the proposed by-law would apply, and
- B. the sum of \$0.10 and,
 1. if a by-law is currently in force, the non-residential rate set out in that by-law per square foot that would apply, on the day immediately before the day the proposed by-law would come into force, to the area to which the proposed by-law would apply,
 2. if a by-law is not currently in force, the non-residential rate set out in the most recent by-law per square foot that would have applied, on the day that the by-law expired, to the area to which the proposed by-law would apply, or
 3. zero if a by-law has never applied to the area to which the proposed by-law would apply, and
- ii. In respect of the second year of the by-law and each subsequent year, if applicable, take the greater of,
 - A. the product of 1.05 and the non-residential rate determined under subparagraph 11 ii in respect of the previous year of the by-law, and
 - B. the sum of \$0.10 and the non-residential rate determined under subparagraph 11 ii in respect of the previous year of the by-law. O. Reg. 438/18, s. 1; O. Reg. 55/19, s. 1; O. Reg. 371/19, s. 2 (1-6).”



EDC Process and Methodology





Chapter 4

Demographic Projections



4. Demographic Projections

As mentioned earlier in the report, the demographic projections form the backbone of the EDC analysis in that they are used to determine eligibility, need and ultimately the quantum of the charge itself. The demographic projections for an EDC consist of forecasts of new housing development as well as projections of school enrolment. Projections of both new housing and enrolment must be provided on an annual basis for a 15-year period following by-law imposition.

The following chapter provides the methodology and background to the demographic projections as well as the results of those projections for the Region of Niagara and both its EDC-specific areas, Former Lincoln and Former Welland.

4.1 The Residential Growth Forecast

4.1.1 Residential

The residential growth forecast for the EDC is critical to the analysis because of the direct link between new homes and new pupils for the school board. In addition to determining a board's needs, the number of net new projected residential units in the EDC growth forecast is what the total net education land costs get divided by to determine the final quantum of the residential charge. The dwelling unit forecast contained in this study provides a projection of the number of units on an annual basis for the next 15 years by low- (singles/semis), medium- (townhouses) and high-density (apartments) allocations. O. Reg. 20/98 s. 7 (1) states that a board shall "estimate the number of new dwelling units in the area in which charges are to be imposed for each of the years, for a period chosen by the board of up to 15 years, immediately following the day the board intends to have the by-law come into force."

Housing development and occupancy patterns have changed significantly over the last decade. Housing developments are offering more choice in terms of density, like singles, townhouses and apartments, as well as developments that cater to specific lifestyles or age groups (retirement residences). Policy changes, such as the *Places to Grow* initiative by the provincial government, mandate that future developments will have more units on less land, increasing the likelihood of more urban type developments and infilling projects in the future. The combination of new initiatives,



societal shifts in housing and changes in the economy pose unique challenges for municipalities and school boards to develop long-term population and housing projections.

The development projections contained in this study are derived from the Niagara Region 2016 Municipal Comprehensive Review (MCR) Traffic Zone projections which incorporate regional residential targets. This ensures consistency with local and upper-tier governments and other agencies. The forecast information may be supplemented with other relevant data garnered from historical building permit issuance, small area development plans and prior conversations/meetings with local planning departments.

According to information from regional building permit data, Niagara Region has averaged approximately 1,235 new permits annually for residential construction since 2015. Residential building activity in the Board's jurisdiction has generally increased since 2015, with permit activity reaching 3,415 in 2019 – which is approximately 1,200 more than the number of building permits issued in 2015 as shown below in Table 4.1.

Table 4.1: Niagara Region Historical Building Permit Issuance

Year	Area	Total
2015	Niagara Region	2,185
2016	Niagara Region	3,133
2017	Niagara Region	2,821
2018	Niagara Region	3,271
2019	Niagara Region	3,415
2015-2019		14,852
Average		1,235

The Region's growth forecasts project moderate growth over the next few decades with an average of approximately 2,761 new dwelling units per year from 2020/21 to 2034/35 (15-year EDC forecast term). According to building permits reported by the local municipalities between 2015 and 2019, approximately 55% of all permits were for low-density type units (singles/semis), 25% for medium-density type units, and 20% for high-density type units, totalling 14,825 permits. Within the Region, Former Lincoln accounted for 6,078 units (41%) of growth and Former Welland accounted for 8,747 units (59%) of growth over the 2015 to 2019 period.



The growth forecast for Former Lincoln's EDC by-law for the NCDSB is based on the aforementioned data and totals **19,633** new units that are forecast to be built over the next 15 years. Of these new units, 40% are estimated to be low density, 30% medium density, and 30% high density. While the forecast averages **1,309** units for the 15-year EDC term, it is expected that the growth rates will continue to increase over the 15-year period.

Table 4.2: NCDSB – Former Lincoln Residential Forecast
2020/21 to 2034/35

Dwelling Type	# of Units	% By Density
Low Density (Singles/Semis)	7,848	40%
Medium Density (Townhouses)	5,958	30%
High Density (Apartments)	5,827	30%
<i>Total</i>	19,633	100%

The growth forecast for Former Welland's EDC by-law for the NCDSB can be found below. It is based on the aforementioned data and totals **21,784** new units that are forecast to be built over the next 15 years. Of these new units, 56% are estimated to be low density, 30% medium density, and 14% high density. While the forecast averages **1,452** units for the 15-year EDC term, it is expected that the growth rates will continue to increase over the 15-year period.

Table 4.3: NCDSB – Former Welland Residential Forecast
2020/21-2034/35

Dwelling Type	# of Units	% By Density
Low Density (Singles/Semis)	12,253	56%
Medium Density (Townhouses)	6,418	30%
High Density (Apartments)	3,113	14%
<i>Total</i>	21,784	100%

Forecasts for the Board by elementary review area and density type can be found as part of the Ministry Forms package in Appendix A (Form B).



In order to account for intensification of units that are exempt from EDCs, an adjustment to the projections was made to derive the “net” new units housing forecast. This adjustment is intended to estimate the number of units in the forecast that will be created by intensification (e.g. transforming an existing single-family home into duplex/apartment-type units). The overall forecast was reduced by approximately 2% to estimate the number of exempt units and resulted in a projection of **50,588** net new units.

Non-residential

There is currently no non-residential component to the existing in-force by-laws.

4.2 Enrolment Projections

Enrolment projections for the purposes of the EDC analysis are completed as two separate components – enrolment of the existing community and enrolment expected from new housing growth. The enrolment projections of the existing community are based on a scenario of no new housing growth and examine projected enrolments of the existing population only. The projections of enrolment from new housing focus on pupils that are generated from expected new housing developments. EDC-eligible growth-related pupils must be offset by any available space in the existing community, hence the necessity of examining enrolment projections utilizing the two separate components.

Enrolment projections have been prepared for each review area. The existing community projections have been prepared for each of the schools contained in the EDC analysis. The projections of enrolment from new housing growth are provided on a review area basis only.

The enrolment projections also assume that students are accommodated in their home attendance areas. This means that students that are currently in a holding situation at a school outside their home school boundary are returned to their home boundary. Holding situations typically arise when students in a development area await new school construction and are “held” in nearby schools until the new school is open. Situations where students are permanently accommodated outside their home areas (i.e. program) are not affected.



Methodology

The prediction of school enrolment involves the consideration of a wide range of factors. There are three common methods of enrolment projection: rate of growth, enrolment ratios and grade transition.

The rate of growth method assumes that past rates of enrolment growth or decline will carry forward. In today's changing demographic and economic landscape, this method of enrolment forecasting is unreliable. The enrolment ratio method looks at historical ratios of school enrolment compared with the overall population and then carries forward these ratios, or makes assumptions about new ratios, and applies them to a population forecast. The grade transition method examines historical progression rates from grade to grade and makes assumptions about the retention of grades from one year to the next.

Watson & Associates Economists Ltd. (Watson) used a combination of the latter two methodologies – enrolment ratio and grade transition – in conjunction with strong demographic background data and historical Board enrolment to produce the enrolment forecast for the EDC. The enrolment projection methodology focuses on the relationships between demographic trends and actual historical enrolment of the Board. The basis of the assumptions for future trends comes from the analysis of these historical relationships.

Demographic Background

A demographic profile is compiled for each review area within the Board's jurisdiction using data from the 2001, 2006, 2011 and 2016 Censuses. Trends in the demographic data are used to highlight changes in population on both a review area and jurisdiction-wide basis. Examining these historical trends assist in providing perspective and direction when determining future assumptions for the projections.

Tables 4.4 and 4.5, below, depict the demographic trends for the Regional Municipality of Niagara for the 2001, 2006, 2011 and 2016 Census periods. The total population in the jurisdiction has been steadily increasing, but more slowly than both the provincial and national rates. Between 2001 and 2006, the population grew 4.1%, compared to 6.6% in Ontario and 5.4%, nationally. Growth slowed in the 2006/11 period, which resulted in a total jurisdiction population increase of 0.9%, while the populations of Ontario and Canada increased by 5.7% and 5.9%, respectively. Between 2011 and



2016, the population grew by about 3.8%, which was still below the provincial and national rates for this same time period, which were 4.6% and 5%, respectively.

More important from a school board perspective was the significant decrease in the elementary school-aged population (4-13 years), which declined by approximately 5.6% from 2001 to 2006 and by an additional 8.6% between 2006 and 2011. This trend stabilized in the 2011/16 period, in which the population grew by 0.6%. This amounts to an absolute loss of 6,940 inhabitants between 2001 and 2016. The secondary school-aged population (14-19 years) increased by 8.1% between 2001 and 2006 but it has since been decreasing. Between 2006 and 2011, the population fell by about 5.8%, which was followed by a larger drop of approximately 9.6% between 2011 and 2016 – an absolute loss of 2,160 inhabitants between 2001 and 2016.

In addition to the elementary- and secondary-aged cohorts, the pre-school-aged population (0-3) and the population of females aged 25-44 were also examined for the 2001 – 2016 time period. These two groups are important because they are excellent indicators of what is expected to happen in the school-aged population in the short to medium term. The pre-school population is the cohort that will be entering the school system in the next few years, while females between 25 and 44 years of age are the group of women that are said to be in their prime child-bearing years, and examining this population can provide insight into future births/school-aged children. The pre-school-aged population remained fairly stable from 2001 to 2011, decreasing by 1.1% in the first half of the decade, and increasing by 0.4% in the latter half. The population of females aged 25-44, meanwhile, decreased by approximately 3.9% between 2001 and 2006 and then again by 9.2% between 2006 and 2011. From 2011 to 2016, the pre-school population increased by 1.8%, while the number of females aged 25-44 increased by 0.5%.



Table 4.4: NCDSB Total Jurisdiction – Demographic Trends 2001, 2006, 2011, 2016

Population Data	2001 Census	2006 Census	2011 Census	2016 Census
Total Population	410,610	427,415	431,320	447,905
Pre-School Population (0-3)	16,635	16,445	16,510	16,800
Elementary School Population (4-13)	52,430	49,470	45,215	45,490
Secondary School Population (14-18)	27,120	29,315	27,610	24,960
Population Over 18 Years of Age	314,425	332,185	341,985	360,655
<i>Females Aged 25-44</i>	57,570	55,305	50,240	50,500

*Derived by Watson & Associates Economists Ltd. 2020, using Statistics Canada Census DA Level Single Year of Age data.

Table 4.5: Niagara Region Population Change, 2001 to 2016

Population Data	2001-2006		2006-2011		2011-2016	
	Abs. Change	% Change	Abs. Change	% Change	Abs. Change	% Change
Total Population	16,805	4.1%	3,905	0.9%	16,585	3.8%
Pre-School Population (0-3)	-190	-1.1%	65	0.4%	290	1.8%
Elementary School Population (4-13)	-2,960	-5.6%	-4,255	-8.6%	275	0.6%
Secondary School Population (14-18)	2,195	8.1%	-1,705	-5.8%	-2,650	-9.6%
Population Over 18 Years of Age	17,760	5.6%	9,800	3.0%	18,670	5.5%
<i>Females Aged 25-44</i>	-2,265	-3.9%	-5,065	-9.2%	260	0.5%

A description of the relevant population age cohorts is as follows:

- Pre-school aged (0-3) – used as a lead indicator of potential anticipated enrolment in the short term;
- Elementary (4-13) – represents the predominant age structure of the students that attend elementary schools;
- Secondary (14-18) – represents the predominant age structure of the students that attend secondary schools;
- Adult (18+) – reflects the segment of the population that does not attend elementary or secondary school; and



- Females (25-44) – Group of women said to be in prime child-bearing years; can be an indicator of future births.

The Enrolment Projection Process

Determining Entry Year Enrolment

One of the most important and most difficult components of the enrolment forecast is predicting entry year enrolment into Junior Kindergarten (JK). Much of the overall projection relies on the assumptions made with regard to pupils entering the system. To develop forecasts for the JK grade, a review of historical births, pre-school population (0-3 years old) and historical JK enrolment is undertaken. The participation rates of the Board's JK grade enrolment of the 4-year old population are examined from one Census period to the next to determine future participation ratios.

In addition, a population forecast of the pre-school and school-aged population (0-18 years) by single year of age is prepared for the study area. This forecast is based on the population trends of the 2001, 2006, 2011 and 2016 Census periods, as well as other relevant demographic trends of the area. Recent fertility and death rates are applied to the 2016 Census population and the population is aged to provide future births and future school-aged population estimates.

The challenge in this population forecast is to exclude growth/development in this phase of the forecast. The total enrolment forecast is divided into two separate components – existing enrolment and enrolment from future housing. To account for this, trends are examined for 2001, 2006, 2011 and 2016 Census populations to estimate levels of growth and migration that occurred between the Census periods. Assumptions arising from this examination are used to “strip” growth/migration from the projected population forecast to ensure that growth is not double counted.

Comparing historical JK enrolment to actual population provides ratios that are used to determine future JK enrolment from the projected 4-year old population in the review area. This determines the projected JK pupils for the review area for the forecast period. These overall JK students then need to be allocated to their respective schools in the review area. This allocation is based on historical shares combined with any Board information on recent openings/closures or program changes that may affect future share. Table 4.6 depicts an **example** of JK/Elementary participation rates between 2006 and 2016 for one review area in a Board's jurisdiction.



Table 4.6: An Example of Junior Kindergarten/Elementary Participation Rates (2006 to 2016)

Single Year of Age	2006	2011	2016
0	286	261	274
1	317	291	274
2	316	296	290
3	315	355	297
4	340	288	285
5	362	328	305
6	363	391	358
7	356	350	374
8	324	372	387
9	321	364	393
10	327	378	334
11	388	365	448
12	336	350	409
13	346	323	384
JK HEADCOUNT ENROLMENT			
	172	150	145
ELEMENTARY ENROLMENT			
	1,567	1,591	1,760
JK PARTICIPATION			
	51%	52%	51%
ELEMENTARY PARTICIPATION			
	45%	45%	48%

At this stage of the projections, each school in a review area will have a projected number of JKs for the forecast period. The next step then involves using the grade transition method to advance each grade from one year to the next. For every school in the system, retention rates from grade to grade are calculated and applied to grade enrolments as they are advanced through each projection year. Each school and community can be unique when it comes to grade retention. For example, the ratio of Senior Kindergarten (SK) students to JK students is often higher in the more rural areas and an indication that more students routinely enter the SK grade than would be expected, given the JK count from the previous year. Programs, such as French Immersion, etc., can also have a significant impact on grade to grade retention. Table 4.7 provides an **example** of retention rate calculations based on historical enrolment.



Table 4.7: Retention Rate Example

			Grade	Historical					
				2011/ 2012	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017
Years									
5	4	2	JK	1,484	1,562	1,539	1,559	1,605	1,730
111%	112%	110%	SK	1,720	1,611	1,745	1,750	1,696	1,797
110%	111%	112%	1	1,613	1,859	1,787	1,919	1,929	1,915
104%	103%	102%	2	1,847	1,682	1,949	1,866	1,947	1,994
104%	104%	104%	3	1,982	1,911	1,765	2,016	1,934	2,047
103%	103%	103%	4	1,971	2,004	1,953	1,846	2,067	1,990
103%	103%	103%	5	2,119	2,058	2,082	2,011	1,895	2,128
102%	102%	103%	6	2,151	2,145	2,093	2,123	2,051	1,953
101%	101%	102%	7	2,184	2,144	2,174	2,114	2,148	2,093
101%	102%	102%	8	2,120	2,210	2,194	2,178	2,145	2,193

Historical enrolment trends, overall participation rates/enrolment share, as well as the overall demographics of the area, are all examined in conjunction with the ratio of the projected enrolment to the population. This examination looks at the reasonableness of the projections, and expected ratios and assumptions in light of recent historical trends.

Secondary Enrolment Projections

The secondary enrolment projections are based largely on the elementary projections and how the elementary students transition into the secondary panel. Each secondary school of the Board is assigned feeder elementary schools which form a “family” of schools based on Board data. As Grade 8 students graduate, they are assigned to their respective secondary schools. If Grade 8 students can attend more than one secondary school, they are then allocated based on recent trends.

The other factor involved in projecting the entry year or Grade 9 grade for the secondary panel involves the concept of open access. In Ontario, students are permitted to attend the secondary school of their choice, regardless of religious requirements, assuming there is space and program availability. To account for this in the projections, the predicted Grade 9 enrolment at a given secondary school based on its feeder schools and historical retention rates is compared to the actual Grade 9 enrolment at the school.



This ratio provides an approximation of the net students lost or gained due to open access.

The other important variable that is considered in the secondary enrolment projection methodology is the impact of the fifth year of secondary school which was eliminated in 2003/04. The elimination of the fifth year of study does not mean that Grade 12 students are not allowed to come back for a fifth year of study. There are still instances where Grade 12 students may come back to finish the 4-year program in 5 years or to upgrade or retake certain courses. The percentage of students that are coming back for a fifth year varies throughout the Province and even from school to school within a Board. The projections in this analysis typically utilize a 3-year average of Grade 12 retention rates (putting greater emphasis on the last year or two), as well as input from the Board on their experiences and expected future trends.

The remainder of the secondary projection follows the same methodology used in the elementary projections. Grades are advanced by applying historical grade transition rates for each school in the system. Assumptions are derived using historical ratios of enrolment to population and are used to ensure that projected secondary enrolment relates back to the projected secondary populations.

Examining Historical Enrolment Trends

Historical enrolment provides trends that are used to help form assumptions for projected enrolment and provides an important basis to determine relationships with demographic data. The historical data can provide detail on considerations such as how the change in enrolments compares with the changes in the school-aged populations of the same area, how different sized grade cohorts are moving through the system and how enrolment has changed in light of new housing activity.

An important indicator when examining historical enrolment is the ratio of senior elementary enrolment compared to junior elementary enrolment. This ratio provides a quick “snapshot” of the current enrolment structure and can provide a short-term outlook of expected enrolment.

The comparison is made between the senior elementary grades (6-8) and the junior elementary grades (JK-1). Assuming full-day JK and SK, an equal number of pupils entering JK-1 to those moving through the senior elementary grades would result in a ratio of 1. If the ratio is higher than 1, it indicates that more pupils are leaving the



elementary system or school than are entering and could be an indicator of future enrolment decline, at least in the short term and absent of mitigating factors. A ratio lower than 1 indicates possible enrolment growth (at least in the short term) and is typically found in growing areas where housing attracts young couples or young families with children.

Table 4.8 depicts the historical Grade Structure Ratio (GSR) for the NCDSB. The ratio of senior to junior elementary enrolment was 1.33 in 2006/07, and 1.16 in 2011/12. More recently, the GSR has decreased further to approximately 1.14 in 2016/17.

Table 4.8: NCDSB TOTAL JURISDICTION

GRADES	2006/ 2007	2011/ 2012	2016/ 2017
JK	1,285	1,371	1,315
SK	1,441	1,454	1,357
1	1,475	1,483	1,394
2	1,596	1,518	1,437
3	1,690	1,555	1,533
4	1,561	1,522	1,520
5	1,703	1,606	1,550
6	1,892	1,559	1,515
7	1,800	1,655	1,526
8	1,887	1,767	1,584
SE	37	21	12
ALT/OTH	0	0	0
TOTAL	16,365	15,511	14,743
GSR	1.33	1.16	1.14

The Impact of Enrolment Share

Board enrolment share refers to the share or percentage of total enrolment a board receives between itself and its co-terminous English language board. Changes in enrolment share can have significant impacts on board enrolment. For example, increases in enrolment share can help mitigate declines or even increase enrolment in areas where the total school-aged population is in decline.



Table 4.9 found below measures the historical elementary enrolment of the NCDSB and the District School Board of Niagara (DSBN) for the Regional Municipality of Niagara. The elementary enrolment share has stayed fairly stable between 2006/07 and 2016/17, decreasing from 38% in 2006/07 to 37% in 2016/17. This was matched by a 1% increase in the DSBN share over the same period.

Table 4.9: Elementary Historical Enrolment Share

ELEMENTARY PANEL ENROLMENT			
SCHOOL BOARD	2006/07	2011/12	2016/17
NCDSB	16,365	15,511	14,743
DSBN	27,142	24,328	24,754
TOTAL OF BOTH BOARDS	43,507	39,839	39,497
NCDSB SHARE	38%	39%	37%
DSBN SHARE	62%	61%	63%

Similarly, secondary panel enrolment shares have only slightly changed from 2006/07 to 2016/17 – the NCDSB’s share increased from 36% to 38%, while the DSBN’s share of secondary enrolment decreased from 64% to 62%. These findings are depicted in Table 4.10.

Table 4.10: Secondary Historical Enrolment Share

SECONDARY PANEL ENROLMENT			
SCHOOL BOARD	2006/07	2011/12	2016/17
NCDSB	8,382	8,199	7,160
DSBN	14,937	13,769	11,646
TOTAL OF BOTH BOARDS	23,319	21,968	18,806
NCDSB SHARE	36%	37%	38%
DSBN SHARE	64%	63%	62%

Enrolment Expected from New Housing

The second phase of the enrolment projection methodology involves predicting housing growth in the study area and its impact on school enrolment. Earlier in this chapter, the residential unit growth forecasts were explained in detail. The residential unit forecast is



used as the basis for predicting future school enrolment from growth. Historical levels of occupancy by school-aged children and by housing type provide us with factors and trends that allow us to make assumptions about how new units might produce children in the future. From an occupancy point of view, the number of people per housing unit has been declining in practically every part of the Province over the last decade or longer. In addition, the number of school-aged children per household has also been in sharp decline. New units today are not producing the same number of people or the same number of children as they have historically.

Each unit in the residential forecast is multiplied by a factor to predict the number of school-aged children that will come from the projected number of units. To derive this pupil generation factor, the methodology involves using custom Census data prepared specifically for Watson by Statistics Canada. The Census data provides information with respect to the number of pre-school and school-aged children that are currently living in certain types and ages of dwelling units. For example, the data is able to provide the number of children aged 4-13 years that live in single-family homes that are between one and five years old for any Census tract in the study area.

Pupil yields were derived for both the elementary and secondary panels for low-, medium- and high-density housing types for each review area in the Board's jurisdiction. The pupil yields and trends can vary significantly from area to area in the Board's jurisdiction. In this way, factors are derived and applied to the appropriate growth forecast to get a forecast of school-aged children from new development. This new development forecast must then be adjusted to reflect only the enrolment for the subject Board. Using historical apportionment and population participation rates, the enrolment forecast is revised to capture the appropriate share for the Board. For the NCDSB, the total yields for the elementary panel range between 0.02 and 0.23 (Table 4.11 to Table 4.13). On the secondary panel, total yields for the secondary panel range from 0.01 to 0.07.

Figure 2 depicts a flow chart outlining the process of projecting enrolment from new development and can be found on page 4-18.



