



The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, November 7, 2022
Council Chambers and Electronic Participation, 5:30 PM

This Meeting of Council will be held in person at Council Chambers and electronically for the Members of Council. At this time the public can only participate electronically.

This Meeting may be viewed online at www.stcatharines.ca/youtube

Public Comments: The public may submit comments regarding agenda matters to the Office of the City Clerk by contacting clerks@stcatharines.ca by Monday, November 7, 2022 before Noon. Comments submitted will be considered as public information and entered into public record.

Electronic Delegations: Those wishing to speak to an item on the agenda must complete the [City's Electronic Delegation Form](#) by Monday, November 7, 2022 before 9:00 a.m. and attend a test session with City staff on Monday, November 7, 2022 at 10:00 a.m.

His Worship Mayor Walter Sendzik takes the Chair and opens the meeting with a Land Acknowledgement. Council will then proceed to Item #13 Closed Session.

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1. Mayor's Report

2. Adoption of the Agenda

3. Adoption of the Minutes

3.1 Regular Council, minutes of [September 26, 2022](#)

4. Declarations of Interest

5. Motion to Move Consent Reports

Consent Reports are approved in one motion which approves all of the recommendations contained in each report. Prior to this motion, a councillor may request that one or more of the reports listed under Item 6 be moved to the list of Discussion Reports.

6. Consent Reports

6.1 Economic Development and Tourism Services
Municipal Accommodation Tax Update

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- 38 - 42 6.2 Chief Administrative Officer
 Inclusive Recognition – Amplifying Significant Dates Framework
 [Addenda]
- 43 - 49 6.3 Planning and Building Services, Planning Services
 Relocation of a Building within the Port Dalhousie Commercial Core and
 Harbour Area Heritage Conservation District – 16 Lock Street (Port
 Dalhousie Jail)
- 50 - 51 6.4 Legal and Clerks Services, Clerks Department
 Deputy Mayor for Remainder of 2022
- 52 - 113 6.5 Legal and Clerks Services, Clerks Department
 Correspondence Report
 [Addenda]

7. Public Meetings

- 114 - 150 7.1 Planning and Building Services
 Proposed Draft Plan of Subdivision - Subject Lands: 3 Abbot Street, 40A
 Ellis Avenue
- 151 - 157 7.2 Planning and Building Services
 Amendment to the Short-term Rental Licensing By-law 2021-67 to
 prohibit advertising and promoting without a licence, and establish a
 corresponding administrative monetary penalty
- 158 - 161 7.3 Financial Management Services
 Amendments to the 2023 Rates and Fees By-law
- 162 - 235 7.4 Planning and Building Services
 Comprehensive Fee Review Study: Results and Recommended
 Amendments to the 2023 Rates and Fees By-law
 [Addenda]

8. Presentations

9. Discussion Reports

- 236 - 299 9.1 Planning and Building Services
 St. Catharines Response to Bill 23 (More Homes, Built Faster Act)
 *(Due to technical issues, Appendix 2 was uploaded separately from the
 rest of the report)*
 [Addenda]

10. Motions

- 10.1 **Collaboration of a Historical and Significant Work of Public Art for
 St. Catharines**
 Councillor Porter will present the following motion:

WHEREAS Edward Burtynsky was born and raised in St. Catharines, and is regarded as one of the world's most accomplished contemporary artists and he is an Order of Canada recipient; and

WHEREAS during the demolition phase of the former GM plant on Ontario Street, Mr. Burtynsky saw an exposed forge - the last of seven that once pressed steel for generations on the site; and

WHEREAS Mr. Burtynsky's father worked at the General Motors plant on Ontario Street, as did Edward as a summer student; and

WHEREAS Mr. Burtynsky has been inspired to honour both his father and all the other people who worked at the site and to capture a compelling marker for a moment in industrial history of St. Catharines; and

WHEREAS Mr. Burtynsky and his team have identified the lone, monumental forge press - a 14ft machine, the AJAX 25 C - as a potential significant piece for a public work of art; and

WHEREAS with the consent of the ownership group of 282 - 285 Ontario St., Mr. Burtynsky and his team have begun the process of preparing for a potential public art installation (location to be determined as part of process) that features the lone forge; and

WHEREAS this public art installation will be first one of its kind by Edward Burtynsky;

THEREFORE BE IT RESOLVED that the CAO identify the appropriate staff to engage with Edward Burtynsky and his team to begin the process of collaboration that could lead to the successful installation of a historical and significant work of public art for St. Catharines.

(Delegation by Edward Burtynsky will precede discussion of the motion)

10.2 **Nativity Scene**

Councillor Kushner will present the following motion:

BE IT RESOLVED that the Nativity Scene be displayed on the lawn of City Hall; and

BE IT RESOLVED THAT the same courtesy be extended to other religious groups.

(Delegation by Monique Finora will precede discussion of the motion)

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10.3 **66A, 66B and 66C Marsdale Drive**

On July 18, 2022, Council referred the following motion, moved by Councillor Kushner and seconded by Councillor Harris, to staff to provide additional information. A response from staff is attached for information.

BE IT RESOLVED that Council declare the City owned land adjacent to 66A, 66B and 66C Marsdale Drive surplus; and

BE IT FURTHER RESOLVED that the request by the owners of 66A, 66B and 66C Marsdale Drive to acquire city lands be accepted in order to align their backyards with the adjacent neighbouring backyards; and

BE IT FURTHER RESOLVED that the funds be allocated to the parkland fund for future parkland acquisition; and

BE IT FURTHER RESOLVED that the following conditions be applied:

- That Building permits be obtained for the decks that were constructed, if required under the Building Code;
- That a 1.8m high black chain link fence be installed along the new property line;
- That the removal of trees not be permitted.

11. Call for Notices of Motion

12. Committee and Task Force Minutes

12.1 Minutes to Receive:

- Accessibility Advisory Committee, meeting of [September 28, 2022](#)
- Anti-Racism Advisory Committee, meeting of [September 20, 2022](#)
- Fallen Firefighters Memorial Task Force, meeting of [August 16, 2022](#) and [September 13, 2022](#)
- Green Advisory Committee, meeting of [September 21, 2022](#) (draft)
- Heritage Advisory Committee, meeting of [September 8, 2022](#) (draft)
- Heritage Permit Advisory Committee, meeting of [August 25, 2022](#)
- LGBTQ2+, meeting of [September 7, 2022](#)
- Public Arts Advisory Committee, meeting of [July 5, 2022](#) and [September 6, 2022](#) (draft)
- Social Sustainability Committee, meeting of [November 3, 2022](#) (draft)

[Addenda]

13. Closed Session

Council will meet in Closed Session for the following purpose(s):

- 13.1 Office of the Mayor, Administration
CAO Performance Report
(Closed Session Pursuant to Municipal Act, 2001, S.O. 2001, c. 25, Section 239 (2)(b), Personal Matter about an Identifiable Individual, including Municipal or Local Board Employees; and (d) Labour Relations or Employee Negotiations)
- 13.2 Chief Administrative Officer
Update #3 – Municipal Transfer Agreements relating to Niagara Transit Commission
(Closed Session Pursuant to Municipal Act, 2001, S.O. 2001, c. 25, Section 239 (2)(d) labour relations or employee negotiations)
- 13.3 Chief Administrative Officer
Property Matter – Disposal
(Closed Session Pursuant to Municipal Act, 2001, S.O. 2001, c. 25, Section 239 (2)(c), a proposed or pending acquisition or disposition of land by the municipality or local board) 320 Geneva Street, Realty File No. 20.046
- 13.4 Community, Recreation, and Culture Services
Property Matter – Lease and Activity at the Property
(Closed Session Pursuant to Municipal Act, 2001, S.O. 2001, c. 25, Section 239 (2)(b), Personal Matter about an Identifiable Individual, including Municipal or Local Board Employees; and (2)(c), a proposed or pending acquisition or disposition of land by the municipality or local board) 5 Park Ave., Realty File No. 85-02
[Addenda]

14. Motion Arising from Closed Session

15. By-laws

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- 15.1 Reading of By-laws
[Addenda]

16. Adjournment



Corporate Report City Council

Report from: Economic Development and Tourism Services

Report Date: October 20, 2022

Meeting Date: November 7, 2022

Report Number: EDTS-162-2022

File: 10.57.34

Subject: Municipal Accommodation Tax Update

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: economic and organizational excellence.



Recommendation

That the Tourism St. Catharines Municipal Services Corporation Sole Member Direction and Sole Member Declaration, attached as Appendix 1, be approved; and

That the City of St. Catharines Municipal Accommodation Tax Reserve Policy for the City portion of the Municipal Accommodation Tax, attached as Appendix 2, be approved; and

That the Interim Directors of the Tourism St. Catharines Municipal Services Corporation be directed to establish a Municipal Accommodation Tax Reserve Fund; and

That the Operating Agreement between the Corporation of the City of St. Catharines and Tourism St. Catharines Municipal Services Corporation, attached as Appendix 3, be approved; and

Further that the Asset Transfer Policy, attached as Appendix 4, be approved.

Summary

This report responds to direction from Council on the final policy and process implementation requirements for the Municipal Accommodation Tax (MAT) to take effect January 1, 2023. Included within this report for Council's attention are the following items that staff have completed since the last update on August 8, 2022:

- Completed the necessary corporate name searches and prepared the Articles of Incorporation for the Tourism St. Catharines Municipal Services Corporation as a Non-Share Capital Corporation with the City of St. Catharines as its Sole Member. This Corporation has been so named, Tourism St. Catharines;
- Prepared all constating documents required for the incorporation of Tourism St. Catharines;
- Prepared the Sole Member Direction and Sole Member Declaration for Tourism St. Catharines, attached as Appendix 1;
- Prepared the “City of St. Catharines Municipal Accommodation Tax Reserve Policy” attached as Appendix 2; and
- Drafted an “Operating Agreement”, attached as Appendix 3, between the City of St. Catharines and the Tourism St. Catharines Municipal Services Corporation;
- Drafted the “Asset Transfer Policy” between the City and Tourism St. Catharines, attached as Appendix 4.

Relationship to Strategic Plan

The implementation of the MAT supports the following Strategic Plan goals under the Economic Sustainability Pillar including job creation and investment, good governance, and financial sustainability. The approval and execution of the policies included with this report represent transparency and accountability and organization excellence displayed by the City of St. Catharines.

Background

A MAT serves as a revenue tool that Ontario municipalities can use to further promote tourism as an economic driver within their city boundaries and the province. On December 1, 2017, *Ontario regulation 435/17* (the “regulation”) came into force which prescribes the necessary provisions for municipalities to implement a MAT for transient accommodations through a by-law and set a tax rate for accommodations of 29 consecutive nights or less.

Council has previously received information to consider the implementation of a MAT and subsequently approved the establishment of a Municipal Services Corporation – Tourism St. Catharines (TSC) as well as a collection rate of 4% per room night with an effective date of January 1, 2023. More recently, on August 8, 2022, Council approved the Tourism St. Catharines Business Case Study as well as with the draft by-law with an effective collection start date of January 1, 2023. Council unanimously supported the Business Case Study and draft by-law as presented and provided staff with direction to report back to Council in Q4 2022 with corresponding agreements and policies included within this Report.

Report

The COVID-19 pandemic had a significant impact on the tourism industry in St. Catharines and around the world. Tourist attractions, cultural venues, food and beverage businesses and accommodations were forced to close or operate with significant restrictions for months as many events were cancelled. To bring back the pre-pandemic levels of business through marketing and promotion and continue to grow the tourism development in St. Catharines, a MAT is being introduced on January 1, 2023.

With the implementation of the new MAT revenue source and the creation of the TSC, St. Catharines will be better positioned to support the recovery and future growth of local tourism and signature events. Accordingly, the TSC's Articles of Incorporation provide a clear mandate to develop tourism products and experiences that promote St. Catharines as an overnight destination for tourists, visitors, event attendees and business travelers.

Following Council's direction from the last update report, staff have completed the following items:

- Completed the necessary corporate name searches and prepared the Articles of Incorporation for the Tourism St. Catharines Municipal Services Corporation as a Non-Share Capital Corporation with the City of St. Catharines as its Sole Member. This Corporation has been so named, Tourism St. Catharines; and
- Prepared all constating documents required for the incorporation of Tourism St. Catharines; and
- Prepared the Sole Member Direction and Sole Member Declaration for Tourism St. Catharines, attached as Appendix 1; and
- Prepared the "City of St. Catharines Municipal Accommodation Tax Reserve Policy" attached as Appendix 2; and
- Drafted an "Operating Agreement", attached as Appendix 3, between the City of St. Catharines and the Tourism St. Catharines Municipal Services Corporation; and
- Drafted the "Asset Transfer Policy" between the City and Tourism St. Catharines, attached as Appendix 4.

The Sole Member Direction and Sole Member Declaration, attached as Appendix 1, sets out the following items:

- The role of the City as sole voting member of the TSC;

- The roles and responsibilities of the Directors and Officers of the TSC;
- Procedural matters related to member meetings;
- Accounting, audit and record-keeping; and
- Other matters which govern the relationship between the City and the TSC.

As per the direction from Council, the City will be required to transfer 60% of MAT revenues, less reasonable collection fees and administrative costs, to the TSC for St. Catharines focused tourism branding, marketing, promotion, and tourism product development and delivery. The TSC will provide these aforementioned services to the City, pursuant to the terms and conditions in the Operating Agreement, attached hereto as Appendix 3.

Additionally, both a Municipal Accommodation Tax Reserve Policy, Appendix 2, and an Asset Transfer Policy, Appendix 4, have been prepared to provide guidance to Council, the TSC, staff and the public on the use, transfer and accounting of municipally owned assets as approved by Council.

The Operating Agreement between the City and the TSC, attached as Appendix 3, sets out reasonable financial accountability matters to ensure that amounts paid to the TSC are used to promote tourism, as required by *Ontario Regulation 435/17*.

Financial Implications

Spending arising from the TSC will be set out by the Board through an annual Business Plan, Strategy Documents and Operating Budgets which will be approved by the TSC Board of Directors and adopted by Council.

The collection of the MAT, a 4% tax levied on each transient room night at accommodations and short-term rentals, will fully fund the Municipal Accommodation Tax Reserve which will in turn fund the operating budget of the TSC. The City will remit 60% of fund collected through the MAT to TSC, reduced by a reasonable amount incurred to administer the program.

As the MAT is a new initiative to the City, the scale and potential impact to current staffing and resource capacities will be reviewed following the initial year of collection. If additional staffing or resources are required to maintain the MAT, staff will report to Council for consideration.

Environmental Sustainability Implications

There are no environment sustainability implications associated with this report.

Conclusion

The overview and appendices prepared for review within this report support Council's direction to implement the MAT on January 1, 2023. These provide clear guidance, processes, and policies for successful operation of TSC in conjunction with the City and provide Council with a path forward to allocate all assets effectively. Through this work the objectives of TSC will be executed bringing in more visitors and overnight stays through branding, marketing and promotions of St. Catharines.

Staff continue to communicate relevant information and process expectations around the MAT to stakeholders through staff reports, presentations, and meetings.

Prepared by

Julia Ciolfi
Economic Development Officer

Approved by

Brian York
Director, Economic Development and Government Relations

Appendices

1. Sole Member Declaration and Sole Member Direction
2. Municipal Accommodation Tax Reserve Policy
3. Operating Agreement between City of St. Catharines and Tourism St. Catharines Municipal Service Corporation
4. Asset Transfer Policy

SOLE MEMBER DIRECTION

and

SOLE MEMBER DECLARATION

WHEREAS The Corporation of the City of St. Catharines (the “City”) has authority to create corporations pursuant to section 203 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, and in accordance with the prescriptions of Ontario Regulation 599/06: MUNICIPAL SERVICES CORPORATIONS;

WHEREAS Tourism St. Catharines Municipal Services Corporation (the “TSC”) is a corporation incorporated and existing under the *Not-for-Profit Corporations Act*, 2010, S.O. 2010, c.15 (“*Not-for Profit Corporations Act*”);

AND WHEREAS The City is the Sole Member of the TSC;

AND WHEREAS through this Sole Member Direction and Sole Member Declaration made and issued by the City to the TSC, it is the purpose of the City to:

- (i) inform the TSC of certain expectations that the City has with respect to the TSC and its activities;
- (ii) provide certain directions to the TSC as to how its activities are to be conducted;
- (iii) provide certain restrictions on the assets, business activities and undertakings that the TSC may own and conduct;
- (iv) provide certain principles that are to govern the activities of the TSC; and
- (v) restrict certain actions by the Directors of the TSC.

NOW THEREFORE IT IS HEREBY DECLARED AND DIRECTED THAT:

ARTICLE 1 – INTERPRETATION

1.1 In this Direction, including its Schedules, unless the context requires otherwise, the following words, phrases and terms shall have the meaning ascribed to them as follows:

- (i) “**Articles**” means the Articles of Incorporation of the TSC, dated XXXXXX XX, 2022, as amended from time to time;
- (ii) “**Annual Report**” has the meaning ascribed to it in section 4.1 herein;

- (iii) **“Auditor”** has the meaning ascribed to it in section 5.6 herein;
- (iv) **“Board”** means the Board of Directors of the TSC;
- (v) **“Business Day”** means 0830 to 1630 on a day which the City’s administrative offices are open for business;
- (vi) **“By-laws”** means the by-laws of the TSC;
- (vii) **“City”** means The Corporation of the City of St. Catharines;
- (viii) **“Confidential Information”** shall have the meaning ascribed to it in the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, as amended;
- (ix) **“Council”** means the Council of the City;
- (x) **“Direction”** means this Sole Member Direction and Sole Member Declaration, as amended;
- (xi) **“Director”** means a member of the Board of Directors of the TSC;
- (xii) **“External Auditor’s Findings Report”** means communication of matters identified by the Auditor during the financial statements audit which matters include misstatements, other than trivial errors, fraud, misstatements that may cause future financial statements to be materially misstated, illegal, or possibly illegal acts or significant weaknesses in internal control;
- (xiii) **“Financial Statements”** means, for any particular period, audited or unaudited (as stipulated in this Direction), consolidated or unconsolidated (as stipulated in this Direction), comparative financial statements of the TSC consisting of not less than a balance sheet, a statement of income and retained earnings, a statement of change in financial position, a report or opinion of the Auditor (in the case of audited financial statements) and such other statements, reports, notes and information prepared in accordance with generally accepted accounting principles (consistently applied) and as are required in accordance with any applicable laws;
- (xiv) **“MFIPPA”** means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, as amended, including any regulations thereunder and any successor legislation;
- (xv) **“Officer”** means an officer of the TSC;

- (xvi) **“Person”** means an individual, sole proprietorship, partnership, unincorporated association, unincorporated organization, trust body corporate and a natural person in their capacity as trustee, executor, administrator or other legal representative;
- (xvii) **“Resident Canadian”** means an individual who is a Canadian citizen ordinarily resident in Canada or, in the alternative, a permanent resident within the meaning of the *Immigration and Refugee Protection Act* (S.C. 2001, c. 27) and ordinarily resident in Canada;
- (xviii) **“Sole Member”** mean the City in its capacity as the sole member of the TSC.

- 1.2 **Extended Meanings.** All words importing the singular number include the plural and vice versa and words importing gender include all genders.
- 1.3 **Conflict between Articles and Direction.** In the event of a conflict between the provisions contained in the By-laws and the provisions contained in this Direction, the provisions contained in this Direction shall prevail.
- 1.4 **Conflict between By-laws and Direction.** In the events of a conflict between the provisions contained in any TSC By-laws and the provisions contained in this direction, the provisions contained in this Direction shall prevail.
- 1.5 **Severability.** In the event that any provision of this Direction shall be deemed invalid, illegal, or unenforceable by a court of competent jurisdiction, it shall not affect the validity, legality or unenforceability of any other provision contained in this Direction.
- 1.6 **Applicable Law.** This Direction shall be governed by and construed in accordance with the laws of the Province of Ontario and the Federal laws of Canada applicable therein.

ARTICLE 2 – PURPOSES, OBJECTIVES, PRINCIPLES AND ACTIVITIES

- 2.1 **Purposes.** This Direction is made for the following purposes. The TSC shall:
 - (i) **Recognize Board Authority.** Recognize the Board’s authority to manage or supervise the management of the business affairs of the TSC in accordance with this Direction.
 - (ii) **Communicate the Requirements of the Sole Member.** Provide the Board with the Sole Member’s requirements regarding the TSC.
 - (iii) **Accountability Framework.** Provide for a framework of accountability, responsibility and relationship between the Sole Member and the TSC.

2.2 Principles. The Sole Member directs that, in the best interest of the TSC, all Directors shall cause the TSC to conduct its affairs in a responsible and prudent manner and as part of that the TSC shall:

- (i) conduct its affairs and provide its services to the City in a reliable, effective, efficient, and commercially prudent basis and which complies with all Applicable Laws;
- (ii) conduct its affairs in accordance with its contractual obligations, including without limitation, any applicable operating agreements;
- (iii) ensure that its policies and programs are consistent with the principles set out in this Direction; and
- (iv) ensure that its policies and programs are consistent with the plans, policies, procedures, and corporate values established by the City from time to time.

2.3 Objectives. The objectives sought to be achieved by the Sole Member with this Direction are as follows. The TSC Shall:

- (i) utilize its assets for the purpose of providing tourism promotion services to the City;
- (ii) utilize its assets for the purpose of providing tourism development services to the City;
- (iii) meet the financial performance standards set by the Sole Member and the Board, from time to time;
- (iv) be responsible for making policy and operational decisions and shall be accountable for same; and
- (v) act to mitigate financial risks to the Sole Member.

2.4 Activities. Subject to the TSC's financial resources and consistent with the overall principles and objectives outlined in this Direction, the TSC may engage in any of the following business activities:

- (i) tourism related business permitted by Applicable Laws;
- (ii) tourism related business that is approved by the Board, including the following business activities, some of which are presently being carried on by the TSC, namely:

- (a) providing tourism promotion services to the City; and
- (b) providing tourism development services to the City.