Table 4.11: NCDSB Former Lincoln – Growth-Related Pupil Yields

Table 4.11.1: Former Lincoln – Elementary Growth-Related Pupil Yields

Form E – Growth-Related Pupils – Elementary Panel

Municipality	Dwelling Unit Type	Elementary Pupil Yield
St. Catharines	Low Density	0.14
	Medium Density	0.06
	High Density	0.02
	Total	0.06
NOTL	Low Density	0.07
	Medium Density	0.04
	High Density	0.02
	Total	0.05
West Lincoln	Low Density	0.11
	Medium Density	0.04
	High Density	0.02
	Total	0.10
Grimsby & Lincoln	Low Density	0.19
	Medium Density	0.09
	High Density	0.03
	Total	0.12

Table 4.11.2: Former Lincoln – Secondary Growth-Related Pupil Yields

Form E – Growth-Related Pupils – Secondary Panel

Municipality	Dwelling Unit Type	Secondary Pupil Yield
St. Catharines, NOTL, Part Lincoln	Low Density	0.07
	Medium Density	0.04
	High Density	0.01
	Total	0.04
Lincoln, West Lincoln, Grimsby	Low Density	0.06
	Medium Density	0.03
	High Density	0.02
	Total	0.05



Table 4.12: NCDSB Former Welland – Growth-Related Pupil Yields (Elementary)

Table 4.12.1: Former Welland – Elementary Growth-Related Pupil Yields

Form E – Growth-Related Pupils – Elementary Panel

Municipality	Dwelling Unit Type	Elementary Pupil Yield
Niagara Falls North	Low Density	0.14
	Medium Density	0.05
	High Density	0.02
	Total	0.08
Niagara Falls South	Low Density	0.23
	Medium Density	0.08
	High Density	0.03
	Total	0.13
Fort Erie	Low Density	0.10
	Medium Density	0.06
	High Density	0.03
	Total	0.09
Welland & Port Colborne East	Low Density	0.09
	Medium Density	0.04
	High Density	0.02
	Total	0.06

Table 4.12.1: Former Welland – Elementary Growth-Related Pupil Yields

Form E – Growth-Related Pupils – Elementary Panel

Municipality	Dwelling Unit Type	Elementary Pupil Yield
Welland & Port Colborne West	Low Density	0.12
	Medium Density	0.06
	High Density	0.03
	Total	0.09
Wainfleet	Low Density	0.10
	Medium Density	0.00
	High Density	0.00
	Total	0.10
Pelham & Thorold	Low Density	0.10
	Medium Density	0.04
	High Density	0.02
	Total	0.08



Table 4.13: NCDSB Former Welland – Growth-Related Pupil Yields (Secondary)

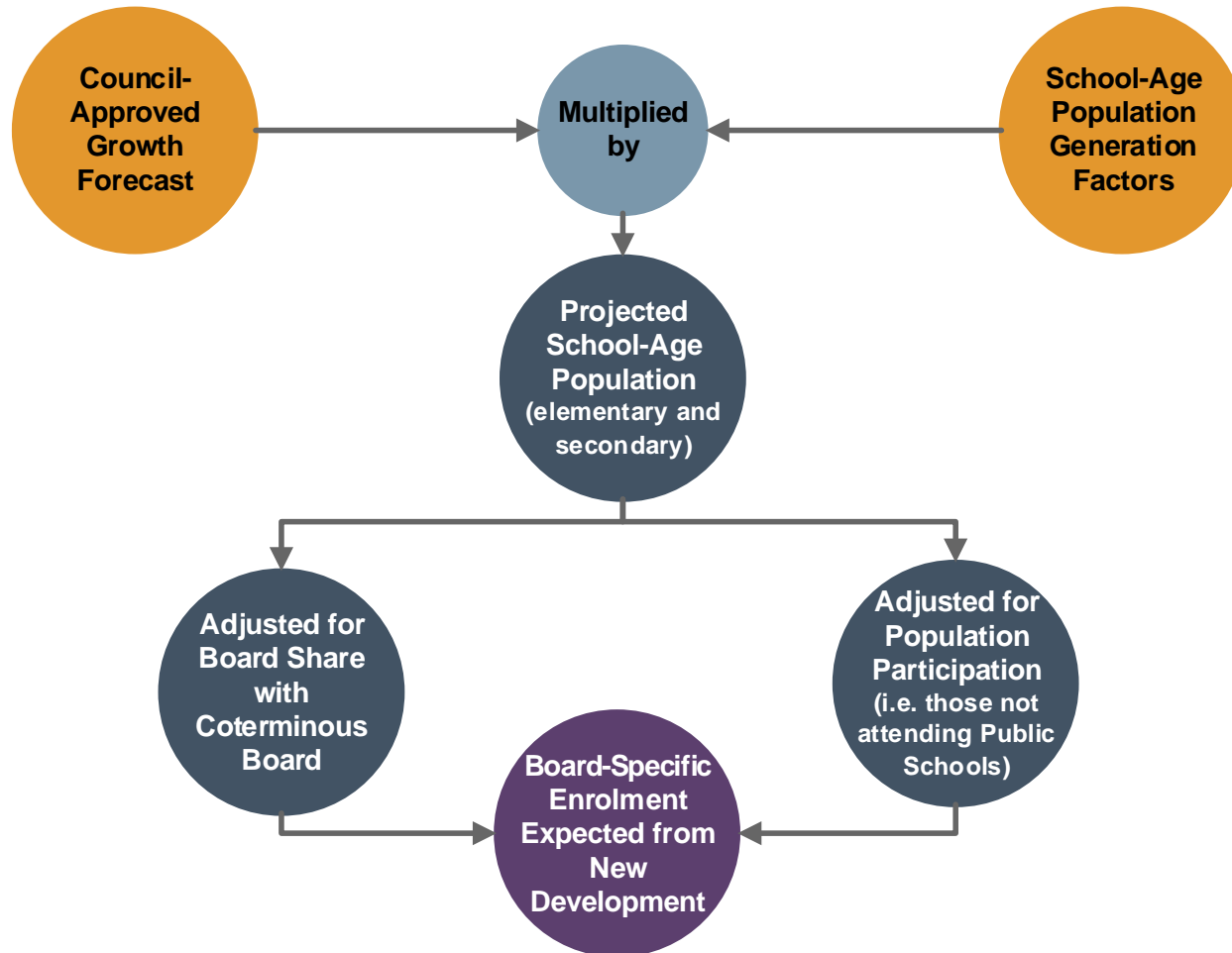
Table 4.13.1: Former Welland – Secondary Growth-Related Pupil Yields

Form E – Growth-Related Pupils – Secondary Panel

Municipality	Dwelling Unit Type	Elementary Pupil Yield
Pelham, Thorold, Niagara Falls, Welland	Low Density	0.05
	Medium Density	0.03
	High Density	0.01
	Total	0.04
Wainfleet, Port Colborne, Fort Erie	Low Density	0.04
	Medium Density	0.02
	High Density	0.01
	Total	0.04



Figure 2: Enrolment Expected from New Development





4.3 Summary of Projected Enrolment

The total EDC enrolment projections for Former Lincoln and Former Welland indicate that by the end of the forecast period (2034/35), the NCDSB can expect a total elementary enrolment of 16,813, compared to the 2019/20 enrolment of 14,210. This results in an increase of 2,603 elementary pupils or 18.3%. Secondary enrolment is similarly expected to increase over the projected term, growing from 6,511 in 2019/20 to 7,308 by 2034/35, for a total increase of 797 pupils or approximately 12.2%. A summary of the projected enrolment for the Board, by review area and panel, is provided in Table 4.13 and Table 4.14 on the following page.



Summary of Projected Enrolment:

Table 4.14: NCDSB Former Lincoln Enrolment Projections

Former Lincoln Elementary Review Areas

Review Area	Year 1 2020/21	Year 5 2024/25	Year 10 2029/30	Year 15 2034/35
ERA01	3,663	3,598	3,706	3,849
ERA04	272	280	326	372
ERA09	473	504	549	650
ERA11	1,943	2,027	2,255	2,428
Total	6,351	6,410	6,835	7,298

Former Lincoln Secondary Review Areas

Review Area	Year 1 2020/21	Year 5 2024/25	Year 10 2029/30	Year 15 2034/35
SRA01	1,823	1,768	1,721	1,896
SRA03	1,094	1,235	1,307	1,460
Total	2,917	3,003	3,028	3,356

Table 4.15: NCDSB Former Welland Enrolment Projections

Former Welland Elementary Review Areas

Review Area	Year 1 2020/21	Year 5 2024/25	Year 10 2029/30	Year 15 2034/35
ERA02	1,456	1,535	1,577	1,613
ERA03	2,157	2,314	2,587	2,898
ERA05	843	842	929	1,013
ERA06	556	596	637	629
ERA07	1,682	1,670	1,732	1,817
ERA08	80	99	117	124
ERA10	1,043	1,105	1,280	1,420
TOTAL	7,818	8,161	8,859	9,515

Former Welland Secondary Review Areas

Review Area	Year 1 2020/21	Year 5 2024/25	Year 10 2029/30	Year 15 2034/35
SRA02	2,876	2,817	2,986	3,201
SRA04	697	707	636	751
TOTAL	3,572	3,524	3,622	3,951



Chapter 5

Education Development Charge Calculation



5. Education Development Charge Calculation

Once eligibility has been determined, the charge is calculated using the aforementioned forecasts and methodologies. The calculation is dependent on the growth/enrolment forecasts to project need, the valuation of land and services to assign a cost to that need, and the residential and non-residential forecast to provide a quotient to determine the final quantum of the charge. O. Reg. 20/98, section 7 provides the basis under which the EDC is determined. The following section will explain and highlight the specific calculation components of the EDC.

5.1 The Projections

The residential dwelling unit forecasts that were used in the EDC analysis are explained in detail in Chapter 4 and outlined below.

Residential Unit Forecast

Total Jurisdiction	2020/21-2034/35
TOTAL PROJECTED UNITS	41,417
TOTAL NET NEW UNITS	40,588

Former Lincoln	2020/21-2034/35
TOTAL PROJECTED UNITS	19,633
TOTAL NET NEW UNITS	19,240

Former Welland	2020/21-2034/35
TOTAL PROJECTED UNITS	21,784
TOTAL NET NEW UNITS	21,348



Net Growth-related Pupil Places

The projected Board enrolments, as well as the residential forecasts, determine the net growth-related pupil places which, in turn, determine the number of EDC-eligible sites. Form E of the EDC Ministry Submission for the Board and each panel is set out below. These forms highlight, by review area, the net number of units, the Board pupil yields and the growth-related pupils.

Board-wide, the enrolment projections predict **1,671** net growth-related pupils on the elementary panel and **780** on the secondary panel. The elementary net growth-related pupils by region are **797** for the Former Lincoln portion and **874** for the Former Welland portion. On the secondary panel, the allocation is **366** pupils for the Former Lincoln portion and **414** for the Former Welland portion.



Table 5.1: NCDSB Education Development Charges Submission 2020 – Former Lincoln Portion

Niagara Catholic District School Board - Former Lincoln Portion By-Law
 Education Development Charges Submission 2020
 Form E - Growth Related Pupils - Elementary Panel

Niagara Catholic District School Board - Former Lincoln Portion By-Law
 Education Development Charges Submission 2020
 Form E - Growth Related Pupils - Secondary Panel

Elementary Planning Area	Dwelling Unit Type	Net New Units	Elementary Pupil Yield	Elementary Growth-Related Pupils	Secondary Planning Area	Dwelling Unit Type	Net New Units	Secondary Pupil Yield	Secondary Growth-Related Pupils		
St. Catharines	Low Density	1,816	0.14	258	St. Catharines, NOTL, Part Lincoln	Low Density	3,262	0.07	221		
	Medium Density	2,964	0.06	169		Medium Density	3,745	0.04	135		
	High Density	4,078	0.02	98		High Density	4,467	0.01	62		
	Total	8,859	0.06	526		Total	11,474	0.04	418		
NOTL	Low Density	1,328	0.07	89	Lincoln, West Lincoln, Grimsby	Low Density	4,586	0.06	281		
	Medium Density	627	0.04	27		Medium Density	1,820	0.03	62		
	High Density	295	0.02	5		High Density	1,360	0.02	23		
	Total	2,250	0.05	122		Total	7,766	0.05	366		
West Lincoln	Low Density	2,652	0.11	296	SUBTOTAL:	1,534					
	Medium Density	541	0.04	23		LESS: Available Pupil Places:	738				
	High Density	145	0.02	3			NET GROWTH RELATED PUPILS:	797			
	Total	3,338	0.10	322				784			
Grimsby and Lincoln	Low Density	2,051	0.19	396	418						
	Medium Density	1,434	0.09	132	366						
	High Density	1,309	0.03	37							
	Total	4,794	0.12	565							



Table 5.2: NCDSB Education Development Charges Submission 2020 – Former Welland Portion

Niagara Catholic District School Board - Former Welland Portion By-Law
 Education Development Charges Submission 2020
 Form E - Growth Related Pupils - Elementary Panel

Niagara Catholic District School Board - Former Welland Portion By-Law
 Education Development Charges Submission 2020
 Form E - Growth Related Pupils - Secondary Panel

Elementary Planning Area	Dwelling Unit Type	Net New Units	Elementary Pupil Yield	Elementary Growth-Related Pupils	Secondary Planning Area	Dwelling Unit Type	Net New Units	Secondary Pupil Yield	Secondary Growth-Related Pupils
Niagara Falls North	Low Density	681	0.14	99	Pelham, Thorold, Niagara Falls, Welland	Low Density	8,324	0.05	445
	Medium Density	633	0.05	33		Medium Density	5,411	0.03	155
	High Density	340	0.02	7		High Density	2,817	0.01	28
	Total	1,654	0.08	139		Total	16,552	0.04	628
Niagara Falls South	Low Density	3,142	0.23	737	Wainfleet, Port Colborne, Fort Erie	Low Density	3,929	0.04	159
	Medium Density	2,927	0.08	235		Medium Density	572	0.02	13
	High Density	1,570	0.03	53		High Density	296	0.01	4
	Total	7,639	0.13	1,025		Total	4,797	0.04	175
Fort Erie	Low Density	2,673	0.10	255	Welland and Port Colborne East	Low Density	833	0.09	74
	Medium Density	436	0.06	27		Medium Density	547	0.04	24
	High Density	233	0.03	6		High Density	294	0.02	6
	Total	3,342	0.09	287		Total	1,674	0.06	104
Welland and Port Colborne West	Low Density	1,610	0.12	191	Welland and Port Colborne West	Low Density	1,610	0.12	191
	Medium Density	617	0.06	37		Medium Density	617	0.06	37
	High Density	313	0.03	8		High Density	313	0.03	8
	Total	2,541	0.09	236		Total	2,541	0.09	236
Wainfleet	Low Density	209	0.10	20	Wainfleet	Low Density	209	0.10	20
	Medium Density	-	0.00	-		Medium Density	-	0.00	-
	High Density	-	0.00	-		High Density	-	0.00	-
	Total	209	0.10	20		Total	209	0.10	20
Pelham and Thorold	Low Density	3,104	0.10	299	Pelham and Thorold	Low Density	3,104	0.10	299
	Medium Density	821	0.04	33		Medium Density	821	0.04	33
	High Density	364	0.02	6		High Density	364	0.02	6
	Total	4,289	0.08	338		Total	4,289	0.08	338
SUBTOTAL:				2,149	SUBTOTAL:				804
LESS: Available Pupil Places:				1,276	LESS: Available Pupil Places:				390
NET GROWTH RELATED PUPILS:				874	NET GROWTH RELATED PUPILS:				414



5.2 Net Education Land Costs

The enrolment projections, the Board's long-term accommodation plans, conversations with Board staff and the EDC analyses ultimately determine the number of EDC-eligible sites that are needed for new growth-related schools. Form F of the Ministry Submission outlines by review area the 15-year enrolment projections as well as the net growth-related pupil places. Form G of the Ministry Submission outlines the number of new sites that will be needed as well as the number of EDC-eligible acres of land that are required for those sites.

O. Reg. 20/98, section 7, specifically paragraphs 4-7, deals with the steps involved in moving from the site component of the calculation to the financial or costing component of the calculation. A cost must be attached to the value of the land that needs to be purchased as well as the costs to provide services and prepare the land for construction. In addition, the balance of the existing EDC reserve funds must be calculated and incorporated into the analysis. Finally, the total eligible revenues, expenditures and existing deficits or surpluses are cash flowed over a 15-year period to determine the final charge.

Section 257.53 (2) of the *Education Act*, specifically describes what education land costs are:

1. Costs to acquire land or an interest in land, including a leasehold interest, to be used by the board to provide pupil accommodation.
2. Costs to provide services to the land or otherwise prepare the site so that a building or buildings may built on the land to provide pupil accommodation.
3. Costs to prepare and distribute EDC background studies.
4. Interest on money borrowed to pay for costs described in paragraphs 1 and 2.
5. Costs to undertake studies in connection with an acquisition referred to in paragraph 1.



Site Valuation

Paragraph 4 of section 7 of O. Reg. 20/98 states that,

“The board shall estimate the net education land cost for the school sites required to provide pupil places for the number of new school pupils determined under paragraph 3.4.”

Land values were derived from appraised values for the two school sites the Board is currently in the process of purchasing or making offers on. For the Lincoln/Grimsby site, land was valued at between \$1.1 million and \$1.25 million per acre, and in Niagara Falls land was valued between \$700,000 and \$775,000 per acre.

Typically, when undertaking appraisals, the two most common approaches to the valuation of development land are utilized and are summarized as follows:

- a) the Direct Comparison Approach which involves comparing or contrasting the recent sale, listing or optioned prices of comparable properties to the subject and adjusting for any significant differences between them; and,
- b) the Land Residual Approach (or Development Approach) which estimates land value based on determining selling prices of serviced lots and considers infrastructure costs and appropriate returns, rendering a “residual” land value component.

The strengths underlying the Land Residual Approach are that it more accurately reflects the specific development parameters of a site, while its weaknesses relate to the preliminary nature of planning and engineering information available. The strengths underlying the Direct Comparison Approach are that it more accurately reflects market attitudes to development land, while its weaknesses relate to the specifics of the subject properties, particularly those that are draft plan approved. For all the subject properties, except where noted, both approaches have been utilized.

The tables on the following page set out the estimated EDC-eligible sites that the Board will require in the 15-year analysis term and its appraised land values on per acre basis. These values were calculated in 2020 and do not include escalation, site improvements, land transfer taxes, HST (net of rebate) or other associated acquisition costs.



Table 5.3: NCDSB Former Lincoln Sites

ELEMENTARY PANEL	
ERA11 Site #1	OWNED(OFFER)

Table 5.4: NCDSB Former Welland Sites

ELEMENTARY PANEL	
ERA03 Site #1	OWNED (OFFER)
ERA03 Site #2	\$700,000

Land Escalation Over the Forecast Period

As previously mentioned, the EDC report typically contains estimates an annual land escalation rate to be applied to the acreage values in order to sustain the likely site acquisition costs over the next five years. Due to the uncertain economic conditions at the time this report was prepared, no escalation rates have been applied.

Land Development and Servicing Costs

The *Education Act* includes the “costs to provide services to the land or otherwise prepare the site so that a building or buildings may be built on the land to provide pupil accommodation” as an EDC-eligible education cost. These costs typically include services to the lot line of the property, rough grading and compaction of the site and that the site is cleared of debris. Costs related to studies of land being considered for acquisition such as environmental assessments or soil studies are also considered to be EDC eligible.

Discussions with stakeholders and the Ministry of Education in past EDC by-law processes have resulted in a list that includes some of the primary development and servicing costs that are considered to be EDC eligible:

- Agent/commission fees to acquire sites;
- Municipal requirements to maintain sites prior to construction;
- Appraisal studies, legal fees;
- Expropriation costs;
- Site option agreements; and



- Land transfer taxes.

A figure of \$53,974 per acre was used in the study for site preparation costs. The figure used in this study is consistent with the figure used in the Board's 2015 EDC report and has been escalated to reflect 2020 costs. Using historical construction cost indices, an escalation factor of 3.1% per annum was derived and applied to the assumed per acre site preparation costs. Site preparation costs are escalated to the time of site purchase.

Total Land Costs

The total net education land costs, including the site acquisition costs, the escalation of land over the term of the by-law (five years), the site development/servicing costs, as well as associated financing costs and study costs are projected to be over **\$16.2** million for the Board. Both the Former Lincoln portion and the Former Welland portion are projected to incur total education land costs of almost **\$8** million each over the 15-year term of the proposed by-law.

5.3 Reconciliation of the EDC Reserve Fund

Before the final growth-related net education land costs can be determined they must be adjusted by any deficit or surplus in the existing EDC reserve fund. Any outstanding EDC financial obligations that have been incurred by the Board under a previous by law are added to the total land costs. If there is a positive balance in the EDC reserve fund, this amount is subtracted from the total land costs and used to defray EDC-eligible expenditures.

Section 7, paragraphs 5-7 of O. Reg. 20/98 describe the process of deriving the final net education land costs.

“The board shall estimate the balance of the education development charge reserve fund, if any, relating to the area in which the charges are to be imposed. The estimate shall be an estimate of the balance immediately before the day the board intends to have the by-law come into force.”

“The board shall adjust the net education land costs with respect to any balance estimated under paragraph 5. If the balance is positive, the balance shall be subtracted from the cost. If the balance is negative, the balance shall be converted to a positive number and added to the cost.”



“The net education land cost as adjusted, if necessary, under paragraph 6, is the growth-related net education land cost.”

The reserve fund analysis summarizes the EDC collections (both actual and estimated) as well as the EDC costs that have been expended (both actual and estimated) and the estimated EDC reserve fund balance. It is based on the Ministry of Education Appendix D1 and D2 Forms that are prepared and submitted to the Ministry by all school boards with EDC by-laws in place. The balance from the most recent Appendix D1/D2 is used as the base point. The EDC reserve fund must also include certain estimates respecting revenues and expenditures to account for the most recent actual balance and the balance estimated to the new EDC by-law date.

Incorporating actual collections and expenditures since 2015 as well as estimates to the proposed new by-law inception date, the new reserve fund balance for the NCDSB’s Former Lincoln portion is a deficit and estimated at **-\$6,022,726**, and the Former Welland portion’s reserve fund balance is also in a deficit position estimated at **-\$2,975,094**.

5.4 The Education Development Charge

The total land costs, adjusted by any surplus or deficit in the EDC reserve fund, determine the total net education land costs for which EDCs may be imposed. The final steps in the process involve apportioning the land costs between residential and non-residential as well as differentiating the charge by development type, if necessary. The existing EDC by-laws of both by-law areas are based on a 100% residential charge and the EDCs are a uniform rate across all types of development. The proposed charge in this background study is premised on the same assumptions. In addition, a differentiated residential charge is also presented as part of the EDC Forms package contained in Appendix A.

The final net education land costs that have been apportioned to residential (in this case 100%) are divided over the net new units from the dwelling forecast to determine a final EDC rate per dwelling unit.

The net education land costs for the Former Lincoln by-law are estimated to be **\$8,042,100** and the number of net new units in the EDC forecast is projected to be **19,240**, resulting in a new proposed or “maximum” rate of **\$418** per dwelling unit.



The net education land costs for the Former Welland by-law are estimated to be **\$8,167,201** and the number of net new units in the EDC forecast is projected to be **21,348**, resulting in a new proposed or “maximum” rate of **\$383** per dwelling unit.

Table 5.5 and Table 5.6 outline the total growth-related net education land costs, the net new units and the final proposed new EDC “maximum” rates.

Table 5.5: NCDSB – Former Lincoln EDC
Calculation of Uniform 100% Residential

Residential Growth-Related Net Education Land Costs	\$8,042,100
Net New Dwelling Units (Form C)	19,240
Uniform Residential EDC Per Dwelling Unit	\$418

Table 5.6: NCDSB – Former Welland EDC
Calculation of Uniform 100% Residential

Residential Growth-Related Net Education Land Costs	\$8,167,201
Net New Dwelling Units (Form C)	21,348
Uniform Non-Residential EDC Per Square Foot of GFA	\$383

EDC Rate Phase-In

As described earlier in the report, the final step in the EDC calculation is to determine the permitted phase-in of EDC rates. The existing in-force EDC rates for the NCDSB by-laws are \$186 per residential unit in Former Lincoln and \$172 per residential unit in Former Welland. Under these conditions, both areas would not require a phase-in of EDC rates and are permitted to enforce EDC rates of the maximum amount in year 1 of the proposed new by-law. These rates have been calculated to be **\$418** per unit in Former Lincoln and **\$383** per unit in Former Welland. Table 5.7 provides a summary of the existing EDC rates, the proposed phase-in of rates and the new maximum rate over the five-year by-law term.

Table 5.7: NCDSB EDC Phase-in of Rates (100% residential – \$/unit)

Area Specific EDC	2015 EDC Rate	Year 1	Year 2	Year 3	Year 4	Year 5	Maximum Rate
NCDSB - Former Lincoln	\$186	\$418	\$418	\$418	\$418	\$418	\$418
NCDSB - Former Welland	\$172	\$383	\$383	\$383	\$383	\$383	\$383



The Cashflow Analysis

A cashflow analysis was completed, incorporating all eligible EDC expenditures, current reserve fund balances and land escalation factors, to determine the necessary revenues that will be collected through the imposition of EDCs. When revenue in any given year is insufficient to cover the expenditures, interim financing (on a short- or long-term basis) is assumed. The methodology used for the cashflow analysis is consistent with accounting practices used by many school boards, municipalities and financial lenders across the Province.

General Assumptions Used

The cashflow analysis must incorporate certain assumptions respecting interest rates, terms, escalation, etc. The table below outlines the general assumptions that have been used for the EDC analysis.

Site Acquisition Escalation Rate	No Escalation
Site Preparation Escalation Rate	3.1% per annum
EDC Reserve Fund Interest Earnings	1.5%
Debt Terms (term/rate)	5 Years at 3.00%

Description of Cashflow

The first section of the cashflow deals with **revenue**. There are two distinct components to the revenue section of the cashflow:

1. The first component deals with any debt the Board incurs. The total debt issuance for any given year will be identified in Lines 1 or 2 of the analysis.
2. The second component deals with the actual expected collections through the imposition of the EDC incorporating the annual net new dwelling unit forecast and non-residential forecast (if available). Projected EDC collections by year can be found on Lines 4, 5 and 6 of the cashflow.



The second section of the cashflow deals with **expenditures** – the eligible EDC expenditures incorporate the site acquisition and development costs, study costs and financing costs for incurred debt.

- Site acquisition costs are found on Line 8 of the analysis and are escalated for up to a five-year period (term of the by-law).
- Site preparation/development costs are found on Line 9 of the cashflow and are escalated up to the time of site purchase.
- Study costs (Line 10) are based on actual and projected board data and are included for each expected subsequent by-law renewal (every five years).
- Long- and short-term financing costs (debt carrying costs) are found on Lines 11 and 12 of the cashflow analysis.

The final section of the cashflow provides the projected opening and closing balances of the EDC reserve fund incorporating any existing deficit or surplus as well as annual interest earnings on any balance in the account. Total borrowing, debt payments and outstanding debt can be found in the bottom right portion of the cashflow analysis.

Cashflows for the School Board and each by-law are included in Table 5.8 and Table 5.9 on the following pages.



Table 5.8: NCDSB 15-Year Cashflow
Former Lincoln EDC By-law

Cash Flow Assumptions	
A. Reserve Fund Interest Rate	1.50%
B. Borrowing Rate	3.00%
C. Borrowing Term (Years)	5

	Year 1 2020/ 2021	Year 2 2021/ 2022	Year 3 2022/ 2023	Year 4 2023/ 2024	Year 5 2024/ 2025	Year 6 2025/ 2026	Year 7 2026/ 2027	Year 8 2027/ 2028	Year 9 2028/ 2029	Year 10 2029/ 2030	Year 11 2030/ 2031	Year 12 2031/ 2032	Year 13 2032/ 2033	Year 14 2033/ 2034	Year 15 2034/ 2035
Projected Revenues															
1 Long Term Financing	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2 Short Term Financing	\$5,900,000	\$850,000	\$950,000	\$1,200,000	\$1,550,000	\$1,750,000	\$900,000	\$800,000	\$800,000	\$750,000	\$500,000	\$350,000	\$0	\$0	\$0
3 Subtotal (1 through 2)	\$5,900,000	\$850,000	\$950,000	\$1,200,000	\$1,550,000	\$1,750,000	\$900,000	\$800,000	\$800,000	\$750,000	\$500,000	\$350,000	\$0	\$0	\$0
4 Education Development Charge Revenue (Res) 418 per unit	\$447,880	\$447,880	\$497,545	\$497,545	\$497,545	\$497,545	\$497,545	\$572,147	\$572,147	\$572,147	\$572,147	\$572,147	\$599,293	\$599,293	\$599,293
5 Education Development Charge Revenue (Non-Res) 0.00 per sq.ft	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
6 Subtotal EDC Revenue (4 + 5)	\$447,880	\$447,880	\$497,545	\$497,545	\$497,545	\$497,545	\$497,545	\$572,147	\$572,147	\$572,147	\$572,147	\$572,147	\$599,293	\$599,293	\$599,293
7 Total Revenue (3 + 6)	\$6,347,880	\$1,297,880	\$1,447,545	\$1,697,545	\$2,047,545	\$2,247,545	\$1,397,545	\$1,372,147	\$1,372,147	\$1,322,147	\$1,072,147	\$922,147	\$599,293	\$599,293	\$599,293
Education Development Charge Expenditures															
8 Site acquisition costs (Escalation Rates Included) ¹	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
9 Site preparation costs (Escalation Rates Included) ¹	\$298,476	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
10 Projected Future Study Costs	\$0	\$0	\$0	\$0	\$75,000	\$0	\$0	\$0	\$0	\$75,000	\$0	\$0	\$0	\$0	\$75,000
11 Long Term Debt Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
12 Short Term Debt Costs	\$0	\$1,288,292	\$1,473,893	\$1,681,330	\$1,943,356	\$2,281,805	\$1,375,634	\$1,386,552	\$1,353,798	\$1,266,457	\$1,091,773	\$818,830	\$698,735	\$524,051	\$349,367
13 Total Expenditures (8 through 12)	\$298,476	\$1,288,292	\$1,473,893	\$1,681,330	\$2,018,356	\$2,281,805	\$1,375,634	\$1,386,552	\$1,353,798	\$1,341,457	\$1,091,773	\$818,830	\$698,735	\$524,051	\$424,367
Cashflow Analysis:															
14 Revenues Minus Expenditures (7 - 13)	\$6,049,404	\$9,588	-\$26,348	\$16,215	\$29,189	-\$34,260	\$21,911	-\$14,405	\$18,349	-\$19,310	-\$19,626	\$103,317	-\$99,441	\$75,242	\$174,926
15 Opening Balance (previous year's closing balance)	-\$6,022,726	-\$6,022,726	\$26,678	\$36,810	\$10,619	\$27,237	\$57,272	\$23,357	\$45,947	\$32,015	\$51,119	\$32,286	\$12,850	\$117,910	\$18,746
16 Sub total (14 + 15)	-\$6,022,726	\$26,678	\$36,266	\$10,462	\$26,834	\$56,426	\$23,012	\$45,268	\$31,542	\$50,364	\$31,809	\$12,660	\$116,167	\$18,469	\$93,988
17 Interest Earnings	\$0	\$544	\$157	\$403	\$846	\$345	\$679	\$473	\$755	\$477	\$190	\$1,743	\$277	\$1,410	\$4,055
18 Closing Balance (16 + 17)	-\$6,022,726	\$26,678	\$36,810	\$10,619	\$27,237	\$57,272	\$23,357	\$45,947	\$32,015	\$51,119	\$32,286	\$12,850	\$117,910	\$18,746	\$95,398

¹ Land acquisition costs have not been escalated.

Escalation rates for site preparation costs are applied to the date of acquisition and are escalated by 3.1% compounded annually.

Borrowing (Total of Line 3 and 4):

\$16,300,000

Total Debt Payments:

\$17,795,898

Outstanding Debt At End Of Forecast(15 years):

\$262,025

Outstanding Debt Will Be Fully Funded In:

2036



Table 5.9: NCDSB 15-Year Cashflow
Former Welland EDC By-law

Cash Flow Assumptions	
A. Reserve Fund Interest Rate	1.50%
B. Borrowing Rate	3.00%
C. Borrowing Term (Years)	5

		Year 1 2020/ 2021	Year 2 2021/ 2022	Year 3 2022/ 2023	Year 4 2023/ 2024	Year 5 2024/ 2025	Year 6 2025/ 2026	Year 7 2026/ 2027	Year 8 2027/ 2028	Year 9 2028/ 2029	Year 10 2029/ 2030	Year 11 2030/ 2031	Year 12 2031/ 2032	Year 13 2032/ 2033	Year 14 2033/ 2034	Year 15 2034/ 2035
Projected Revenues																
1	Long Term Financing	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2	Short Term Financing	\$2,850,000	\$250,000	\$150,000	\$200,000	\$350,000	\$300,000	\$3,600,000	\$350,000	\$450,000	\$600,000	\$550,000	\$650,000	\$0	\$0	\$0
3	Subtotal (1 through 2)	\$2,850,000	\$250,000	\$150,000	\$200,000	\$350,000	\$300,000	\$3,600,000	\$350,000	\$450,000	\$600,000	\$550,000	\$650,000	\$0	\$0	\$0
4	Education Development Charge Revenue (Res) 383 per unit	\$401,571	\$401,571	\$504,771	\$504,771	\$504,771	\$504,771	\$504,771	\$590,486	\$590,486	\$590,486	\$590,486	\$590,486	\$629,258	\$629,258	\$629,258
5	Education Development Charge Revenue (Non-Res) 0.00 per sq.ft	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
6	Subtotal EDC Revenue (4 + 5)	\$401,571	\$401,571	\$504,771	\$504,771	\$504,771	\$504,771	\$504,771	\$590,486	\$590,486	\$590,486	\$590,486	\$590,486	\$629,258	\$629,258	\$629,258
7	Total Revenue (3 + 6)	\$3,251,571	\$651,571	\$654,771	\$704,771	\$854,771	\$804,771	\$4,104,771	\$940,486	\$1,040,486	\$1,190,486	\$1,140,486	\$1,240,486	\$629,258	\$629,258	\$629,258
Education Development Charge Expenditures																
8	Site acquisition costs (Escalation Rates Included) ¹	\$0	\$0	\$0	\$0	\$0	\$0	\$3,446,916	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
9	Site preparation costs (Escalation Rates Included) ¹	\$269,870	\$0	\$0	\$0	\$0	\$0	\$305,061	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
10	Projected Future Study Costs	\$0	\$0	\$0	\$0	\$75,000	\$0	\$0	\$0	\$75,000	\$0	\$0	\$0	\$0	\$0	\$75,000
11	Long Term Debt Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
12	Short Term Debt Costs	\$0	\$622,311	\$676,899	\$709,652	\$753,323	\$829,747	\$272,943	\$1,004,431	\$1,048,102	\$1,102,691	\$1,157,279	\$1,211,868	\$567,722	\$491,298	\$393,038
13	Total Expenditures (8 through 12)	\$269,870	\$622,311	\$676,899	\$709,652	\$828,323	\$829,747	\$4,024,920	\$1,004,431	\$1,048,102	\$1,177,691	\$1,157,279	\$1,211,868	\$567,722	\$491,298	\$468,038
Cashflow Analysis:																
14	Revenues Minus Expenditures (7 - 13)	\$2,981,701	\$29,261	-\$22,128	-\$4,881	\$26,448	-\$24,976	\$79,851	-\$63,945	-\$7,616	\$12,795	-\$16,793	\$28,618	\$61,536	\$137,960	\$161,220
15	Opening Balance (previous year's closing balance)	-\$2,975,094	-\$2,975,094	\$6,607	\$36,406	\$14,492	\$9,755	\$36,746	\$11,947	\$93,175	\$29,668	\$22,383	\$35,706	\$19,197	\$48,532	\$111,719
16	Sub total (14 + 15)	-\$2,975,094	\$6,607	\$35,868	\$14,278	\$9,611	\$36,203	\$11,770	\$91,798	\$29,230	\$22,052	\$35,178	\$18,913	\$47,815	\$110,068	\$249,679
17	Interest Earnings	\$0	\$538	\$214	\$144	\$543	\$177	\$1,377	\$438	\$331	\$528	\$284	\$717	\$1,651	\$3,745	\$6,220
18	Closing Balance (16 + 17)	-\$2,975,094	\$6,607	\$36,406	\$14,492	\$9,755	\$36,746	\$11,947	\$93,175	\$29,668	\$22,383	\$35,706	\$19,197	\$48,532	\$111,719	\$253,424

1 Land acquisition costs have not been escalated.

Escalation rates for site preparation costs are applied to the date of acquisition and are escalated by 3.1% compounded annually.

Borrowing (Total of Line 3 and 4):

\$10,300,000

Total Debt Payments:

\$11,245,260

Outstanding Debt At End Of Forecast(15 years):

\$403,956

Outstanding Debt Will Be Fully Funded In:

2036



Appendices



Appendix A

Education Development Charges Ministry of Education Forms Submission



Appendix A: Education Development Charges Ministry of Education Forms Submission

The Ministry of Education has prepared a set of standard forms that are required to be part of the EDC background study. The forms are used by the Ministry to review the EDC analysis and are standardized so that information is presented in a consistent manner for all school boards. The forms for the Board's EDC analysis are found in this Appendix. In addition, a description of each form and its purpose can be found below.

FORM A1 AND A2

This form is used to determine whether a school board is eligible to impose EDCs. The A1 section of the form includes the Board's approved OTG capacity for each panel, as well as the projected five-year enrolment. If the average five-year projected enrolment is greater than the Board's OTG capacity (on either panel), the Board is eligible to impose EDCs. The A2 section of the form deals with any outstanding EDC financial obligations. The form highlights any outstanding principal less the existing reserve fund balance. A positive financial obligation results in a board being eligible to impose future EDCs.

FORM B

Form B outlines the dwelling unit forecast that was used in the EDC analysis. The forecast is provided by EDC review area and by year for low-, medium- and high-density types of development.

FORM C

This form provides the net new dwelling units that are a requirement of the EDC analysis. Due to certain statutory exemptions (intensification) that were discussed earlier in this report, a certain percentage of units is removed from the forecast to determine the "net new units."

FORM D

Not included as the Board does not have a non-residential EDC component.



FORM E

Form E provides the total number of growth-related pupils by EDC review area. The form includes the net number of units, associated pupil yields and the number of pupils by density type for both the elementary and secondary panels. The bottom of the form provides the total number of growth-related pupils less any existing available space to determine the total “net” growth-related pupils.

FORM F

These forms provide the total “net” growth-related pupil places on a review area basis. Each form provides a projection of the existing community enrolment by school for each of the 15 years in the EDC forecast as well as their current OTG capacities. In addition, the total projected enrolment expected from new development is provided for the total review area. The total requirements from new development less any available existing space are the net growth-related pupil places for that review area.

FORM G

Form G highlights the EDC-eligible sites that the Board is proposing to purchase. Each site listing includes information on location, status, proposed school size and site size. The form also provides information on what percentage of each site is EDC eligible based on eligible pupil places as a percentage of the total proposed capacity of the school. In addition to providing site and eligibility information, Form G is noteworthy because it includes the translation from site requirements to site costs. On a site-by-site basis, the form highlights the expected per acre acquisition costs, site development costs as well as associated escalation and financing costs.

FORM H1 or H2

These forms outline the EDC calculation – Form H1 is used for a uniform EDC rate and Form H2 is used if the Board is proposing a differentiated EDC rate. This EDC analysis assumes a uniform rate and includes Form H1. This form includes all relevant information needed to calculate the final EDC. The total education land costs (derived from Form G) are added to any existing EDC financial obligations (Form A2) and study costs to determine the growth-related net education land costs for which EDCs may be collected. These costs must then be allocated to the proposed residential and non-residential splits. The amount determined to be borne by residential development



(between 60% and 100%) is divided by the total net new units to determine a residential charge by unit.



**NCDSB EDC Forms
(Former Lincoln)**

Niagara Catholic District School Board - Former Lincoln Portion By-Law
 Education Development Charges Submission 2020
 Form A - Eligibility to Impose an EDC

A.1.1: CAPACITY TRIGGER CALCULATION - ELEMENTARY PANEL

Elementary Panel Board-Wide EDC Capacity	Projected Elementary Panel Enrolment - Jurisdiction Wide						Elementary Average Projected Enrolment less Capacity
	Year 1 2020/ 2021	Year 2 2021/ 2022	Year 3 2022/ 2023	Year 4 2023/ 2024	Year 5 2024/ 2025	Average Projected Enrolment Over Five Years	
16,870.0	14,169	14,197	14,236	14,372	14,571	14,309	-2,561

A.1.2: CAPACITY TRIGGER CALCULATION - SECONDARY PANEL

Secondary Panel Board-Wide EDC Capacity	Projected Secondary Panel Enrolment - Jurisdiction Wide						Secondary Projected Enrolment less Capacity
	Year 1 2020/ 2021	Year 2 2021/ 2022	Year 3 2022/ 2023	Year 4 2023/ 2024	Year 5 2024/ 2025	Average Projected Enrolment Over Five Years	
7,278.0	6,490	6,470	6,527	6,544	6,526	6,511	-767

A.2: EDC FINANCIAL OBLIGATIONS

Total Outstanding EDC Financial Obligations (Reserve Fund Balance):	-\$ 6,022,726
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Niagara Catholic District School Board - Former Lincoln Portion By-Law
 Education Development Charges Submission 2020
 Form B - Dwelling Unit Summary

PROJECTION OF GROSS NEW DWELLING UNITS BY ELEMENTARY EDC REVIEW AREA

	Year 1 2020/ 2021	Year 2 2021/ 2022	Year 3 2022/ 2023	Year 4 2023/ 2024	Year 5 2024/ 2025	Year 6 2025/ 2026	Year 7 2026/ 2027	Year 8 2027/ 2028	Year 9 2028/ 2029	Year 10 2029/ 2030	Year 11 2030/ 2031	Year 12 2031/ 2032	Year 13 2032/ 2033	Year 14 2033/ 2034	Year 15 2034/ 2035	Total All Units
St. Catharines																
Low Density	95	95	108	108	108	108	108	132	132	132	132	132	142	142	142	1,816
Medium Density	164	164	189	189	189	189	189	231	231	231	231	231	248	248	248	3,173
High Density	211	211	243	243	243	243	243	297	297	297	297	297	318	318	318	4,078
Total	470	470	540	540	540	540	540	661	661	661	661	661	708	708	708	9,068
NOTL																
Low Density	121	121	93	93	93	93	93	71	71	71	71	71	89	89	89	1,328
Medium Density	49	49	48	48	48	48	48	41	41	41	41	41	44	44	44	671
High Density	18	18	21	21	21	21	21	19	19	19	19	19	20	20	20	295
Total	188	188	161	161	161	161	161	131	131	131	131	131	153	153	153	2,294
West Lincoln																
Low Density	91	91	155	155	155	155	155	207	207	207	207	207	219	219	219	2,652
Medium Density	24	24	38	38	38	38	38	49	49	49	49	49	32	32	32	579
High Density	6	6	9	9	9	9	9	12	12	12	12	12	8	8	8	145
Total	121	121	203	203	203	203	203	269	269	269	269	269	259	259	259	3,376
Grimsby and Lincoln																
Low Density	88	88	125	125	125	125	125	155	155	155	155	155	158	158	158	2,051
Medium Density	115	115	97	97	97	97	97	102	102	102	102	102	103	103	103	1,535
High Density	113	113	89	89	89	89	89	80	80	80	80	80	81	81	81	1,309
Total	316	316	311	311	311	311	311	337	337	337	337	337	342	342	342	4,895
Total Jurisdiction																
Low Density	396	396	481	481	481	481	481	565	565	565	565	565	608	608	608	7,848
Medium Density	352	352	372	372	372	372	372	423	423	423	423	423	426	426	426	5,958
High Density	347	347	362	362	362	362	362	408	408	408	408	408	427	427	427	5,827
Total	1,095	1,095	1,215	1,215	1,215	1,215	1,215	1,397	1,397	1,397	1,397	1,397	1,462	1,462	1,462	19,633

**Niagara Catholic District School Board - Former Lincoln Portion By-Law
 Education Development Charges Submission 2020
 Form C - Net New Dwelling Units - By-Law Summary**

Elementary Planning Review Areas	Number of Units
St. Catharines	9,068
NOTL	2,294
West Lincoln	3,376
Grimsby and Lincoln	4,895
Grand Total Gross New Units In By-Law Area	19,633
Less: Statutorily Exempt Units In By-Law Area	393
Total Net New Units In By-Law Area	19,240

**Niagara Catholic District School Board - Former Lincoln Portion By-Law
 Education Development Charges Submission 2020
 Form D - Non-Residential Development**

D1 - Non-Residential Charge Based On Gross Floor Area (sq. ft.)

Total Estimated Non-Residential Board-Determined Gross Floor Area to be Constructed Over 15 Years From Date of By-Law Passage:	2,399,208
Less: Board-Determined Gross Floor Area From Exempt Development:	583,097
Net Estimated Board-Determined Gross Floor Area:	1,816,111

Niagara Catholic District School Board - Former Lincoln Portion By-Law

Education Development Charges Submission 2020

Form E - Growth Related Pupils - Elementary Panel

Elementary Planning Area	Dwelling Unit Type	Net New Units	Elementary Pupil Yield	Elementary Growth-Related Pupils
St. Catharines	Low Density	1,816	0.14	258
	Medium Density	2,964	0.06	169
	High Density	4,078	0.02	98
	Total	8,859	0.06	526
NOTL	Low Density	1,328	0.07	89
	Medium Density	627	0.04	27
	High Density	295	0.02	5
	Total	2,250	0.05	122
West Lincoln	Low Density	2,652	0.11	296
	Medium Density	541	0.04	23
	High Density	145	0.02	3
	Total	3,338	0.10	322
Grimsby and Lincoln	Low Density	2,051	0.19	396
	Medium Density	1,434	0.09	132
	High Density	1,309	0.03	37
	Total	4,794	0.12	565
		SUBTOTAL:		1,534
		LESS: Available Pupil Places:		738
		NET GROWTH RELATED PUPILS:		797

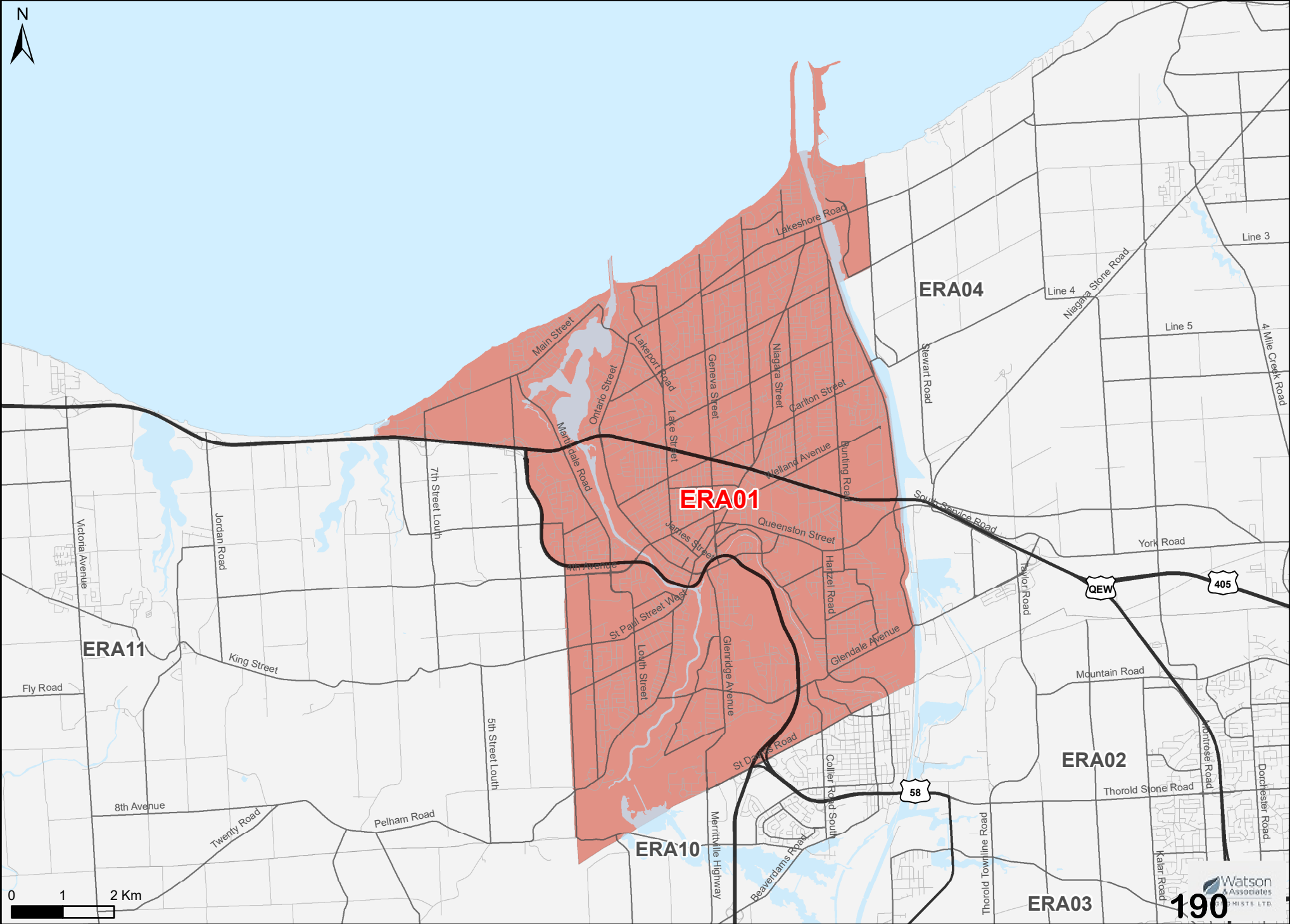
Niagara Catholic District School Board - Former Lincoln Portion By-Law

Education Development Charges Submission 2020

Form E - Growth Related Pupils - Secondary Panel

Secondary Planning Area	Dwelling Unit Type	Net New Units	Secondary Pupil Yield	Secondary Growth-Related Pupils
St. Catharines, NOTL, Part Lincoln	Low Density	3,262	0.07	221
	Medium Density	3,745	0.04	135
	High Density	4,467	0.01	62
	Total	11,474	0.04	418
Lincoln, West Lincoln, Grimsby	Low Density	4,586	0.06	281
	Medium Density	1,820	0.03	62
	High Density	1,360	0.02	23
	Total	7,766	0.05	366
		SUBTOTAL:		784
		LESS: Available Pupil Places:		418
		NET GROWTH RELATED PUPILS:		366

ERA01: St. Catharines



Niagara Catholic District School Board - Former Lincoln Portion By-Law
 Education Development Charges Submission 2020
 Form F - Growth Related Pupil Place Requirements

Panel: Elementary Panel
 Review Area: ERA01 St. Catharines

REQUIREMENTS OF EXISTING COMMUNITY

Existing Schools and Projects	Current OTG Capacity	Number of Temp Facilities	Current 2019/2020	15 Year Projections														
				Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035
ASSUMPTION	340	0	165	154	150	144	145	144	146	143	139	136	135	135	134	133	132	131
CANADIAN MARTYRS	515	1	479	473	464	459	449	434	429	421	425	425	431	428	427	427	428	425
MOTHER TERESA	329	0	244	244	249	247	248	252	263	259	265	257	267	265	263	263	263	262
OUR LADY OF FATIMA, ST. CATHERINES	282	1	281	299	293	297	290	295	295	293	294	299	299	298	297	295	293	290
ST ALFRED	472	0	388	373	356	339	336	341	336	329	331	334	334	340	338	335	331	327
ST ANN, ST. CATHERINES	389	0	347	339	333	327	319	314	299	298	289	290	293	292	290	287	282	278
ST ANTHONY	579	0	463	443	422	412	400	393	381	368	361	364	370	370	371	372	373	374
ST CHRISTOPHER	190	0	167	161	161	152	151	153	151	148	154	156	157	159	160	159	157	156
ST DENIS	366	0	286	288	293	286	277	286	286	286	288	297	299	295	293	294	297	293
ST JAMES	271	1	237	225	213	208	211	211	216	211	206	201	199	201	201	199	196	194
ST NICHOLAS	259	0	199	192	190	179	179	174	174	171	164	162	158	152	146	142	139	134
ST PETER	236	2	247	246	257	245	248	250	248	252	248	251	260	266	263	267	263	262
ST THERESA	222	0	198	199	196	198	200	205	200	199	201	194	196	196	197	198	198	198
TOTAL:	4,450.0	5	3,701	3,636	3,578	3,492	3,453	3,451	3,424	3,379	3,365	3,365	3,399	3,399	3,381	3,372	3,353	3,323
AVAILABLE PUPIL PLACES:																		1,127

REQUIREMENTS OF NEW DEVELOPMENT (CUMULATIVE)

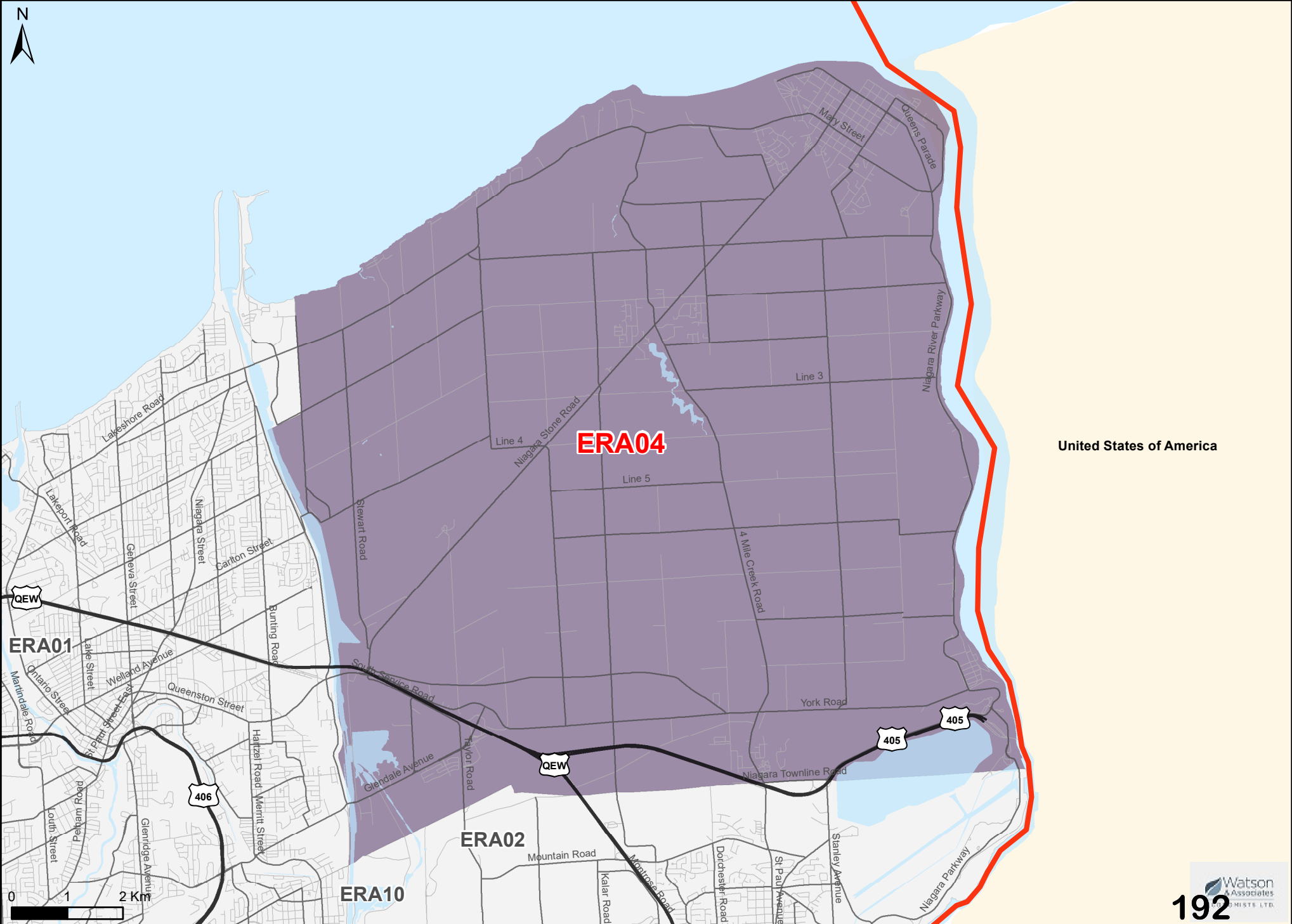
	15 Year Projections														
	Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035
	27	54	85	116	147	175	203	238	272	307	349	391	436	481	526