ARTICLE 3 – DIRECTORS AND OFFICERS

- 3.1 Board Responsibilities.** Subject to any matters requiring Sole Member approval pursuant to this Direction, the Board shall manage or supervise the operations of the business and affairs of the TSC in a manner consistent with the purpose, principles, objectives, and other provisions outlined in this Direction. This shall include, without limitation:
- (i) establishing the values, mission, and vision for the TSC;
 - (ii) establishing policies to guide the operations of the TSC;
 - (iii) approving an annual operating plan and budget and multi-year forecast for the TSC no later than September 30th;
 - (iv) approving an annual capital plan and budget for the TSC;
 - (v) monitoring the performance of the TSC in terms of finances, costs, and quality of services; and
 - (vi) for matters requiring approval of the Sole Member pursuant to the *Not-for-Profit Corporations Act* or this Direction, the mandate of the Board is to provide the Sole Member with a timely written analysis and recommendation pursuant to Section 5.8 herein.
- 3.2 Officer Signing Authority.** All contracts entered into on behalf of the TSC must be reviewed and executed by two Officers, one of which being the Chair, or the Vice-Chair if the Chair is unavailable.
- 3.3 Corporation Employees.** All employees currently employed by the City for the purposes of operating, administering and supporting the TSC (the “Corporation Employees”) shall be City employees and shall report through an organizational structure approved by the City’s Chief Administrative Officer. All Corporation Employees shall adhere to and be subject to the Human Resources and Corporation Policies and Procedures of the City, except to the extent that the TSC has approved different policies and procedures in accordance with this Direction, subject to Sole Member approval. In the event that the TSC approves different policies and procedures in accordance with this Direction, such different policy and procedure shall be clearly communicated with Corporation Employees.

Notwithstanding the above, the TSC is permitted to enter into employment agreements with individuals, not employed by the City on such terms and conditions as may be acceptable to the Board, from time to time.

3.4 Conflict of Interest.

- (i) **Board Compliance.** The Directors and Officers shall comply with all applicable conflict of interest law including without limitation:
 - (a) *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50, as amended, including any regulations thereunder and any successor legislation; and
 - (b) *Not-for-Profit Corporations Act*, including any regulation thereunder and any successor legislation.
- (ii) **Employee Compliance.** All Corporation Employees shall comply with all applicable conflict of interest law and any related the TSC and City policy in respect of conflicts of interest.

3.5 Remuneration. Except for remuneration from the City as approved by Council from time to time, the Directors shall serve as such without remuneration and no Director shall directly or indirectly receive any profit or payment of any nature from the TSC on any basis including without limitation in the capacity of Officer. Notwithstanding the foregoing, Directors may be reimbursed for reasonable expenses incurred by them in the performance of their duties as Directors.

3.6 Removal of Directors. A Director may be removed from the Board by resolution of the Sole Member, at a properly constituted meeting, for reasons including but not limited to:

- (i) breach of the Director's obligations under the *Not-for Profit Corporations Act*;
- (ii) conflict of interest that cannot be resolved in any other manner satisfactory to the Board and the Sole Member;
- (iii) engagement in activities that are deemed by the Sole Member to be inconsistent with the purpose, principles, objectives, and other provisions of this Direction;
- (iv) inability to meet the eligibility criteria of a Board member as described in subsection 5.2 herein;
- (v) absence from three consecutive meetings of the Board during any calendar year without written approval from the Board.

3.7 Regulatory Matters.

- (i) **MFIPPA.** the TSC is subject to MFIPPA, which requires the Board to appoint a “head” for purposes of disclosing or refusing to disclose “records” or “confidential information”, as those expressions are defined in MFIPPA. The TSC shall appoint the City Clerk. Or their designate, as the head of the TSC for the purposes of MFIPPA.
- (ii) **Other Legislation.** If the TSC is subject to any other legislation, such legislation shall prevail over this Direction where there is a conflict between this Direction and such legislation. Should such a conflict occur, the TSC shall contact the Sole Member to discuss the manner in which the interests of the Sole Member may be protected.
- (iii) **Annual General Meeting.** The Board shall hold an annual general meeting of the Sole Member not later than six months after the end of the TSC’s fiscal year.

- 3.8 **Insurance.** the TSC shall carry directors’ and officers’ liability insurance for the Directors and Officers of the TSC in an amount and upon terms consistent with industry norm as defined by the Board.

ARTICLE 4 – BOARD ACCOUNTABILITY

- 4.1 **Annual Report.** The Board shall prepare and approve an “Annual Report” and submit and present same to the Sole Member at a Sole Member meeting, which may be the Annual General Meeting. The Annual Report shall include:

- (i) such explanations, notes, and information as are required to account for any variances between the actual results from operations and the budgeted amounts set forth in the approved budget, and any material variances in the projected ability of any business activity to meet or continue to meet the financial objectives of the Sole Member;
- (ii) information that is likely to materially affect the Sole Member’s objectives;
- (iii) information regarding any matter, occurrence or other event which is a material breach or violation of any law, including findings of internal and other audits;
- (iv) information on progress and accomplishments relative to the TSC’s strategic business plan;

- (v) information regarding the performance of the TSC such that the Sole Member can determine that the strategic business plan has been respected;
- (vi) information regarding the performance of the TSC such that the Sole Member can determine that this Direction has been respected; and
- (vii) such additional information as the Sole Member may specify from time to time.

4.2 Financial Statements. The Board shall deliver to the Sole Member, as soon as practicable and in any event no later than the 31 day of March in the year following the end of each fiscal year, the TSC's audited annual Financial Statements signed on behalf of the Board by two members of the Board, one of which being the Chair, or the Vice-Chair if the Chair is unavailable, along with a copy of the Auditor's Report.

4.3 Accounting. The TSC shall adopt and use the accounting policies and procedures that may be approved by the Board from time to time and all such policies and procedures shall be in accordance with Canadian generally accepted accounting principles and applicable regulatory requirements.

4.4 Procurement. The TSC shall adopt and use a procurement policy that is open, fair, transparent, and consistent with the principles of public procurement. In the event that the TSC fails to adopt such a procurement policy, the default policy shall be in accordance with the procurement policy adopted by the City from time to time. Furthermore, the Sole Member may, at any time, require the TSC to follow the procurement policy of the City.

4.5 Access to Records. The Sole Member shall have unrestricted access to the books and records of the TSC during normal business hours. The Sole Member shall treat all information of the TSC with the same level of care and confidentiality as any Confidential information of the Sole Member.

The TSC shall keep and maintain:

- (i) all financial records, invoices and other financially documents related to the MAT Funds in a manner consistent with generally accepted accounting principles and clerical practices;
- (ii) records for review of investigation by the Auditor for the City for a period of seven years from the date of expiry or termination of this Agreement;
- (iii) all corporate finance related documents, information and electronic files to the City Treasurer, or designate, upon request.

ARTICLE 5 – SOLE MEMBER MATTERS

- 5.1 Sole Member to Appoint Directors.** The Sole Member shall appoint directors to the board by resolution in accordance with this Section 5.2.
- 5.2 Director Eligibility.** To be eligible to serve as a Director, an individual must not be statutorily disqualified from being a director under the *Not-for-Profit Corporations Act* or otherwise and shall be a resident Canadian.
- 5.3 Composition of the Board.** Initially, the TSC shall have a minimum of four Directors. The Directors shall be the City's Chief Administrative Officer, Treasurer, Director in relation to economic development and tourism services, and one Director to consist of a City Councillor. The TSC may, from time to time, change the composition of Directors by special resolution of the Sole Member.
- 5.4 Vacancies.** Subject to the relevant provisions of the *Not-for-Profit Corporations Act*, if there is a vacancy on the Board, the Sole Member shall fill the vacancy created thereby as soon as is reasonably possible with persons eligible for appointment as a Director pursuant to this Direction.
- 5.5 Term of Appointment.** The term of appointment for all Board members shall be concurrent with the term of Council or until their successors are appointed, in any event in accordance with the relevant provisions of the *Not-for-Profit Corporations Act*.
- 5.6 Auditor.** The Sole Member shall require the City appointed Auditor licensed under the *Public Accounting Act*, 2004, S.O. 2004, c.8 to prepare and provide the Auditor's Report and the External Auditor's Finding Report for the TSC. The Auditor shall also be engaged to prepare a management letter for the purposes of indicating to the TSC specific ways to improve reporting and financial operations to help foster efficient management of the TSC's resources. The management letter will also describe whether the TSC has corrected any identified deficiencies in legislative compliance and in internal controls.
- 5.7 Other Matters Requiring Sole Member Approval.** Without the prior written approval of the Sole Member, the TSC shall not:
- (i) create any debt;
 - (ii) enter into any transaction or take any action that requires Sole Member approval pursuant to the *Not-for Profit Corporations Act*;
 - (iii) make any acquisition or disposition howsoever of: (i) any business, (ii) any assets, shares, securities or equity, partnership, or joint venture interests, or (iii) any rights capable of becoming of affecting any of the foregoing;

- (iv) declare any dividend or make any other distribution;
- (v) make any decision that would materially affect the tax or regulatory status of the TSC;
- (vi) grant any loan, guarantee of indebtedness or performance, or provide financial assistance howsoever to any entity other than the TSC and the City;
- (vii) enter into any transaction or take any action that requires the approval of the Sole Member pursuant to this Direction;
- (viii) pass or amend any by-laws with respect to the composition or number of Directors or the term of Directors;
- (ix) pass or amend any by-laws that are inconsistent with this Direction;
- (x) take any steps to wind-up or dissolve the TSC; and
- (xi) take or institute any proceedings for any legal reorganization of the TSC.

5.8 Materials to Accompany Approval Requests. Requests by the TSC to the Sole Member for approvals in relation to Section 5.7 shall be in writing and shall be accompanied by a written analysis and recommendation in connection with the matter in respect of which approval is requested; provided however, that if it is not practicable for the request to be accompanied by such analysis and recommendation, the analysis and recommendation shall be provided to the Sole Member at the earliest practicable time following such request.

5.9 Decisions of the Sole Member. Approvals and decisions of the Sole Member in relation to this Direction will be given to the TSC in writing signed by the Sole Member Representative, as defined in section 5.10 below, and approvals and decisions so signed may be relied upon by the TSC as being the approval and decision of the Sole Member.

5.10 Sole Member Representative. The Sole Member hereby designates the City Clerk and Mayor (or such other person(s) as may be designated by Council from time to time) as the representatives of the Sole Member ("Sole Member Representative") for the purposes of: (i) communicating to the TSC on behalf of the Sole Member any consent or approval required pursuant to the *Not-for-Profit Corporations Act* or providing any consent, approval, direction, communication or any information to be provided by the Sole Member to the TSC pursuant to this Direction; and (ii) receiving from the TSC any communications or information to be provided to the Sole Member by the TSC for the purposes of this Direction. All communications for the purposes of this Direction between the Sole Member and

the TSC shall be transmitted to and from the “head” of the TSC, on behalf of the TSC, and the Sole Member Representative, on behalf of the Sole Member.

ARTICLE 6 – CONFIDENTIALITY

6.1 Confidentiality.

(i) **Confidential Exceptions.** The Directors, Officers and the Sole Member shall ensure that all Confidential Information of the TSC is not disclosed or otherwise made available to any Person, except to the extent that:

(a) disclosure to the TSC’s Employees, authorized agents of the TSC or other employees or agents of the Sole Member is necessary or the performance of any of their duties and obligations under this Direction; and

(b) disclosure is required in the source of judicial proceedings or pursuant to law.

6.2 **Requests to Disclose.** In the event any of the Directors, Officers or the Sole Member receive a request to disclose any Confidential Information pursuant to legal process of any kind, such Director, Officer, or the Sole Members shall notify the TSC promptly so that the TSC may seek a protective order or other appropriate remedy. In the event that such protective order or other remedy is obtained, any of the Directors, Officers or the Sole Members shall furnish only that portion of the Confidential Information which any of the Directors, Officers or Sole Members is / are advised by legal counsel is legally required and will exercise all reasonable efforts to obtain reliable assurance that confidential treatment will be afforded to the Confidential Information.

ARTICLE 7 – EXCHANGE OF INFORMATION

7.1 **General.** Any demand, notice or communication to be given under this Direction and not otherwise addressed in this Direction shall be in writing and signed by an authorized signatory and shall be personally delivered, mailed by prepaid mail, sent by facsimile or email as follows:

All demands, notices and communications shall:

- (i) if delivered personally, be deemed to have been received upon receipt;
- (ii) if transmitted by facsimile or email, be deemed to have been given on the second business day following the day they were sent; and
- (iii) if mailed, be deemed to have been given on the third business day following the date they were mailed.

ARTICLE 8 – ENFORCEMENT

- 8.1 **Voting Power.** The Board and the Sole Member shall always use their voting powers (whether by way of vote or written consent) in accordance with the provisions of this Direction for the purposes of effectuating the same.
- 8.2 **Further Assurances.** The TSC, upon reasonable request of the Sole Member, shall do, execute, acknowledge, and deliver or cause to be done, executed, acknowledged, and delivered all such further acts and assurances as may be required for the better carrying out and performance of all the terms of this Direction.

ARTICLE 9 – COMMENCEMENT, AMENDMENT AND TERMINATION

- 9.1 **Commencement.** This Direction shall come into effect as of XXXXXX, 202X and continue in effect until terminated by the Sole Member.
- 9.2 **Amendment.** This Direction may be amended solely at the discretion of the Sole Member by written resolution.
- 9.3 **Termination.** This Direction may be terminated solely at the discretion of the Sole Member upon written notice to the Board of any such proposed termination.
- 9.4 **No Third-Party Beneficiaries.** Nothing in this Direction shall entitle any entity other than the Sole Member to any claim, cause of action, remedy or right of any kind in respect to this Direction or the subject matter of this Direction.

CORPORATION OF THE CITY OF ST. CATHARINES

Signed for and on behalf of this Corporation of the City of St. Catharines as the sole member of the Tourism St. Catharines Municipal Services Corporation by:

Signed:_____

Name: Walter Sendzik

Title: Mayor

Date:

Signed:_____

Name: Kristen Sullivan

Title: City Clerk

Date:

Subject: Municipal Accommodation Tax Reserve Policy

Prepared by: Economic Development and Tourism Services

Approved by:

Issue Date:

Policy #:

Review Date:

Revision Date:

Policy

This Policy sets out the guidelines for the sources and uses for the balances in the Municipal Accommodation Tax (MAT) Reserve.

Purpose

The objective of the MAT Reserve Fund is to provide for the financing of promotion and development of tourism and tourism related products and activities in the City of St. Catharines, such as, but not limited to, hosting fees for tourism events.

Scope

This Policy applies to MAT Revenues received by the City of St. Catharines from providers of transient accommodation.

This Policy applies to all City of St. Catharines employees that are responsible for the management of financial resources.

Principles

The following principles apply to this policy:

Source of Funding:

Revenue Sharing – Municipal portion of the Municipal Accommodation Tax in respect of the fiscal year.

Interest Income – Interest earned on the unsued actual cash balance held in the MAT Reserves, according to the City of St. Catharines' Reserve Interest allocations for reserves and reserve funds.

Funding Targets:

A minimum equivalent to one full year of the revenue collected through the City's share of MAT prior to any direction of the Reserve funds towards tourism promotion and development activities.

Use of Funds:

The MAT Reserve Funds, whether the 40% portion retained by the City of St. Catharines or the 60% portion provided to the TSC, shall be used for the promotion and execution of tourism activities including but not limited to bidding / hosting fees; tourism sales; marketing initiatives and the development of tourism products.

In the case of extraordinary and unforeseen operating expenditures related to Tourism initiatives, the Director of Economic Development and Government Relations shall consult with the Director of Financial Management Services to determine if funds from the MAT Reserve can be used to offset the Operating Budget. If it is determined that the funds can be used in this manner, a budget submission, a separate Council report or a Council motion shall be required to approve utilization of funds.

Transfers from Reserves:

All transfer from the MAT Reserve are to be approved by City Council by a budget submission, a separate Council report or a Council motion. All relevant information is to be included with the request.

Governing Legislation

1. *Municipal Act*, 2001, Section 224
2. *Municipal Act*, 2001, Section 400.1 and Ontario Regulation 435/17

OPERATING AGREEMENT
(the “**Agreement**”)

THIS AGREEMENT is effective as of the ____ day of _____, 2022 (the “**Effective Date**”)

BETWEEN:

CORPORATION OF THE CITY OF ST. CATHARINES
(hereinafter the “**City**”)

-and-

TOURISM ST. CATHARINES MUNICIPAL SERVICES CORPORATION
(hereinafter the “**TSC**”)

(individually a “**Party**” and together the “**Parties**”)

WHEREAS the City is a municipal corporation duly incorporated under the laws of the Province of Ontario;

AND WHEREAS the TSC is a municipal services corporation incorporated pursuant to *Ontario Regulation 599/06 – Municipal Services Corporations* (being a regulation under the *Municipal Act*, 2001, SO 2001, c.25);

AND WHEREAS the City is the sole member of the TSC;

AND WHEREAS the TSC is an ‘eligible tourism entity’ for purposes of *Ontario Regulation 435/17 – Transient Accommodation Tax* (being a regulation under the *Municipal Act*, 2001, SO 2001, c.25) and provides tourism promotion and tourism development services to the City;

AND WHEREAS the City seeks to support the TSC in carrying out the TSC’s mandate in accordance with this Agreement, including without limitation the guiding principles set out in Article 4, and in accordance with applicable law;

AND WHEREAS the Parties desire to enter into this Agreement to satisfy the requirements of Section 6 of *Ontario Regulation 435/17 – Transient Accommodation Tax*;

NOW THEREFORE in consideration of the mutual covenants and agreements contained herein and subject to the terms and conditions hereinafter set out, the Parties hereby agree as follows:

ARTICLE 1 – DEFINITIONS

- 1.1 In this Agreement, unless the context requires otherwise, the following words, phrases and terms shall have the meaning ascribed to them as follows:
- (a) **“Agreement”** means this Operating Agreement and all schedules attached hereto;
 - (b) **“Annual Report”** has the meaning ascribed to it in Section 7.1 herein;
 - (c) **“Auditor”** shall have the meaning ascribed to it in the Sole Member Direction;
 - (d) **“Auditor’s Report”** shall have the meaning ascribed to it in the Sole Member Direction;
 - (e) **“Board”** means the Board of Directors of the TSC;
 - (f) **“Confidential Information”** shall have the meaning ascribed to it in the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, as amended;
 - (g) **“Council”** means the Council of the City of St. Catharines;
 - (h) **“External Auditor’s Findings Report”** shall have the meaning ascribed to it in the Sole Member Direction;
 - (i) **“Financial Statements”** shall have the meaning ascribed to it in the Sole Member Direction;
 - (j) **“MAT”** means the Municipal Accommodation Tax implemented by the City pursuant to *Ontario Regulation 435/17 – Transient Accommodation Tax*;
 - (k) **“MAT Fund”** means the portion of the MAT that the City is required to pay to an eligible tourism entity pursuant to *Ontario Regulation 435/17-Transient Accommodation Tax* being a regulation under the *Municipal Act*, 2001, SO 2001, c.25;
 - (l) **“Sole Member”** means the City in its capacity as the sole member of the TSC;
 - (m) **“Sole Member Direction”** means the Sole Member Direction and the Sole Member Declaration made and issued by the City to the TSC;
 - (n) **“Treasurer”** means the Director of Financial Management Services or their designate;

ARTICLE 2 – BACKGROUND

2.1 The Parties acknowledge and agree with each other that:

- (a) the TSC was incorporated pursuant to the *Not-for-Profit Corporations Act*, 2010, SO 2010, c. 15;
- (b) the City has or intends to, as the case may be, enact(ed) a by-law to impose a municipal accommodation tax (“MAT”) pursuant to *Ontario Regulation 435/17 – Transient Accommodation Tax*;
- (c) the TSC was incorporated to serve as an ‘eligible tourism entity’ for the purposes of *Ontario Regulation 435/17 – Transient Accommodation Tax*;
- (d) *Ontario Regulation 435/17 – Transient Accommodation Tax* allows a municipality to provide an eligible tourism entity with fifty percent (50%) of the annual MAT revenue collected (less the City’s reasonable costs of collecting and administering the MAT that are attributable to such fiscal year), to be used for the exclusive purpose of promoting tourism;
- (e) the City desires to provide the TSC with sixty percent (60%) of the City’s annual collected MAT revenue (less the City’s reasonable costs of collecting and administering the MAT that are attributable to such fiscal year), subject to the terms and conditions set forth herein; and
- (f) the Parties desire to enter into this agreement to set out reasonable financial accountability matters to ensure that amounts paid to the TSC are used for the exclusive purpose of promoting tourism, pursuant to *Ontario Regulation 435/17 – Transient Accommodation Tax*.

2.2 the TSC acknowledges that as a legal entity it is subject to the laws of Ontario and Canada and that it has an array of legal duties, responsibilities and obligations.

2.3 the TSC shall comply with all Applicable Laws, including but not limited to:

- (a) the *Corporations Act* and the *Corporations Information Act*;
- (b) the *Not-for-Profit Corporations Act*, 2010 (Ontario) upon its provisions coming into force;
- (c) the *Municipal Act*, 2001;
- (d) the *Municipal Conflict of Interest Act* including the directors and officers of the TSC;

(e) the *Municipal Freedom of Information and Protection of Privacy Act* (as an institution); and

(f) employment legislation and regulations thereunder.

ARTICLE 3 – TOURISM ST. CATHARINES CORPORATE GOVERNANCE FRAMEWORK

- 3.1** In the event that the City established a corporate governance framework for decision-making, strategic planning, budget and business plans and corporate policies, the TSC agrees to abide by and implement same, including abiding by and implementing provisions that restrict the TSC Board's scope of authority to the extent desired by Council.
- 3.2** the TSC shall prepare and update a manual setting out the formal organizational structure and operating procedures which shall address the following:
- (a) the distinct legal status of the TSC;
 - (b) the organizational structure of the TSC; and
 - (c) the legal obligations of the TSC.
- 3.3** A copy of the TSC's organizational structure and operating procedures manual shall be circulated to all the TSC directors, officers, advisors, and committee members and to the City as required by the City.

ARTICLE 4 – GUIDING PRINCIPLES

- 4.1** the TSC shall be guided by the following principles which function as rules of thumb in future decision-making throughout the TSC's lifecycle irrespective of any changes in leadership, goals, strategies, and activities:
- (a) the TSC will take a leadership role in promoting and marketing St. Catharines as a leading destination for tourism, leisure, and business travel with an emphasis on promoting overnight stays.
 - (b) the TSC will be a supportive partner of stakeholders and organizations (i.e. Greater Niagara Chamber of Commerce, Tourism Partnership of Niagara, etc.) that deliver programming that attracts greater spending and investments in St. Catharines. In doing so the TSC will ensure that its work is complementary to work done by others.
 - (c) Existing hotel operators, tourism venues and affiliated service providers have tremendous insight and expertise, and they should have a seat at the table.