CALCULATION OF GROWTH-RELATED PUPIL PLACE REQUIREMENTS

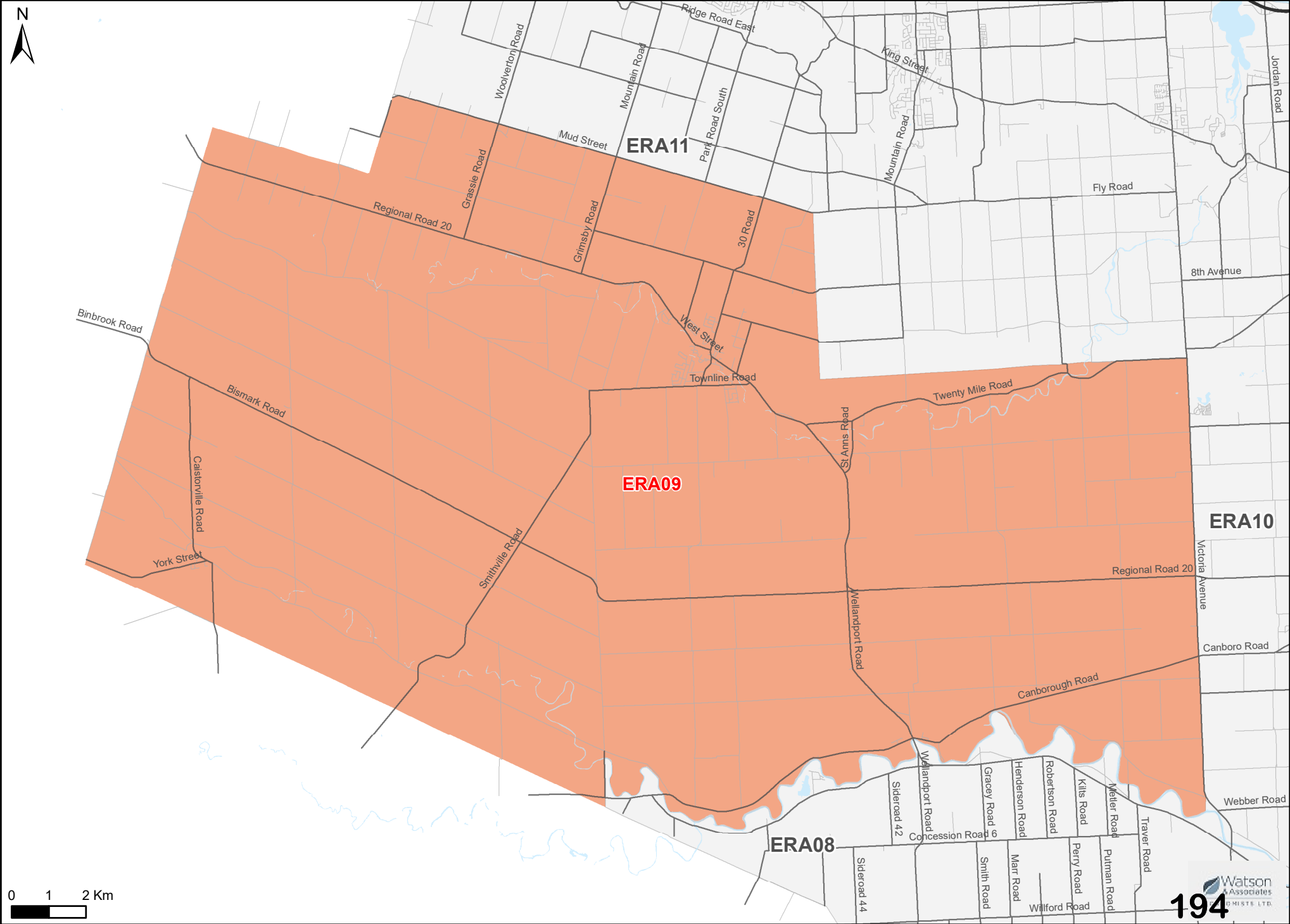
1	Requirements of New Development (Pupil Places)	526
2	Available Pupil Places in Existing Facilities	1127
3	Net Growth-Related Pupil Place Requirements (1-2)	0

NOTES

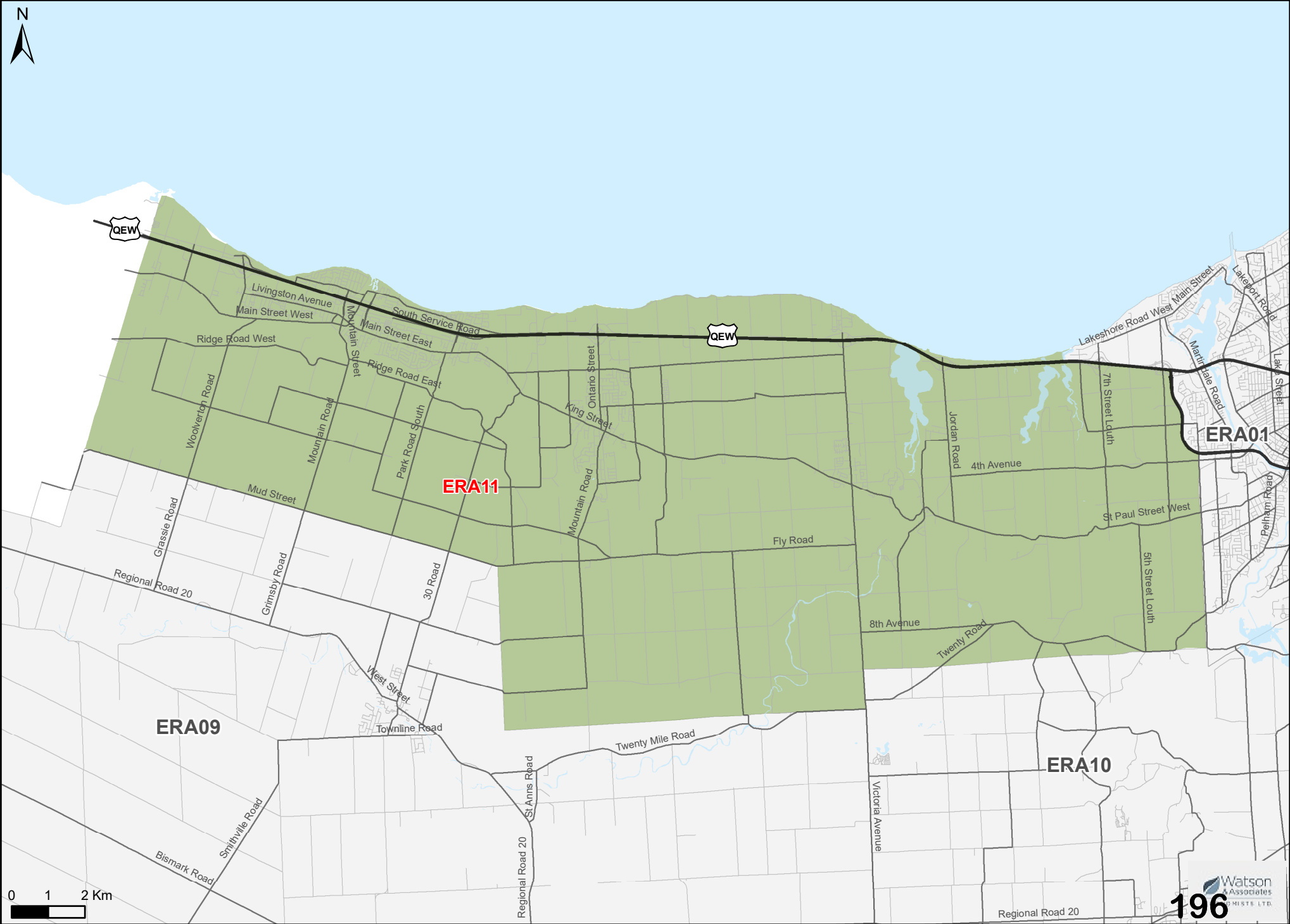
ERA04: Niagara-on-the-Lake



ERA09: West Lincoln



ERA11: Grimsby and Lincoln



ERA01

ERA11

ERA09

ERA10

Niagara Catholic District School Board - Former Lincoln Portion By-Law
 Education Development Charges Submission 2020
 Form F - Growth Related Pupil Place Requirements

Panel: Elementary Panel
 Review Area: ERA11 Grimsby and Lincoln

REQUIREMENTS OF EXISTING COMMUNITY

Existing Schools and Projects	Current OTG Capacity	Number of Temp Facilities	Current 2019/2020	15 Year Projections														
				Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035
OUR LADY OF FATIMA, GRIMSBY	541	2	595	580	557	556	547	547	542	549	544	559	559	567	570	569	562	559
ST EDWARD	190	0	87	90	95	99	101	108	108	114	119	120	116	117	117	117	117	117
ST JOHN LINCOLN	340	9	414	413	398	387	377	367	360	360	355	360	364	367	367	364	359	355
ST JOSEPH, GRIMSBY	262	0	264	254	245	233	228	227	221	222	224	226	219	218	218	214	208	204
ST MARK	507	4	559	580	603	623	632	639	645	649	659	648	649	642	637	634	633	628
TOTAL:	1,840.0	15	1,919	1,918	1,898	1,897	1,886	1,888	1,877	1,894	1,900	1,914	1,908	1,912	1,910	1,899	1,879	1,863
AVAILABLE PUPIL PLACES:																		

REQUIREMENTS OF NEW DEVELOPMENT (CUMULATIVE)

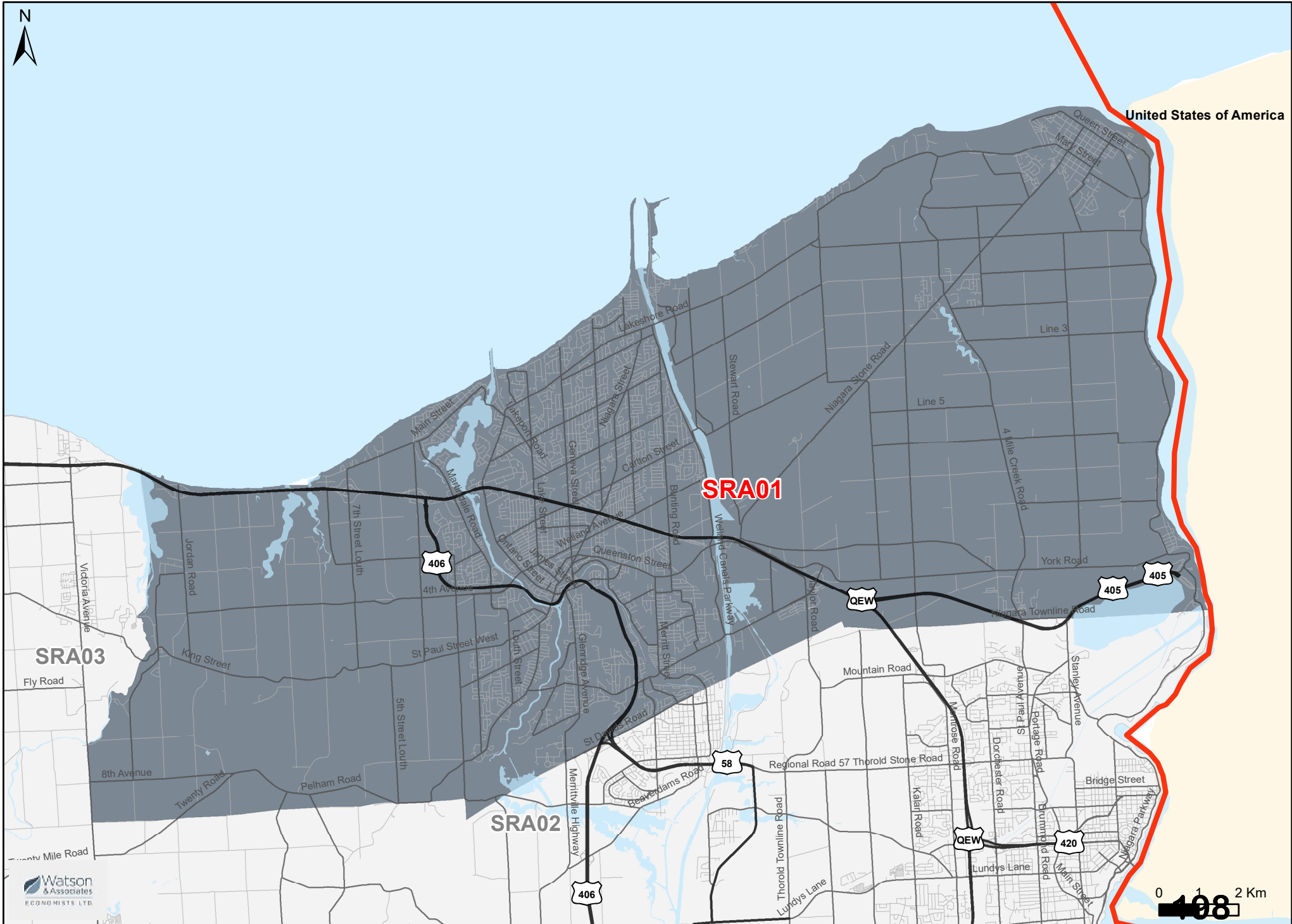
	15 Year Projections														
	Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035
	25	50	79	109	139	176	213	257	302	347	390	433	477	521	565

CALCULATION OF GROWTH-RELATED PUPIL PLACE REQUIREMENTS

1	Requirements of New Development (Pupil Places)	565
2	Available Pupil Places in Existing Facilities	0
3	Net Growth-Related Pupil Place Requirements (1-2)	565

NOTES

SRA01: St. Catharines, NOTL, Part Lincoln



Niagara Catholic District School Board - Former Lincoln Portion By-Law
 Education Development Charges Submission 2020
 Form F - Growth Related Pupil Place Requirements

Panel: Secondary Panel
 Review Area: SRA01 St. Catharines, NOTL, Part Lincoln

REQUIREMENTS OF EXISTING COMMUNITY

Existing Schools and Projects	Current OTG Capacity	Number of Temp Facilities	Current 2019/2020	15 Year Projections														
				Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035
HOLY CROSS SS	1,038.0		578	602	621	616	612	605	576	558	538	519	505	475	479	485	492	506
ST FRANCIS SS	450.0		587	599	557	552	519	491	484	471	466	476	461	450	443	437	454	454
DENIS MORRIS SS	915.0		881	859	827	815	826	797	798	756	749	748	733	715	720	723	727	739
Students From Denis Morris Out To Resident Area (SRA02, Welland By-law)			-	258	248	244	248	239	239	227	225	224	220	215	216	217	218	222
TOTAL:	2,403.0	0	2,046	1,801	1,758	1,738	1,709	1,654	1,619	1,558	1,528	1,519	1,479	1,425	1,426	1,428	1,455	1,478
AVAILABLE PUPIL PLACES:																		925

REQUIREMENTS OF NEW DEVELOPMENT (CUMULATIVE)

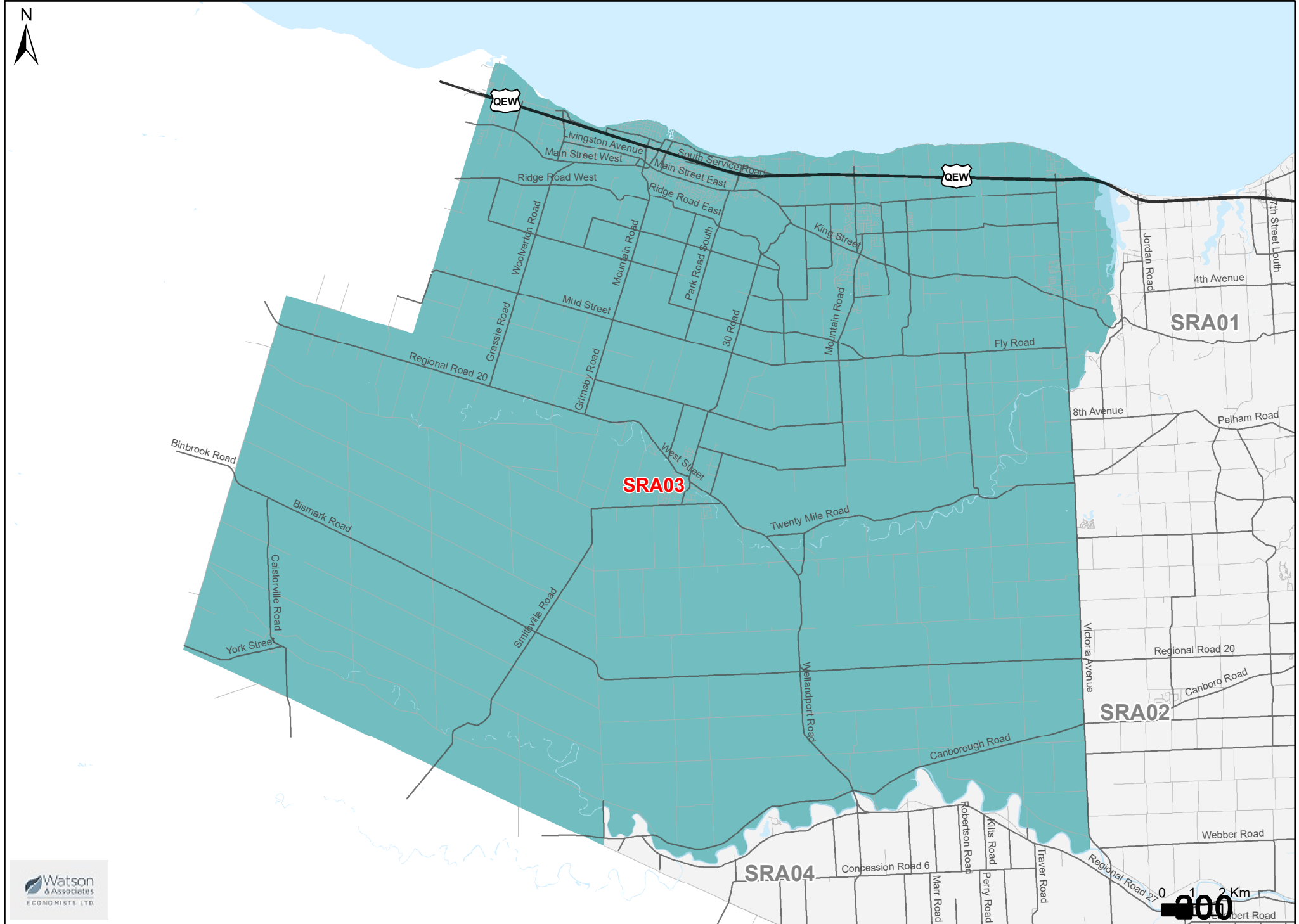
	15 Year Projections														
	Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035
	22	46	69	91	114	138	162	189	216	242	274	306	343	381	418

CALCULATION OF GROWTH-RELATED PUPIL PLACE REQUIREMENTS

1 Requirements of New Development (Pupil Places)	418
2 Available Pupil Places in Existing Facilities	925
3 Net Growth-Related Pupil Place Requirements (1-2)	-

NOTES

SRA03: Lincoln, West Lincoln, Grimsby



Niagara Catholic District School Board - Former Lincoln Portion By-Law
 Education Development Charges Submission 2019
 Form G - Growth-Related Net Education Land Costs

ELEMENTARY PANEL

Review Area	Site Status (Optioned, Purchased, Reserved, Etc.)	Proposed Year Of Acquisition	Site Location/ Facility Type	Net Growth- Related Pupil Place Requirements	Proposed School Capacity	Percent of Capacity Attributed to Net Growth- Related Pupil Place Requirements	Total Number of Acres Required (Footnote Oversized Sites)	Acreage To Be Funded in EDC By-Law Period	Cost Per Acre	Education Land Costs	Eligible Site Preparation Costs	Land Escalation Costs	Financing Costs	Total Education Land Costs
ERA04			Accommodated In Existing Facilities Or Through Additions/Temporary Space	41										
ERA09			Accommodated In Existing Facilities Or Through Additions/Temporary Space	191										
ERA11	Offer	2020	New School Or Addition (New Grimsby Elementary School Site)	501	501	100.00%	5.53	5.53	\$ -	\$ -	\$ 298,476		\$ 1,495,898	\$ 1,794,374
ERA11			Accommodated In Existing Facilities Or Through Additions/Temporary Space	64										
Total:				797	501		5.5	5.5		\$ -	\$ 298,476	\$ -	\$ 1,495,898	\$ 1,794,374

SECONDARY PANEL

Review Area	Site Status (Optioned, Purchased, Reserved, Etc.)	Proposed Year Of Acquisition	Facility Type	Net Growth- Related Pupil Place Requirements	Proposed School Capacity	Percent of Capacity Attributed to Net Growth- Related Pupil Place Requirements	Total Number of Acres Required (Footnote Oversized Sites)	Acreage To Be Funded in EDC By-Law Period	Cost Per Acre	Education Land Costs	Eligible Site Preparation Costs	Land Escalation Costs	Financing Costs	Total Education Land Costs
SRA03			Accommodated In Existing Facilities Or Through Additions/Temporary Space	366						\$ -				
Total:				366	-		0.00	0.00		\$ -	\$ -	\$ -	\$ -	\$ -

**Niagara Catholic District School Board - Former Lincoln Portion By-Law
 Education Development Charges Submission 2019
 Form H1 - EDC Calculation - Uniform Residential**

Determination of Total Growth-Related Net Education Land Costs

Total:	Education Land Costs (Form G)	\$	1,794,374
Add:	EDC Financial Obligations (Form A2)	\$	6,022,726
Subtotal:	Net Education Land Costs	\$	7,817,100
Subtotal:	Growth-Related Net Education Land Costs	\$	7,817,100
Add:	EDC Study Costs	\$	225,000
Total:	Growth-Related Net Education Land Costs	\$	8,042,100

Apportionment of Total Growth-Related Net Education Land Costs

Total Growth-Related Net Education Land Costs to be Attributed to Non-Residential Development (Maximum 40%)	0%	\$	-
Total Growth-Related Net Education Land Costs to be Attributed to Residential Development	100%	\$	8,042,100

Calculation of Uniform Residential Charge

Residential Growth-Related Net Education Land Costs	\$	8,042,100
Net New Dwelling Units (Form C)		19,240
Uniform Residential EDC per Dwelling Unit	\$	418

**Niagara Catholic District School Board - Former Lincoln Portion By-Law
 Education Development Charges Submission 2020
 Form H2 - EDC Calculation - Differentiated Residential (Part 1 of 2)**

Determination of Total Growth-Related Net Education Land Costs

Total:	Education Land Costs (Form G)	\$ 1,794,374
Add:	EDC Financial Obligations (Form A2)	\$ 6,022,726.00
Subtotal:	Net Education Land Costs	\$ 7,817,100
Subtotal:	Growth-Related Net Education Land Costs	\$ 7,817,100
Add:	EDC Study Costs	\$ 225,000.00
Total:	Growth-Related Net Education Land Costs	\$ 8,042,100

Apportionment of Total Growth-Related Net Education Land Costs

Total Growth-Related Net Education Land Costs to be Attributed to Non-Residential Development (Maximum 40%)	0%	\$ -
Total Growth-Related Net Education Land Costs to be Attributed to Residential Development	100%	\$ 8,042,100

Niagara Catholic District School Board - Former Lincoln Portion By-Law
 Education Development Charges Submission 2020
 Form H2 - EDC Calculation - Differentiated Residential (Part 2 of 2)

Residential Growth-Related Net Education Land Costs: \$ 8,042,100

Determination of Distribution of New Development:

Type of Development (Form B)	Net New Units (Form B & C)	15-Year Elementary Pupil Yield (Form E)	Elementary Gross Requirements of New Development	Distribution of Elementary Gross Requirements of New Development	15-Year Secondary Pupil Yield (Form E)	Secondary Gross Requirements of New Development	Distribution of Secondary Gross Requirements of New Development	Total Gross Requirements of New Development	Distribution Factor
Low Density	7,848	0.132	1,040	67.8%	0.064	502	64%	1,542	67%
Medium Density	5,565	0.063	351	22.9%	0.035	197	25%	548	24%
High Density	5,827	0.025	143	9.3%	0.015	85	11%	229	10%
Total	19,240	0.080	1,534	100%	0.041	784	100%	2,319	100%

Calculation of Differentiated Charge:

Type of Development (Form B)	Apportionment of Residential Net Education Land Cost By Development Type	Net New Units (Carried over from above)	Differentiated Residential EDC per Unit by Development Type
Low Density	\$ 5,348,486	7,848	\$ 682
Medium Density	\$ 1,900,760	5,565	\$ 342
High Density	\$ 792,854	5,827	\$ 136



**NCDSB EDC Forms
(Former Welland)**

Niagara Catholic District School Board - Former Welland Portion By-Law
 Education Development Charges Submission 2020
 Form A - Eligibility to Impose an EDC