- (d)** the TSC will undertake its work based on an objective decision-making process that is accountable and transparent, resulting in city-wide benefits.
- (e)** the TSC will develop and implement tourism marketing strategies that reflect St. Catharines' unique character, its cultural and built heritage, diverse communities, social and cultural traditions, recreational and sports assets and business development opportunities.
- (f)** the TSC will seek to leverage the transit and infrastructure investments made by the City, Niagara Region and the Province of Ontario to build exciting tourism offerings and a sense of place in key areas.

ARTICLE 5 – OBJECTIVES OF TOURISM ST. CATHARINES MUNICIPAL SERVICES CORPORATION

- 5.1** the TSC acknowledges and agrees that all amounts paid to it by the City pursuant to Section 2.1(e) herein shall be used for the exclusive purpose of providing the City with tourism promotion and tourism development services, consistent with the objectives set forth in Section 5.2 herein, and as may be further requested by the City from time to time.
- 5.2** the TSC shall strive to fulfill the following objectives while providing tourism promotion and tourism development service to the City:
 - (a)** assist in securing and executing the hosting and promotion of events that are deemed to be a regional, provincial, national and / or international draw;
 - (b)** support the creation of tourism product development which brings new and innovative products, experiences, and services to the market for tourists to enjoy;
 - (c)** develop a branding strategy and marketing plan that supports tourism sector development and capacity-building;
 - (d)** promote and market St. Catharines as a leading destination for tourist, leisure and business travel with an emphasis on promoting overnight stays;
 - (e)** collect and disseminate information, including conducting targeted market research for purposes of identifying tourism and business travel opportunities in the City; and
 - (f)** undertake its duties using objective decision-making that is accountable and transparent, with a focus on providing City-wide benefits.

ARTICLE 6 – PAYMENT OF MAT FUNDS TO CORPORATION

- 6.1 Subject to the terms and conditions set forth in this Agreement, the City shall transfer to the TSC sixty percent (60%) of the annual collected MAT revenue (less the City's reasonable costs of collecting and administering the MAT that are attributable to such fiscal year).
- 6.2 The frequency of payments from the City to the TSC shall be determined at the sole discretion of the City, from time to time.
- 6.3 the TSC shall only use the MAT Fund (including any interest earned):
 - (a) for the exclusive purpose of promoting tourism in accordance with this Agreement and shall not use the MAT Fund to cover any cost that has or will be funded or reimbursed by one or more of any third party; and
 - (b) in accordance with the TSC's approved budget.

ARTICLE 7 – FINANCIAL ACCOUNTABILITY

- 7.1 **Annual Report.** The Board shall prepare and approve an "Annual Report" and submit and present same to the City, in its capacity as Sole Member, at a Sole Member meeting, which may be the Annual General Meeting. The Annual Report shall include:
 - (a) such explanations, notes and information as are required to account for any variances between the actual results from operations and the budgeted amounts set forth in the approved budget, and any material variances in the projected ability of any business activity to meet or continue to meet the financial objectives of the City;
 - (b) information that is likely to materially affect the City's objectives;
 - (c) information regarding any matter, occurrence or other event which is a material breach or violation of any law, including findings of internal and other audits;
 - (d) information on progress and accomplishments relative to the TSC's strategic business plan;
 - (e) information regarding the performance of the TSC such that the City can determine that the strategic business plan has been respected;

(f) information regarding the performance of the TSC such that the City can determine that the Sole Member Direction has been respected; and

(g) such additional information as the City may specify from time to time.

7.2 Financial Statements. The Board shall deliver to the City, in its capacity as Sole Member, as soon as practicable and in any event no later than the 31st day of March in the year following the end of each fiscal year, the TSC's audited annual Financial Statements signed on behalf of the Board by two members of the Board along with a copy of the Auditor's Report.

7.3 Accounting. The TSC shall adopt and use the accounting policies and procedures that may be approved by the Board from time to time and all such policies and procedures shall be in accordance with Canadian generally accepted accounting principles and applicable regulatory requirements.

7.4 Auditor. The City, in its capacity as Sole Member, shall require the use of the City appointed Auditor licensed under the *Public Accounting Act*, 2004, S.O. 2004, c.8 to prepare and provide the Auditor's Report and the External Auditor's Finding Report, at the expense of the TSC. The Auditor shall also be engaged to prepare a management letter for the purposes of indicating to the TSC specific ways to improve reporting and financial operations to help foster efficient management of the TSC's resources. The management letter will also describe whether the TSC has corrected any identified deficiencies in legislative compliance and in internal controls.

7.5 Access to Records. The City shall have unrestricted access to the books and records of the TSC during normal business hours. The City shall treat all information of the TSC with the same level of care and confidentiality as and Confidential Information of the City.

7.6 Additional Revenue. In addition to the MAT Fund and subject to Council approval and compliance with Applicable Law, the TSC may also generate revenue from the following sources:

(a) corporate sponsorship;

(b) donations;

(c) project based or general marketing relationships with other organizations;

(d) government grants and loans;

(e) investment income;

(f) joint ventures or partnerships; and

(g) revenue generating projects.

ARTICLE 8 – GENERAL PROVISIONS

- 8.1 Term and Termination.** This Agreement shall be effective as of the Effective Date and shall continue in effect until the earlier of:
- (a) the dissolution of the TSC; or
 - (b) the City provides the TSC with written notice of its desire to terminate this Agreement; or
 - (c) The Parties mutually agree in writing to terminate this Agreement.
- 8.2** This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein.
- 8.3** In the event that any provision of this Agreement is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, the remaining provisions of this Agreement will not be affected and shall continue in full force and effect.
- 8.4** The TSC shall not assign this Agreement in whole or in part without the express written consent of Council.
- 8.5** This Agreement may be altered, varied, amended or supplemented by the written consent of both Parties.
- 8.6** No waiver of a breach by a Party under this Agreement shall constitute an amendment or consent to or waiver of any other different or subsequent breach.
- 8.7** The TSC is deemed to be an institution for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*.
- 8.8** This Agreement shall ensure to the benefit of and be binding upon the respective successors, administrators and assigns of each Party.
- 8.9** Pursuant to Section 16 of *Ontario Regulation 599/06 – Municipal Services Corporations*, the TSC is hereby authorized to operate within the boundaries of the City.

IN WITNESS WHEREOF the Parties have shown their agreement by affixing hereto the signatures of their duly authorized signing officers and executed this Agreement as of the Effective Date.

CORPORATION OF THE CITY OF ST. CATHARINES

Per: _____
Name: Walter Sendzik
Title: Mayor
Date:

Per: _____
Name: Kristen Sullivan
Title: City Clerk
Date:

TOURISM ST. CATHARINES MUNICIPAL SERVICES CORPORATION

Per: _____
Name:
Title: President
Date:

Per: _____
Name:
Title: Treasurer
Date:

Subject: Asset Transfer to the Tourism St. Catharines Municipal Services Corporation

Prepared by: Economic Development and Tourism Services

Approved by:

Issue Date:

Policy #:

Review Date:

Revision Date:

Policy

This Policy establishes a framework for administering the transfer of Corporation of the City of St. Catharines ("City") municipally owned asset(s) / funds to Tourism St. Catharines Municipal Services Corporation ("the TSC").

Purpose

The objective of this policy is to permit and facilitate the transfer of City owned and controlled assets / funds to the TSC pursuant to applicable legislation while demonstrating good governance, accountability and transparency.

Scope

This policy applies to any instance where City owned assets are transferred to the TSC.

This policy applies to all City employees that are responsible for the management of financial resources.

This policy applies to Council and City employees who have carriage of the TSC's matters.

Legislative Requirements

1. *Municipal Act, 2001*, S.O. 2001, c.25 and O. Reg 599/06 – Municipal Service Corporations.
2. All applicable laws including federal, provincial, municipal by-laws, policies and procedures.

Definitions

1. **Asset(s):** A resource with economic value with an expectation that it will provide a future benefit. An asset can include real and personal property, monies, securities, equipment, intellectual property, and any resource that could deliver a prospective profit and / or benefit.

2. **City Staff:** Employees of the City, unless otherwise stated.
3. **Council:** The Council of the City of St. Catharines.
4. **Transfer:** A change of ownership from one party to another.
5. **Treasurer:** The City Treasurer (or designate as identified by the City Treasurer).
5. **Tourism St. Catharines Municipal Services Corporation (“the TSC”):** a not-for-profit corporation wholly owned by the City, incorporated pursuant to the *Not-for-Profit Corporations Act*, 2010, S.O. 2010, c.15.

Policy

The following principles apply to this policy:

1. The City shall ensure all applicable legislation, including but not limited to the *Municipal Act*, 2001 is adhered to in any asset transfer.
2. Prior to any transfer of assets / funds, Financial Management Services staff shall determine the fair market value of the assets / funds, further determination may involve the use of an appraiser, but such an appraisal shall not necessarily be required where staff is of the opinion that a fair market value can be accurately determined.
3. Asset(s) / funds may be transferred to the TSC at any time, as authorized by Council, on such terms as Council may determine.
4. Asset transfer must be approved by Council in advance of the transfer.
5. In determining whether to authorize a funds transfer to the TSC, Council will consider one or more of the following objectives:
 - a. optimizing the use and value of the assets;
 - b. advancing the City’s economic development, vitality and competitiveness;
 - c. supporting community health and well-being;
 - d. managing environmentally sustainable growth;
 - e. providing responsive and efficient public service; and
 - f. enhancing the quality of life of the City’s citizens.
6. City Council may attach any term, condition, guideline, restriction or such to any asset / funds transfer as it deems necessary or appropriate, including but not limited to:
 - a. happening of an event or events;

- b. specifying the permitted use of the asset(s);
 - c. providing for an obligation on the TSC to transfer back the asset upon the restricting or further transfer, sale or lease of the asset;
 - d. attaching a purchase price of the asset to be paid to the City by the TSC; and
 - e. any repayment or conditional payment terms.
7. The Treasurer shall record all transfers in accordance with the City's accounting policies and relevant accounting standards.
8. Where a third party (i.e. Government of Canada, Province of Ontario) has contributed funds to any asset being transferred, the City shall give notice to the parties that made part of the contribution if such notice is required by law or agreement.

Compliance

Any violation of this policy may result in disciplinary action up to and including termination.



Corporate Report City Council

Report from: Office of the Chief Administrative Officer

Report Date: October 27, 2022

Meeting Date: November 7, 2022

Report Number: CAO-166-2022

File: 10.4.99

Subject: Inclusive Recognition – Amplifying Significant Dates Framework

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: social well-being and cultural.



Recommendation

That Council endorse the Inclusive Recognition – Amplifying Significant Dates Framework as proposed by the Celebrating Significant Dates Working Group as outlined in report CAO-166-2022.

Summary

As a signatory on the Coalition of Inclusive Municipalities, and the active work underway to strengthen and build the City's Diversity, Equity and Inclusion Strategy, a commitment was made by staff to provide opportunities for the community to recognize significant dates in a meaningful way. Examples include, but are not limited to, diverse holidays and cultural celebrations.

Staff established a Celebrating Significant Dates Working Group (CSDWG), which has been focused on identifying inclusive ways of recognizing, celebrating, and amplifying significant dates. The CSDWG has engaged with members of the Arts and Culture Advisory Committee and Equity and Inclusion Advisory Committee for input, which is reflected in the Amplifying Significant Dates Framework. The CSDWG will engage community partners and other stakeholders in the development of guiding parameters for interested parties to submit a request of date recognition.

Relationship to Strategic Plan

This report supports the Social Well-being and Cultural Renaissance Goals of the Strategic Plan by supporting inclusive neighbourhoods and celebrating the City's rich history and diversity to provide high quality of life for residents of all ages.

Background

Respecting diversity, inclusiveness, and equity is a guiding principle of the City's Strategic Plan. The City is committed to identifying ways to ensure it is respectful of the diversity within the city and beyond by promoting and working on fostering inclusive spaces, mindsets, and culture both internally and externally.

In December 2021, staff made a commitment to respect all denomination's celebrations of holidays in a way that's reflective of all. From this commitment, the CSDWG was established to explore ways in which this could be done.

Members of the CSDWG have been meeting since August 2022 to develop a framework that recognizes, amplifies, and celebrates significant dates in a way that is inclusive and representative of the diversity that exists within the city and country.

Report

The City will continue to use existing communications channels, including electronic signage, to recognize significant dates. The Mayor's Office has utilized social media platforms to recognize significant dates. The City recognizes the power of centering the voices of constituents, including those who have traditionally not been included. In acknowledging the opportunity to do more and be better, the City is moving in a direction that is focused on celebrating diversity, equity, and inclusion by recognizing significant dates, diverse holidays, and cultural celebrations, in a meaningful way.

As such, the CSDWG was formed with representation from the following City departments: Financial Management Services, Economic Development and Government Relations, Community, Recreation and Culture Services, and the Office of the Chief Administrative Officer. Members from the Anti-Racism Advisory Committee, Arts and Culture Advisory Committee, Equity and Inclusion Advisory Committee, and LGBTQ2+ Advisory Committee were invited to participate in a focus group with staff. Four committee members from the Arts and Culture Advisory Committee and Equity and Inclusion Advisory Committee respectively were engaged for input in the development of the Framework.

Through research and discussion, the CSDWG determined that there are municipalities, for example, Brampton and Welland, who use lighting to recognize significant dates, including religious observances. It was also discovered that larger landmarks such as the Niagara Falls and the CN Tower restrict religious dates / holidays in their lighting request process. Additional work will be undertaken to engage community partners, interested parties, Committees, and subject matter experts, as required, in the

development of guiding parameters for community members and organizations to submit a request of date recognition.

Additionally, the CSDWG identified that it was important for community members to have the opportunity to spotlight significant dates, but also be provide opportunities to learn about, and share, different cultures. Intercultural exchange plays an important role in contributing to broader awareness and successful Diversity, Equity, and Inclusion strategies.

The goal of the Inclusive Recognition Framework is to create space for those who may feel as though they are not seen or recognized, strengthen existing community relationships, build and foster new community relationships, celebrate and share culture and knowledge, and promote a more inclusive, welcoming city.

The four components, as outlined below, form the basis of the framework.

Component 1 – Recognize Significant Dates Utilizing Existing Communications Channels

- **Target Date: Present and Ongoing**
- Populate community calendar with significant dates.
- Continue to leverage communications from the Mayor’s Office, i.e., social media, to amplify significant dates.
- Explore additional opportunities to recognize significant dates across corporate communications channels, including social media and electronic signage.

Component 2 – Lighting Investment with Permanent Signage, Request Process and Parameters

- **Target Date: December 2023**
- Invest in lighting infrastructure used to light up the front exterior of City Hall and / or the Old Courthouse in colour(s) recognizing a significant date.
- Invest in changeable, permanent signage, to specify the significant date, i.e., name of day and date(s).
- Develop an Inclusive Recognition Request webpage on stcatharines.ca whereby community members and organizations can submit significant dates to be recognized with lighting (subject to parameters to be established).
- A static QR code will be included on the signage, which redirects to the webpage with information about “why City Hall is lit up.”

Component 3 – Use of Market Square for Education and Information Sharing

- **Target Date: December 2023**
- Market Square to be leveraged as an opportunity for community members and / or organizations that submitted and received approval for lighting City Hall and / or the Old Courthouse to come together and share information about the significant date with community.

- Cadence could be weekly, to coincide with the Saturday Farmers Market, focused on the dates that were recognized by the preceding week in the calendar.

Component 4 – Awareness and Community Engagement Campaign

- **Target Date: June 2023 and ongoing**
- Develop an awareness and community engagement campaign about the opportunity to light City Hall and / or the Old Courthouse and the process to submit a request.
- Promote the use of a table at Market Square as an opportunity for community members and organizations to connect with community and share information about the significant date being recognized through lighting.

Future Considerations:

Staff recommends the four components of the framework be evaluated on an ongoing basis, recognizing the need for community feedback to inform best practice. As part of the ongoing development and evaluation of the Framework, the CSDWG will engage committees and external subject matter experts when more information and / or advice is necessary.

Additionally, as part of the forthcoming Civic Square, the framework can be added to, and additional lighting and signage infrastructure explored, with direction from Council. Future additions to the framework, and budget impacts, will be brought forward for Council consideration.

Consultation

The CSDWG will work collaboratively with staff to consult with community organizations that the City has established relationships with and will actively reach out to organizations and community groups with no history of engagement.

There will be additional consultations with other municipalities and staff.

Financial Implications

There are no financial implications associated with this report. Budget associated with executing upon the Inclusive Recognition Framework will be brought forward for Council's approval through the 2023 Operating Budget.

Environmental Sustainability Implications

There are no environmental implications associated with this report.

Conclusion

The City of St. Catharines is committed to fostering a more inclusive environment by creating space for communities to recognize significant dates. The framework, as outlined in this report, is one of the ways in which the City can build the relationships and awareness required to engage individuals and groups we may not have heard from

in the past. The City commits to acknowledging and celebrating the diversity that exists within our City in an equitable way.

Prepared by

Anika Forde
Manager of Diversity, Equity and Inclusion

Carly Anderson
Supervisor, Culture

Submitted by

Anika Forde
Manager of Diversity, Equity and Inclusion

Approved by

David Oakes
Chief Administrative Officer

Erin O'Hoski
Deputy Chief Administrative Officer



Corporate Report City Council

Report from: Planning and Building Services, Planning Services

Report Date: October 19, 2022

Meeting Date: November 7, 2022

Report Number: PBS-171-2022

File: 22 111956 HERT

Subject: Relocation of a Building within the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District – 16 Lock Street (Port Dalhousie Jail)

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: Cultural



Recommendation

That Council approve the Heritage Permit application to relocate the Port Dalhousie Jail as part of the proposed development at 16 Lock Street. The relocation is consistent with the policies of the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District. The relocation requires Council approval as it is technically considered a demolition under the Ontario Heritage Act.

Summary

Staff are recommending the approval of a heritage permit for the relocation of the Port Dalhousie Jail as part of the proposed development at 16 Lock Street. The Jail will be relocated to a site between the harbour and Lakeside Park parking lot. The heritage permit is required under the Ontario Heritage Act because technically when relocating a building from a property, the relocation is considered a demolition, even though no structures will be demolished. The relocation was negotiated as part of the Ontario Land Tribunal settlement for the proposed development at 16 Lock Street and is consistent with the policies of the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District.

Staff concur with the recommendation from the St. Catharines Heritage Permit Advisory Committee (SHPAC) that the proposed relocation should be approved based on the policies of the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District Plan. The District Plan states that the relocation of the Port

Dalhousie Jail may be considered within Lakeside Park in the vicinity of the route of the First Welland Canal, subject to submission of an up-to-date Heritage Impact Assessment and Conservation Plan (HIA) and approval of a Heritage Permit. The HIA shall include a relocation plan and stabilization plan, commemoration plan, and site and restoration plan for the proposed new location. These documents have been submitted by the applicant.

Relationship to Strategic Plan

The recommendation of this report directly supports the Cultural Renaissance Goal in the City's Strategic Plan:

4.1: Addressing Heritage Preservation.

Background

The proposed development at 16 Lock Street was part of a lengthy appeal process between various developers, the City and the Port Dalhousie Conservancy. On Thursday April 7, 2022, Council approved the settlement, including the overall strategy for the proposed development (which included the relocation of the Port Dalhousie Jail). The settlement between the three parties was approved by the Ontario Land Tribunal in August 2022. The settlement also brought the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District into effect. The District is comprised of the commercial and harbour areas of Port Dalhousie and includes Lakeside Park, Rennie Park, and lands west of Lakeport Road including Old Lock One.

The *Ontario Heritage Act* (OHA) requires that Council approval be obtained for new construction, additions to existing structures, and demolition within a Heritage Conservation District. The St. Catharines Heritage Permit Advisory Committee (SCHPAC) was appointed in May 2015 to review applications and provide advice to Council to facilitate this process. The Port Dalhousie Heritage District Advisory Committee (PDHDAC) provided this function in Port Dalhousie from 2004 to early 2015.

By-law 2020-156 delegated the approval of heritage permits to the Director of Planning and Development Services; however, this authorization does not include the approval of demolitions. Under the Ontario Heritage Act, the relocation of a building is considered a demolition, even when no buildings are proposed for demolition.

In accordance with *Section 42(4)* of the *Ontario Heritage Act*, when a heritage permit, including demolition, is applied for, Council may give the applicant:

- (a) the permit applied for;
- (b) notice that the Council is refusing the application for the permit or;
- (c) the permit applied for, with terms and conditions attached.

If Council refuses the heritage permit, or approves the application with conditions, the owner may appeal to the Ontario Land Tribunal (OLT). If Council does not take any of the actions specified in *Section 42(4)* within 90 days after notice of receipt of the

application is served on the applicant, Council is deemed to have given the applicant the permit.

Report

An application has been submitted to relocate the Port Dalhousie Jail. It is located on the north side of the property at 16 Lock Street, near Main Street and Lakeside Park. The jail will be relocated to a nearby site between the harbour and the Lakeside Park parking lot. Appendix 1 shows an aerial view of the structure proposed for relocation along with its proposed new location. Appendix 2 shows a rendering of the proposed new site. Appendix 3 provides a photographic overview of the building.

Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District Plan

The Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District Plan provides guidance for the relocation of the Port Dalhousie Jail. Specifically, the District Plan notes:

Relocation of the Port Dalhousie Jail may be considered within Lakeside Park in the vicinity of the route of the First Welland Canal, subject to submission of an up-to-date Heritage Impact Assessment and Conservation Plan (HIA) and approval of a Heritage Permit. The HIA shall include a relocation plan and stabilization plan, commemoration plan, and site and restoration plan for the proposed new location.

The District Plan also provides guidance for the proposed location of the jail, noting that the Jail shall be located in an open plaza. The new location will be in a plaza setting with public access (see Appendix 2 for a rendering of the proposal) and will be located adjacent to the route of the First Welland Canal, which traversed across the bottom of Lakeside Park near the entrance to the parking lot.

Overall, the proposal is consistent with the policies of the District Plan. Though relocating buildings can present challenges, a Conservation Plan and Relocation Plan have been provided by a qualified heritage consultant and the structure will be relocated by an experienced team. The proposed new use for the building has not been determined at this time, but its new location will make it a more prominent structure in the area and the Conservation strategy will ensure that the building remains in good condition in Port Dalhousie for generations to come.

St. Catharines Heritage Permit Advisory Committee

At the SCHPAC meeting on September 29, 2022, the Heritage Permit Advisory Committee voted in favour of the following motion:

“That the SCHPAC recommends approval of the proposed development at 12-16 Lock Street including restoration work and alterations to the Stanton Grocery, Austin House and Port Dalhousie Jail;

And that the SCHPAC recommends approval of the relocation of the Port Dalhousie Jail.”

Financial Implications

There are no direct financial implications associated with this report. The developer is responsible for the cost of relocating the structure.

Environmental Sustainability Implications

There are no environmental implications associated with this report.

Conclusion

The *Ontario Heritage Act* requires the respective Municipal Heritage Committee be consulted prior to Council making a decision on a heritage permit application for the relocation of a building within a Heritage Conservation District. In this regard, the SCHPAC has been consulted with respect to the application to relocate the Port Dalhousie Jail as part of a proposed development at 16 Lock Street. The recommendation being made to Council is consistent with the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District Plan.

Planning and Building Service staff concur with the recommendation of the SCHPAC and recommend the approval of the heritage permit.

Notifications

It would be prudent to notify the owner of the property.

Prepared by

James Neilson
Heritage Planner

Submitted by

Margaret Josipovic
Manager of Planning Services

Approved by

Tami Kitay
Director, Planning and Building Services

Appendices

1. Location Plan for the Port Dalhousie Jail
2. Rendering of the Port Dalhousie Jail
3. Photographs of the Port Dalhousie Jail

Appendix 1 - Proposed Relocation Plan of the Port Dalhousie Jail



Appendix 2 – Proposed Rendering of the Port Dalhousie Jail



Appendix 3 – Photographs of the Port Dalhousie Jail



Front Facade



Rear Elevation



Corporate Report City Council

Report from: Legal and Clerks Services, Office of the City Clerk

Report Date: October 27, 2022

Meeting Date: November 7, 2022

Report Number: LCS-176-2022

File: 10.12.1

Subject: Deputy Mayor for Remainder of 2022

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars:

Recommendation

That Councillor Dawn Dodge serve as Deputy Mayor from November 15, 2022 to December 31, 2022.

Report

The Deputy Mayor for the remainder of the year was to be Councillor Sorrento. Councillor Sorrento has since been elected to Niagara Regional Council and his last day as a City Councillor will be November 14, 2022. According to the Council's procedure By-law 2021-124 Section B3.2(a):

The Clerk will prepare a list setting out the month during which each Member will serve as Deputy Mayor. The first Deputy Mayor of the term shall, where possible, be a Member returning from the previous term of Council, and the rotation of Members shall proceed thereafter in alphabetical order by surname.

In accordance with the procedure by-law, staff recommend that Councillor Dawn Dodge serve as Deputy Mayor from November 15, 2022 to December 31, 2022.

Staff will bring forward a report on November 28, 2022, regarding the rotation of Deputy Mayors for 2023.

Financial Implications

There are no financial implications associated with this report.

Environmental Sustainability Implications

There are no environmental sustainability implications associated with this report.

Prepared by

Sarah McWilliams, Council and Committee Coordinator

Submitted by

Kristen Sullivan, City Clerk

Approved by

Sandor Csanyi, Acting Director of Legal and Clerks Services / City Solicitor



Corporate Report City Council

Report from: Legal and Clerks Services, Office of the City Clerk

Report Date: October 28, 2022

Meeting Date: November 7, 2022

Report Number: LCS-177-2022

File: 10.12.1

Subject: Council Correspondence

Strategic Pillar:

Recommendation

That Council receive and file the items listed within the report; and

That Council receive and file additional correspondence distributed for the meeting held November 7, 2022, which is available upon request.

Report

The Office of the City Clerk is submitting, for the approval of Council, correspondence received during the period of September 16, 2022, to October 28, 2022.

Resolutions

1. Tay Valley Township - re. OMAFRA Ontario Wildlife Damage Compensation Program Administrative Fee
2. Town of Kingsville - Opposition to Bill 3, Strong Mayors, Build Homes Act, 2022
3. Municipality of East Ferris - Child Care

Correspondence

4. Correspondence from Niagara Region re. NPCA Policy Document and Procedural Manual Update
5. Correspondence from Niagara Region re. Smarter Niagara Incentive Program Tax Increment Grant Update
6. Correspondence from NPCA re. 2021 Water Quality Report
7. Correspondence from NPCA Board of Directors re. Meeting Highlights October 21, 2022
8. Correspondence from NPCA re. Extension NPCA's Land Securement Strategy
9. Correspondence from the Coalition for a Better St. Catharines re. Conversation between Aaron Collina, Mayor Sendzik, and staff (provided to Council through SugarSync with communication from the Chief Administrative Officer)
10. AMO Watchfile – September 22, 2022
11. AMO Watchfile – September 29, 2022
12. AMO Watchfile – October 6, 2022

- 13. AMO Watchfile – October 13, 2022
- 14. AMO Watchfile – October 20, 2022
- 15. AMO Watchfile – October 27, 2022

Memorandums from Staff

- 16. Memorandum from Manager, Programs and Culture Services re. Older Adult Associations Update

Reports Requested by Council

- 17. Outstanding Reports List – updated October 28, 2022

Prepared by

Sarah McWilliams
Council and Committee Coordinator

Submitted and Approved by

Kristen Sullivan
City Clerk

Sub-Item 1



August 31, 2022

Association of Municipalities of Ontario (AMO)
200 University Ave., Suite 801
Toronto, ON M5H 3C6
Sent via email: resolutions@amo.on.ca

RE: RESOLUTION – OMAFRA Ontario Wildlife Damage Compensation Program Administrative Fee

The Council of the Corporation of Tay Valley Township at it's Council meeting on August 23rd, 2022 adopted the following resolution:

RESOLUTION #C-2022-08-42

“WHEREAS, the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) administers the Ontario Wildlife Damage Compensation Program to provide compensation to farm producers for livestock killed by wildlife;

AND WHEREAS, Ontario Municipalities administer the Program on behalf of OMAFRA by appointing a Livestock Investigator and staff to work on wildlife damage claims;

AND WHEREAS, the costs associated with wildlife damage claims typically exceed the administration fee of \$50.00 per claim as provided to the Municipality from OMAFRA;

NOW THEREFORE BE IT RESOLVED THAT, the Council of Tay Valley Township request the Ministry of Agriculture, Food and Rural Affairs to review the administrative fee provided to Municipalities for the administration of the Ontario Wildlife Damage Compensation Program;

AND FURTHER THAT, this resolution be circulated to the Association of Municipalities of Ontario (AMO) and all Ontario Municipalities for their consideration and support.”

ADOPTED

Tay Valley Township
217 Harper Road, Tay Valley, Ontario K7H 3C6
www.tayvalleytwp.ca
Phone: 613-267-5353 or 800-810-0161 Fax: 613-264-8516



If you require any further information, please do not hesitate to contact the undersigned at (613) 267-5353 ext. 130 or deputyclerk@tayvalleytwp.ca.

Sincerely,

A handwritten signature in blue ink that reads "Janie Laidlaw".

Janie Laidlaw, Deputy Clerk

cc: All Municipalities of Ontario

Sub-Item 2



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

COPY VIA EMAIL (Premier@ontario.ca)

September 1, 2022

The Hon. Doug Ford, Premier of Ontario
Legislative Building
1 Queen's Park
Toronto, ON M7A 1A1

Dear Premier Ford:

**RE: Town of Kingsville Council Resolution #336-08292022 in opposition to
Bill 3, Strong Mayors, Building Homes Act, 2022**

At its Special Meeting held August 29, 2022 Council of The Corporation of the Town of Kingsville passed a Resolution against Bill 3 as follows:

Resolution #336-08292022

Moved by Councillor Kimberly DeYong
Seconded by Councillor Laura Lucier

“WHEREAS the Government of Ontario, through the Minister of Municipal Affairs and Housing, has introduced Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of council";

AND WHEREAS this Bill, if enacted, will initially apply to the City of Toronto and City of Ottawa, but will later be expanded to include other municipalities according to a statement made by the Premier at the 2022 AMO annual conference;

AND WHEREAS this Bill, if enacted, will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;

AND WHEREAS this Bill, if enacted, will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer;

AND WHEREAS these changes will result in a reduction of independence for professional staff including the CAO, who currently provide objective information to the Council and public and will now take direction from the Mayor alone when the Mayor so directs;

AND WHEREAS these are surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council.

THEREFORE, this Council of the Town of Kingsville, passes this resolution to petition the Government of Ontario that:

1. These changes to the *Municipal Act, 2001*, are unnecessary and will negatively affect the Town of Kingsville;
2. That if the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities;
3. That the Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipal Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2020; and
4. That if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the *Planning Act* and funding of more affordable housing.

Council further directs the Clerk to ensure that a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the "Standing Committee on Heritage, Infrastructure and Cultural Policy", Kingsville's MPP, the Association of Municipalities of Ontario, and other Municipalities in Ontario."

RECORDED VOTE – Carried Unanimously

	YEA	NAY
Deputy Mayor Gord Queen	X	
Councillor Kimberly DeYong	X	
Councillor Tony Gaffan	X	
Councillor Laura Lucier	X	
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Results	6	0

If you have any questions or comments please contact Paula Parker at pparker@kingsville.ca.

Yours very truly,



Paula Parker
Town Clerk, on behalf of Kingsville Council

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
(Steve.Clark@pc.ola.org)
Standing Committee on Heritage, Infrastructure and Cultural Policy; Attn.: Committee Clerk
Isaiah Thorning (schicp@ola.org)
Anthony Leardi, MPP – Essex (Anthony.Leardi@pc.ola.org)
Association of Municipalities of Ontario (AMO) (amo@amo.on.ca)
All Ontario Municipalities

REGULAR COUNCIL MEETING

HELD

October 11th, 2022

2022-273

**Moved by Councillor Champagne
Seconded by Councillor Lougheed**

WHEREAS the province of Ontario is currently experiencing an early years and child care workforce shortage;

AND WHEREAS access to quality licensed child care is an essential component of Ontario's social and economic well-being and enables children to grow up with a sense of community;

AND WHEREAS lack of licensed child care is a barrier for parents to return or enter into the workforce, thus putting a strain on families, hindering economic participation, and forcing parents to remain at home to care for their children;

AND WHEREAS in the District of Nipissing, there is a higher demand for child care spaces than the number of spaces available creating waitlists that have parents waiting for several years prior to getting a space, if they receive a space at all;

AND WHEREAS in recent years the recruitment and retention of qualified Registered Early Childhood Educators (RECEs) and child care staff has been a challenge that has been exasperated by the COVID-19 pandemic;

AND WHEREAS the workforce crisis in the early years and child care sector has been further exasperated by the significant wage disparity between the compensation paid to RECEs employed by school boards and those employed in licensed child care centers due to lack of funding which has created an inequity for workers with equal qualifications;

AND WHEREAS Ontario has signed the Canada-Wide Early Learning and Child Care Agreement putting Ontario on the path to reducing child care fees to an average of \$10/day which will create a demand for more child care spaces when a workforce shortage already exists;

AND WHEREAS the province of Ontario committed to creating an additional 86,000 licensed child care spaces in Ontario without an explicit solution for increasing the number of RECEs and child care staff to fulfill this commitment;

AND WHEREAS the province of Ontario's commitment to a minimum wage of \$18/hour for RECEs with \$1 annual increases until reaching \$25/hour does not provide an immediate response to attracting and retaining child care staff and will take many years to correct the wage disparity;

THEREFORE BE IT HEREBY RESOLVED that Council of the Municipality of East Ferris advocates for the Province of Ontario to address the child care workforce shortage in Ontario by immediately increasing the \$18/hour minimum wage and providing benefits to RECEs in licensed child care centres to an equitable level to that which is paid to RECEs employed by school boards;

AND FURTHER that the Province of Ontario launch and financially support an accelerated Early Childhood Education program, to be completed within 14 to 16 months, similar to the program launched in March 2022 for Personal Support Workers (PSWs), where funding supported the costs of tuition, books, and other mandatory fees, to help address the shortage of RECEs in Ontario;

AND FURTHER that a certified copy of this resolution be forwarded to OMSSA (Ontario Municipal Social Services Association), Ontario Coalition for Better Child Care, Childcare Resource and Research Unit, NOSDA (Northern Ontario Service Deliverers Association), FONOM (Federation of Northern Ontario Municipalities), AMO (Association of Municipalities of Ontario), all 10 District Social Services Administration Boards in Northern Ontario, and all Ontario Municipalities to request their support and advocacy for this resolution;

T: 705-752-2740

E: municipality@eastferris.ca

390 Hwy 94, Corbeil, ON. P0H 1K0

AND FURTHER that a certified copy of this resolution be forwarded to Minister of Education Stephen Lecce, Minister of Economic Development, Job Creation and Trade and Nipissing MPP Vic Fedeli.

Carried Mayor Rochefort

CERTIFIED to be a true copy of
Resolution No. 2022-273 passed by the
Council of the Municipality of East Ferris
on the 11th day of October 2022.

Monica L. Hawkins
Monica L. Hawkins, AMCT
Clerk



Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

Sub-Item 4

September 26, 2022

CL 17-2022, September 22, 2022

PEDC 7-2022, September 14, 2022

PDS 25-2022, September 14, 2022

Local Area Municipalities

Niagara Peninsula Conservation Authority

SENT ELECTRONICALLY

Niagara Peninsula Conservation Authority's (NPCA) Policy Document and Procedural Manual Update

PDS 25-2022

Regional Council, at its meeting held on September 22, 2022, passed the following recommendation of its Planning & Economic Development Committee:

That Report PDS 25-2022, dated September 14, 2022, respecting Niagara Peninsula Conservation Authority's Policy Document and Procedural Manual Update, **BE RECEIVED** for information, and **BE CIRCULATED** to the Niagara Peninsula Conservation Authority (NPCA) and Local Area Municipalities.

A copy of PDS 25-2022 is enclosed for your reference.

Yours truly,

Ann-Marie Norio

Regional Clerk

:cv

CLK-C 2022-124

cc: D. Heyworth, Manager, Long Range Planning
C. Lampman, Manager, Environmental Planning
M. Sergi, Commissioner, Planning & Development Services
N. Oakes, Executive Assistant to the Commissioner of Planning & Development Services

Subject: Niagara Peninsula Conservation Authority's Policy Document and Procedural Manual Update

Report to: Planning and Economic Development Committee

Report date: Wednesday, September 14, 2022

Recommendations

1. That this Report **BE RECEIVED** for information; and
2. That Report PDS 25-2022 **BE CIRCULATED** to the Niagara Peninsula Conservation Authority (NPCA) and Local Area Municipalities.

Key Facts

- The purpose of this report is to provide information to Committee and Council on the review that Niagara Peninsula Conservation Authority (NPCA) is conducting on their Planning and Permitting Policies and Procedural Manual.
- This report highlights a few areas of common policy interest between the NPCA and the Region.
- The report outlines the importance of consultation and alignment of NPCA and Regional policies on Environmental Impact Study Guidelines, buffers, ecological net gain, watershed planning and other natural heritage planning.
- Regional staff will be providing formal comments on the Policy themes and Buffers Discussion documents prior to the Sept. 9, 2022 deadline.

Financial Considerations

There are no financial impacts to the Region as a result of this report.

Analysis

Background

Roles and Responsibilities

The Region of Niagara and NPCA have an Environmental Planning Protocol in place that outlines the respective roles and responsibilities within Niagara's land use planning system.

Since 2018, the Region of Niagara is responsible for the environmental review of planning applications and stormwater management review from a Regional and Provincial natural heritage perspective.

The NPCA continues to be responsible for Provincial policy interests related to natural hazards, except wildfires, as outlined in Section 3.1 of the PPS. In addition, the NPCA is also responsible for planning applications, policy and technical clearance reviews related to regulated watercourses and wetlands in accordance with the Conservation Authorities Act and Ontario Regulation 155/06.

Niagara Official Plan (2022)

The Niagara Official Plan (NOP) engagement strategy began in 2018 and significant consultation took place with the public, special interest groups (including the development industry), local area municipalities and the NPC, in particular, the Natural Environmental System (NES) policies of the NOP. The policy formulation of this section follows Council direction after considering several NES mapping and policy options.

Prior to 2018, there were some concerns on policy overlap and alignment between the Region and NPCA on the NES. Anticipating these early issues, the consultation program provided the opportunity for significant consultation with the NPCA relative to creation of background discussion papers, NES mapping and policy options development. Significant consideration was given to NES overlap and alignment with the NPCA in the development of the NOP.

NPCA Policy Review 2022

The NPCA Policy Document (November 2018) provides the policies for administration of NPCA's mandate under Ontario Regulation 155/06 and its delegated roles and responsibilities within the planning and approvals process.

In March 2022, the NPCA Board of Directors (the Board) directed NPCA staff to complete an update on the NPCA's Planning and Permitting Policies by the end of the year. The NPCA is now proceeding to develop a new Policy Document and accompanying Procedural Manual.

The NPCA Policy Theme Discussion Document indicates a new Policy Document and Procedural Manual is needed as the current Policy Document:

- does not contain policy and legislative references that are in alignment with changes to provincial policy, legislation, technical guidelines, in particular Conservation Authorities Act changes;
- was developed at a time when hard copies were preferred, and there is a need to develop a document that can be accessed by staff and others in an accessible, digital format; and
- contains terminology that needs clarity to guide consistent interpretation and implementation of policies.

The new Policy Document and accompanying Procedural Manual is being developed to serve many uses and users. It will provide:

- direction to NPCA staff that will receive, review and evaluate development applications against the policies contained within the document;
- guidance and clarity to watershed municipalities who will take these policies and incorporate them further in their planning review functions and in Official Planning documents;
- guidance and direction to landowners, the development community and stakeholders who will utilize these policies in preparing Section 28 Permit Applications, Planning Act applications, or have an interest in protecting the environment.

-
- confidence among Provincial partners that matters of stated Provincial interest have been accurately interpreted and are being applied appropriately; and finally
 - assistance to other municipal, provincial and federal agencies to coordinate the administration of their own jurisdiction and policies with those of NPCA.

The NPCA staff are currently consulting the Region and our Area Municipalities on their policy update and have recently released discussion papers on Buffer Technical Analysis and Policy Themes and Directions. The NPCA posted the relevant discussion papers from August 15-19, 2022 with a commenting deadline of Sept. 9, 2022.

The NPCA Policy Theme Discussion document indicates the NPCA plans to gather input from watershed municipalities, special interest groups, governments at all levels (including Indigenous governments) and community members, and invites readers to share their thoughts with respect to key policy theme areas. The policy theme areas for discussion are: climate change; cumulative impacts; ecological net gain; intensification and increasing urban density; Ministers Zoning Orders; public education awareness and responsibilities; stormwater management, low impact development and green infrastructure; watershed and subwatershed planning; feature resource specific policy themes; agriculture; buffers; natural heritage features and areas; and implementation and customer, client services.

The NPCA is expecting to have draft policies for priority areas in September with a final Policy and Procedural Manual in Nov. 2022, which is an aggressive timeline. Based on the NPCA consultation to date, Regional staff have identified a few areas of common interest.

1. Consultation

Regional staff are pleased the NPCA is consulting with a wide array of interested parties in the development of the Planning and Permitting document as well as Procedural Manual. Regional staff note the consultation and document preparation is occurring within a short time frame. NPCA staff should ensure the development community, First Nations and local Indigenous communities be appropriately consulted. Regional Planning staff suggest NPCA staff meet with each for an appropriate discussion.

The NPCA documents being developed play an important role in both protecting regulated natural heritage features and hazards but also ensuring planning and permit approvals are aligned as much as possible for an efficient streamlined system.

2. Buffers Policy Alignment

The adopted NOP does not provide minimum buffers for natural heritage features within settlement areas. The policies require an EIS to ensure the appropriate buffer is required to properly address the protection of the features specific attributes and functions. An EIS will ultimately determine buffer widths based on: sensitivity of the feature and ecological functions; the potential impact from the adjacent land use; biophysical factors of the adjacent lands such as slope, soils, hydrology and vegetation; and other mitigating factors (e.g., fencing between adjacent land use and buffer).

In commenting on the draft NOP, the NPCA did recommend incorporating recommended buffers for natural heritage features within settlement areas. The NPCA policy options will look at minimum or maximum buffers to be adjusted by EIS. Regional alignment on buffers for features, to the greatest extent possible in the settlement areas in particular, is critical to ensure a streamlined development review process. Planning staff are supportive of including a decision support tool in the updated EIS Guidelines to provide greater transparency and consistency in the application of buffer policy.

The NPCA Buffer Discussion Paper focuses on the ecological aspects of buffers for natural heritage features with little focus on natural hazards, engineering or provincial technical guidelines. Ultimately, the NPCA Policy and Permitting manual needs to be clear the buffers established are for regulated features only. Further it is best these align with the Region's NOP.

3. Ecological Net Gain

The current NPCA Policy Document includes policy direction for reconfiguring and recreating Non-Provincially Significant Wetlands. This is currently only considered where no reasonable alternative exists to locate a proposed development, site alteration or activity outside of a Non-Provincially Significant Wetland. NPCA staff aim to achieve a net gain to the natural system functions upon policy implementation. The NPCA Interim Wetlands Procedure Document provides guidance on NPCA's expectations and requirements for satisfying the various tests of this policy.

The NPCA commented on the draft consolidated NOP and recommended the Region have a stand-alone policy/section to speak to offsetting of not just wetland features but other components of the NES.

Offsetting was the topic of a Regional discussion paper at the beginning of the NOP's NES program. The concept of offsetting was not pursued further at the direction of Regional Council. The NOP does contain policies that enable the creation of enhancement areas.

Regional Planning staff are concerned with the terms “ecological net gain” and “reconfiguration and compensation” which could create confusion with terms used in the NOP. It is understood that this type of ecological net gain policy direction may be required by the NPCA specific to the Ministers Zoning Order (MZO) process. Based on the feedback Regional planning staff received through the Official Plan consultation, planning staff recommend that any policies on this matter be confined to the review of MZO applications and that terms applied align with the NOP to reduce confusion.