A.1.1: CAPACITY TRIGGER CALCULATION - ELEMENTARY PANEL

Elementary Panel Board-Wide EDC Capacity	Projected Elementary Panel Enrolment - Jurisdiction Wide						Elementary Average Projected Enrolment less Capacity
	Year 1 2020/ 2021	Year 2 2021/ 2022	Year 3 2022/ 2023	Year 4 2023/ 2024	Year 5 2024/ 2025	Average Projected Enrolment Over Five Years	
16,870.0	14,169	14,197	14,236	14,372	14,571	14,309	-2,561

A.1.2: CAPACITY TRIGGER CALCULATION - SECONDARY PANEL

Secondary Panel Board-Wide EDC Capacity	Projected Secondary Panel Enrolment - Jurisdiction Wide						Secondary Projected Enrolment less Capacity
	Year 1 2020/ 2021	Year 2 2021/ 2022	Year 3 2022/ 2023	Year 4 2023/ 2024	Year 5 2024/ 2025	Average Projected Enrolment Over Five Years	
7,278.0	6,490	6,470	6,527	6,544	6,526	6,511	-767

A.2: EDC FINANCIAL OBLIGATIONS

Total Outstanding EDC Financial Obligations (Reserve Fund Balance):	-\$ 2,975,094
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**Niagara Catholic District School Board - Former Welland Portion By-Law
Education Development Charges Submission 2020
Form B - Dwelling Unit Summary**

PROJECTION OF GROSS NEW DWELLING UNITS BY ELEMENTARY EDC REVIEW AREA

	Year 1 2020/ 2021	Year 2 2021/ 2022	Year 3 2022/ 2023	Year 4 2023/ 2024	Year 5 2024/ 2025	Year 6 2025/ 2026	Year 7 2026/ 2027	Year 8 2027/ 2028	Year 9 2028/ 2029	Year 10 2029/ 2030	Year 11 2030/ 2031	Year 12 2031/ 2032	Year 13 2032/ 2033	Year 14 2033/ 2034	Year 15 2034/ 2035	Total All Units
Niagara Falls North																
Low Density	18	18	28	28	28	28	28	31	31	31	31	31	117	117	117	681
Medium Density	18	18	28	28	28	28	28	31	31	31	31	31	117	117	117	680
High Density	9	9	14	14	14	14	14	15	15	15	15	15	59	59	59	340
Total	44	44	69	69	69	69	69	77	77	77	77	77	293	293	293	1,700
Niagara Falls South																
Low Density	191	191	211	211	211	211	211	239	239	239	239	239	169	169	169	3,142
Medium Density	191	191	211	211	211	211	211	239	239	239	239	239	168	168	168	3,140
High Density	96	96	106	106	106	106	106	120	120	120	120	120	84	84	84	1,570
Total	478	478	528	528	528	528	528	598	598	598	598	598	421	421	421	7,852
Fort Erie																
Low Density	106	106	167	167	167	167	167	198	198	198	198	198	212	212	212	2,673
Medium Density	28	28	29	29	29	29	29	33	33	33	33	33	34	34	34	468
High Density	14	14	14	14	14	14	14	17	17	17	17	17	17	17	17	233
Total	148	148	210	210	210	210	210	248	248	248	248	248	263	263	263	3,374
Welland and Port Colborne East																
Low Density	24	24	58	58	58	58	58	65	65	65	65	65	57	57	57	833
Medium Density	21	21	44	44	44	44	44	50	50	50	50	50	25	25	25	587
High Density	10	10	22	22	22	22	22	25	25	25	25	25	12	12	12	294
Total	54	54	124	124	124	124	124	140	140	140	140	140	95	95	95	1,714
Welland and Port Colborne West																
Low Density	117	117	87	87	87	87	87	97	97	97	97	97	152	152	152	1,610
Medium Density	43	43	42	42	42	42	42	46	46	46	46	46	46	46	46	662
High Density	19	19	20	20	20	20	20	22	22	22	22	22	21	21	21	313
Total	179	179	148	148	148	148	148	166	166	166	166	166	219	219	219	2,586
Wainfleet																
Low Density	10	10	13	13	13	13	13	15	15	15	15	15	16	16	16	209
Medium Density	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
High Density	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	10	10	13	13	13	13	13	15	15	15	15	15	16	16	16	209
Pelham and Thorold																
Low Density	113	113	190	190	190	190	190	248	248	248	248	248	230	230	230	3,104
Medium Density	32	32	46	46	46	46	46	59	59	59	59	59	97	97	97	881
High Density	13	13	18	18	18	18	18	23	23	23	23	23	44	44	44	364
Total	159	159	253	253	253	253	253	331	331	331	331	331	371	371	371	4,349
Total Jurisdiction																
Low Density	579	579	753	753	753	753	753	894	894	894	894	894	953	953	953	12,253
Medium Density	332	332	399	399	399	399	399	459	459	459	459	459	488	488	488	6,418
High Density	161	161	194	194	194	194	194	222	222	222	222	222	237	237	237	3,113
Total	1,072	1,072	1,347	1,347	1,347	1,347	1,347	1,575	1,575	1,575	1,575	1,575	1,678	1,678	1,678	21,784

**Niagara Catholic District School Board - Former Welland Portion By-Law
 Education Development Charges Submission 2020
 Form C - Net New Dwelling Units - By-Law Summary**

Elementary Planning Review Areas	Number of Units
Niagara Falls North	1,700
Niagara Falls South	7,852
Fort Erie	3,374
Welland and Port Colborne East	1,714
Welland and Port Colborne West	2,586
Wainfleet	209
Pelham and Thorold	4,349
Grand Total Gross New Units In By-Law Area	21,784
Less: Statutorily Exempt Units In By-Law Area	436
Total Net New Units In By-Law Area	21,348

**Niagara Catholic District School Board - Former Welland Portion By-Law
 Education Development Charges Submission 2020
 Form D - Non-Residential Development**

D1 - Non-Residential Charge Based On Gross Floor Area (sq. ft.)

Total Estimated Non-Residential Board-Determined Gross Floor Area to be Constructed Over 15 Years From Date of By-Law Passage:	2,851,812
Less: Board-Determined Gross Floor Area From Exempt Development:	693,097
Net Estimated Board-Determined Gross Floor Area:	2,158,715

Niagara Catholic District School Board - Former Welland Portion By-Law

Education Development Charges Submission 2020

Form E - Growth Related Pupils - Elementary Panel

Elementary Planning Area	Dwelling Unit Type	Net New Units	Elementary Pupil Yield	Elementary Growth-Related Pupils
Niagara Falls North	Low Density	681	0.14	99
	Medium Density	633	0.05	33
	High Density	340	0.02	7
	Total	1,654	0.08	139
Niagara Falls South	Low Density	3,142	0.23	737
	Medium Density	2,927	0.08	235
	High Density	1,570	0.03	53
	Total	7,639	0.13	1,025
Fort Erie	Low Density	2,673	0.10	255
	Medium Density	436	0.06	27
	High Density	233	0.03	6
	Total	3,342	0.09	287
Welland and Port Colborne East	Low Density	833	0.09	74
	Medium Density	547	0.04	24
	High Density	294	0.02	6
	Total	1,674	0.06	104
Welland and Port Colborne West	Low Density	1,610	0.12	191
	Medium Density	617	0.06	37
	High Density	313	0.03	8
	Total	2,541	0.09	236
Wainfleet	Low Density	209	0.10	20
	Medium Density	-	0.00	-
	High Density	-	0.00	-
	Total	209	0.10	20
Pelham and Thorold	Low Density	3,104	0.10	299
	Medium Density	821	0.04	33
	High Density	364	0.02	6
	Total	4,289	0.08	338
SUBTOTAL:				2,149
LESS: Available Pupil Places:				1,276
NET GROWTH RELATED PUPILS:				874

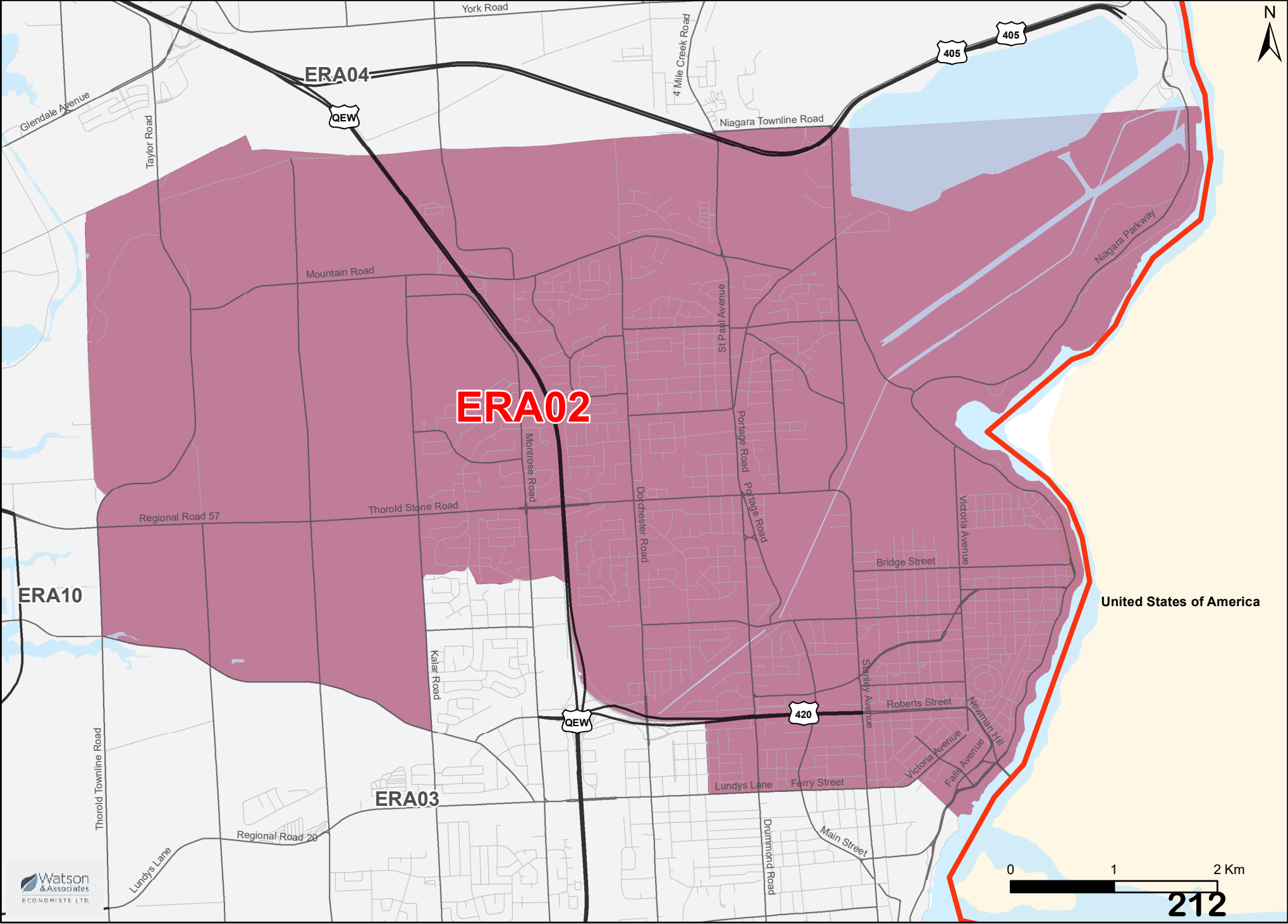
Niagara Catholic District School Board - Former Welland Portion By-Law

Education Development Charges Submission 2020

Form E - Growth Related Pupils - Secondary Panel

Secondary Planning Area	Dwelling Unit Type	Net New Units	Secondary Pupil Yield	Secondary Growth-Related Pupils
Pelham, Thorold, Niagara Falls, Welland	Low Density	8,324	0.05	445
	Medium Density	5,411	0.03	155
	High Density	2,817	0.01	28
	Total	16,552	0.04	628
Wainfleet, Port Colborne, Fort Erie	Low Density	3,929	0.04	159
	Medium Density	572	0.02	13
	High Density	296	0.01	4
	Total	4,797	0.04	175
SUBTOTAL:				804
LESS: Available Pupil Places:				390
NET GROWTH RELATED PUPILS:				414

ERA02: Niagara Falls North



ERA02

ERA10

ERA04

ERA03

United States of America

Niagara Catholic District School Board - Former Welland Portion By-Law
 Education Development Charges Submission 2020
 Form F - Growth Related Pupil Place Requirements

Panel: **Elementary Panel**
 Review Area: **ERA02: Niagara Falls North**

REQUIREMENTS OF EXISTING COMMUNITY

Existing Schools and Projects	Current OTG Capacity	Number of Temp Facilities	Current 2019/2020	15 Year Projections															
				Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035	
MARY WARD	400	2	419	407	419	419	409	419	408	416	417	412	413	417	414	412	405	397	
NOTRE DAME	259	3	305	321	341	349	362	369	375	378	384	383	383	383	383	383	383	383	
ST GABRIEL LALEMANT	236	0	150	147	144	140	140	140	133	131	126	124	113	113	111	109	106	103	
ST MARY, NIAGARA FALLS	236	0	208	201	199	194	186	180	178	172	176	169	160	160	158	155	152	149	
ST PATRICK, NIAGARA FALLS	305	0	165	157	162	158	158	158	163	165	169	171	169	168	166	164	162	160	
ST VINCENT DE PAUL, NIAGARA FALLS	331	0	228	220	214	220	232	246	256	265	268	278	285	290	292	291	287	283	
TOTAL:	1,767.0	5	1,475	1,453	1,478	1,478	1,487	1,512	1,513	1,527	1,540	1,538	1,523	1,531	1,526	1,514	1,496	1,475	
AVAILABLE PUPIL PLACES:																			292

REQUIREMENTS OF NEW DEVELOPMENT (CUMULATIVE)

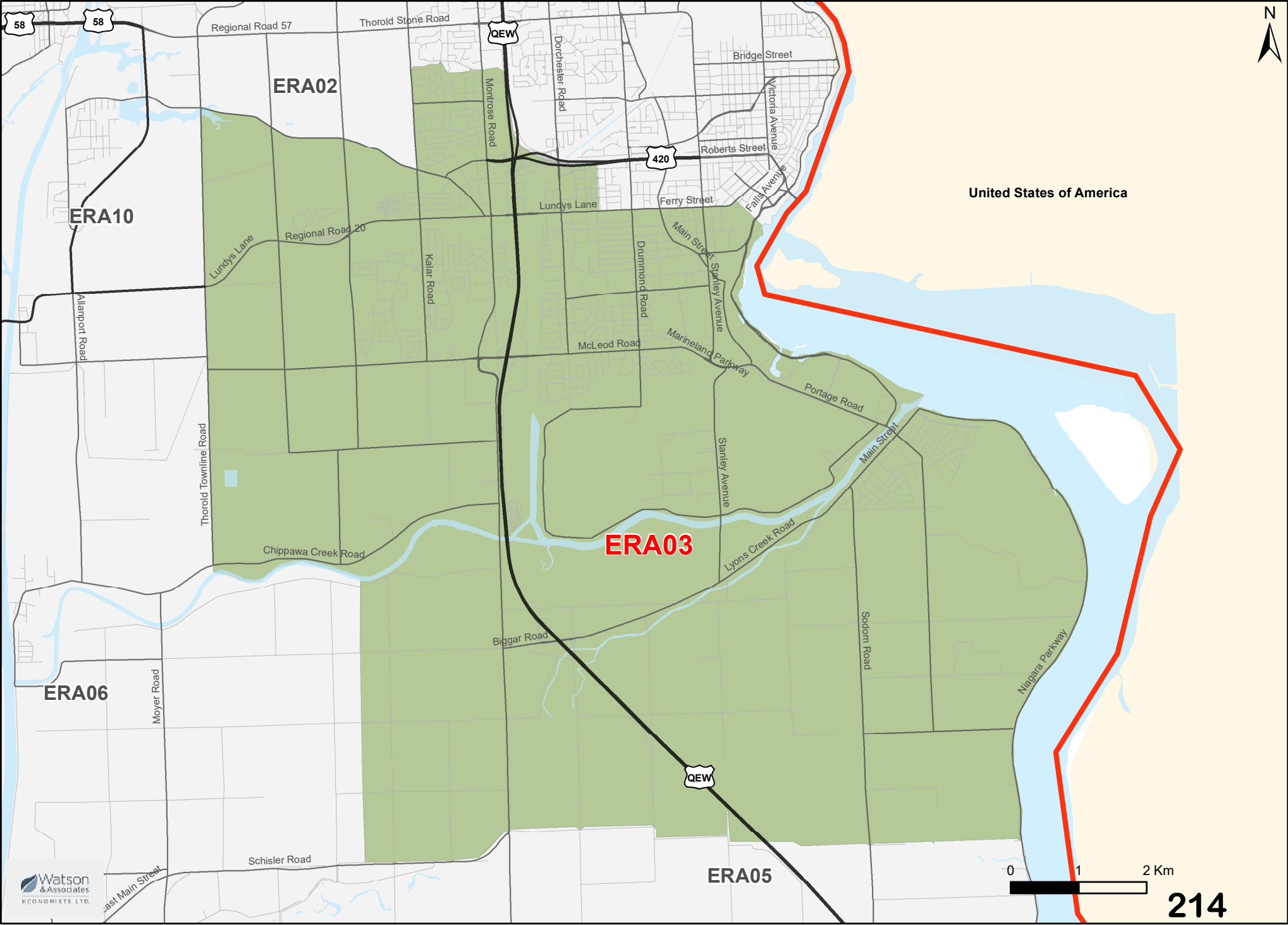
	15 Year Projections														
	Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035
	3	7	12	17	23	29	34	41	47	54	61	68	91	115	139

CALCULATION OF GROWTH-RELATED PUPIL PLACE REQUIREMENTS

Requirements of New Development (Pupil Places)	139
Available Pupil Places in Existing Facilities	292
Net Growth-Related Pupil Place Requirements (1-2)	0

NOTES

ERA03: Niagara Falls South



Niagara Catholic District School Board - Former Welland Portion By-Law
 Education Development Charges Submission 2020
 Form F - Growth Related Pupil Place Requirements

Panel: Elementary Panel
 Review Area: ERA03: Niagara Falls South

REQUIREMENTS OF EXISTING COMMUNITY

Existing Schools and Projects	Current OTG Capacity	Number of Temp Facilities	Current 2019/2020	15 Year Projections														
				Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035
CARDINAL NEWMAN	518	2	514	490	469	463	468	464	453	456	458	464	456	462	464	462	454	451
FATHER HENNEPIN	282	0	245	244	248	250	244	251	261	264	266	259	259	258	259	259	259	259
LORETTO CATHOLIC	392	8	516	489	466	430	401	378	357	335	325	325	328	330	329	329	329	328
OUR LADY OF MOUNT CARMEL	527	3	580	611	628	650	661	670	669	669	667	659	636	633	630	628	626	624
SACRED HEART	305	0	270	267	259	248	252	248	246	242	241	239	231	227	223	218	215	210
TOTAL:	2,024.0	13	2,125	2,100	2,071	2,041	2,025	2,011	1,985	1,966	1,956	1,945	1,911	1,911	1,906	1,896	1,883	1,873
AVAILABLE PUPIL PLACES:																		151

REQUIREMENTS OF NEW DEVELOPMENT (CUMULATIVE)

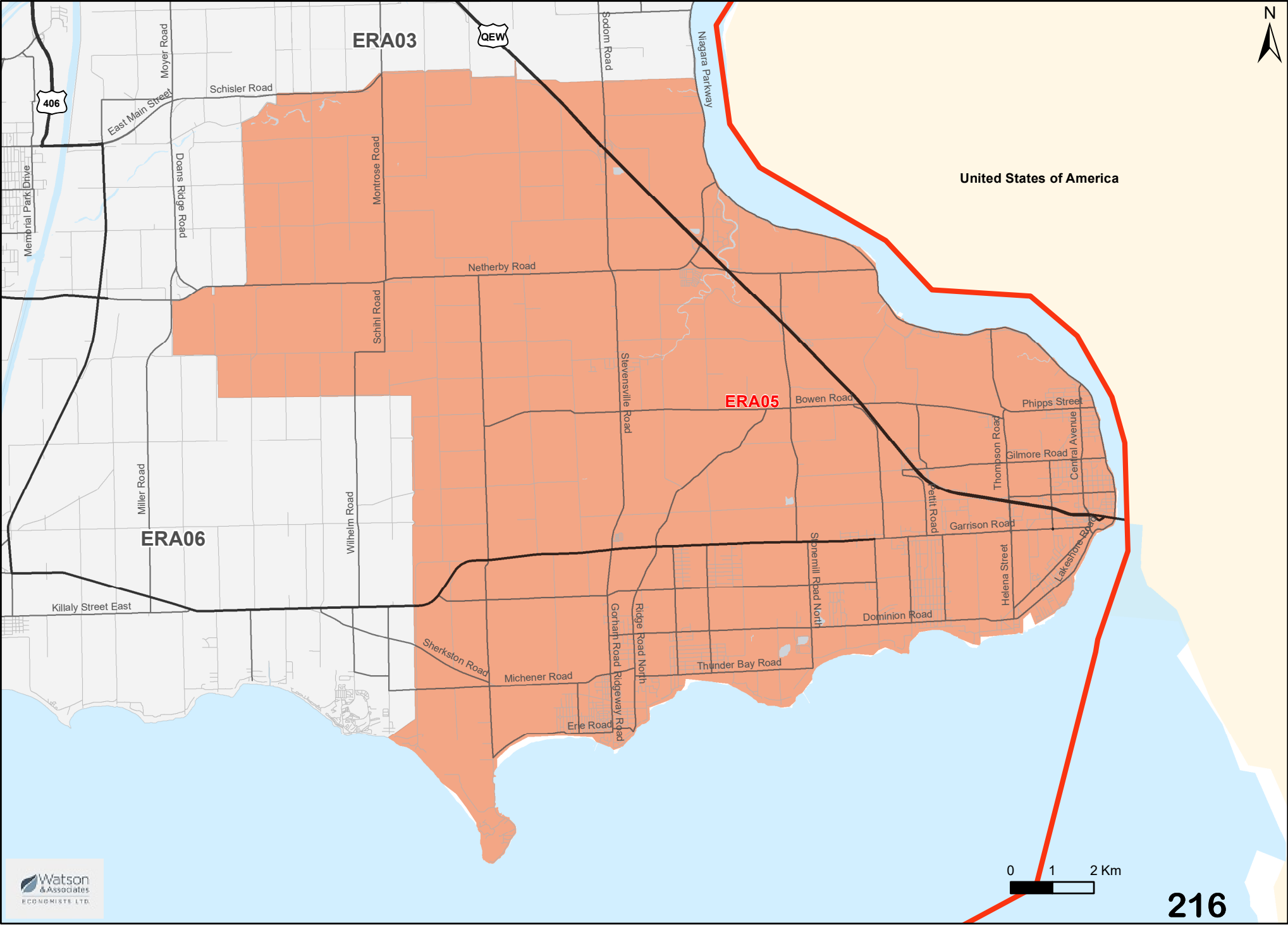
	15 Year Projections														
	Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035
	57	114	177	240	303	372	441	520	598	676	758	840	901	963	1025

CALCULATION OF GROWTH-RELATED PUPIL PLACE REQUIREMENTS

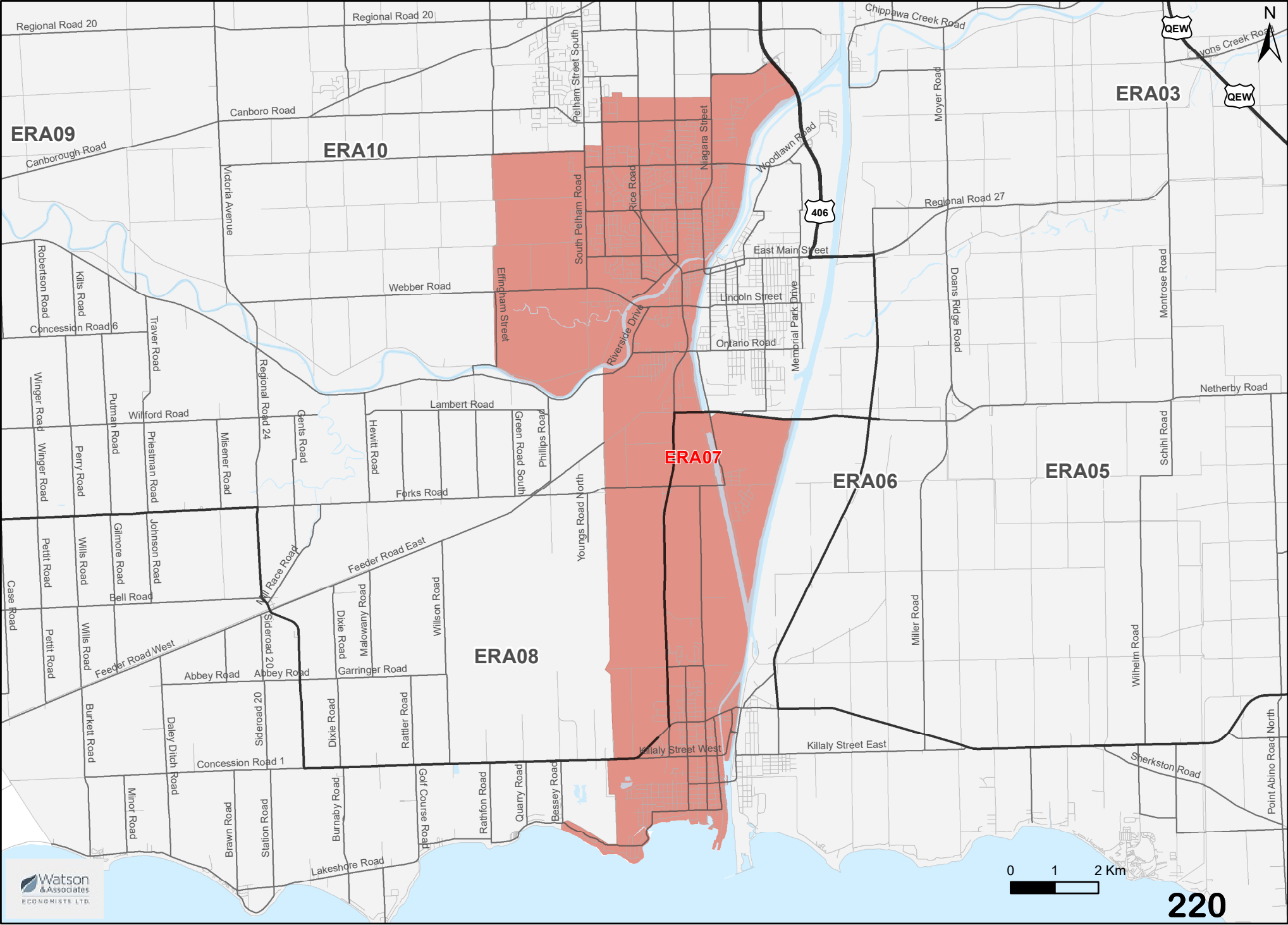
Requirements of New Development (Pupil Places)	1025
Available Pupil Places in Existing Facilities	151
Net Growth-Related Pupil Place Requirements (1-2)	874