4. EIS Guidelines

The NPCA adopted Interim EIS Guidelines as well as an Interim Wetlands Procedure Document in June 2022. It is Regional planning staff's understanding that both Interim documents are to be updated and formalized following the Policy and Procedure update.

The Region is also beginning the process of updating our EIS Guidelines following the approval of the new Regional Official Plan. Regional and NPCA planning staff have been discussing a format for adopting a single EIS Guideline to provide as much consistency and efficiency in the development review process to meet provincial policy and regulation requirements. The NPCA Discussion Papers and consultation process will provide value in assisting in the development of EIS guidelines.

5. Natural Heritage Beyond NPCA Regulated Areas

The NPCA operates under the Conservation Authorities Act and the Region has a MOU with the NPCA in place that outlines our respective roles and responsibilities in regards to environmental planning in Niagara Region. Recognizing this and with appropriate policies in place in the Region's NOP and NPCA Policy and Permitting and Procedural Manuals, planning staff believe environmental planning can be appropriately implemented under the current roles and responsibilities. Any policy development beyond regulated areas in Niagara would be unnecessary overlap and potentially confusing to the public and development community on roles and responsibilities. The Region has the role of implementing policy for natural heritage features under the Planning Act and it is inevitable there will be overlap with regulated features. However,

the Region has the staff expertise, capacity and resources to implement the policies of the NOP. There is no necessity for the NPCA to develop policies or procedures for non regulated areas in Niagara.

6. Watershed Planning

The Policy Theme Discussion Paper states, “The NPCA will continue to work collaboratively with municipalities in the development of watershed plans and any municipally-led watershed or subwatershed studies. NPCA has several watershed plans that require updating. The current Policy Document does not provide direction or guidance for the role of the NPCA in supporting the watershed municipalities in undertaking watershed planning or subwatershed planning to inform future growth, as directed by the Province through provincial legislation and plans.”

The Niagara Official Plan contains policies providing direction for subwatershed planning. The Growth Plan has delegated watershed planning to the Region as a responsibility. The Region is now assisting in coordinating two subwatershed plans in connection with secondary plan development. During the development of NOP watershed planning policies, NPCA staff had been generous to offer technical assistance in the subwatershed planning process. Regional Planning staff encourage continued dialogue on this topic to clarify how the subwatershed planning process is best administered. An outline from the NPCA on the level of service available and associated costs would be beneficial.

Conclusion

Regional staff will continue to participate with NPCA on their development of policies and procedures and continue to streamline processes. Staff will also be updating our existing Protocol to reflect the recent changes to the Conversation Authorities Act and the NES policies in the NOP.

Alternatives Reviewed

As this report is for information, there are no alternatives reviewed.

Relationship to Council Strategic Priorities

This report highlights a few areas of common policy interest between the NPCA and the Region supporting the following Council Strategic Priorities:

-
- **Healthy and Vibrant Community:** Protect regulated natural heritage features for, healthy neighbourhoods.
 - **Responsible Growth and Infrastructure Planning:** Assist in guiding infrastructure and growth to appropriate areas.
 - **Sustainable and Engaging Government:** Supports consultation and alignment of common policies.

Other Pertinent Reports

PDS 2-2018 Protocol for Planning Services Between the Regional Municipality of Niagara (The Region) and the Niagara Peninsula Conservation Authority (January 10, 2018)

Prepared Jointly by:

Dave Heyworth, MCIP, RPP
Manager, Long Range Planning and
Cara Lampman, MCIP, RPP
Manager, Environmental Planning

Recommended by:

Michelle Sergi, MCIP, RPP
Commissioner of Planning and Development
Planning and Development

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Diana Morreale, Director of Development Planning, Erik Acs, Manager, Community Planning and reviewed by Angela Stea, Director of Community and Long Range Planning.

Appendices

None

**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca**Sub-Item 5**

September 26, 2022

CL 17-2022, September 22, 2022**PEDC 7-2022, September 14, 2022****PDS 16-2022, September 14, 2022****LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY**Smarter Niagara Incentive Program (SNIP) Tax Increment Grant 2022 Update

PDS 16-2022

Regional Council, at its meeting held on September 22, 2022, passed the following recommendation of its Planning & Economic Development Committee:

That Report PDS 16-2022, dated September 14, 2022, respecting Smarter Niagara Incentive Program (SNIP) Tax Increment Grant 2022 Update, **BE RECEIVED** for information, and **BE CIRCULATED** to Local Area Municipalities.

A copy of PDS 16-2022 is enclosed for your reference.

Yours truly,

A handwritten signature in dark ink, appearing to read "Ann-Marie".

Ann-Marie Norio

Regional Clerk

:cv

CLK-C 2022-121

cc: M. Bannerman, Program Manager, Grants and Incentives
 M. Sergi, Commissioner, Planning & Development Services
 N. Oakes, Executive Assistant to the Commissioner of Planning & Development Services

Subject: SNIP Tax Increment Grant 2022 Update

Report to: Planning and Economic Development Committee

Report date: Wednesday, September 14, 2022

Recommendations

1. That this Report **BE RECEIVED** for information; and
2. That Report PDS 16-2022 **BE CIRCULATED** to Local Area Municipalities.

Key Facts

- This report provides information to Council on Regional funding for tax increment grants (TIGs) under the Smarter Niagara Incentive Program (SNIP), or SNIP TIGs. Brownfield TIGs (BTIGs) are included under the SNIP TIG program. This report also provides information on Brownfield Tax Assistance Program (BTAP) grants, also included under SNIP.
- TIGs are grants based on the difference between pre-project taxes and post-project taxes on a development. Following reassessment, a portion of this tax increment is granted back to the developer, usually over a ten year period.
- BTAP grants encourage remediation of brownfield sites by freezing or cancelling property taxes on a property that is undergoing remediation and redevelopment, to assist with the cost of environmental remediation.
- A Local Area Municipality may request Regional matching funding for TIGs and BTAP grants approved under one of its Community Improvement Plan (CIP) programs provided agreements have been executed and they conform to Regional program parameters.
- Approved, pending and anticipated SNIP TIG and BTAP grant requests for Regional matching funding are outlined in this report. Anticipated requests are based on data received in July 2022 from seven of the ten local municipalities with eligible programs responding.
- As part of the Regional incentive review, the SNIP TIG program was recommended to be replaced in the new Niagara Region Incentive Policy (PDS 31-2021) with more sustainable TIG programs targeting Regional priorities. While Council approved the new Policy, it also extended the current SNIP TIG program through October 1, 2024.

-
- TIGs are one of the most expensive Regional incentive programs. In the ten local municipalities with programs, there is an estimated total allocation of \$44.9M for active SNIP TIGs, \$740,000 paid out in completed TIGs, and an estimated \$18.8M in pending and forecasted requests. Funding requests for projects not included in this forecasting, some with significant financial implications, are also anticipated before the expiry of the SNIP TIG program in 2024.

Financial Considerations

The SNIP TIG incentive is funded with budget established through allocation of assessment growth revenue. Annual budget requirements vary depending on the approved projects and timing of development. The 2022 budget for SNIP TIGs is \$2.2 million. This amount is anticipated to increase annually based on existing and anticipated SNIP TIG grants through at least 2027, though likely longer as new projects come forward. The Region will be providing SNIP TIG payments on currently approved projects through 2037.

There is no cap on the amount of SNIP TIG funding the Region may allocate.

Table 1: Regional SNIP TIG Funding as of August 2022

	Number of Regional TIG projects or requests	Estimated amount of Regional TIG funding allocated or requested
Actively approved for Regional TIG funding Total	75	\$44.9M
Pending applications for Regional TIG funding	10	\$8.0M
Local Municipalities' forecast for Regional TIG funding*	13	\$10.8M

*It is important to note that sizable properties in several municipalities which are expected to request SNIP TIG funding are not represented in this forecasting. The number and amount of SNIP TIG funding requests are expected to significantly exceed those forecast here before expiration of the program on October 1, 2024.

Brownfield Tax Assistance Program (BTAP) incentives are also tracked through annual TIG forecasting. Through direction in PDS 31-2021 and PDS 3-2022, Regional participation in the BTAP program has been extended through October 1, 2023.

Table 2: Estimated Regional BTAP Funding as of August 2022

	Number of Regional BTAP funding projects or requests	Amount of Regional BTAP funding allocations/requests
Total Approved for Regional BTAP funding	8	\$200,000
Pending and forecasted Regional BTAP funding requests	7	\$100,000

While several variables affect the final amount and timing of TIGs, BTIGs and BTAPs, three are particularly important to note. First, projects are frequently completed in a different time frame, in different phases, and involve different costs from original estimates. Second, forecasts of anticipated SNIP TIG and BTAP projects from local municipalities do not take into account several, often significant, projects which are expected to apply for incentives. This may be because project information is not yet available, or projects have not finalized applications for local incentives, thus future forecasts of potential Regional funding requests may appear smaller than they will eventually be. This is exacerbated by the third factor: given the expiry of the BTAP program in 2023 and the SNIP TIG program in 2024, more applications are anticipated closer to these deadline than may normally be submitted. All of these factors may affect annual SNIP TIG and BTAP budgets for the next few years.

Analysis

Background

Tax increment grants are based on the difference, or increment, between pre-project taxes and post-project taxes on a development. Following project completion and reassessment, a portion of this tax increment is granted back to the developer, usually over a ten year period. Most TIGs are approved by local municipalities through their Community Improvement Plans (CIPs). Once approved, municipalities can apply to the Region for matching funding for eligible projects.

The Region currently participates in two TIG programs: the SNIP TIG and the Gateway CIP TIG. Estimated total allocation for Gateway TIGs is \$27.9M. Gateway incentive programs are reported on separately by Economic Development.

In 2021, the Niagara Region Incentive Policy was approved by Council, which contained new more sustainable TIG programs targeting Council priority areas (Affordable Housing, Employment, Brownfield Remediation) designed to replace the SNIP TIG. At the same time these programs were approved, Council also approved an extension to the SNIP TIG through October 1, 2024. This report provides data only on the SNIP TIG.

The SNIP TIG matches funding for eligible projects approved under local municipal CIPs. Ten of 12 local municipalities currently have CIPs with some form of TIG program. These programs differ within and between local municipalities, and may be for brownfields or non-brownfields, and for any sort of development permitted by the local CIP. There is no cap on the amount of funding the Region can allocate for SNIP TIGs. SNIP TIGs are often stacked with other incentive programs.

Over 90% of SNIP TIGs are estimated to have funded residential, including some mixed use, development. Approximately 45% of SNIP TIGs are for brownfield projects. Less than one percent (0.04 %) of projects are estimated to include affordable housing. Sufficient data is not available to determine whether or what kind of employment may have been generated by the projects. While it has historically been challenging to obtain information on these projects, initiatives are underway with Local Area Municipalities to improve the range and timeliness of TIG program data-sharing to better understand what is being funded and how the projects relate to local and Regional priorities.

Current SNIP TIG Information

Ten local municipalities currently have TIG programs matched under SNIP, with nine of these municipalities having matching Regional funding for their TIGs allocated at an estimated \$44.9M. In 2022, seven of the ten local municipalities with TIG programs -- Fort Erie, Lincoln, Niagara Falls, Pelham, St. Catharines, Welland, West Lincoln -- submitted SNIP TIG Forecasting forms. Niagara-on-the-Lake and Wainfleet do not have TIG programs; Grimsby, Port Colborne and Thorold did not submit forecasting information. Based on current information, highlights of funding allocations and requests for Regional SNIP TIGs (including BTIGs) include:

- Nine municipalities have 75 TIGs which have been allocated a total of \$44.9M in Regional funding.

- Four municipalities have submitted matching Regional funding requests for 10 TIGs which are pending, estimated at a total of \$8M in Regional funding.
- Six municipalities have forecast 13 TIGs anticipated to request matching Regional funding (estimate is a minimum of \$10.8M, based on available data).
- Two municipalities have received \$740,000 in Regional funding for eight TIGs which are now paid in full.

Since the extension of the SNIP TIG program in October 2021 through August 2022, three municipalities have had eight TIGs approved for a total of \$20.7M in Regional funding (See Table 3). Six of these eight TIGs are brownfields; seven projects are primarily residential with limited mixed-use development, and one is for industrial and self-storage. No information on potential employment was provided. No affordable housing was reported to be generated by any of these projects.

Table 3: TIGs approved for Regional matching funding October 2021-August 2022

Location	Grant Type	Estimated Total Regional Funding	Other Regional Funding
Niagara Falls			
Stanley Ave (adjacent 3659)	BTIG	\$158,547	BTAP, Brownfield Regional Development Charge (RDC) grant, SNIP ESA grant
Ferry St/Allandale Ave/Stanley Ave	TIG	\$6,764,547 (Phases 2 and 3)	Phase 1 TIG (\$1,616,975), eligible for Smart Growth RDC grant
4261 Fourth Ave	BTIG	\$1,486,186	Brownfield RDC grant, SNIP ESA grant
St. Catharines			
63 Lakeport Rd	BTIG	\$3,625,660	TBD
405 Merritt St	TIG	\$43,729	Brownfield RDC grant
75 Niagara St	BTIG	\$88,341	TBD

Location	Grant Type	Estimated Total Regional Funding	Other Regional Funding
Welland			
401 Canal Bank St	BTIG	\$8,000,000	BTAP, Brownfield RDC grant
115 Lincoln Ave	BTIG	\$497,869.76	BTAP application pending

Current BTAP Information

Since the extension of the SNIP BTAP program in October 2021 through August 2022, two BTAP requests have been had an estimated total of \$111,287 in Regional funding allocated. There are currently seven BTAP applications in three local municipalities requesting matching Regional funding which are forecast or pending, but insufficient information was submitted to provide an estimated total for these projects. Council will receive regular updates of approvals for Regional matching SNIP TIG and BTAP funding and annual program reporting.

Alternatives Reviewed

This report is for information so no alternatives were reviewed.

Relationship to Council Strategic Priorities

The information in this report relates to the following Council strategic priorities:

Priority 1: Supporting Businesses and Economic Growth

- Objective 1.1: Economic Growth and Development

Priority 4: Sustainable and Engaging Government

- Objective 4.3: Fiscally Sustainable

Other Pertinent Reports

PDS 3-2022 Regional Transitional Incentive Timelines

PDS 31-2021 Niagara Region Incentives Review

PDS 30-2015 Authority to Delegate Approvals for Conforming Applications: Tax-Based Incentive Programs

Prepared by:

Marian Bannerman, PhD
Program Manager Grants and
Incentives
Planning and Development Services

Recommended by:

Michelle Sergi, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Lyndsey Ferrell, Program Financial Specialist, Financial Management and Planning, Corporate Services. This report was reviewed by Erik Acs, Manager Community Planning and Angela Stea, Director Community and Long Range Planning, Planning and Development Services.

Appendices

None



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Sub-Item 6

September 27, 2022

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

SENT ELECTRONICALLY

Dear Mayor Sendzik and Council,

At its meeting of September 16, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) directed that the attached 2021 Water Quality Stewardship Fact Sheet be circulated to municipalities within the watershed along with the following link to the NPCA Water Quality Monitoring Program: Summary Report of the Year 2021:

https://npca.ca/images/uploads/common/Water_Quality_Monitoring_Program_Summary_Report_of_the_Year_2021_web.pdf

Please be advised additionally, that NPCA staff would be pleased to make a presentation to municipal council regarding the NPCA water quality monitoring program. If you have any questions or should you wish a presentation from the NPCA, please contact Steve Miller, Senior Manager, Water Resources at smiller@npca.ca or at 905-788-3135, extension 231.

Sincerely,

A handwritten signature in black ink, appearing to read "Grant Bivol".

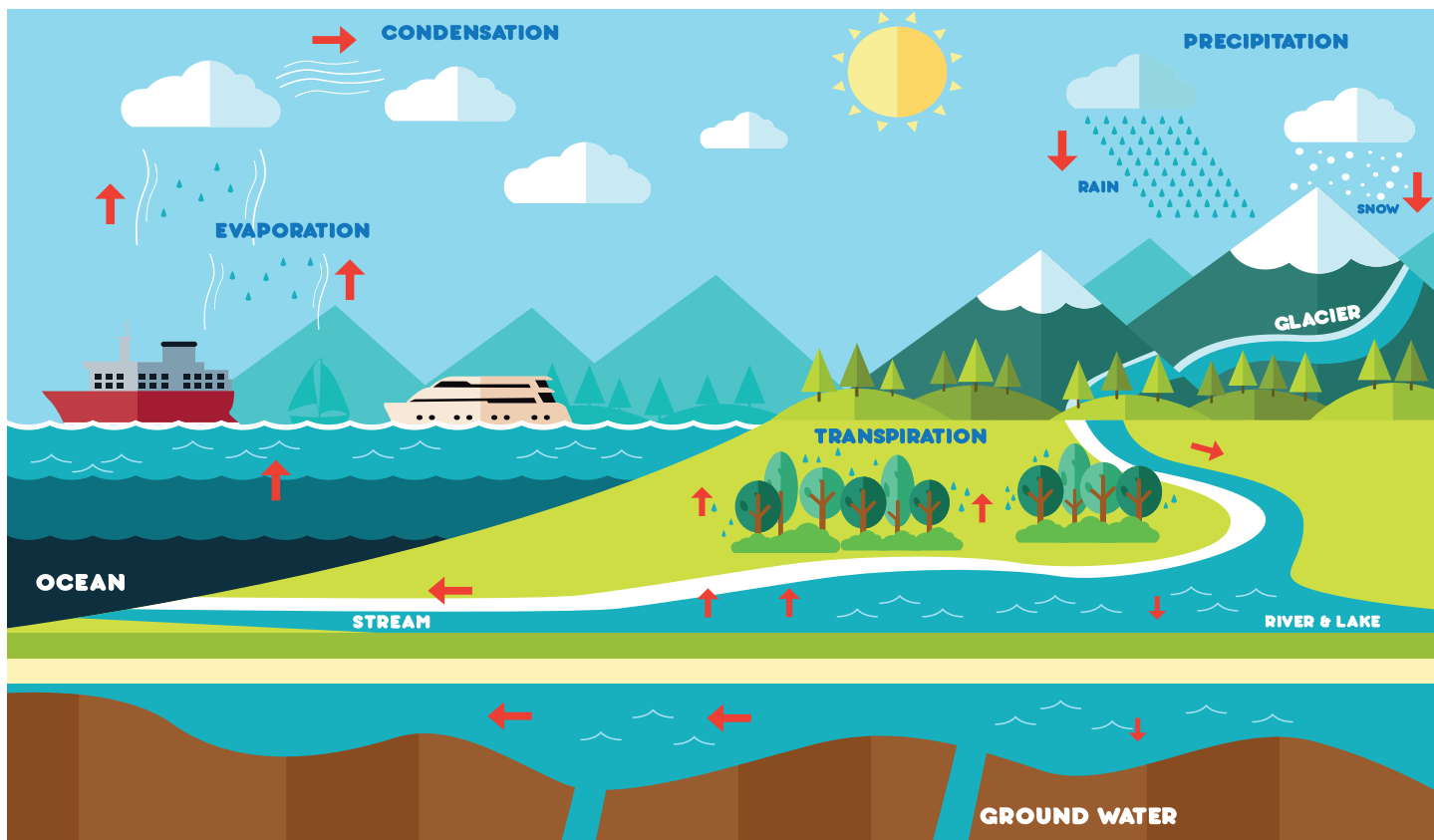
Grant Bivol
 NPCA Clerk



2021

WATER QUALITY STEWARDSHIP FACT SHEET





[Sources: Credit Valley Conservation and Long Point Conservation Authority]

What is the water cycle?

Water moves continuously through our natural environment in a cycle.

We pick up the water cycle with rain or melting snow, which in reaching land:

- Flows to rivers, creeks, and lakes
- Seeps into the ground and wetlands where it is stored
- Plants absorb this water, and animals, including us, drink it

This water moves again! It may evaporate from the surface of lakes, aided by the sun. It is released by plants and animals. Water also filters in the ground and moves through soil to feed our lakes, rivers, and wetlands.

The evaporated water, as moisture, is carried by air. It rises, condenses to form clouds, and then is released (as rain or snow) to fall to earth once again.

Water feeds life

Water supplies the needs of all life. It flows through the landscape of a river's drainage area, or watershed, linking the natural

features and communities of the watershed together. Within a watershed, everything is connected.

We must take care of the water, we are as much a part of this system as are the trees, animals, and fish.

Surface Water

Surface water is the water that flows on the surface of the earth. Groundwater is found underground in the cracks and spaces in rocks, soils, and sands.

Groundwater

Groundwater is stored in and moves slowly through aquifers -- underground layers of rock or sands and gravels that can hold water. As a "bank" of water, aquifers can store more or less water depending on the season and recent rains. We sometimes refer to the top of the aquifer as the water table, which can rise after spring melt or heavy rains, and fall when less water is available (e.g., dry periods).

Water Monitoring Programs

Clean water supports diverse aquatic habitats, enhances recreational potential, and improves the well-being of those who use it. Environmental monitoring efforts provide information on surface and groundwater quality and quantity, important data that allows Niagara Peninsula Conservation Authority (NPCA) staff to identify changes taking place within the watershed.

Water monitoring has become increasingly important with growing pressures on surface and groundwater resources, development next to lakes, watercourses, and wetlands, and climate change having unforeseen and possibly dramatic impacts on the water quality and quantity. Throughout the watershed, NPCA collects standardized scientific data through established monitoring programs.

Water Quality Issues in NPCA Watershed

15

P

Phosphorus

What is phosphorus and how does it become a problem?

Phosphorus is a natural element found in rocks, soils and organic material and is an essential nutrient for plant growth. High concentrations may result from poor agricultural practices, runoff from urban areas, leaking septic systems or discharges from sewage treatment plants.

How does phosphorus affect our watersheds?

Excessive phosphorus concentrations can stimulate the overgrowth of plants and algae, depleting oxygen and leading to toxin producing algae blooms, which can be harmful to human and animal health.

What can be done?

Actions include eliminating pesticide use, natural buffers along watercourses and rain gardens. Larger scale actions include optimizing fertilizer use, eliminating runoff of livestock operations and erosion from roadways, construction sites and stream banks.

Cl⁻

Chloride

What is chloride and how does it become a problem?