NOTES

ERA05: Fort Erie



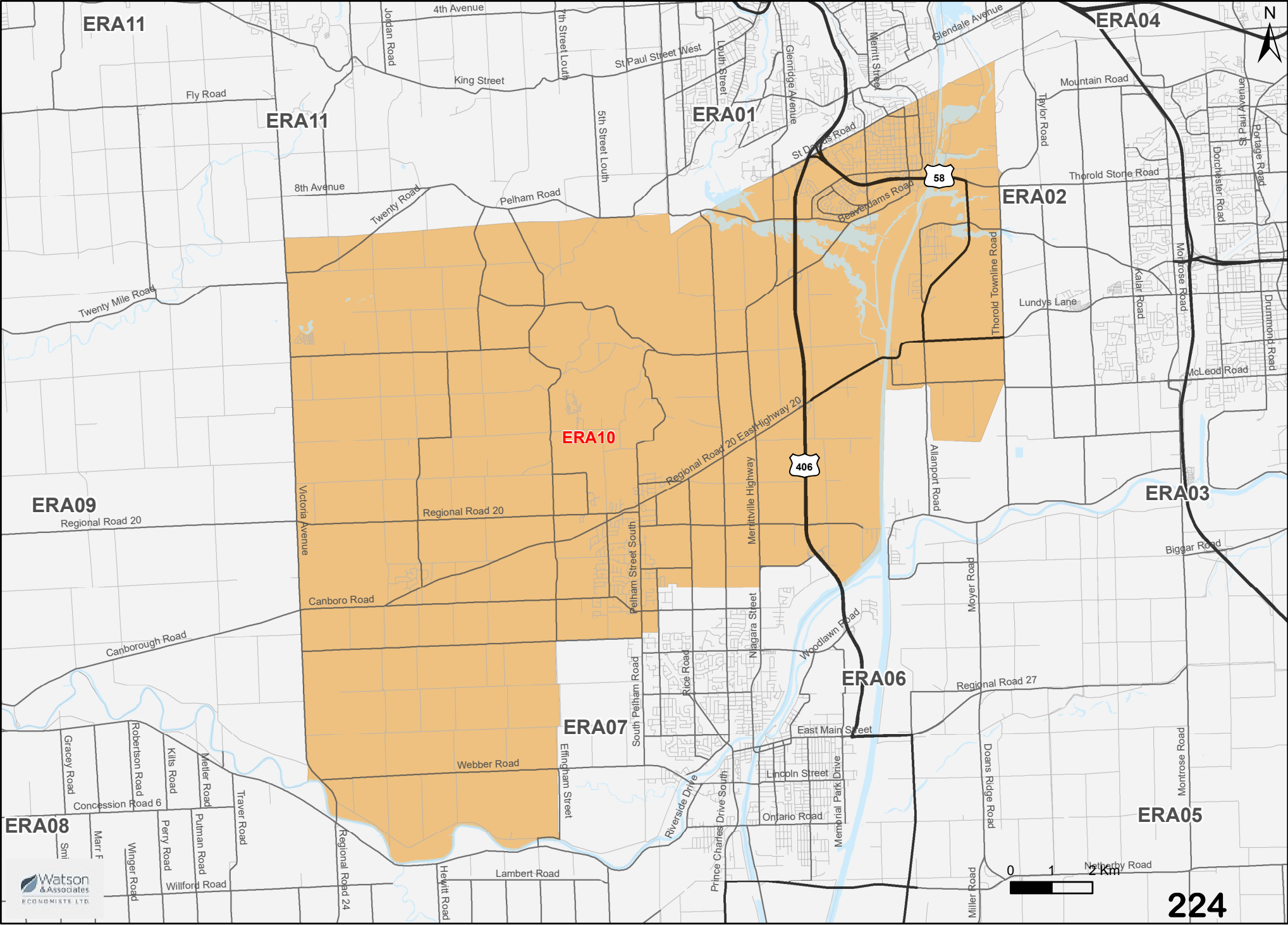
ERA07: Welland and Port Colborne West



ERA08: Wainfleet



ERA10: Pelham and Thorold



Niagara Catholic District School Board - Former Welland Portion By-Law
 Education Development Charges Submission 2020
 Form F - Growth Related Pupil Place Requirements

Panel: Elementary Panel
 Review Area: ERA10: Pelham and Thorold

REQUIREMENTS OF EXISTING COMMUNITY

Existing Schools and Projects	Current OTG Capacity	Number of Temp Facilities	Current 2019/2020	15 Year Projections														
				Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035
MONSIGNOR CLANCY	573	0	280	277	276	259	255	272	279	282	287	294	287	288	285	284	280	277
ST ALEXANDER	423	1	369	356	350	348	352	355	359	376	385	389	386	401	407	405	394	394
ST ANN, FENWICK	144	0	136	134	127	128	117	113	123	119	123	127	133	134	136	136	140	141
ST CHARLES	418	0	280	288	291	297	303	296	296	294	294	289	286	286	287	291	297	297
Students From St. Ann Out To Resident Area (ERA09, Lincoln By-law)				26	24	24	22	22	23	23	23	24	25	26	26	26	27	27
TOTAL:	1,558.0	1	1,065	1,030	1,019	1,007	1,005	1,014	1,035	1,048	1,066	1,074	1,066	1,083	1,088	1,090	1,084	1,082
AVAILABLE PUPIL PLACES:																		476

REQUIREMENTS OF NEW DEVELOPMENT (CUMULATIVE)

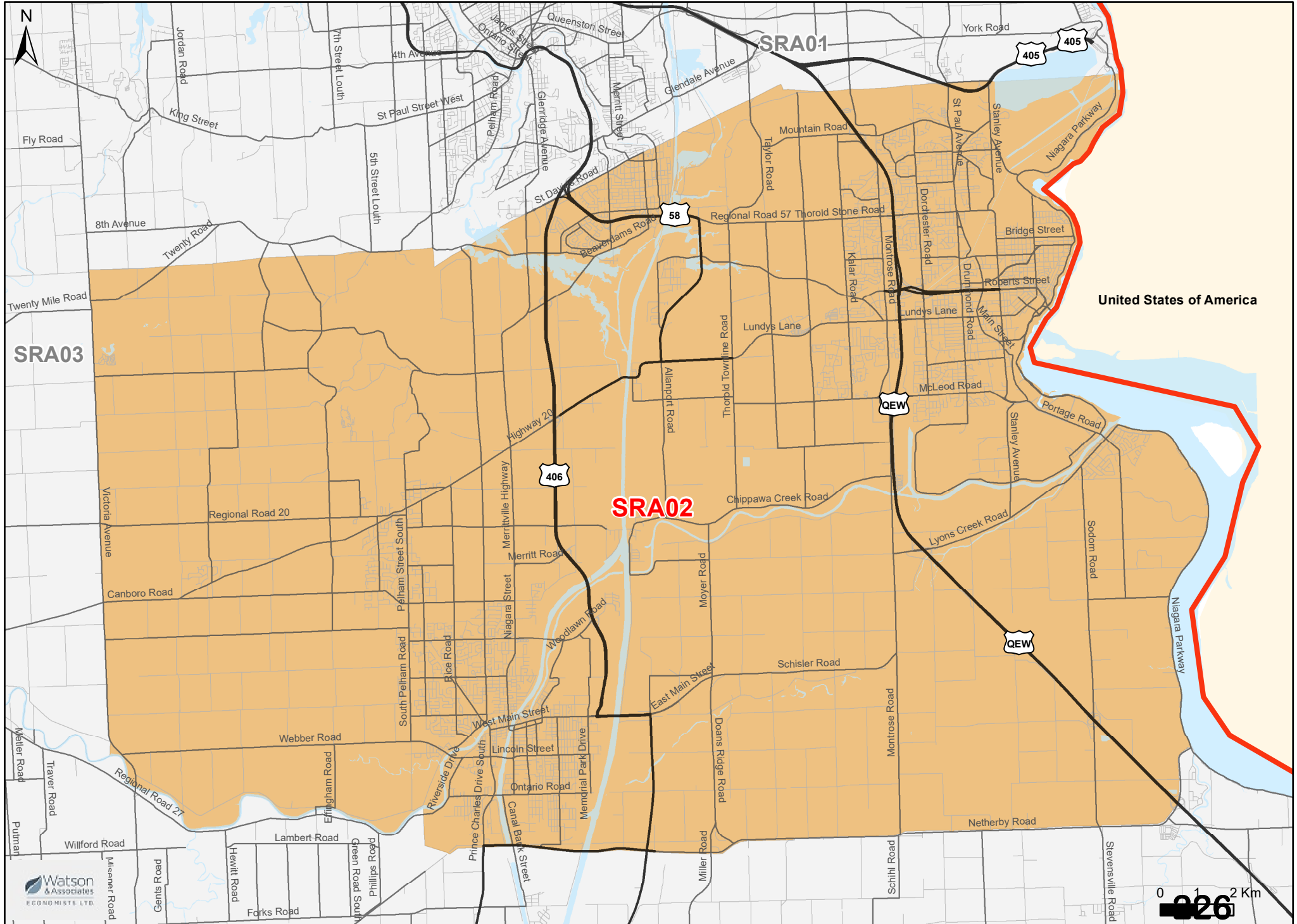
	15 Year Projections														
	Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035
	13	26	47	69	90	111	132	160	187	214	240	266	290	314	338

CALCULATION OF GROWTH-RELATED PUPIL PLACE REQUIREMENTS

Requirements of New Development (Pupil Places)	338
Available Pupil Places in Existing Facilities	476
Net Growth-Related Pupil Place Requirements (1-2)	0

NOTES

SRA02: Pelham, Thorold, Niagara Falls, Welland



Niagara Catholic District School Board - Former Welland Portion By-Law
 Education Development Charges Submission 2020
 Form F - Growth Related Pupil Place Requirements

Panel: **Secondary Panel**
 Review Area: **SRA02 Pelham, Thorold, Niagara Falls, Welland**

REQUIREMENTS OF EXISTING COMMUNITY

Existing Schools and Projects	Current OTG Capacity	Number of Temp Facilities	Current 2019/2020	15 Year Projections														
				Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035
SAINT PAUL HS	795.0	1	651	594	567	573	586	550	569	552	544	557	557	554	560	569	557	577
NOTRE DAME CS	1,038.0	7	1,042	1,041	1,024	1,007	988	974	948	924	910	898	889	877	892	889	899	924
SAINT MICHAEL HS	954.0	3	983	961	937	936	904	923	938	934	925	931	943	911	897	882	848	850
Students From Denis Morris In To Resident Area				258	248	244	248	239	239	227	225	224	220	215	216	217	218	222
TOTAL:	2,787.0	11	2,676	2,854	2,776	2,760	2,727	2,687	2,694	2,636	2,603	2,610	2,609	2,556	2,565	2,557	2,522	2,573
AVAILABLE PUPIL PLACES:																		214

REQUIREMENTS OF NEW DEVELOPMENT (CUMULATIVE)

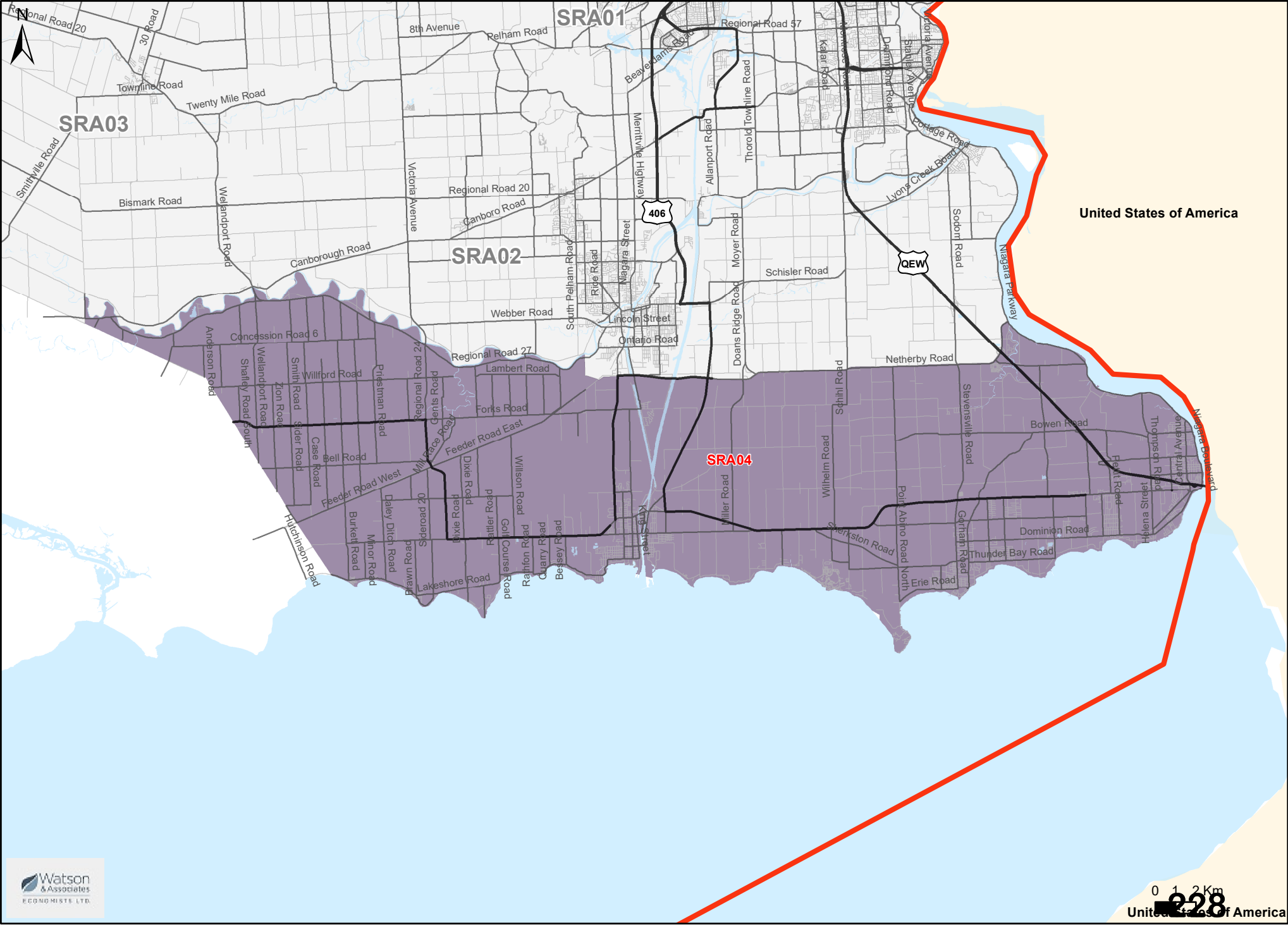
	15 Year Projections														
	Year 1 2020/2021	Year 2 2021/2022	Year 3 2022/2023	Year 4 2023/2024	Year 5 2024/2025	Year 6 2025/2026	Year 7 2026/2027	Year 8 2027/2028	Year 9 2028/2029	Year 10 2029/2030	Year 11 2030/2031	Year 12 2031/2032	Year 13 2032/2033	Year 14 2033/2034	Year 15 2034/2035
	22	45	72	101	130	175	219	272	325	377	426	475	526	577	628

CALCULATION OF GROWTH-RELATED PUPIL PLACE REQUIREMENTS

1 Requirements of New Development (Pupil Places)	628
2 Available Pupil Places in Existing Facilities	214
3 Net Growth-Related Pupil Place Requirements (1-2)	414

NOTES

SRA04: Wainfleet, Port Colborne, Fort Erie



Niagara Catholic District School Board - Former Welland Portion By-Law
 Education Development Charges Submission 2019
 Form G - Growth-Related Net Education Land Costs

ELEMENTARY PANEL

Review Area	Site Status (Optioned, Purchased, Reserved, Etc.)	Proposed Year Of Acquisition	Site Location/ Facility Type	Net Growth-Related Pupil Place Requirements	Proposed School Capacity	Percent of Capacity Attributed to Net Growth-Related Pupil Place Requirements	Total Number of Acres Required (Footnote Oversized Sites)	Acreage To Be Funded in EDC By-Law Period	Cost Per Acre	Education Land Costs ¹	Eligible Site Preparation Costs	Land Escalation Costs	Financing Costs	Total Education Land Costs
ERA03	Offer	2020	New School	450	450	100.00%	5.00	5.00	\$ -	\$ -	\$ 269,870	\$ -	\$ 472,630	\$ 742,500
ERA03	TBD	2026	New School	424	450	94.22%	5.00	4.71	\$ 700,000	\$ 3,446,916	\$ 305,061	\$ 0	\$ 472,630	\$ 4,224,607
Total:				874	900		10.0	9.7		\$ 3,446,916	\$ 574,931	\$ 0	\$ 945,260	\$ 4,967,107

SECONDARY PANEL

Review Area	Site Status (Optioned, Purchased, Reserved, Etc.)	Proposed Year Of Acquisition	Facility Type	Net Growth-Related Pupil Place Requirements	Proposed School Capacity	Percent of Capacity Attributed to Net Growth-Related Pupil Place Requirements	Total Number of Acres Required (Footnote Oversized Sites)	Acreage To Be Funded in EDC By-Law Period	Cost Per Acre	Education Land Costs ¹	Eligible Site Preparation Costs	Land Escalation Costs	Financing Costs	Total Education Land Costs
SRA02			Accommodated In Existing Facilities Or Through Additions/Temporary Space	414						\$ -	\$ -	\$ -		
Total:				414	-		0.00	0.00		\$ -	\$ -	\$ -	\$ -	\$ -

¹ Includes Land Transfer Tax and HST

**Niagara Catholic District School Board - Former Welland Portion By-Law
 Education Development Charges Submission 2019
 Form H1 - EDC Calculation - Uniform Residential**

Determination of Total Growth-Related Net Education Land Costs

Total:	Education Land Costs (Form G)	\$	4,967,107
Add:	EDC Financial Obligations (Form A2)	\$	2,975,094
Subtotal:	Net Education Land Costs	\$	7,942,201
Subtotal:	Growth-Related Net Education Land Costs	\$	7,942,201
Add:	EDC Study Costs	\$	225,000
Total:	Growth-Related Net Education Land Costs	\$	8,167,201

Apportionment of Total Growth-Related Net Education Land Costs

Total Growth-Related Net Education Land Costs to be Attributed to Non-Residential Development (Maximum 40%)	0%	\$	-
Total Growth-Related Net Education Land Costs to be Attributed to Residential Development	100%	\$	8,167,201

Calculation of Uniform Residential Charge

Residential Growth-Related Net Education Land Costs	\$	8,167,201
Net New Dwelling Units (Form C)		21,348
Uniform Residential EDC per Dwelling Unit	\$	383

**Niagara Catholic District School Board - Former Welland Portion By-Law
 Education Development Charges Submission 2020
 Form H2 - EDC Calculation - Differentiated Residential (Part 1 of 2)**

Determination of Total Growth-Related Net Education Land Costs

Total:	Education Land Costs (Form G)	\$ 4,967,107
Add:	EDC Financial Obligations (Form A2)	\$ 2,975,094.00
Subtotal:	Net Education Land Costs	\$ 7,942,201
Subtotal:	Growth-Related Net Education Land Costs	\$ 7,942,201
Add:	EDC Study Costs	\$ 225,000.00
Total:	Growth-Related Net Education Land Costs	\$ 8,167,201

Apportionment of Total Growth-Related Net Education Land Costs

Total Growth-Related Net Education Land Costs to be Attributed to Non-Residential Development (Maximum 40%)	0%	\$ -
Total Growth-Related Net Education Land Costs to be Attributed to Residential Development	100%	\$ 8,167,201

Niagara Catholic District School Board - Former Welland Portion By-Law
 Education Development Charges Submission 2020
 Form H2 - EDC Calculation - Differentiated Residential (Part 2 of 2)

Residential Growth-Related Net Education Land Costs: \$ 8,167,201

Determination of Distribution of New Development:

Type of Development (Form B)	Net New Units (Form B & C)	15-Year Elementary Pupil Yield (Form E)	Elementary Gross Requirements of New Development	Distribution of Elementary Gross Requirements of New Development	15-Year Secondary Pupil Yield (Form E)	Secondary Gross Requirements of New Development	Distribution of Secondary Gross Requirements of New Development	Total Gross Requirements of New Development	Distribution Factor
Low Density	12,253	0.137	1,675	77.9%	0.049	604	75%	2,279	77%
Medium Density	5,982	0.065	389	18.1%	0.028	167	21%	557	19%
High Density	3,113	0.027	85	4.0%	0.010	32	4%	117	4%
Total	21,348	0.101	2,149	100%	0.038	804	100%	2,953	100%

Calculation of Differentiated Charge:

Type of Development (Form B)	Apportionment of Residential Net Education Land Cost By Development Type	Net New Units (Carried over from above)	Differentiated Residential EDC per Unit by Development Type
Low Density	\$ 6,304,129	12,253	\$ 515
Medium Density	\$ 1,539,558	5,982	\$ 257
High Density	\$ 323,515	3,113	\$ 104

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July 8, 2020

City of Port Colborne Council
Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8

Attention: Ms Amber LaPointe, City Clerk

Dear Mayor and Council

Re: Sidewalk Contract 2020 – 12

We are writing in response to the hand-delivered Notices that were delivered on Friday, June 26, 2020 to all of those who will be directly impacted by the above-noted sidewalk contract. As we have already expressed to our Ward 1 Councillors as well as the City Engineering staff to whom we were directed for correspondence, we are shocked and very disappointed with the lack of communication, lack of notice and lack of community engagement offered to the 13 impacted families, most of whom are long-term residents in the neighbourhood.

Our most significant concerns are:

- We are highly concerned with the **lack of engagement** of community members prior to the project and the last-minute notice of the planned work. We have had the opportunity to give input on many other decisions that have impacted our neighbourhood in the past. The last-minute delivery of notices to a very small number of people without the opportunity to ask questions or provide input is disappointing. The information that we are receiving, in response to our questions, also seems to be quite variable. Each member of City staff or Council that is responding to our concerns seems to have a small piece of information, but the timeline of events and decision-making process is not clear nor understood by all to be the same. This is not the transparency or engagement we would expect from the City and are very disappointed as long-time taxpayers.
- We have **not yet seen a plan** or diagram that fully outlines the project, **or a firm start date**. The information we are receiving from a variety of sources, including neighbours who have asked for details, is not consistent. The location of the sidewalk, the start date of the project, the plans for the sidewalk to work around existing impediments and the **liability issues** related to being a homeowner with a sidewalk for which we are responsible, have not been clearly outlined to any of the property owners who have sought information.
- **Safety** remains a concern for us. If the sidewalk is to be installed around existing impediments, the path will not be linear which does not promote an accessible and pedestrian or wheelchair-friendly environment. The lighting along the street is on the south side which means the sidewalk will not be well lit, particularly in the winter when daylight hours are shorter. There are areas along Stanley Street where the lighting is impeded by large trees, which will again make the sidewalk less visible and safe. The traffic flow along the newly extended Stanley Street remains a significant safety concern. Pedestrians may not be as cautious as they need to be at intersections, when they are using a sidewalk, and cars are travelling faster than the allowable limit along Stanley Street and not stopping fully at existing stop signs at cross streets, where present. We have not seen the plans for the sidewalk in the Westwood Phase II extension. There is a risk, if the sidewalk at the West end of the project (between Westwood Phase I and Phase II) is installed on the South side of the street, that pedestrians will be crossing mid-block through traffic, which represents a significant risk. This crossing mid-block is also a concern at the Stanley Street entrance to Sunset Park. Many users of the park, park their vehicles on Stanley Street along both sides of the street. We are concerned about the risk associated with people (especially young children) darting out between the parked cars to go into the park.

- It is our understanding that this sidewalk project was first proposed back in 2017. Further, at that time, the **proposed link was along Clarence Street** – which assumingly was to provide a safe walkway for the children to get to school – St Patricks, Steele Street and Port Colborne High Schools. We have been advised that at that time, “council received push back from the residents and granted the developer relief from that requirement”. We question how the priority for this project has been moved from Clarence Street to Stanley Street. Clarence Street would capture more students heading to school than will a Stanley Street sidewalk. We have asked for staff to provide us with a copy of the accompanying report that went to Council at that time but have been told that there wasn’t a formal report prepared at that time. We would ask Council to consider whether a capital expenditure of this magnitude (and long-lasting impact) warrants a staff report that assists the Council arriving at the best possible decision for the taxpayers.
- We are **unaware of the timeline** to complete the sidewalk in the **Westwood Phase II** extension. The current city-installed sidewalk will end at the end of our (Walker/Bell) property which abuts an empty lot. It may be several years before this lot, and the rest of the subdivision, is complete and sidewalks are installed in the new build zone. Until then we will face a “sidewalk to nowhere”. Pedestrians are less likely to use a path that leads to an empty lot and would be better to transition at a street corner to walking along the side of the road rather than mid-block or walking across an uncleared and undeveloped lot.

We would respectfully request, at a minimum, that we are given a **detailed plan of the sidewalk installation** as it is planned and drawings outlining where the sidewalk will be in the Westwood Phase II extension as well as a timeline of the Phase II sidewalk installation that will complete the sidewalk along the length of Stanley Street. We feel the priority should be the traffic calming along Stanley (and Clarence) Streets and would ask for a specific timeline of the traffic study that will be conducted and the decision-making process by Council. This needs to occur as part of the sidewalk installation which should all be under the umbrella of increased pedestrian accessibility and safety in the neighbourhood.