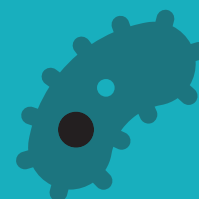
Chloride is a natural element that is typically found in surface waters, but can be increased through the winter salting of surfaces and through industrial discharges, wastewater, irrigation drainage, and landfill leachates.

How does chloride affect our watersheds?

Chloride is toxic to aquatic life, and can inhibit species' growth and reproduction, impact food sources, and disrupt osmoregulation in amphibians. Salt is also corrosive and can damage infrastructure, vehicles, clothes, and even the paws of our pets.

What can be done?

Winter chloride is an effective tool in de-icing surfaces but it is being overused. Methods to reduce salt use include adhering to the recommended application rate, treating roadways with brine, snow removal, worker training and alternatives like calcium magnesium acetate or sand.



E. coli (Escherichia coli)

What is E. coli and how does it become a problem?

E. coli is a bacteria found in intestines of animals and humans, and in human sewage. Sources of E.coli include sewer overflows, wastewater plants, septic systems and livestock operations. The levels of E. coli can spike during wet weather events like storms.

How does E. coli affect our watersheds?

E. coli is an indicator of fecal contamination. Once in a waterbody, E. coli can infect humans through ingestion or skin contact, resulting in diarrhea, giardia, hepatitis, or cholera.

What can be done?

E. coli can be reduced by controlling contaminated runoff with infrastructure improvements, fixing leaky sanitary sewers, incorporating green infrastructure like rain gardens and water-permeable hardscapes in street and park designs, picking up pet waste and discouraging seagulls and geese from congregating near the water. The use of Best Management Practices such as proper manure storage, livestock fencing, appropriate biosolid application rates and vegetative buffers from waterways are key tools for reducing E. coli in our watersheds.



Ball's Falls Conservation Area

NPCA Water Quality Monitoring Program: State of Water Quality in 2021

What is a Watershed?

A watershed is a land area that channels rainfall and snowmelt to creeks, streams, and rivers, and eventually to outflow points such as the Great Lakes in the NPCA jurisdiction. As the water flows through a watershed, it often picks up pollutants, which may have detrimental effects on the ecology of the watershed. Not all water flows directly to outflow points. When rain falls or snow melts some of it infiltrates into the ground. This groundwater remains in the soil, where it will eventually seep into the nearest stream or infiltrate much deeper into underground reservoirs called aquifers.

The goal of the NPCA water quality program is to protect human health and aquatic ecosystem by providing reliable and current information on the quality of surface water and groundwater in the NPCA watershed.

- The Niagara Peninsula Conservation Authority regularly collects and tests water samples at 80 surface water stations and 46 groundwater stations located throughout the NPCA's jurisdiction.
- The NPCA participates in the Provincial Water Quality Monitoring Network (PWQMN) and Provincial Groundwater Monitoring Network (PGMN) a partnership program with the Ontario Ministry of Environment Conservation and Parks.
- Surface water quality samples are analyzed for chloride, nutrients, E. coli, suspended solids, and metals. Groundwater quality samples are analyzed for chloride, nutrients, and metals.

Why monitoring is so important

- Characterizes our waters and identifies changes over time
- Identifies specific existing or emerging water quality issues
- Gathers information to design specific pollution prevention or remediation programs
- Confirms that program goals are being met

Surface Water - What Did We Find?

- Surface water monitoring results indicate most of the watersheds in the NPCA jurisdiction have poor water quality.
- The high levels of total phosphorus, E. coli, suspended solids, and chlorides within the surface water continue to be the major causes of poor water quality.
- The sources of these pollutants are generally from both rural areas (agricultural runoff and faulty septic systems) and urban areas (combined sewer overflows and urban storm-water runoff).
- Chloride concentrations were found to be highest in watershed with a high density of roads and urbanized areas.
- Nutrient and sediment concentrations were found to be highest in watersheds with significant agricultural landuse.
- E. coli concentrations were found to be highest in a variety of watershed types and related to both intensive urbanization and rural land uses.
- The upper Twelve Mile Creek tributaries have the best naturally occurring water quality due to large input of groundwater. Other watersheds such the Lower Twelve Mile Creek, Lower Welland River and Welland Canal have good water quality owing to the strong influence of water input of Lake Erie and the Niagara River.



Groundwater What Did We Find?

- The groundwater quality in NPCA's jurisdiction was found to be highly variable with some monitoring wells exceeding the Ontario Drinking Water Standards.
- All the Ontario Drinking Water Standards exceedances are a result of the natural conditions of the groundwater.
- Private well owners are responsible for having their well water tested regularly and to make sure that their well is properly maintained and in good condition.

How is the NPCA Water Quality Monitoring Program Data used?

- Help define current and emerging issues, track water quality trends and determine the effects of climate change on the NPCA watershed
- Provide scientific data to guide environmental assessments and land use policy
- Provide scientific data for NPCA Annual Reporting, Watershed Report Cards, and funding applications

NPCA Reporting

- Annual NPCA Water Quality Monitoring Report
- NPCA issues a Watershed Report Card once every five years with 29 other Conservation Authorities in Ontario

Additional Water Quality Monitoring Services Provided by NPCA

- Hamilton Airport Biological Monitoring Study
- Glanbrook Landfill Biological Monitoring Study
- Upper Twelve Mile Creek Water Temperature Monitoring
- Lower Twelve Mile Creek PCB Monitoring
- Conservation Area Water Quality Monitoring

2021 NPCA Water Quality Monitoring Program by the Numbers

(Established 2001)



80

Surface Water Monitoring Stations



778

Surface Water Samples Collected



34

Macroinvertebrate Samples



9480

Surface Water Samples Collected Since 2001



46

Groundwater Monitoring Wells



36

Groundwater Samples



5

Decommission Abandoned Water Wells for Watershed Landowners

NPCA SURFACE WATER MONITORING STATIONS

65% are rated as poor

26% are rated as marginal

8% are rated as fair

1% is rated as good.



Mudlake Conservation Area

What we can do to help?



What Can You Do?

- Plant native trees, wildflowers, shrubs, and/or rainwater gardens.
- Reduce the amount of mown grass on your property.
- Reduce the amount of pesticides, herbicides and fertilizers.
- Conserve water by using low flow showers and toilets, high efficiency clothes washers and dishwashers.
- Install rain barrels to collect water for use around your yard.

What Can Your Community Do?

- Sponsor community clean ups to keep waste out of natural areas.
- Look for ways to expand the existing urban tree canopy.
- Reduce the amount of pesticides, herbicides and fertilizers used.

What Can Your Business Do?

- Establish a corporate volunteering program to support local initiatives such as tree plantings.
- Invest in 'greener' alternatives to current practices.
- Encourage recycling and composting in the workplace.
- Donate towards water quality and habitat improvement programs.
- Evaluate the effectiveness of environmental programs.

NPCA Reporting and More information

Annual Water Quality Report

<https://npca.ca/watershed-health#water-quality-monitoring>

Watershed Report Cards

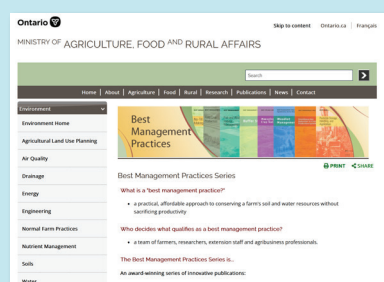
<https://npca.ca/watershed-health#report-cards>

NPCA Grant Programs

<https://npca.ca/restoration>

<https://npca.ca/well-decommissioning>

Best Management Practices.



Scan for more information on Best Management Practices.

Board of Directors' Meeting Highlights – October 21, 2022

On Friday, October 21, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) held its regular monthly meeting in a hybrid electronic format with a limited number of Board Members attending proceedings at the Ball's Falls Centre for Conservation. Highlights from the meeting included:

NPCA Land Securement Strategy Comment Period Extension:

At the request of local partners, the Board of Directors extended until November 18, 2022, the deadline for comment on the Final Land Securement Strategy, to provide sufficient time for stakeholders to review and provide comments.

Rebranding Roll-Out Plan:

Rebecca Hull, Manager of Strategic Business Planning for the NPCA, presented the new branding plan and indicated that further updates to the Board of Directors would be forthcoming as the implementation progressed.

Appointment of Regulations Officers:

For the duration of their employment, the Board appointed NPCA staff members Bob Hayslip and Sean Callaghan as Provincial Offences Officers for the NPCA.

Special Electronic Meeting of the Board Called for Friday, November 4, 2022:

With deferral of a report on Draft NPCA Policies for the Administration of Ontario Regulation 155/06 and the Planning Act, and Procedural Manual and a related presentation, The Board directed that a special electronic meeting be convened electronically on Friday, November 4, 2022, at 9:30 a.m. to address these items.

Links to Agendas, Minutes, and Video:

<https://npca.ca/about/board-meetings>



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

Sub-Item 8

October 28, 2022

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

SENT ELECTRONICALLY

Dear Mayor Sendzik and Council,

Please be advised that at its meeting of October 21, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) adopted the following as Resolution No. FA-90-2022:

Moved by Member Leah Feor

Seconded by Member Brenda Johnson

THAT staff **BE DIRECTED** to extend the deadline for comment on the Final Land Securement Strategy to November 18, 2022 in order to provide sufficient time for stakeholders to undertake a review and provide comments.

CARRIED

The NPCA Board and staff are committed to working with municipalities to further land securement objectives that are beneficial for watershed residents and visitors. The NPCA looks forward to strengthening our relationships with our member municipalities and enhancing the valuable system of protected spaces in the region.

The Land Securement Strategy will not be the only avenue for municipal councils and staff to influence and help shape the NPCA's land securement activities. NPCA staff will be responding to recent changes to the Conservation Authorities Act and associated Regulations by developing a Conservation Areas Strategy and related land securement policies and practices. Much of this work is not due for completion until the end of 2024. NPCA staff welcome input from all of our municipal partners on this work. There will be ample opportunity for Councils and staff to participate in meetings, workshops and engagement sessions. Further details on opportunities to provide input will be forthcoming in 2023.

Please share this information with the appropriate staff and kindly reach out to Eric Baldin, Manager of Land Planning, prior to November 18, 2022, to set up a meeting or provide feedback on the final Land Securement Strategy document. Mr. Baldin can be reached by email at ebaldin@npca.ca or by phone at 905-788-3135, extension #283.

Sincerely,

Grant Bivol
NPCA Clerk

Sub-Item 10



September 22, 2022

In This Issue

- Register for Bill 109 implementation and best practices webinar.
- MNRF webinar training sessions on *Conservation Authorities Act*.
- Jump start your digital transformation with an e-signature solution.
- Pandemic recovery support for municipal health and safety programs.
- Canoe vendor spotlight: Midwest Fire Equipment.
- Investments 101 Workshops - Registration open!
- Have your say on a Net Zero future.
- Ontario's 2022 Cybersecurity Conference.
- Careers: Richmond Hill, Windsor, Simcoe, Niagara Region and Brampton.

AMO Matters

Join AMO for a webinar on Wednesday, October 5 from 12:00 to 1:30 pm to discuss Bill 109 changes, featuring a panel of municipal planners. You can [register here](#).

Provincial Matters

MNRF is hosting *Conservation Authorities Act* webinars on October 12, 1:30 pm (Phase 1 Regulations Refresher), October 20, 10:00 am (Phase 2 Regulation and Policy Overview) and November 3, 1:30 pm (Phase 2 Regulations for Practitioners involved in CA budgets and municipal levy apportionment). Email ca.office@ontario.ca to register.

Eye on Events

As municipalities move from paper to electronic filing, authentication of files is a critical challenge. On September 28, 12 pm, join AMO's partner, Notarius, and learn how ConsignO Cloud can reduce the signing time of documents and allow anyone to sign legally reliable documents electronically with a phone, a tablet, or a computer.

On September 29, 8:30 am ET, AMO's partner 4S Consulting Services is co-hosting a webinar with the Workplace Safety and Insurance Board (WSIB) on pandemic recovery supports available to municipalities for health and safety programs. Speakers will walk through how you can double the rebate on WSIB premiums and other topics. Register today.

LAS

LAS welcomes Midwest Fire Equipment to the Canoe Procurement Group! They're able to supply tankers, pumpers, brush trucks, tactical tenders, and more. Save time

and money while keeping your community safe. [Contact Simon](#) to learn more.

ONE Investment

Calling municipal finance staff Investment Basics and Beyond workshops are coming to a location near you - Milton, London, Barrie and London. For more details and registration information click on the following [link](#).

Municipal Wire*

Enbridge will be holding several engagement activities, starting in 2023, offering the opportunity to learn about and inform our Integrated Resource Plans (IRP). [Sign up](#) now to ensure you are included in future opportunities.

On October 3, join the Government of Ontario for a free, full-day, hybrid conference that focuses on how employees and organizations can best protect themselves from the ever-evolving cyber threats faced in today's digital age. [Register now](#).

Careers

[Urban Design/ Heritage Planner - City of Richmond Hill](#). Ensure that all development and construction affecting heritage resources meets operational exceptions. [Apply online](#) by September 30.

[Director, Fleet and Facility Development - City of Windsor](#). Responsible for providing fleet requirements, including capital budget, to meet the needs of the operations department. [Apply online](#) by September 30.

[Director, Information Technology - City of Windsor](#). Assisting the organization in lean process reviews and redesigns to support the alignment of business processes to digital solutions and change management activities. [Apply online](#) by October 6,

[General Manager Social and Community Services - County of Simcoe](#). Responsible for the effective and efficient management and the planning, organizing, directing, coordinating, and controlling of activities to deliver social and community services. [Apply online](#) by October 7.

[Waste Management Services Advisor - Niagara Region](#). Responsible for coordinating programs and activities, related to planning, waste diversion, collection, and waste disposal. [Apply online](#) by October 11.

[Specialist, Government Relations - City of Brampton](#). Establishes linkages for the city with opportunities arising from all orders of Government to identify opportunities and priorities. [Apply online](#) by September 27.

About AMO

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government as a vital and essential component of Ontario's and Canada's political system. Follow [@AMOPolicy](#) on Twitter!

AMO Contacts

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AMO's Partners



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Sub-Item 11



September 29, 2022

In This Issue

- Register for Bill 109 implementation and best practices webinar.
- *Railways and Drainage Act* survey.
- Third funding round for the Skills Development Fund.
- MNRF webinar training sessions on *Conservation Authorities Act*.
- Federal Enabling Accessibility Fund applications open.
- Legislative review of the *Cannabis Act* announced.
- AMO 2022-2023 training roster available now.
- AMO's iconic New Head of Council Training & New Councillor Training is back.
- ROMA 2023 Conference information.
- Blog: How a Net Zero Fire Hall Came to Be.
- Canoe vendor spotlight: Firetrucks Unlimited (Ambulance Remount).
- Investments 101 Workshops - Registration open!
- Hurricane Fiona in Canada appeal.
- Ontario's 2022 Cybersecurity Conference.
- FCM's Male Allyship training invitation to AMO members.
- Careers: OPSBA, Niagara Region, Barmpton, Simcoe County and PSDSSAB.

AMO Matters

Join AMO for a webinar on Wednesday, October 5 from 12:00 to 1:30 pm to discuss Bill 109 changes, featuring a panel of municipal planners. You can [register here](#).

AMO and the Drainage Superintendents Association of Ontario (DSAO) circulated a *Railways and Drainage Act* survey to municipal staff members on September 20. Members are encouraged to complete the survey by October 7. For more information, contact [Lianne Sauter](#), Policy Advisor.

Provincial Matters

The [Skills Development Fund](#) offers funding for innovative projects that address challenges to hiring, training, or retaining workers. Municipalities are eligible to apply. Applications open September 29-January 31.

MNRF is hosting *Conservation Authorities Act* webinars on October 12, 1:30 pm (Phase 1 Regulations Refresher), October 20, 10:00 am (Phase 2 Regulation and Policy Overview) and November 3, 1:30 pm (Phase 2 Regulations for Practitioners involved in CA budgets and municipal levy apportionment). Email ca.office@ontario.ca to

register.

Federal Matters

The Government of Canada announced a call for proposals under the Enabling Accessibility Fund to support infrastructure improvements such as the renovation, construction or retrofit of ramps, accessible doors, accessible washrooms, elevators and lifts, accessible communications technology, accessible playgrounds, and multi-sensory rooms. Municipalities are eligible to apply. Apply online by November 1.

An Expert Panel will lead the review of the *Cannabis Act* over 18 months. Initial engagement is open until November 21 including a questionnaire for all Canadians and a paper for feedback from Indigenous peoples.

Eye on Events

AMO has released its current roster of training for 2022-2023. This includes the modernized New Head of Council and New Councillor training. Click here to see everything AMO is offering its members to build skill, insight and understanding to support you in your important role.

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ROMA 2023: Breaking New Ground conference information, including hotel, program, and exhibitor/sponsor details, is available here. Registration information will be available soon. For questions, contact events@ROMA.on.ca.

LAS

Read our latest blog about how the Municipality of Central Elgin's Council identified a priority in its strategic plan to be both environmentally and financially sustainable by approving construction of a net zero fire station.

Looking for a cost-effective way to keep your ambulances on the road? Firetrucks Unlimited offers ambulance remounts as part of the Canoe Procurement Group. Get a new chassis under your refurbished patient module, saving time and money while keeping your community safe. Contact Simon to learn more.

ONE Investment

Calling municipal finance staff Investment Basics and Beyond workshops are coming to a location near you - Milton, London, Barrie and London. For more details and registration information click on the following link.

Municipal Wire*

The Canadian Red Cross is working to get help to people in and around affected areas as quickly as possible and provide humanitarian assistance for new needs as they arise. Money raised will enable the Red Cross to carry out relief, recovery, resiliency and risk reduction activities in and beyond the region at the individual and community levels.

On October 3, join the Government of Ontario for a free, full-day, hybrid conference that focuses on how employees and organizations can best protect themselves from the ever-evolving cyber threats faced in today's digital age. Register now.

FCM's CanWILL project is inviting AMO male elected officials to join training to strengthen their ability to be allies to women confronted with sexism, racism and other harassment - if interested, complete this form by October 3.

Careers

Executive Director - Ontario Public School Boards' Association. Serve as an outstanding relationship-builder and communicator capable of leading and supporting OPSBA. Apply to resumes@promeus.ca by October 26.

Claims Examiner - Niagara Region. Responsible for the administration of claims, including claim response, assessment, defense, settlement negotiation, and the disposing of claims. Apply online by October 10.

Manager, Innovation and Transformation - City of Brampton. Plan for short and long-term business plans, through research, analysis and monitoring of relevant factors. Apply online by October 12.

Manager, Collections - County of Simcoe. Oversees all waste collection, processing and support services. Apply online by October 10.

Financial Analyst - District of Parry Sound Social Services Administration Board. Accounting duties in the verification, maintenance, reconciliation, analysis and reporting of the financial accounts and records. Apply to jobs@psdssab.org by October 17.

HR Coordinator - District of Parry Sound Social Services Administration Board. Responsible for the recruitment process, as well as other core human resources functions. Apply to jobs@psdssab.org by October 17.

About AMO

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Sub-Item 12

AMO Watchfile not displaying correctly? [View the online version](#)
Add Communicate@amo.on.ca to your safe list



October 6, 2022

In This Issue

- AMO stresses collective action on housing in Toronto Star op-ed.
- *Railways and Drainage Act* survey.
- Opportunity to provide feedback about the AODA.
- Feedback due October 7: Community Engagement for IESO Long-Term RFP.
- Federal Enabling Accessibility Fund applications open.
- AMO 2022-2023 training roster available now.
- AMO's iconic New Head of Council Training & New Councillor Training is back.
- ROMA 2023 Conference information.
- Canoe vendor spotlight: Mondo.
- OMERS 2022 Employer Education Week.
- Investments 101 - Training seminars.
- Register for OMSSA's Mitigating Bias in the Workplace workshop.
- Overdose Prevention and Engagement Network (OPEN) - Ontario Chapter.
- Careers: Utilities Kingston, Kawartha Lakes, Toronto, MLITSD, MOH and MOT.

AMO Matters

Much of the media coverage on affordable housing focuses blame on municipal approvals. The reality is more complex than any one stakeholder, requiring collective action and comprehensive solutions. Read our [op-ed in the Toronto Star](#).

AMO and the Drainage Superintendents Association of Ontario (DSAO) circulated a Railways and Drainage Act survey to municipal staff members on September 20. Members are encouraged to complete the survey by October 7, 2022. For more information, contact [Lianne Sauter](#), Policy Advisor.

Provincial Matters

The province has appointed Rich Donovan to lead the 4th independent legislative review of the *Accessibility of Ontarians with Disabilities Act* (AODA). A dedicated [website](#) provides information about the review, including a consultation plan and ways to provide feedback.

Municipal engagement activities are underway as part of IESO's Long Term RFP for new and expanded facilities to meet Ontario's emerging reliability needs. Comments

on the draft Expedited LT1- RFP procurement documents are due by October 7 and can be submitted using the [Feedback Form](#). More information on the Long-Term RFP and Expedited Process are available [here](#).

Federal Matters

The Government of Canada [announced a call for proposals](#) under the Enabling Accessibility Fund to support infrastructure improvements such as the renovation, construction or retrofit of ramps, accessible doors, accessible washrooms, elevators and lifts, accessible communications technology, accessible playgrounds, and multi-sensory rooms. Municipalities are eligible to apply. [Apply online](#) by November 1.

Eye on Events

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ROMA 2023: Breaking New Ground conference information, including hotel, program, and exhibitor/sponsor details, is available [here](#). Registration information will be available soon. For questions, contact events@ROMA.on.ca.

LAS

Mondo, a supplier of flooring solutions for tracks, gymnasiums, courts, and other athletic facilities, is now part of the [Canoe Procurement Group](#). Save time and money while keeping your recreation facilities in good shape. Contact [Simon](#) to learn more.

MEPCO

From October 25 - 28, OMERS will be hosting the third annual Employer Education Week as a hybrid event. [Visit link](#) to register for in-person and virtual events.

ONE Investment

Join an in person Investment Basics and Beyond workshop near you available in [Milton, October 19](#), [London, October 21](#), [Barrie, November 2](#) and [Kingston, November 4](#). For registration or further details, please contact one@oneinvestment.ca.

Municipal Wire*

From November 1-3, learn how to develop a nuanced understanding of a range of cognitive and structural biases, and mitigate the impact of bias on decision-making and organizational performance. [Register today](#).

OPEN is an online community that brings people together to work to address the opioid crisis. [Visit today](#) to discover events, explore the discussion board, and access the sharing centre.

Careers

Director of Corporate Services - Utilities Kingston. Contributes to the strategic direction by leading the Corporate Service functions which include Information Technology, HR, Health & Safety, Communications, and Supply Chain.

Director, Corporate Services - City of Kawartha Lakes. Responsible for the operations of all matters related to corporate finances including financial policy, planning, budgeting, accounting, taxation, audit controls, and reporting.

Manager, Stakeholder & Community Outreach - City of Toronto. You will act as the divisional lead for outreach, promotion & education, and volunteer programs, overseeing the communications plans.

Immigration Support Officer - Ministry of Labour, Immigration, Training and Skills Development. Support the processing of applications for nomination for permanent residence to the Ontario Immigrant Nominee Program. [Apply online](#), only, quoting Job ID 187607.

Consultant, Access & Privacy - Ministry of Health. Review assigned requests against legislation and provisions, and collaborate with program areas to respond. [Apply online](#) by October 20.

Assistant Deputy Minister, Transportation Safety Division - Ministry of Transportation. Responsible for leading large-scale digital and business transformation focused on improving the overall client and user experience. [Apply online](#) by October 16.

About AMO

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Sub-Item 13



October 13, 2022

In This Issue

- MNRF webinar training sessions on *Conservation Authorities Act*.
- ROMA 2023 registration now open.
- AMO 2022-2023 training roster available now.
- AMO's iconic New Head of Council Training & New Councillor Training is back.
- LAS Blog: New Council Orientation: Tips for Treasurers.
- Get a quote for 2023 road/sidewalk surveys.
- Canoe vendor spotlight: Flaghouse, Gopher Sport.
- Investments 101 - Training seminars.
- Overdose Prevention and Engagement Network (OPEN) - Ontario chapter.
- ORFA's Fall 2022 Professional Development Program.
- Career: Southwest Middlesex, Dufferin, Wellington, Windsor, Owen Sound & Lincoln.

Provincial Matters

MNRF is hosting *Conservation Authorities Act* webinars on October 20, 10:00 am (Phase 2 Regulation and Policy Overview) and November 3, 1:30 pm (Phase 2 Regulations for Practitioners involved in CA budgets and municipal levy apportionment). Email ca.office@ontario.ca to register.

Eye on Events

Registration for *ROMA 2023: Breaking New Ground*, January 22 - 24, 2023 is now open. To register and for hotel and program information, [click here](#). For questions, contact events@ROMA.on.ca.

AMO has released its current roster of training for 2022-2023. This includes the modernized New Head of Council and New Councillor training. [Click here](#) to see everything AMO is offering its members to build skill, insight and understanding to support you in your important role.

AMO has modernized its training to reflect the realities, responsibilities, challenges and opportunities of municipally elected officials in today's context. Essential information on legislation, policy, roles, responsibilities and managing relationships are only some of the things attendees will gain insight and tools on. Register today for [New Head of Council](#) and [New Councillor](#) training.

LAS

New Council orientation sessions are critical to treasurers, given that new members will be making major budget decisions shortly after taking office. Our [latest blog](#) gives Councils an understanding on how to plan for long-term investing.

The [LAS Road and Sidewalk Assessment](#) service uses modern technology to manage your surface assets. Better data ensures maintenance budgets are spent as efficiently as possible. With budget season underway, now's the time to [contact Tanner](#) to receive a customized quote for your 2023 survey.

We're pleased to welcome Flaghouse and Gopher Sport to the [Canoe Procurement Group](#). These vendors supply all the fitness equipment you need for active living and your recreation facilities. [Contact Simon](#) to learn more.

ONE Investment

Join an in person Investment Basics and Beyond workshop near you available in [Milton, October 19](#), [London, October 21](#), [Barrie, November 2](#) and [Kingston, November 4](#). For registration or further details, please contact one@oneinvestment.ca.

Municipal Wire*

OPEN is an online community that brings people together to work to address the opioid crisis. [Visit today](#) to discover events, explore the discussion board, and access the sharing centre.

Only a few days until ORFA's [Fall Professional Development Program](#) to be held October 17-21 in Mississauga. Take advantage of sessions on emerging issues, trends, and challenges, and training courses. Join in-person or connect virtually!

Careers

[Chief Administrative Officer - Municipality of Southwest Middlesex](#). Lead a skilled staff team in implementing Council's directions and be the primary policy advisor. Apply to mhenry@thamescentre.on.ca by November 7.

[Manager of Communications - Dufferin County](#). Provide tactical advice and support to senior leadership and staff to achieve alignment across the County's communications. Apply to hr@dufferincounty.ca October 20.

[County Clerk - County of Wellington](#). Responsible for the management of all legislative, procedural and administrative support. Apply to careers@wellington.ca by October 27.

[Chief Administrative Officer - City of Windsor](#). Responsible for the management of all human, financial and physical resources while providing strategic guidance and advice. [Apply online](#) by November 15.

Director of Public Works - City of Owen Sound. Oversee Engineering Services, Water and Wastewater, Public Works, Waste Management, Transit, and other related areas. Apply to hriobposting@owensound.ca by October 31.

Deputy Treasurer - Town of Lincoln. Responsible for directing and overseeing the financial functions: budget, treasury, payroll, asset management, billing and full-cycle accounting. Apply online by October 28.

About AMO

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Sub-Item 14



October 20, 2022

In This Issue

- 2022 Ontario Municipal Elections.
- Property assessment and taxation toolkit.
- ROMA 2023 registration now open.
- AMO's iconic New Head of Council Training & New Councillor Training is back.
- AMO's customized councillor training.
- AMO has your training needs covered.
- Pandemic recovery support for Municipal Health and Safety Programs.
- Canoe vendor spotlight: Zetron.
- Fixed Income in a Rising Interest Rate Environment - ONE Investment webinar.
- Investments 101 - Training seminars.
- Sponsored message from NWMO.
- Careers: Waterloo, Niagara, Chatham-Kent and Ministry of Energy.

AMO Matters

Thank you to all Clerks and Returning officers that have uploaded their municipality's pre-election information. We now have all pre-election information on [AMO's election website](#)! On election day, October 24, we will be sending another email for you to enter the results as soon as they become available after polls close or provide AMO staff with the information to post on your behalf. Sharing results with AMO as soon as they are available gives all Ontario municipalities the opportunity to be part of this important Ontario-wide story. It also gives residents, local media and candidates the ability to access results as they happen on a single website. Questions? Contact [Snezana Vukelic](#), Manager, Information Services.

Guest Column*

MPAC recently launched a [digital toolkit](#) to help property owners learn more about Ontario's property assessment and taxation system.

Eye on Events

Registration for *ROMA 2023: Breaking New Ground*, January 22 - 24, 2023 is now open. To register and for hotel and program information, [click here](#). For questions, contact events@ROMA.on.ca.

AMO has modernized its training to reflect the realities, responsibilities, challenges

and opportunities of municipally elected officials in today's context. Essential information on legislation, policy, roles, responsibilities and managing relationships are only some of the things attendees will gain insight and tools on. Register today for [New Head of Council](#) or [New Councillor](#) training.

Building councils' shared understanding of its roles and responsibilities is one of the key ingredients to an effective council. AMO's Customized Councillor Training is designed to deliver training on the issues that matter most to your community. [Click for more information.](#)

From the complexities of human rights legislation, planning legislation and strategic decision making, understanding Indigenous relationships and managing your local relationships, these are some of the training opportunities AMO is offering to assist you in your excelling at local leadership. [AMO roster of training.](#)

On November 10 at 9:30 am ET, 4S Consulting Services is co-hosting a webinar with the Workplace Safety and Insurance Board (WSIB) on [pandemic recovery supports](#) available to municipalities for health and safety programs. Speakers will walk through how you can double the rebate on WSIB premiums among other topics. This webinar is designed for Schedule 1 municipal employers. [Register today.](#)

LAS

The [Canoe Procurement Group](#) is pleased to welcome Zetron as a new vendor. They are a supplier of call systems, computer aided dispatch, paging systems, and more. [Contact Simon](#) to learn more.

ONE Investment

ONE Investment is hosting a webinar on November 17 collaborating with our external Portfolio Manager: MFS Investment Management "Fixed Income in a Rising Interest Rate Environment." To register and find what will be covered in the webinar, [click here.](#)

Join an in person Investment Basics and Beyond workshop near you available in [London, October 21](#) and [Barrie, November 2](#). For registration or further details, please contact one@oneinvestment.ca.

Sponsored Message from NWMO*

The [Nuclear Waste Management Organization](#) is responsible for implementing Canada's plan for the long-term management of used nuclear fuel and in 2024 will identify a safe site with informed and willing host communities for a [deep geological repository](#).

The NWMO and its municipal partners began publishing the results of a series of socio-economic studies in the two remaining siting areas around Ignace and South Bruce, Ontario, and invites AMO members and all interested Canadians to learn more

through a new Virtual Open House.

For more information about the NWMO and these studies, please email Mike Borrelli, Sr. Advisor, Municipal Relations or call 416.624.0909.

Careers

Director, Transit Services - Regional Municipality of Waterloo. Directs the planning and delivery of safe, customer focused, and reliable transit services. Apply online by November 11.

Chief /Director Emergency Services Division - Niagara Region. Responsible for the nature, extent and quality of Emergency Services and Provincially mandated programs. Apply to arthur@wmc.on.ca by November 4.

General Manager, Infrastructure & Engineering Services - Municipality of Chatham-Kent. Responsible for the majority of physical assets owned by Chatham-Kent and assists with new building projects. Apply online by November 4.

ADM, Conservation and Renewable Energy - Ministry of Energy. Provides detailed analysis, advice, and issues and risk management strategies for energy conservation and renewable energy policies. Apply online by October 23.

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Sub-Item 15

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October 27, 2022

In This Issue

- Call for nominations to the ROMA Board of Directors.
- AMO's Response to the *More Homes Built Faster Act, 2022*.
- Webinar on Conservation Authority Phase Two Regulations.
- MTO consultation on EV charging infrastructure.
- Ontario One Call Administrative Penalty Regime consultation.
- ROMA 2023 registration now open.
- AMO's iconic New Head of Council Training & New Councillor Training is back.
- AMO's customized councillor training.
- AMO has your training needs covered.
- Pandemic recovery support for Municipal Health and Safety Programs.
- LAS Distributor Consolidated Billing Program secures a hedge.
- LAS to present at upcoming Automated Speed Enforcement event.
- Canoe vendor spotlight: Club Car.
- Fixed Income in a Rising Interest Rate Environment - ONE Investment webinar.
- Careers/RFP: Town of Goderich.

AMO Matters

Please be advised that in accordance with the Rural Ontario Municipal Association's Policies and Procedures, ROMA is requesting nominations for Zone Representatives to the 2023-2027 ROMA Board of Directors. Nomination package [available here](#).

AMO issued [an initial response](#) and [press release](#) about the province's *More Homes Built Faster Act, 2022*. Analysis of [Bill 23](#) and the associated [Regulatory](#) and [ERO](#) postings is underway.

Provincial Matters

MNRF is hosting a *Conservation Authorities Act* webinar on Phase 2 Regulations for Practitioners involved in CA budgets and municipal levy apportionment on November 3 at 1:30 pm. Email ca.office@ontario.ca to register.

MTO is seeking feedback on improving public electric vehicle (EV) charging infrastructure in Ontario until November 6, 2022. Comments can be submitted [here](#).

MPBSD is seeking feedback on a draft administrative penalties regime for Ontario One Call until November 21, 2022. Comments can be submitted [here](#).

Eye on Events

Registration for *ROMA 2023: Breaking New Ground*, January 22 - 24, 2023 is now open. To register and for hotel and program information, [click here](#). For questions, contact events@ROMA.on.ca.

AMO has modernized its training to reflect the realities, responsibilities, challenges and opportunities of municipally elected officials in today's context. Essential information on legislation, policy, roles, responsibilities and managing relationships are only some of the things attendees will gain insight and tools on. Register today for [New Head of Council](#) or [New Councillor](#) training.

Building councils' shared understanding of its roles and responsibilities is one of the key ingredients to an effective council. AMO's Customized Councillor Training is designed to deliver training on the issues that matter most to your community. [Click for more information](#).

From the complexities of human rights legislation, planning legislation and strategic decision making, understanding Indigenous relationships and managing your local relationships, these are some of the training opportunities AMO is offering to assist you in your excelling at local leadership. [AMO roster of training](#).

On November 10 at 9:30 am ET, 4S Consulting Services is co-hosting a webinar with the Workplace Safety and Insurance Board (WSIB) on [pandemic recovery supports](#) available to municipalities for health and safety programs. Speakers will walk through how you can double the rebate on WSIB premiums among other topics. This webinar is designed for Schedule 1 municipal employers. [Register today](#).

LAS

LAS has secured a fixed electricity hedge for a 15-month term commencing October 1, 2022. This week's [blog](#) explains the approach, taking into consideration various factors impacting electricity prices.

LAS and our partner Conduent have been invited to present at an upcoming [Automated Speed Enforcement](#) event hosted by Canoe partner, [TrafficLogix](#). Join us in Hamilton on Thursday November 17 at 8:30 am as we educate ourselves about all things ASE.

Did you know Club Car LLC is part of the [Canoe Procurement Group](#)? They supply gas or electric utility vehicles to keep your staff moving. Contact [Simon](#) to learn more.

ONE Investment

ONE Investment is hosting a webinar on November 17 collaborating with our external

Portfolio Manager: MFS Investment Management “Fixed Income in a Rising Interest Rate Environment.” To register and find what will be covered in the webinar, [click here](#).

Careers/RFP

Request for Proposal, Provision of Consulting Services for the Development of a 2022 – 2026 Corporate Strategic Plan - Town of Goderich. Seeking proposals from qualified and professional consulting firms to assist in the development of a Corporate Strategic Plan. Submit to afisher@goderich.ca by November 18.

About AMO

AMO is a non-profit organization representing almost all of Ontario's 444 municipal governments. AMO supports strong and effective municipal government in Ontario and promotes the value of municipal government as a vital and essential component of Ontario's and Canada's political system. Follow [@AMOPolicy](#) on Twitter!

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LAS Local Authority Services

MEPCO Municipal Employer Pension Centre of Ontario

ONE Investment

Media Inquiries

Municipal Wire, Career/Employment and Council Resolution Distributions

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Memorandum

Sub-Item 16

To: Mayor and Council**Cc: Department Heads, Kristen Sullivan, City Clerk****From: Lori Mambella, Manager, Programs and Culture Services****Date: October 11, 2022****Subject: Older Adult Associations Update**

The purpose of this memo is to update Mayor and Council on the status of the Older Adult Associations (OAAs) at the City's Older Adult Centres (OACs). The City owns and operates three OACs – [Dunlop Drive](#), [West St. Catharines](#) and [Port Dalhousie](#). Each location has a corresponding volunteer led OAA. Since 1987, staff have worked collaboratively and in consultation with these OAAs to facilitate recreation programming and social activities at the centres. Note that at its meeting on [March 28, 2022](#), Council approved the temporary relocation of the Port Dalhousie OAC to the Port Weller Community Center in 2023 to accommodate Fire Services while Fire Station 2 undergoes renovations.

Due to pre-existing volunteer fatigue, the Covid-19 pandemic and the corresponding series of facility closures, the OAAs lost momentum and their membership numbers declined. City staff worked closely with the OAAs leadership to provide support, however, after careful consideration it was ultimately the decision of each of the OAAs to officially dissolve. As of September 1, 2022, all three OAAs have formally disbanded. Through independent fundraising efforts, each OAA had a surplus savings account of which the funds have now been either been donated to local charities or invested in a new Older Adult Centre Legacy Fund which the City will manage for future opportunities and initiatives.

There will be no negative impact to the current operations, staffing or recreation programming at the City's older adult centres as a result the dissolution of the OAAs. There will also be no impact to the Province of Ontario's Senior Active Living Centre grant funding. Staff will continue to work closely with the current older adult membership to ensure that they have input on future programming and events. The older adult community will also have continued representation on all issues affecting seniors in the City through participation in the Older Adult Advisory Committee.

On behalf of Mayor, Council and staff, I would like to thank all of the OAA volunteers for their many years of service and dedication.

Sincerely,

Lori Mambella
Manager, Programs and Culture Services



City Council Outstanding Reports List

Sub-Item 17

Reports by Strategic Pillar

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Reports Related to Strategic Plan 23

Reports Unrelated to Strategic Plan 3

Updated: October 28, 2022

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Economic	2019-22	15-Jul-19	Townsend	Amend sign by-law to permit digital signage on City-owned properties and buildings, including the appropriateness and ability to include third-party advertising as part of digital signage on City-owned properties.	PBS / COMMS	September 26, 2022	Appeal Information Report - Application for Sign By-law Variance; 142 St. Paul Street; Owner: 2400795 Ontario Inc. was deferred 8-12-19 until ORL #2019-22 is presented to Council. COVID delayed.
Economic	2021-11	10-May-21	Social Pillar / Garcia	That the diverse supplier policy proposal from the Anti-Racism Advisory Committee, as amended, be sent to City Council to request a report back by the end of Q4 2021 from City staff on the development of a Diverse Supplier Policy.	FMS	2022	Council approved a complementary motion from Cllr Garcia at the meeting of February 28, 2022. See Council Minutes Item 10.1 from February 28 for full motion
Economic	2021-14	10-May-21	Surplus Lands Dev TF	That staff be directed to prepare a report regarding 2 Facer Street, including condition of the facility and the potential to declare the property surplus with consideration to not displacing the existing tenant.	FMS / EFES	2022	
Environmental	2020-18	16-Nov-20	Townsend / Sorrento	That staff be directed to prepare a report on the costs associated with beautifying the Bunting Road corridor between Scott Street and the Garden City Skyway to include tree planting, grassed boulevards, floral, etc.	EFES	2022	From Nov. 18, 2020 GC meeting (formerly BSC) - That \$50,000 for a visioning or master streetscape plan to recommend improvements to the Bunting Road corridor be included in the Draft 2022 Operating Budget
Environmental	2021-24	18-Oct-21	Porter	Prepare a report with information on the following: •Tree management and protection policy, with a focus on construction •Feasibility of a fee for service agreement with the Region to have city take over tree planting and maintenance on Regional Roads •Mandatory tree planting on boulevards	MW	2022	Information will be provided as a memo
Environmental	2022-10	25-Apr-22	Townsend	Report back on a workplan to plant 100,000 trees over the next 10 years – developed as a Corporate-wide focus for all appropriate departments, with information on financial and staffing resources required, and potential community partnerships and grants to achieve the planting goal. Include information on the reforestation of Walkers Creek and Malcolmson Eco-Park and an enhanced maintenance plan for trees	MW / EFES / CRCS / FMS	2022	Residents, businesses, organizations and schools to be challenged to commit to planting to total of 500,000 trees in 10 years in the city (inclusive of the City's 100,000 promise). Efforts of the community-wide challenge be monitored and promoted by the City.
Social	2019-23	15-Jul-19	Littleton	Opportunities and strategies for the City to support neighbourhood associations and neighbourhood-based community groups, including best practices and information gathered from the forum	CRCS	Q4 2022	Staff report will come forward following the neighbourhood association forum. Forum was scheduled for March 28, 2020 but was postponed due to the COVID-19 pandemic
Social	2021-02	18-Jan-21	Miller	Repeal / review and update the City's loitering by-laws and report back to Council	MW	2022	Staff to provide a memo to Council noting issue will be included in Pilot study with Gateway of Niagara
Social	2021-04	18-Jan-21	Social Pillar	Produce a report on amending Facility and Design Standards (FADS) in the following sections: Section 4.2.7 Universal Washrooms and Section 4.5.2 Outdoor Recreational Facilities – Playground	CRCS / EFES	2022	See Council Minutes of January 18, 2021 for what is to be included in the report
Social	2021-12	10-May-21	Social Pillar	Amend current by-law for erection of signs and advertising devices to state that no person shall display or cause to be displayed a sign that bears a hate message or a logo, crest or graphic that would convey such a message	PBS / LCS	2022	
Social	2021-13	10-May-21	Social Pillar	That staff provide a report by Q4 2021 on the options for improving accessibility of the Carousel to make it more inclusive	CRCS / EFES	2022	Information will be provided as a memo
Social	2021-18	9-Aug-21	Social Pillar	Amend By-law 2007-295 (a By-law to address Public Nuisances) under Section 2 "Prohibitions" to add: "No person shall, in a public place, unnecessarily interfere with another person's use and enjoyment of the Public Place by using abusive or insulting language as a personal invective."	LCS	2022	Staff report to also include information on adding "aggressive behaviour" to the Public Nuisances by-law
Social	2021-21	27-Sep-21	Garcia	Review issues with bird feeders and seed		2022	Include what other municipalities are doing
Social	2021-23	18-Oct-21	Siscoe	Stop signs for Coronation Boulevard at Vansickle Road North and options for the creation of a safe crosswalk and other appropriate traffic calming measures in the school zone at the intersection of Dufferin and George Street	EFES	Q3 2022	Appropriate Councillors have been contacted to advise that the required studies and collection of data can only be done in the Spring / Summer

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Social	2021-22	4-Oct-21	Miller	Prepare a report exploring options for improving accessibility for those with invisible disabilities, including, but not limited to, providing closed captioning on livestreamed videos and identification options for those with invisible disabilities who are working at or otherwise accessing City facilities	CAO	2022	Consult with the Accessibility Advisory Committee in the creation of the report.
Social	2021-26	15-Nov-21	Social Pillar	Prepare a report regarding the Anti-Racism Advisory Committee's recommendations on a Racist / Hate Incident Response Protocol	CAO	2022	See Social Sustainability Minutes of November 4, 2021, page 45, for the Committee's recommendations on a Racist / Hate Incident Response Protocol.
Social	2021-28	15-Nov-21	Social Pillar	What Council can do to support initiatives in the motion from Anti-Racism Advisory Committee, and referred by the Social Sustainability Committee, regarding Calls to Action in the Wake of the London Islamophobic Attack.	CAO	2022	See Social Sustainability Minutes of November 4, 2021, page 40, for the Committee's recommended Calls to Action in the Wake of the London Islamophobic Attack.
Social	2021-31	29-Nov-21	Dodge	Prepare a report on the suitability of modifying Bylaw 89-2000 to permit vehicles to legally park within the confines of a residential driveway apron subject to specific safety and operational constraints	EFES	Q4 2022	
Social	2022-05	07-Mar-22	Littleton	Alternatives to current road configuration on Oakdale Avenue, including crosswalks, traffic calming, traffic humps and bike lanes.	EFES	Q3 2022	Appropriate Councillors have been contacted to advise that the required studies and collection of data can only be done in the Spring / Summer
Social	2022-07	28-Mar-22	Porter / Garcia	Prepare a report regarding item of correspondence from Friends of 12 Mile Creek with information on the questions posed in the item of correspondence.	CAO	2022	See Council Correspondence Report from March 28, 2022, Sub-Item 6, for the item of Correspondence.
Social	2022-12	25-Apr-22	Mayor	Prepare a report on the creation of an Indigenous Relations Advisor position, including a job description developed in collaboration with the Niagara Regional Native Centre and a potential workplan. Workplan to include possibility of collaborating with St. Catharines Library and FirstOntario Performing Arts Centre	CAO / CSS	2022	Requested return date of Q3 2022. Funding for the position to be referred to the 2023 annual operating budget deliberations
None	2021-27	15-Nov-21	Williamson	Respond to the item of correspondence from Marianne Murray regarding Regional Road 87, including the legal questions raised by Ms. Murray	LCS	2022	Item of correspondence included as additional correspondence from meeting of November 15, 2021
None	2019-47	16-Dec-19	Miller / Mayor Sendzik	That the request for funds to be used to record in-camera meetings be referred to 2020 for a report including the upgrading of screening services for all meetings (open and closed sessions).	LCS	2022	
None	2022-06	07-Mar-22	Porter	Information on a lobbyist registry for St. Catharines and the possibility of a fee-for-service agreement with the Niagara Region	LCS	2022	Information will be provided as a memo

Follow Up Reports

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Social	2022-03	17-Jan-22	Phillips	That staff report back with additional information on the boat launch	CAO	2022	Follow up report to CAO-004-2022. See Council minutes of January 17, 2022
Social	2022-08	11-Apr-22	Miller	Success of the 2022 beach strategy, residential beach parking permits and recommended amendments to the beach strategy, including discounted parking passes for seniors and variable pricing for parking	CAO		Follow up report to CAO-044-2022. See Council minutes of April 11, 2022. Report back to Council before the 2023 beach season



Corporate Report City Council

Report from: Planning and Building Services, Planning Services

Report Date: October 28, 2022

Meeting Date: November 7, 2022

Report Number: PBS-165-2022

File: 21 117958 SA

Subject: *Planning Act Public Meeting – Recommendation Report*

Proposed Draft Plan of Subdivision

Subject Lands: 3 Abbot Street, 40A Ellis Avenue

Owner: ADMN Holdings Inc. (3 Abbot Street)

Phelps Homes Ltd. (40A Ellis Avenue)

Agent: Edward Fothergill

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: economic, social, and environmental.