We have been advised by City staff that “the abutting property owners will realize no associated costs from this project”. As only 4 of the 13 impacted properties are within the Westwood Estates development, can we assume that the City taxpayers will be funding the sidewalks for the 9 non-Westwood Estates property owners? Further, we would request that council confirm to us in writing that there will be no increased tax assessments to us as a result of this sidewalk. The other issue that a number of the property owners have is that they are no longer able to clear their own snow. Many are retired and are away from their homes for extended periods during the winter. Snow removal for the sidewalks will come at a cost to the homeowners and we will all face personal liability if someone is injured on the sidewalk outside our homes. Council should also be made aware that 9 of the 13 impacted properties (the non-Westwood Estates residences) have been there in excess of 38 years, without any sidewalks. Further, at least 4 of the 13 properties are having the new sidewalks on their side yards – and they will be responsible for maintenance, snow removal being the biggest concern, of over 140 feet of sidewalk that most will never use. As a result, we respectfully request that the City provide snow clearing for these new sidewalks. Failure to provide this service would go against the staff promise that we will have “no associated costs from this project”.

Our specific ask is that the construction be delayed until the 13 impacted households (and any other community members) are able to have an open meeting where City staff review the plans in detail including future plans for Westwood Phase II sidewalks. We would also ask that a member of the City Planning staff review, with those in attendance, the decision making progress that went into this project. We would expect that they would be available to answer our questions about cost, liability, safety issues, etc. Having our Ward I Councillors present at such a meeting would be helpful.

In closing, we are very proud to be members of the Port Colborne community and wish to keep our neighbourhood the safe and cohesive community it has traditionally been.

Sincerely,



Barclay Walker



Dr. Amanda Bell
Regional Assistant Dean
Niagara Regional Campus
Michael G. DeGroot School of Medicine
McMaster University



Terry Suess, FCPA, FCA
Partner
Durward Jones Barkwell
& Company LLP

cc: All eleven other impacted property owners

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City of Welland
Corporate Services
Office of the City Clerk
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2159 | **Fax:** 905-732-1919
Email: clerk@welland.ca | www.welland.ca

June 26, 2020

File No. 18-87

SENT VIA EMAIL

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

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

Re: June 16, 2020 – WELLAND CITY COUNCIL

At its meeting of June 16, 2020, Welland City Council passed the following motion:

**“WHEREAS the residents of Ward 1 and Ward 2 been exposed to continuous nuisance odour and light management control issues from a cannabis facility in the neighbouring municipality of Pelham; and further
WHEREAS the approval process for licensing these facilities has not been adequate in managing the nuisance odour and light emissions; and further
WHEREAS the impact residents have long been patient and accommodating while this business attempts to get the emissions under control and it is increasingly impacting their quality of life; and further
WHEREAS the facility falls outside of our jurisdiction where our by-laws do not apply
The City of Welland.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to work with Niagara Region and the LAMs in a collaborative manner to create resolutions to present to the Federation of Canadian Municipalities in an effort to effect change in the approval process and hold existing facilities accountable for their odour and light emissions; and further
THAT a copy of this motion be forwarded to Niagara Region, area municipalities, MP, MPPs and AMO for support.”**

Yours truly,

Tara Stephens
City Clerk

TS:jm

c.c.: Sent via email
Vance Badawey, MP, Niagara Centre
Jeff Burch, MPP, Niagara Centre
Association of Municipalities of Ontario
Niagara Regional Municipalities

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**City of Port Colborne
Regular Council Meeting 15-20
Minutes**

- Date:** June 22, 2020
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor (via Zoom)
E. Beauregard, Councillor (via Zoom)
R. Bodner, Councillor (via Zoom)
G. Bruno, Councillor (via Zoom)
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor (via Zoom)
D. Kalailieff, Councillor (via Zoom)
W. Steele, Mayor (presiding officer)
H. Wells, Councillor (via Zoom)
- Staff Present:** D. Aquilina, Director of Planning and Development Department (via Zoom)
B. Boles, Director of Corporate Services (via Zoom)
A. Grigg, Director of Community and Economic Development (via Zoom)
C. Lee, Director of Engineering and Operations (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk
N. Halasz, Manager of Parks and Recreation (via Zoom)
A. Vander Veen, Drainage Superintendent (via Zoom)

Also in attendance was one member of WeeStream.

1. Call to Order:

Mayor Steele called the meeting to order and then proceeded into Roll Call.

Mayor Steele delivered his Mayor's Report, a copy of which is attached.

Regional Councillor Butters reported to Council on various items that were brought forth at the recent Regional Standing Committee meetings, including the development of Open Niagara, the Woodland By-law, and a report regarding the election of the Regional Chair. Councillor Butters concluded her report by encouraging residents to maintain social distancing and to follow the news provided on the Region of Niagara's website with respect to COVID-19.

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Item 1, 5, 6, 7, 8, and 10.

7. Approval of Items Not Requiring Separate Discussion:

No. 94 Moved by Councillor A. Desmarais
Seconded by Councillor E. Beaugard

That Items 1 to 11 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. Engineering and Operations Department, Engineering Division, Report 2020-73, Subject: Michener Municipal Drain

Council Resolved:

That Engineering and Operations Department, Engineering Division, Report No. 2020-73, Subject: Michener Municipal Drain, be received for information; and

That staff be directed to advance the Michener Municipal Drain Engineer's Report to a Meeting to Consider, as per section 41, Chapter D. 17 of the *Drainage Act*.

3. Engineering and Operations Department, Engineering Division, Report 2020-74, Subject: Billing of the Beaver Dam Municipal Drain Maintenance

Council Resolved:

That Council of the City of Port Colborne receives Engineering and Operations Department, Engineering Division, Report No. 2020-74, Subject: Billing of the Beaver Dam Municipal Drain Maintenance; and

That the billings for the Beaver Dam Drain be billed in accordance with the *Drainage Act, R.S.O., 1990*, as detailed in the attached assessment schedule.

That Planning and Development Department Report No. 2020-77, Subject: Public Information Report – Proposed Closing of a portion of Carl Road, be received for information.

CARRIED

5. Planning and Development Department, Report 2020-39, Subject: Sale of Vacant Land, Part Lot 26, Concession 2

No. 96

Moved by Councillor D. Kalailieff
Seconded by Councillor A. Desmarais

That Council declares Part Lot 26, Concession 2 as surplus to the City's needs; and

That the City enters into an Agreement of Purchase and Sale with Denny Brochu and Amelia Wade for the purchase price of \$6,500 plus HST; and

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

Moved in deferral by Councillor D. Kalailieff
Seconded by Councillor A. Desmarais

That consideration of Planning and Development Department Report 2020-39, Subject: Sale of Vacant Land, Part Lot 26, Concession 2 be deferred to the July 27 regular Council meeting.

CARRIED

6. Planning and Development Department, Report 2020-38, Subject: Short Term Rentals

No. 97

Moved by Councillor H. Wells
Seconded by Councillor R. Bodner

That Planning and Development Department Report No. 2020-38, Subject: Short Term Rentals be received for information.

Moved in referral by Councillor R. Bodner
Seconded by Councillor H. Wells

That Planning and Development Department Report 2020-38, Subject: Short Term Rentals be referred to the Director of Planning and Development and the City Clerk in order to research best practices and regulations from other municipalities in the Niagara Region.

CARRIED

7. Corporate Services Department, Report 2020-79, Subject: COVID-19 Property Tax, Water and Wastewater Penalty and Interest Relief Program

No. 98

Moved by Councillor G. Bruno
Seconded by Councillor A. Desmarais

That Corporate Services Department Report 2020-79, COVID-19 Property Tax, Water and Wastewater Penalty and Interest Relief Program be received; and

That the Director of Corporate Services be given delegated authority until October 30, 2020 to provide interest and penalties relief in accordance with Report 2020-79; and

That By-law 6746/110/19, 3151/22/95, and 3424/6/97 be amended by Council and signed by the Mayor and City Clerk.

Moved in amendment by Councillor G. Bruno
Seconded by Councillor A. Desmarais

That the main motion be amended by adding the following as the third paragraph:

“That eligible person(s) whose property tax and/or water and wastewater accounts for which they are applying for relief were in arrears as of December 31, 2019 still be eligible to apply for interest and penalty relief for the period of July 1, 2020 until October 30, 2020; and”

CARRIED

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

That Corporate Services Department Report 2020-79, COVID-19 Property Tax, Water and Wastewater Penalty and Interest Relief Program be received; and

That the Director of Corporate Services be given delegated authority until October 30, 2020 to provide interest and penalties relief in accordance with Report 2020-79; and

That eligible person(s) whose property tax and/or water and wastewater accounts for which they are applying for relief were in arrears as of December 31, 2019 still be eligible to apply for interest and penalty relief for the period of July 1, 2020 until October 30, 2020; and

That By-law 6746/110/19, 3151/22/95, and 3424/6/97 be amended by Council and signed by the Mayor and City Clerk.

CARRIED

8. Chief Administrative Officer Department, Report 2020-82, Subject: COVID-19 Update #3

No. 99

Moved by Councillor M. Bagu
Seconded by Councillor A. Desmarais

That Chief Administrative Officer Report No. 2020-82, Subject: COVID-19 Update #3, be received for information; and

That the Chief Administrative Officer be directed to arrange for the Port Colborne Community Bus to resume service on June 29, 2020 on a reduced schedule.

Moved in amendment by Councillor G. Bruno
Seconded by Councillor R. Bodner

That the main motion be amended by adding the following as the second paragraph:

“That the Spray Pad at H.H. Knoll Lakeview Park open to the public when the Public Health tests are completed and satisfactory results have been received; and”

CARRIED

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

That Chief Administrative Officer Report No. 2020-82, Subject: COVID-19 Update #3, be received for information; and

That the Spray Pad at H.H. Knoll Lakeview Park open to the public when the Public Health tests are completed and satisfactory results have been received; and

That the Chief Administrative Officer be directed to arrange for the Port Colborne Community Bus to resume service on June 29, 2020 on a reduced schedule.

CARRIED

10. Community and Economic Development Department, Parks and Recreation Division, Report 2020-81, Subject: Concrete Resurfacing – Vale Health and Wellness Centre Capital Improvement

No. 100

Moved by Councillor G. Bruno
Seconded by Councillor M. Bagu

That the Parks and Recreation Division and Facility Maintenance Division be authorized to proceed with the concrete floor resurfacing in common areas, and in Rinks 1 and 2 at the Vale Health and Wellness Centre, as outlined in Community and Economic Development, Parks and Recreation Division Report 2020-81; and

That the project funded through the postponement of other Parks and Recreation Division capital projects previously approved for 2020 but put on hold as a result of COVID-19 (totalling \$98,586), with the remaining funds allocated from capital reserve; and

That in the event no company can meet the timeline and approved dollar figure Staff identify the projects listed for postponement will remain funded as previously approved; and

That the Chief Administrative Officer, Director of Engineering and Operations and Treasurer be authorized to award the project with a budget upset limit of \$119,000.

CARRIED

9. Proclamations:

None.

10. Minutes of Boards, Commissions & Committees:

None.

11. Councillors' Items:**Staff Responses to Previous Councillors' Enquiries****(a) Drainage Issues on Barrick Road (Lee)**

The Director of Engineering and Operations informed Council that staff have been in discussions with the St. Lawrence Seaway with respect to the drainage issues on Barrick Road and are hoping to propose a solution to Council in the near future.

Councillors' Issues/Enquiries**(a) Status of Revisions to Firearms and Noise By-laws (Wells)**

In response to Councillors Wells' request for an update on the revisions to the Firearms and Noise By-laws, the City Clerk indicated that a report with proposed revisions would be brought forth to Council in the near future.

(b) Drainage Issues on Maplevue Crescent (Wells)

In response to Councillor Wells' inquiry with respect to drainage issues occurring on Maplevue Crescent, the Director of Engineering and Operations confirmed that staff have done some initial research on the drainage in this area and multiple investigations are being conducted, one of the investigations being an extension of the municipal drain into the back lots of the parcels on Maplevue Crescent.

(c) Storm Sewer Fees (Wells)

Councillor Wells reported to Council that some residents have expressed concern regarding the breakdown of storm sewer fees on their tax bills. The Director of Engineering and Operations informed Council that staff will be preparing an informational report with respect to the processes of how these fees get calculated and what they are used for. The Director of Corporate Services indicated that solutions to the communication issues both on the tax bills and on the website will be investigated.

(d) Update on Establishing Road End Requirements (Wells)

In response to Councillors Wells' request for a status on the report establishing road end requirements, the Director of Engineering and

Operations informed Council that initial meetings have occurred with staff and the intention is to hold at least two public meetings in order to receive the public's feedback before finalizing the report.

(e) Issues at Pleasant Beach and Pleasant Beach Road End (Wells)

Councillor Wells expressed strong concern regarding multiple issues that have occurred at Pleasant Beach over the last couple of weekends and requested input from staff and Council regarding potential solutions.

No. 101 Moved by Councillor A. Desmarais
Seconded by Councillor H. Wells

That staff be directed to investigate long-term solutions to the ongoing issues occurring on Pleasant Beach Road; and

That the Chief Administrative Officer be directed to hire paid duty Niagara Regional Police Officers to enforce at the Pleasant Beach Road end on Saturdays and Sundays.

CARRIED

(f) Construction on Janet Street (Desmarais)

Councillor Desmarais informed Council that the residents on Janet Street have expressed concern with respect to the condition of their properties as a result of the construction occurring in that area. The Director of Engineering and Operations confirmed that staff will investigate this issue.

(g) Board/Committee Meetings (Desmarais)

In response to Councillor Desmarais' inquiry with respect to when Board/Committee meetings will resume, the City Clerk confirmed that when the provincial restrictions have been lifted to allow for groups of 15 people to gather, that is when the Board and Committee meetings will resume.

(h) Speed Sign on Barrick Road (Danch)

In response to Councillor Danch's request for an update with regards to speed limit signs being installed on the easterly part of Barrick Road past Elm Street, the Director of Engineering and Operations confirmed that Staff is currently investigating this matter.

(i) Grass cutting near Bridge 19A (Danch)

Councillor Danch informed Council and staff that the grass needs to be cut on Seaway property near Bridge 19A. The Mayor confirmed that MP Badawey has been speaking with the senior staff at St. Lawrence Seaway with respect to keeping the grass cut on their properties in Port Colborne.

(j) Speeding on Shamrock Avenue (Danch)

Councillor Danch reported that there has been a high volume of cars speeding and parking on Shamrock Avenue. The Director of Engineering and Operations confirmed that he will ask staff to investigate this issue.

(k) Ditching on Barrick Road (Bruno)

Councillor Bruno thanked Engineering staff for looking into the ditching and drainage issues on Barrick Road.

(l) Marina Road Clean-up (Bruno)

Councillor Bruno thanked Parks and Recreation staff for cleaning up the grass on Marina Road.

(m) Enforcement of Repeat Offenders (Bruno)

Councillor Bruno thanked By-law Enforcement staff for enforcing the long grass repeat offenders in Ward 3.

(n) Cedar Bay Beach (Bodner)

In response to Councillor Bodner's inquiry with respect to how well the reopening of Cedar Bay Beach went, the Director of Community and Economic Development confirmed parking was in high volume but that the general operations went well. Further, the Director of Planning and Development confirmed that there were no complaints received about parking at Cedar Bay Beach over the weekend.

(o) Temporary Barriers on Johnston Street (Beauregard)

Councillor Beauregard expressed appreciation towards Engineering and Operations staff for installing the temporary barriers at the Johnston Street road end.

(p) Thank you to Voluntary Fire Fighters (Beauregard)

Councillor Beauregard thanked the Voluntary Fire Fighters for all of the work they are doing on Fire Station 2.

(q) Winter Photo Contest (Bagu)

Councillor Bagu informed Council that the winners of the Winter Photo contest are being finalized this week and will be announced as part of the Canada Day celebrations.

(r) Stanley Street Sidewalk (Bagu)

In response to Councillor Bagu’s request for an update on the installation of a sidewalk on Stanley Street, the Director of Engineering and Operations confirmed that staff have finalized the design of the sidewalk and that notices are being sent out to the residents in the area who will be affected by the construction.

Notice of Motion

Councillor Kalailieff provided notice of her intention to introduce a motion at the July 13, 2020 Council meeting with respect to reconsidering tax relief at 48 Kent Street.

12. Consideration of By-laws:

No. 102 Moved by Councillor F. Danch
 Seconded by Councillor G. Bruno

That the following by-laws be enacted and passed:

6790/40/20	Being a By-law to Amend the Assessment Schedule, to Levy the Actual Costs Incurred, for the Maintenance of Drainage works known as the Beaver Dam Municipal Drain
6791/41/20	Being a By-law to Amend the Assessment Schedule, to Levy the Actual Costs incurred, for the Maintenance of Drainage works known as the Marsh Municipal Drain
6792/42/20	Being a By-law to Amend By-law No. 3151/22/95, as Amended, A By-law to Regulate the Supply of Water and to Provide for the Maintenance and Management of the Water Works and for

	the Imposition and Collection of Water Rates
6793/43/20	Being a By-law to Amend By-law No. 3424/6/97, As Amended, Being a By-law for the Imposition and Collection of Sewage Service Rates and Sewer Rates
6794/44/20	Being a By-law to Amend By-law No. 6250/76/15, Being a By-law to Govern the Proceedings of Council and Committee Meetings
6795/45/20	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 June 22, 2020

CARRIED

13. Adjournment:

Mayor Steele adjourned the meeting at approximately 9:28 p.m.

 William C. Steele
 Mayor

 Amber LaPointe
 City Clerk

AL/cm



Fw: Carl road sale
Amber LaPointe to: Brenda Heidebrecht

2020-06-22 08:50 AM

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

"Serving You to Create an Even Better Community"

City of Port Colborne facilities are closed to the public until further notice to help limit the spread of COVID-19. We appreciate your understanding during these unusual times.

For up-to-date information about how the City is responding to COVID-19, including facility closures and service disruptions, visit
<http://portcolborne.ca/page/covid-19>.

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----- Forwarded by Amber LaPointe/Port_Notes on 2020-06-22 08:50 AM -----

From: "Betty Konc" [REDACTED]
To: danaquilina@portcolborne.ca
Cc: "Scott Luey" <cao@portcolborne.ca>, amberlapointe@portcolborne.ca, harrywells@portcolborne.ca, angiedesmarais@portcolborne.ca, "Mark Bagu" <markbagu@portcolborne.ca>, "Gary Bruno" <garybruno@portcolborne.ca>, "Eric Beauregard" <ericbeauregard@portcolborne.ca>, donnakalailieff@portcolborne.ca, ronbodner@portcolborne.ca, frankdanch@portcolborne.ca, mayoradmin@portcolborne.ca
Date: 2020-06-22 07:37 AM
Subject: Carl road sale

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please let this email represent my comments on the sale of Carl road to PC Quarries PDD report 2020-77

I am concerned about the old growth bush at the north end of the right of way. This is significant wetland and woodlands as identified by the provincial registry and as such the city needs to make sure that the 30-120 buffer be protected. There are species at risk that have their habitats in that bush. The city has adopted the Environmental Advisory Committee's position paper on protection of wetlands, now it is time to show residents that you are willing to take the next step forward and do what needs to be done to protect that bush.

We all know from the Thundering Waters debacle in Niagara Falls that allowing

biodiversity offsetting is NOT an option and shouldn't be allowed here either, nor should the elimination of this old growth forest. In this day and age of concern for the environment and our atmosphere, saving trees and bush land is the very least we as humans can do to help the earth.

The city could request that access to the next pit be from Hwy #3 and that the access at pit 1 be eliminated. The city could also sell up to the bush using the buffer zone as the boundary.

I urge council to make sure that in selling off this right of way you take all steps necessary to protect this wetland/ woodland from extinction.

Thank you ,
Betty Konc
831 Hwy #3 E
Port Colborne, On

Sent from my iPhone



Fw: Closing of Part of Carl Road - Public Meeting June 22, 2020

Amber LaPointe to: Brenda Heidebrecht

2020-06-22 09:18 AM

Amber LaPointe

Manager of Legislative Services /City Clerk

Corporate Services Department, City of Port Colborne

66 Charlotte Street, Port Colborne, ON L3K 3C8

905-835-2900 x106 Fax: 905-835-2969

cityclerk@portcolborne.ca

"Serving You to Create an Even Better Community"

City of Port Colborne facilities are closed to the public until further notice to help limit the spread of COVID-19. We appreciate your understanding during these unusual times.

For up-to-date information about how the City is responding to COVID-19, including facility closures and service disruptions, visit

[http://portcolborne.ca/page/covid-19.](http://portcolborne.ca/page/covid-19)

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----- Forwarded by Amber LaPointe/Port_Notes on 2020-06-22 12:21 AM -----

From: "Josef van Ruyven" [REDACTED] >
To: "amberlapointe@portcolborne.ca" <amberlapointe@portcolborne.ca>, "angiedesmarais@portcolborne.ca" <angiedesmarais@portcolborne.ca>, "cao@portcolborne.ca" <cao@portcolborne.ca>, "danaquilina@portcolborne.ca" <danaquilina@portcolborne.ca>, "donnaikalilieff@portcolborne.ca" <donnaikalilieff@portcolborne.ca>, "ericbeauregard@portcolborne.ca" <ericbeauregard@portcolborne.ca>, "frankdanch@portcolborne.ca" <frankdanch@portcolborne.ca>, "garybruno@portcolborne.ca" <garybruno@portcolborne.ca>, "harrywells@portcolborne.ca" <harrywells@portcolborne.ca>, "markbagu@portcolborne.ca" <markbagu@portcolborne.ca>, "ronbodner@portcolborne.ca" <ronbodner@portcolborne.ca>
Cc: "mayoradmin@portcolborne.ca" <mayoradmin@portcolborne.ca>
Date: 2020-06-20 02:15 PM
Subject: Closing of Part of Carl Road - Public Meeting June 22, 2020

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

June 20, 2020

To:

Dan Aquilina, Director of Planning and Development

Scott Luey, CAO

Amber LaPointe, City Clerk

Mayor William Steele
Councillors of the City of Port Colborne

Re:

Sale of Part of Carl Road, Highway #3 to Second Concession, PDD Report 2020-77

Please accept my apology for not attending the Council Meeting in compliance with COVID-19 restrictions.

I do, however, wish to express objection to the sale/development of the North portion of Carl Rd. for reasons that may not seem sensible to a party wishing to change what nature has developed, but it makes sense to anyone who recognizes the challenge that such a sale/development is likely to have on habitat and species diversity.

In 1998, not long after I purchased the property at 787 Hwy # 3 East, Port Colborne, in late winter/early spring, members of a variety of northern pike would migrate across my property, up the Wignal and Michener Drains from Lake Erie to what has now become the Babion Rd quarry. There, and in the connected properties to the north and east, in the shallow, marshy lands, the pike spawned and then returned to Lake Erie, subsequently to be followed by their offspring fingerlings later each summer. The Planning Department was irresponsible then, to not have more carefully studied, and observed what I have described, and then take the necessary steps to protect this fish species' spawning grounds, and any others that still make these sensitive wetlands surrounding the northern portion of Carl Rd, their home.

Those northern pike may no longer have access to these wetlands for spawning, but it only makes sense that other species now still depend on you to make the choice, on their behalf, to protect what remains of this sensitive wetland and spawning habitat.

I implore you to base your decision whether to sell/allow development of these wetlands on Science, rather than simply on economic reasoning.

Thank-you for giving me your time.

Sincerely,

Josef van Ruyven
787 Hwy #3 East,
Port Colborne

June 20, 2020

To:

Dan Aquilina, Director of Planning and Development

Scott Luey, CAO

Amber LaPointe, City Clerk

Mayor William Steele

Councillors of the City of Port Colborne

Re:

Sale of Part of Carl Road, Highway #3 to Second Concession, PDD Report 2020-77

In considering the current COVID-19 pandemic, I will not be attending the Public Meeting concerning the subject issue on June 22, 2020. Considering the interest and importance of this issue, and that it is not time sensitive, I believe the meeting should be rescheduled to a time when delegations and attendance can be in person. In that absence, I submit herewith my written comments.

The Province of Ontario has recently amended the Aggregate Resources Act so that quarrying operations on both sides of a road Right-Of-Way (ROW) allow the operator to apply to quarry into the ROW. The City has no say in that matter. Therefore, I have no objection to the sale of that portion of Carl Road where this can occur.

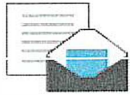
However, the north portion of this ROW separates two Significant Wetlands and Woodlands, as identified in the Provincial Registry

(<https://geohub.lio.gov.on.ca/maps/edit?content=mnrf%3A%3Awetlands>). Based on Ministry of Natural Resources and Forestry (MNRF) criteria, and the Niagara Peninsula Conservation Authority (NPCA) site designation, the wetlands, vegetation, and the species that make this their habitat, are to be protected. This leads to the conclusion that the wetlands and the buffer of 30 – 120 metres around the wetlands/woodlands are to be protected. Further, that would preclude quarrying in this reach, and does not fall under the recent Provincial ARA amendment.

The City by resolution of June 25, 2018, has adopted the City's Environmental Advisory Committee's (EAC) Wetland Protection Position Paper on the protection of wetlands. The retention of the portion of Carl Road ROW between the wetlands will support that commitment. The City should not only TALK THE TALK, but also WALK THE WALK.

Respectfully,

Jack S Hellinga, 770 Highway #3, Port Colborne, ON



Fwd: Closing of part of Carl Road Allowance

Dan Aquilina to: Amber LaPointe, Brenda Heidebrecht

2020-06-22 09:31 AM

3 attachments



Public_Notice_Closing_of_Part_of_the_Carl_Road-Allowance_May_26_2020.pdf



PIR 2020-77.pdf



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

Begin forwarded message:

From: "Babion, Gail" <gail.babion@niagararegion.ca>
Date: June 19, 2020 at 1:41:08 PM EDT
To: Dan Aquilina <danaquilina@portcolborne.ca>
Cc: "dwightairhardt@portcolborne.ca" <dwightairhardt@portcolborne.ca>, "stylee@rankinconstruction.ca" <stylee@rankinconstruction.ca>
Subject: Closing of part of Carl Road Allowance

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I know I missed the date of June 11 to submit comments however hope the following can be included at the Public meeting on June 22.

I am very familiar with the Carl road allowance being a long time resident of the area so feel I can speak objectively to it's proposed closure and sale to PC Quarries.

This is an "unapproved" road allowance similar to the Babion road allowance that runs from Chippawa Road to Third Concession. Both are clay roads and in a horrible state. They are not being maintained by the City of Port Colborne. Even the municipal grader gets stuck in the ruts made by the 4WD trucks & ATVs that continually travel these roads when wet. The water never dries up. People use them as a place to dump their garbage. Drainage at the northwest corner of Carl Road & Second Concession has been a problem for the farmer that rents the land there which floods every time it rains.

Nothing would please me more than to have the Carl road allowance closed and sold to PC Quarries. They need it for their quarrying operation and to hold this up for the sake of "wetland protection" is ludicrous. The residents of Port Colborne will never require the use of this road in future as they haven't in the past. PC Quarries pay a lot of taxes and employ a lot of people so why hinder the good

Corporate taxpayer that they are.

Trusting you will consider my comments at the June 22 public meeting.
Thank you.

Gail Babion – Ken Ruston
975 Chippawa Road
Port Colborne, ON L3K 5V5

Gail Babion

Wastewater Area 1 Clerk, W-WW Services | Public Works Department **Admin**
Office: Niagara Falls Wastewater Treatment Plant

3450 Stanley Avenue, PO Box 957 | Niagara Falls, ON L2E 6V8
T 905 354-2754 x5300 | F 905 374-7188

gail.babion@niagararegion.ca

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June 22, 2020

Project No. 1771656

Shawn Tylee, C.E.T. MBA, Manager Corporate Affairs

Rankin Construction Inc.
20 Corporate Park Drive
Suite 100-101
St. Catharines, ON
L2S 3W2

CONFIRMATION THAT CARL ROAD IS NOT INCLUDED IN THE PROPOSED PIT #3 EXTRACTION BOUNDARY IN THE AREA OF THE WOODLAND/WETLAND

Dear Mr. Tylee:

As discussed, please find attached our current base plan of proposed Pit #3 extension, for you to provide to the City of Port Colborne.

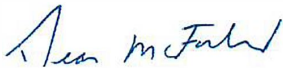
The proposed extraction boundary is shown on this on this plan. The proposed extraction area shown on this plan does not include Carl Road in the area of the Woodland/Wetland.

I confirm that that under the current license application Carl Road will not be extracted in the area of the Woodland/Wetland.

If you have any questions or require clarification, please contact me.

Yours truly,

Golder Associates Ltd.



Dr. Sean McFarland, P.Geo.
Principal

SMF/II

Attachments: Figure 1 – Proposed Quarry Boundary and Excavation Phases

[https://golderassociates.sharepoint.com/sites/32998g/correspondence/rankin construction inc/1771656 ltr to rankin construction 22jun2020.docx](https://golderassociates.sharepoint.com/sites/32998g/correspondence/rankin%20construction%20inc/1771656%20ltr%20to%20rankin%20construction%2022jun2020.docx)

ATTACHMENTS

**Figure 1 – Proposed Quarry
Boundary and Excavation Phases**

June 22, 2020

Dear Mayor Steele, Dan Aquilina, Amber LaPointe, and Council Member,

RE: Closing of Part of the Carl Road Allowance, Report No. 2020-77 and 2020-66

Please accept this letter as my comments for the public meeting set for 6:30 pm on June 22, 2020 at City Hall Port Colborne.

Please be advised that given the current concerns regarding Covid 19 and my own personal health that I will not be attending this public information meeting. In addition, your Public Notice did not advise us to the protocol that would be needed to speak at this public meeting should I have felt comfortable to do so. To my knowledge, city hall remains closed. In addition, due to covid 19, I did not feel comfortable to meet with Dan Aquilina to peruse the documentation and maps at City hall regarding this matter and the map on the website is vague/hard to see.

Furthermore, the city's public notice of this public meeting did not mention that Carl Road runs through two Provincially significant wetlands/woodlots and I feel that having had that information in the public notice would have generated more public attention/interest regarding this matter.

Port Colborne's Environmental Advisory Committee had submitted a position paper in 2016 that was not accepted by council until June of 2018. It is my hope that the City does engage in a commitment to ensure the protection of this important eco-system (wetlands/woodlots) that are also recognized by both the Niagara Peninsula Conservation Authority and the Ministry of Natural Resources and Forestry. Buffer zones would need to be respected too. Perhaps an environmental study of this area may be needed to ensure the protection of these significant areas. Common sense would suggest that this wetland/woodlot would assist in naturally cleaning the water that would eventually leak down in to the aquifer that is below it; as such, more reason to protect this ecosystem.

A report (2020-66) to council was submitted by Chief Administrative Officer, Scot Luey, and I question if that report included any mention of the Provincially Significant Wetlands (PSW)/Woodlots as it appears in Report No. 2020-77 that a council member raised a question about the existence of the PSW/woodlot being located on both sides of Carl Road.

The current Aggregate Resources Act (ARA) would allow Port Colborne Quarries to extract aggregate from the road allowance whether they owned it or not; however, not within the protected PSW/woodlot. Therefore, I do not oppose the sale of the unopened Carl Road that is south of the PSW/woodlot BUT I think the city should consider keeping ownership of that north portion of Carl Road so that they/other authorities could more easily access and monitor the area of the significant PSW/woodlot. Thinking outside the box – perhaps the city could trade the southern portion of the unopened Carl Road for the city to have ownership of the whole Provincially Significant Wetland/woodlot area !!!

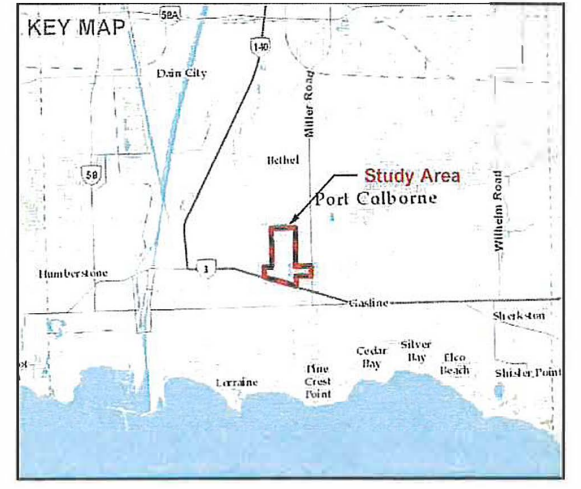
Thank you for accepting this letter as my comments to the proposed closing of part of the Carl Road Allowance for the Public meeting of June 22, 2020.

Sincerely,

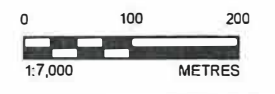
Cindy Mitchell 



- LEGEND**
- ① EXCAVATION PHASE
 - ➔ EXCAVATION DIRECTION ARROW
 - ROADS
 - ☑ WATERBODY
 - ▭ PROPERTY BOUNDARY
 - ▭ PROPOSED QUARRY EXTENSION
 - ▭ APPROXIMATE EXCAVATION PHASING BOUNDARY
 - ▨ WETLAND
 - ▨ WOODLAND



DRAFT



REFERENCE(S)
 1. BASE DATA: MNRF LIO 2016
 2. IMAGERY: ORTHOIMAGE PROVIDED BY IBI GROUP. SITE FLOWN JULY 29TH, 2018
 3. ADDITIONAL IMAGERY FROM ESRI, HERE, DELORME, INTERMAP, INCREMENT P CORP., GEBCO, USGS, FAO, NPS, NRCAN, GEBCO, IGN, KADASTER NL, ORDNANCE SURVEY, ESRI JAPAN, METI, ESRI CHINA (HONG KONG), SWISS TOPO, MAPMYINDIA, OPENSTREETMAP CONTRIBUTORS, AND THE GIS USER COMMUNITY
 4. PROJECTION UTM ZONE 17N DATUM: NAD 83

CLIENT
 RANKIN CONSTRUCTION

PROJECT
 PROPOSED PORT COLBORNE QUARRY EXTENSION

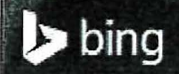
TITLE
 PROPOSED QUARRY BOUNDARY AND EXCAVATION PHASES

CONSULTANT	YYYY-MM-DD	2020-06-22
DESIGNED	PR	
PREPARED	PR	
REVIEWED	SM	
APPROVED	SM	



PROJECT NO: 1771556 CONTROL: 0007 REV: A

P:\1771556\1771556_0007\1771556_0007_0000.mxd PRINTED ON: 2020/06/22 AT 10:18:41 AM
 P:\1771556\1771556_0007\1771556_0007_0000.mxd PRINTED ON: 2020/06/22 AT 10:18:41 AM



IF THIS MEASUREMENT DOES NOT MATCH WHAT IS SHOWN, THE SHEET SIZE HAS BEEN ADJUSTED FROM 25mm

On Jun 21, 2020, 11:42:31 AM, [REDACTED] wrote:

From: [REDACTED]

To: cityclerk@portcolborne.ca

Cc:

Date: Jun 21, 2020, 11:42:31 AM

Subject: COVID-19 Tax relief extension

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City of Port Colborne

Report # 202079

COVID-19 Property tax relief

Agenda June 22nd, 2020 Item 7 Page 161

Regarding the extension of the COVID-19 tax interest relief only for the present years taxes.

To whom it may concern:

It is somewhat obvious the people that need it the most are the people struggling in arrears to pay their taxes. The ones that need it the least are the ones keeping up to date. As well, if that person decides to pay their present year taxes, it gets applied to the previous years taxes first. Therefore they couldn't benefit as the program is intended.

I recommend the council make the extension to September 30th, 2020 to include relief of tax interest from any previous years.

Sincerely,

Todd Harris

11960 Lakeshore Rd.

Wainfleet, ON L0S 1V0



MAYOR'S REPORT

JUNE 22, 2020 COUNCIL MEETING

COVID-19 UPDATE

Good evening and welcome to our fourth virtual council meeting.

I am here in the council chambers with our CAO Scott Luey, Clerk Amber LaPointe, Deputy Clerk Charlotte Madden and a member of Wee Stream who are live streaming this meeting for us. I would like to welcome our eight city councillors and various city directors who are each attending from home.

City Hall and almost all of our facilities remain closed to the public.

Staff have been working with members of our Emergency Operations Centre on recovery plans for a safe and gradual reopening once we get the go ahead from the Province of Ontario and our Emergency Operations Centre determines that it is safe to open our facilities to staff and members of the public.

In the meantime, we will continue to find new ways to deliver services to you.

We ask for your patience while we all work together for a safe and gradual return of services.

Activities that have reopened in Phase Two

The provincial government has moved Niagara to Phase Two of its recovery plan. Some additional restrictions have been lifted allowing our municipality to reopen some amenities.

Our Farmers' Market will reopen this Friday in its usual location at Market Square. It will be set up a little differently and there will only be a limited number of vendor spots available.

We ask for everyone's patience this week as we work with you to bring back the market you love.

Nickel Beach will reopen this Friday as well. Again, there will be limited number of spots available on the beach and you will be directed to your spot, that has been socially distanced from the next vehicle, by one of our staff.

Please respect the difficult job that they have to keep everyone safe while enjoying the beach.

Limited public washrooms have also opened throughout the city.

Outdoor patios have started to open up in Port Colborne and we hope you will get out to support our local restaurants.

The provincial government has increased your group size to no more than 10 people.

Anyone taking advantage of these spaces are to follow the best practices as outlined by Niagara Region Public Health to limit the spread of COVID-19 in our community.

These include frequent washing/sanitizing of hands, physical separation, avoid touching of shared surfaces and staying home if displaying symptoms or having been in contact with cases of the virus.

At this time, park and outdoor amenities such as playground equipment, benches, outdoor fitness equipment, and the spray pad will remain closed.

The spray pad is our next top priority and we may hear more about that later this evening.

By-law enforcement will continue to enforce gatherings larger than ten people, dogs off-leash, and anyone using closed park amenities.

Canada Day

Our usual Canada Day celebrations will not be taking place in the park this year.

Communities from across the Niagara Region are coming together for a Canada Day first - Canada Day, the Niagara Way. Join the 12 municipalities of Niagara, the Niagara Parks Commission and the Niagara Region for online activities and festivities for Canada Day.

Celebrate with performances by Tim Hicks, Avenue Inn, Great Lake Swimmers, Spencer Burton, Juliet Dunn, and Rick McLean.

The online festivities begin at 11 a.m. on Facebook. Tune in on the to The City of Port Colborne's Facebook page to catch the action!

Join St. John Ambulance in its first virtual Canada Day 5k. Register to participate online, then run or walk your own preferred 5km route anytime, anywhere between June 27 and July 1. If you are participating on July 1 make sure to wear some red and white to show your Canadian Pride! For more information, contact Alyson at alyson.montovani@sja.ca or visit www.runforSJA.ca

We also encourage you to take part in the Government of Canada's program for Canada Day.

Minister Guilbeault unveiled the program for Canada Day.

On July 1, Canadians from coast to coast to coast are invited to take part in an array of virtual celebrations to express our national pride.

This year more than ever, Canada Day is an important national celebration bringing Canadians together, even if it is done virtually.

It's also time to commemorate some key events in our history, as this year marks the 40th anniversary of the official adoption of our national anthem, "O Canada," and the essential role the Métis Nation played in Manitoba joining Confederation 150 years ago. The roster of activities draws on what makes Canada strong: its diverse cultures, athletic and artistic excellence, Indigenous languages and cultures, and our spirit of innovation. Wherever you are, join in.

A virtual Celebration Kit is now available with interactive, creative and educational activities on the Government of Canada's heritage website.

Visit www.portcolborne.ca/page/canada_day for more information about our virtual Canada Day activities.

Closing

In closing, we must remain vigilant in fighting this virus.

Our number one priority is the health and safety of our citizens as we begin a safe and gradual reopening of services and business activities. Please stay safe.

The Corporation of the City of Port Colborne

By-Law No. 6796/46/20

Being a By-law to Amend By-Law No. 6746/110/19, A By-law to Establish Penalty Charges and Interest Charges on Payments Due to the Municipality for 2020

Whereas at its meeting of March 23, 2020, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Corporate Services Department, Clerk's Division Report 2020-50, Subject: Emergency COVID-19 Preparedness; and

Whereas by delegated authority on April 28, 2020, Council extended the exemption date for non-payment penalties and interest to June 30, 2020 in order to provide relief; and

Whereas Council is desirous of repealing By-law No. 6778/28/20; and

Whereas at its Meeting of June 22, 2020, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Corporate Services Department Report 2020-79, Subject: COVID-19 Property Tax, Water and Wastewater Penalty and Interest Relief Program; and

Whereas Council is desirous of amending 6746/110/19, A By-law to Establish Penalty Charges and Interest Charges on Payments Due to the Municipality for 2020;

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

1. That By-law No. 6778/28/20 be hereby repealed;
2. That 6746/110/19, A By-law to Establish Penalty Charges and Interest Charges on Payments Due to the Municipality for 2020, be amended to by adding the following subsection:

“1.1 The Director of Corporate Services shall have Delegated Authority to waive non-payment penalties on residential properties until October 30, 2020;”
3. That 6746/110/19, A By-law to Establish Penalty Charges and Interest Charges on Payments Due to the Municipality for 2020, be further amended to by adding the following subsection:

“2.1 The Director of Corporate Services shall have Delegated Authority to waive non-payment interest on residential properties until October 30, 2020;”
4. That this by-law shall come into force and take effect on the day that it is passed by Council.

Enacted and passed this 13th day of July, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-law No. 6797/47/20

Being a By-law to Stop Up and to Close and to Declare Surplus and to Authorize the Sale of the Portion of the Carl Road Road Allowance, Being Part 1 & 2, Plan 59R-16702 to 1970065 Ontario Inc.

Whereas Section 27(1) of the *Municipal Act*, 2001, S.O. 2001, as amended, 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, S.O. 2001, as amended, the Municipal 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*, 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, S.O. 2001, c. 25, 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, June 22, 2020;

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 Carl Road road allowance is hereby stopped up and closed.
2. That the lands hereinbefore described as Part 1 & 2 on Plan 59R-16702 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 1970065 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 Carl Road 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 13th day of July, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-Law No. 6798/48/20

Being a by-law to appoint a Board of Directors
for Niagara's South Coast Tourism Association

Whereas the Council of The Corporation of the City of Port Colborne approved the recommendations of Corporate Services Department Report No. 2020-91, Subject: Niagara's South Coast Tourism Association at its meeting of July 13, 2020; and

Whereas Council is desirous of appointing a Board of Directors for Niagara's South Coast Tourism Association;

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

1. That the following persons be appointed to the Board of Directors for Niagara's South Coast Tourism Association:
 - Mayor William C. Steele
 - Councillor _____
 - Scott Luey
 - Bryan Boles
2. That the terms of any and all previously appointed Directors of Niagara's South Coast Tourism Association be immediately terminated.
3. This By-law shall come into force and take effect on the date of its final passing.

Enacted and passed this 13th day of July, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City Of Port Colborne

By-Law No. 6799/49/20

Being a By-Law to Amend By-Law No. 89-2000,
Being a By-Law Regulating Traffic and Parking on
Pleasant Beach Road and Michener Road

Whereas at its meeting of July 13, 2020, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendation of Planning and Development Department, By-law Enforcement Division, Report No. 2020-90, Subject: Parking and Traffic – Pleasant Beach Road; and

Whereas Council is desirous of amending the provisions of By-law 89-2000, Being a By-law Regulating Traffic and Parking on City Roads, as amended, in accordance with the recommendations in the above referenced report;

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

1. That Schedule “C-2” Parking Prohibitions Tow Away Zone, to By-law 89-2000, as amended, be further amended by adding thereto the following:

Column 1	Column 2	Column3		Column 4
Highway	Side	From	To	Times/Day
Michener Road	Both	Pleasant Beach Road	Holloway Bay Road	Anytime

2. That Schedule ‘E’ Time Limited Parking to By-law 89-2000, as amended be further amended to adding the following thereto:

Column 1	Column 2	Column3		Column 4	Column 5
Highway	Side	From	To	Times/Days	Maximum
Pleasant Beach Rd	West	152m north of the lakeshore	14m north therefrom	Anytime	1 hour

3. That Schedule ‘W’ Speed Limits to By-law 89-2000, as amended be further amended to delete the following therefrom:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Pleasant Beach Road	Hwy #3	South to Lake Erie excepting that portion of Pleasant Beach Rd designated as Regn. Rd. No.1	60

4. That Schedule ‘W’ Speed Limits to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Pleasant Beach Road	Michener Road	South to Lake Erie	40
Pleasant Beach Road	Hwy #3	South to Michener	60

5. That this by-law shall come into force and take effect on the passing, subject to the display of official signs.

Enacted and passed this 13th day of July 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City Of Port Colborne

By-Law No. 6800/50/20

Being a By-Law to Amend By-Law No. 6082/48/14 Being a By-law to Establish a System for Administrative Penalties Respecting the Stopping, Standing and Parking of Vehicles, Schedule 'A' – Administrative Penalty By-law Designated By-law Provisions Traffic By-law No. 89-2000 on Pleasant Beach Road

Whereas at its meeting of July 13, 2020, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendation of Planning and Development Department, By-law Enforcement Division, Report No. 2020-90, Subject: Parking and Traffic – Pleasant Beach Road; and

Whereas Council is desirous of amending the provisions of By-law 6082/48/14 Being a By-law to Establish a System for Administrative Penalties Respecting the Stopping, Standing and Parking of Vehicles, Schedule 'A' – Administrative Penalty By-law Designated By-law Provisions Traffic By-law No. 89-2000, in accordance with the recommendations in the above referenced report;

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

1. That By-law 6082/48/14 Schedule "A" – Administrative Penalty Designated By-law Provisions – Traffic By-law 89—2000, as amended, be further amended by deleting therefrom the following:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
69	205.03.01	Park in Tow Away Zone	\$60

2. That By-law 6082/48/14 Schedule "A" – Administrative Penalty Designated By-law Provisions – Traffic By-law 89—2000, as amended, be further amended by adding thereto the following:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
69	205.03.01	Park in Tow Away Zone	\$160

3. That this by-law shall come into force and take effect on the passing, subject to the display of official signs.

Enacted and passed this 13th day of July 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-Law No. 6801/51/20

Being a by-law to adopt, ratify and confirm
the proceedings of the Council of The
Corporation of the City of Port Colborne at
its Special and Regular Meetings of July 13, 2020

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

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

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Special and Regular Meetings of July 13, 2020 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 13th day of July, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk



Port Colborne Public Library Board

MINUTES of the 3rd Regular Board Meeting of 2020

Tuesday, March 3, 2020, 6:15 p.m.

Port Colborne Public Library, Auditorium

310 King St., Port Colborne, ON

Present:

Bryan Ingram (Vice-Chair)

Brian Beck

Valerie Catton

Harmony Cooper

Jeanette Frenette

Ann Kennerly

Cheryl MacMillan

Susan Therrien (Director of Library Services/Board Secretary)

Rachel Tkachuk (Librarian)

Regrets:

Councilor Mark Bagu

Michael Cooper (Chair)

Scott Luey (CEO)

Stephen Corr (Interim Treasurer)

1. Call to Order:

In the absence of the Chair, Vice-Chair B. Ingram called the meeting to order at 6:15 p.m.

2. Chair's Remarks:

Mr. Ingram welcomed the Board.

3. Declaration of Conflict of Interest:

Nil.

4. Adoption of the Agenda:



Moved by C. MacMillan

Seconded by J. Frenette

20:013 That the agenda be adopted as circulated.

CARRIED

5. Approval of the Minutes of the Previous Meeting:

Moved by H. Cooper

Seconded by V. Catton

20:014 That the minutes of the February 4, 2020 meeting be adopted as circulated.

CARRIED

6. Business Arising from the Minutes:

Nil.

7. Delegations and Presentations:

Nil.

8. Consent Items:

8.1. Circulation Report

- a. February 2020

8.2. Financial Statement

- January 20, 2020

8.3. Public Relations Report

Librarian R. Tkachuk reported on library programming and Pop-Up Library Outreach.

8.4. Media Items

- February 2020 Newsletter
- City Hall News, February 2020

Moved by A. Kennerly

Seconded by H. Cooper



20:015 That Consent Items 8.1 to 8.4 be received for information purposes.
CARRIED

9. Discussion Items

9.1. Capital Projects and Building Maintenance: Mason Thomas, Facilities Supervisor

Moved by J. Frenette
Seconded by H. Cooper

20:016 That the additional expense of approximately \$1,750.00 be approved to upgrade the access buttons for the universal accessible washroom.
CARRIED

9.2. Evergreen Migration

Moved by C. MacMillan
Seconded by J. Frenette

20:017 That the quote for the migration to Evergreen be approved as presented and that the migration to the new Integrated Library System be implemented.
CARRIED

9.3. Director's Report

a. "Let's Talk About..." Series

On February 26, 2020, the library hosted the "Renting in Niagara: Housing Supports and Tenant Rights" session presented by the Niagara Poverty Reduction Network. The NPRN offered the session in partnership with the Niagara Community Legal Clinic and local libraries. The session was attended by both renters and landlords. Four members of the City of Port Colborne's By-Law Department presented information and fielded questions from attendees. Councilors Bagu and Desmarais attended.

b. City of Port Colborne Logo Revision Project

S. Therrien and K. Lascelles participated in the staff working-group formed to provide input into the new logo design. Implementation of the new design will be rolled out in stages.



c. #PortColborneProud Contest

The submission deadline for the contest was January 31, 2020, with 109 entries received. The judges have chosen 10 finalists: one from each category. The photographs are scheduled to be on display at the library March 24 to 31, 2020. The winners will be announced at the library. The date is to be determined.

d. Meetings, Workshops, and Training

- *Social Determinants of Health Committee – Everyone Matters*, Feb. 6, 2020. Attended by S. Therrien.
- Webinar: *A Deeper Understanding of Homelessness*, Feb. 6, 2020. Attended by S. Therrien.
- BrockLINC Opening, Feb. 21, 2020. Attended by S. Therrien and J. Sider.
- *Strategic Planning Session*, Feb. 26, 2020. Attended by S. Therrien, R. Tkachuk, J. Sider, K. Lascelles.

e. Health and Safety

The library, along with the other City Staff, are planning training for staff to assist in public service to persons with mental health issues and addictions.

f. Risk Assessment Audit

The Director is working on an audit of the implementation of recommendations outlined in the 2017 Risk Assessment Audit on the library facility. Actions to date include:

- installation of safety mirrors
- swipe entry to secured areas (administration level, basement, computer room)
- lock-out of elevator to administration level and the basement
- security cameras (interior and exterior)
- other practices and protocols for staff safety

Moved by H. Cooper

Seconded by C. MacMillan

20:018 That the Director's Report be received for information purposes.

CARRIED



9.4 Strategic Plan Implementation Report

a. Attract New Users/Increase Engagement/Outreach

- The Director reached out to Brock University to establish a partnership through outcomes of its new BrockLINC Makerspace areas. The goal of this partnership will be to attract new users to the library's updated makerspace which is planned to include: digital green screen lab, non-traditional lending items,
- Partnership with the Vale Centre continues with monthly story-time.

b. Increase Teen Users and Usage

- Staff implemented additional programming for tween/teens. The March Break programs include a greater focus on activities for teens.
- In response to the demand from the Teen Survey, the library arranged for AAPEX Driving to conduct a session during March Break.
- The video game collection continues to grow with Nintendo Switch games now included.

c. Maximize Use of Library Space

- Nine new capital projects were identified by the Board to enhance space and provide a more welcoming and accessible environment.

d. Continued Exploration of Cultural Block Concept

- Joint programming will be conducted with the Museum during the summer.

e. Increase Staff/Library Internal Capacity

- Training opportunities are ongoing including courses and webinars through Southern Ontario Library Service (SOLS).
- Cross-training of staff is ongoing with new methods and procedures implemented.
- Weekly staff meetings include policy review and Health and Safety issues.
- All staff meet monthly with the Director as part of their performance appraisals and include career planning.



f. Explore New Funding Sources for Library Programs and Infrastructure Improvements

- CanadaHelps donation system to be implemented.
- Grants are being explored to assist in funding capital projects and collection development

10. Decision Items

10.1. Policy Table and Review Schedule

The Board reviewed the policy schedule.

10.2. Policies

- 10.2.1 Procurement Policy
- 10.2.2 Human Resources Policy and Administration
- 10.2.3 Health and Safety of Staff
- 10.2.4 Prevention of Workplace Violence
- 10.2.5 Employee Conduct

Moved by A. Kennerly

Seconded by V. Catton

20:019 That policies 10.2.1 to 10.2.5 be approved as presented.

CARRIED

11 Board Members' Items:

Nil.

12 Notices of Motion:

Nil.

13 Date of the Next Meeting:

Tuesday, April 7, 2020 at 6:15 p.m.



Port Colborne Public Library, Auditorium
310 King St., Port Colborne, ON

14 **Adjournment:**

Moved by C. MacMillan

Seconded by H. Cooper

20:020 That the meeting be adjourned at 7:40 p.m.

CARRIED

Michael Cooper
Board Chair
May 19, 2020

Susan Therrien, Director of Library Services
Board Secretary
May 19, 2020