Recommendation

That Council approve the application for draft plan of subdivision approval for the lands described as Part of Lots 72, 75, 135, 136 and 160 on Corporation Plan No. 6, Part of Road Allowance Between Concession 8 and 9, and Block 13, Registered Plan 30M-430, municipally known as 3 Abbot Street and 40A Ellis Avenue, creating Block 1 (residential), the continuation of Ellis Avenue through 3 Abbot Street (Block 2 and Street A), and Blocks 3 and 4 (residential), as outlined in Appendix 1, subject to the conditions of draft plan of subdivision approval outlined in Appendix 2 of this report; and

That the draft plan of subdivision approval shall lapse after three years from the date of Council approval, unless a request for extension has been submitted, reviewed and approved prior to the lapsing date; and

That the Notice of Decision required by the Planning Act, R.S.O. 1990, c. P.13, as amended, be processed by staff; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Land Tribunal for consideration and final approval; and

Further, that the Clerk be directed to make all necessary notifications.

Summary

This application requests draft plan of subdivision approval of two blocks for medium density residential development and two blocks to construct a public road. The new public road extends the existing Ellis Avenue north to Phelps Street. The proposed draft plan of subdivision is attached as Appendix 1. Staff are recommending Council approve this application, subject to a number of conditions which are outlined in Appendix 2.

Relationship to Strategic Plan

Economic Prosperity: The proposed development supports private investment through facilitating new residential development on vacant, developable lands.

Social Well-Being: The proposed development contributes to the City's goal to build and support strong, inclusive neighbourhoods that provide high quality of life for residents of all ages. The proposed subdivision contributes just around new residential units to the City's housing supply and facilitates the construction of a public road and the continuation of a multiuse path improving neighbourhood connectedness.

Environmental Stewardship: The proposed development represents responsible community planning that balances growth, enhances quality of life, and minimizes environmental impacts. Environmental features on and adjacent to the site have been studied and the development has been planned to limit impacts while facilitating the construction of needed housing and transportation connections.

Report

Proposed Development

The applicant is proposing to create a subdivision at 3 Abbot Street, incorporating a portion of the adjacent lands known as 40A Ellis Avenue. The draft plan of subdivision is attached as Appendix 1. The plan includes Block 1 for a large private road development containing 262 stacked townhouse units, Block 2 for a continuation of Ellis Avenue from the south, Street A to further extend Ellis Avenue through the site, and Blocks 3 and 4 together forming a second, smaller development block to contain 28 stacked townhouse units. The conceptual site layout demonstrating the concept for both development blocks is attached as Appendix 3.

In order to facilitate the proposed layout, the applicant will be requesting a land exchange with the City along the irregular edge of the site that abuts Clifford's Creek Park, to accommodate the path of the proposed public road, as illustrated in Appendix 9. Additionally, to accommodate connections to existing streets near the development, Phelps Street and Smythe Street, portions of the existing park will need to be declared public highway. The subdivision would thereby facilitate the connection from Ellis Avenue / Abbot Street to the south up to Phelps Street at the north. The land exchange is included as a draft plan condition of approval.

Location and Site Description

The lands are known municipally as 3 Abbot Street, and 40A Ellis Avenue. They are located on the north side of Abbot Street, east of Oakdale Avenue. The subdivision area is 5.75 hectares in size and has approximately 66 metres of frontage on Abbot Street. The site is currently vacant of any buildings or structures. A portion of 40A Ellis Avenue contains a watercourse regulated by the NPCA, and a railway runs adjacent to the east side of the site. A location map is attached as Appendix 4. Surrounding land uses include:

- North: Clifford's Creek Park, Niagara Flea Market
- East: Railway, Hartzel Road mixed-use / commercial uses
- South: Residential dwellings
- West: Residential dwellings, Clifford's Creek Park

Planning Policy Context

Provincial planning legislation requires Council's decision on a planning application to be consistent with the Provincial Policy Statement (2020), and conform to Provincial plans, upper-tier official plans and lower-tier official plans. Accordingly, planning staff have evaluated this application for draft plan of subdivision against the policies of the Provincial Policy Statement, the Provincial Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the Garden City Plan, all of which apply to this application, and staff recommendations have been formulated accordingly.

For Council's reference, the land use planning framework in Ontario, as it relates to this application, is outlined in Appendix 5.

Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS), provides direction on matters of Provincial interest related to land use planning and development. *Section 3(5) of the Planning Act* stipulates that decisions of Council "shall be consistent" with the PPS. The subject lands are located within a Settlement Area under the PPS. Sections of the PPS, which are particularly relevant to the subject proposal, are summarized below.

Settlement Areas

The PPS requires settlement areas to be the focus of growth and development, with land use patterns based on densities and a mix of land uses that efficiently use land, resources, and infrastructure, and which are transit supportive, among other matters. A range of uses and opportunities for intensification and redevelopment are to be provided, with planning authorities having the ability to identify suitable locations for growth, subject to appropriate development standards. The subject lands are located within a settlement area.

The subject application facilitates the intensification of lands within an established settlement area in a manner that is in keeping with appropriate development standards within the context of the neighbourhood.

Natural Heritage

The PPS states that development and site alteration shall not be permitted on adjacent lands to significant woodlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. An Environmental Impact Study (EIS) prepared by SLR was submitted by the applicant. The EIS has been reviewed by Niagara Region Environmental Planning staff. It has concluded that no significant woodland is present on the lands. The Region's Environmental Planning staff are satisfied that the EIS adequately demonstrates that the development can be accommodated without significantly impacting the adjacent natural features.

Rail Corridor

The subject lands are located adjacent to a CN rail line to the east. Policy 1.2.6.1 of the PPS states that major facilities (including transportation infrastructure and corridors) and sensitive land uses are to be planned to "ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety..." To implement this policy, the MECP Noise Guidelines (NPC-300) are to be applied in the land use planning process to prevent or minimize future land use problems.

Regional staff have reviewed the *Noise Control Feasibility Study and the Assessment of Railway Vibration Levels* report by SS Wilson Associates (dated August 17, 2021), which was conducted in accordance with NPC-300. The noise impacts from road traffic on Hartzel Road, GIO railway line and Highway 406 were included in the report. There were also stationary noise sources considered from the commercial plaza to the east. The study concluded that attenuated daytime sound levels in the Outdoor Living Areas of all the residential dwellings will be acceptable, however the levels at the outside walls of some dwellings will exceed the recommended levels, therefore requiring indoor noise controls with warning clauses / provisions. Noise control measures are not required for the stationary noise sources.

Given the proximity to the railway line, some dwellings will experience vibrations for which vibration isolation measures are recommended. The noise and vibration mitigation recommendations for this development will primarily be addressed through site plan control and building permit measures. Additionally, an appropriate clause to implement the recommended noise and vibration mitigation measures has been included in the draft plan conditions in the attached Appendix 2.

PPS Summary Opinion

Staff are of the opinion that the proposed draft plan of subdivision is consistent with the policies of the Provincial Policy Statement in that the policies related to land use compatibility, growth and natural heritage are upheld.

Provincial Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan provides a policy framework that is intended to be achieved within the context of each individual community, while being sensitive to adjacent areas. The City's Official Plan and Zoning By-law implement this framework for the City of St. Catharines.

Guiding principles within the Growth Plan direct compact and well-designed development to prioritize intensification. Growth and development should be directed to established built-up areas to avoid expanding existing urban boundaries where possible by encouraging intensification. The subject lands are located within a Provincially designated Built Up Area.

The subject application is supported by the vision outlined in the Growth Plan to encourage the development of complete communities, and support intensification. The proposed 290 units and extension of an existing public road will contribute to an established residential neighbourhood by intensifying currently vacant residential lands and will help to serve the housing needs of the city. The proposed subdivision facilitates appropriate development within an established built-up area in a manner that is compatible with surrounding uses. The policies of the Growth Plan are upheld.

Regional Official Plan

The subject site is located within a designated Urban (Built-Up) Area in the Regional Official Plan (ROP). The ROP directs development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and housing choices, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are vibrant and resilient in their design.

The proposal will result in residential intensification within the Built-up Area, which will make more efficient use of designated urban land and existing infrastructure. Growth management policies state that until the Region has completed its municipal comprehensive review, and it is approved and in effect, an annual minimum intensification target of 95% will apply to the portion of the Built-up Area within the City of St. Catharines. The proposed subdivision application will contribute to the City's intensification target and, as such, is consistent with Regional growth management policies for the Built-Up Area.

The subject property is impacted by the Regional Core Natural Heritage System (CNHS), consisting of Significant Woodland and Important (Type 2) Fish Habitat. Consistent with ROP policy, Regional staff requested the completion of an Environmental Impact Study (EIS) in support of the proposed development. Regional Environmental Planning staff reviewed the EIS prepared by SLR, dated January 22, 2022. The EIS concluded that vegetation has been cleared on the property and no significant woodland is present on the lands. Significant Woodland and Fish Habitat are present on adjacent lands. Environmental Planning staff are satisfied that the Revised EIS adequately demonstrates that the development can be accommodated without significantly impacting Regional CNHS features.

2022 ROP

Staff note that a new Regional Official Plan has been adopted in 2022. The adopted plan has been sent to the Province of Ontario's Ministry of Municipal Affairs and Housing for approval. The latest ROP is not being applied by the Region until it has

been fully approved. City staff do note that the lands are identified as Built-Up Area in the new ROP, and that growth policies of both plans continue to be upheld.

The recently adopted ROP does not discuss a Core Natural Heritage system but identifies the same features and the application is generally in conformity with the recent ROP. There are no concerns with conformity with the latest ROP, at such time as it comes into effect.

Garden City Plan

The City's Official Plan, the Garden City Plan (GCP), designates the majority of the lands as Neighbourhood Residential. A portion of the parcel known as 40A Ellis Avenue is designated Natural Areas (Appendix 6). Schedule E9 of the GCP (Appendix 7) provides additional direction for the North Planning District and designates the lands as Medium Density Residential and Natural Areas, with two portions of the site within the Natural Area Extent Line.

The Medium Density residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres. The proposed development is in conformity with these permissions.

The Natural Areas designation is intended for the protection, preservation, restoration, maintenance, and improvement of a diverse, integrated system of natural areas. In this case the Natural Areas designation surrounds a regulated watercourse. The Natural Areas and Natural Area Extent Line are located generally outside of the area of the land to be subdivided. The plans have been reviewed by the NPCA and the Region and no features are located within the subdivision lands. A small portion of the proposed road does encroach into the Natural Areas designation. However, this portion is not part of the regulated watercourse feature, and the NPCA has indicated that the mapping of the regulated feature does not include the future road. Section 13.2.1(4)(iv) of the GCP states that where more accurate mapping is available in which may modify the location or extent of Natural Areas and the Natural Area Extent Line, they may be updated without amendment to the GCP. As such, no amendment to the Official Plan will be necessary to accommodate the proposed subdivision layout, based on the NPCA review of the site. A rezoning will be required and is discussed further in the Zoning section of this report.

Section 7.1 outlines general policies guiding development and redevelopment within the Urban Area. Relevant criteria are outlined below, as all developments shall be evaluated having regard for the following:

- a) Support for safe, accessible and connected active transportation linkages within and between residential neighbourhoods, other activity centres, uses, and the City's public realm and open space network.

This subdivision facilitates the continuation of a public road and multi-use path, improving connectivity for a wide variety of transportation types through this neighbourhood and connecting residents to the nearby commercial / mixed-use area on Hartzel Road.

- b) Opportunities to create or enhance public places, active transportation linkages, facilities and gateways.

The construction of a multi-use path will add active transportation linkage through the area and enhance the existing public space Clifford's Creek Park.

- c) The best use of existing resources, infrastructure and service capacity. Development / redevelopment will only be permitted where there is adequate municipal water and wastewater service, waste management, and public service facilities. Compatible and practical on-site renewable water, waste and energy management techniques and design are encouraged, including Low Impact Development (LID) practices.

This development application is subject to existing infrastructure upgrades required to Phelps Street, Turner Crescent, Oakdale Avenue and Smythe Street, by the Developer, to accommodate the development of the subject lands. These infrastructure upgrades include:

- the upsizing of existing sanitary sewers on Phelps Street to the east limit, Turner Crescent, Oakdale Avenue and Smythe Street; and
- the replacement of existing sanitary laterals on Phelps Street and the east limit of Smythe Street; and
- the upsizing of the existing and the extension of new storm sewers on Phelps Street to the east limit, Turner Crescent and Oakdale Avenue; and
- the replacement of the existing water main and water service laterals on Phelps Street to the east limit; and
- the replacement of road surface and curbs on Phelps Street to the east limit, Turner Crescent and the east limit of Smythe Street; and
- sidewalk removals on the north side and the replacement of sidewalks on the south side of Phelps Street to the east limit, Turner Crescent and sidewalk replacements at the east limit of Smythe Street.

While upgrades are required, all required service types are available in the vicinity. Upgrade costs will be borne by the Developer. Concurrent replacement of dated existing city infrastructure may be undertaken while the upgrades are taking place to ensure the road is only reconstructed one time. The costs of replacing existing infrastructure will be the responsibility of the City. Subject to the conditional servicing upgrades to be carried out

by the Developer, this development is able to be adequately serviced, and this criterion is satisfied.

- d) Development will only be permitted where the sustainable transportation system is adequate to accommodate anticipated traffic volumes, generation, circulation and use.

Traffic staff have no concerns with the proposed development and the current road network. They have reviewed the application and consider the existing system adequate to accommodate anticipated traffic volumes.

Section 16.10.2 of the GCP states that only those plans of subdivision which conform to the following criteria will be recommended for approval.

- a) The plan of subdivision conforms with the policies of this Plan.
- b) Adequate servicing, such as water supply, sewage disposal facilities, stormwater drainage, solid waste collection and communications/ telecommunications infrastructure, and access can be provided.
- c) The City is able to provide necessary community services without imposing undue increases in taxation on all residents.

The plan of subdivision application conforms to the policies of this plan, as addressed above, with the inclusion of the conditions in Appendix 2.

It is the opinion of staff that all relevant policies of the GCP have been met by the proposed subdivision.

Summary Official Plan Opinion

Based on the matters outlined above, staff are satisfied that the proposed draft plan of subdivision is in keeping with all of the relevant GCP policies.

Zoning By-law

Zoning By-law 2013-283 zones the majority of the subject lands Medium Density Residential with Holding Provision 1 (R3-H1), and a portion of 40A Ellis Avenue is zoned Conservation / Natural Area (G1) Zone (Appendix 8).

The R3 zone permits medium density residential development, comprised of detached, semi-detached, duplex, triplex, fourplex, quadruplex, and townhouse dwellings, and apartment buildings. Private road developments of any of these dwelling types are also permitted. The applicant has submitted applications for site plan approval of both proposed development blocks. At this time, there are a total of 290 units proposed in the form of stacked townhouses within private road developments. There are 262 units proposed on the large development block, and 28 on the small development block. The current conceptual site plans are attached as Appendix 3.

The proposed site plan layouts are still under review and not yet finalized. It has been generally the intent of the applicant to comply with the zoning by-law in full, and the

blocks are somewhat irregular in shape, but are generally able to accommodate compliant development. There are no variances necessary to facilitate the creation of the proposed development blocks and public road. However, should the detailed designs ultimately require minor variances to the by-law to accommodate the design, the applicant will need to obtain formal approval of any requested variances prior to approval of the site plans for each development block.

Holding Provision 1

Holding Provision 1 states that an Environmental Site Assessment shall be prepared and submitted to the City of St. Catharines for approval, and that if contamination above provincial guidelines is found, a Record of Site Condition (RSC), or other acceptable documentation, shall be required for submission to the Ministry of the Environment prior to the removal of the Holding (H) designation. The applicant will not be able to develop the land until such time as the Holding Provision is removed. Therefore, the list of recommended conditions of draft approval includes a condition that the applicant must obtain approval to lift the Holding Provision in order to obtain final approval.

At this stage, the applicant has submitted an RSC to the Ministry of Environment for the majority of the lands. A portion of the lands has not yet had an RSC submitted, as further work and assessment of the lands is being undertaken at the direction of the Ministry of Environment. Once the Ministry is satisfied with that the assessment is complete, and that all necessary remediation has been completed to the appropriate standard, an RSC will need to be submitted for the full extent of the lands prior to final subdivision approval.

G1 Zone

The G1 zone does not permit development. As currently proposed, the continuation of Ellis Avenue runs through a small corner of the existing G1 zone, which has been highlighted in Appendix 9. This is due to the required width and orientation of the roadway. As one of the conditions of final approval of the subdivision, outlined in Appendix 2, the applicant must apply for and obtain approval of a zoning amendment to rezone the portion of G1 lands proposed as roadway to Residential to match the remainder of the subdivision lands, as illustrated in Appendix 9. The G1 zone in this location is intended to protect an existing watercourse that is regulated by the Niagara Peninsula Conservation Authority (NPCA). The regulated watercourse area is located between two culverts on 40A Ellis Avenue. It does not extend into the proposed right-of-way. The NPCA is aware of the need for the roadway and small retaining / block wall encroaching onto the unregulated portion of the lands to reach the 'back' property for the proposed residential development. That proposal will not require studies for the NPCA's review to support.

It is also noted that the NPCA's mapping also shows a regulated watercourse at the end of Smythe St. However, the NPCA has conducted a site visit and has confirmed the absence of this feature on this section of property. The channel does not begin until Clifford's Creek Park (City owned lands) which are not associated with this development.

Draft Plan of Subdivision

The proposed Draft Plan of Subdivision is attached in Appendix 1. Section 51(24) of the *Planning Act* directs the matters to be considered in recommending approval for a Draft Plan of Subdivision. These matters are outlined in the table below with planning analysis pertaining to this proposed subdivision:

Matters to be considered per Section 50(24) of the Planning Act	Analysis
The effect of development of the proposed subdivision on matters of provincial interest.	The development does not have a detrimental effect on matters of provincial interest, as outlined earlier in this report.
Whether the proposed subdivision is premature or in the public interest.	This plan is not considered premature, as sufficient information has been received to make a recommendation and several appropriate conditions to be fulfilled prior to final approval and construction. The development of the lands is considered to be in the public interest as the subdivision will enhance connectivity and contribute to the City's housing stock without compromising environmental features or compatibility.
Whether the plan conforms to the official plan and adjacent plans of subdivision, if any.	The plan conforms to the policies of the Official Plan as discussed earlier in this report.
The suitability of the land for the purposes for which it is to be subdivided	The subject lands are suitable for residential development and the extension of Ellis Avenue. The subdivision fits into the overall road network planned for the area. The lands themselves are suitable for residential development, pending full compliance with MOE requirements for a small portion of the lands currently undergoing a risk assessment. This will be a condition of approval and will be completed prior to the final subdivision approval.
If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing.	No affordable housing units are proposed at this time.

<p>The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them.</p>	<p>The size, elevation, grading and adequacy of the proposed road has been reviewed by staff and is acceptable. There are no concerns with the adequacy of the roads linking this development with the established highway system in the vicinity.</p>
<p>The dimensions and shapes of the proposed lots.</p>	<p>The proposed development blocks are adequately sized and appropriately shaped to facilitate the construction of compatible and compliant residential developments.</p>
<p>The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land.</p>	<p>The lands currently have a Holding Provision, and a portion are zoned G1 which limits development. The applicant will be required to obtain approval to remove these restrictions prior to final subdivision approval. These restrictions have been considered and will be resolved prior to development.</p>
<p>Conservation of natural resources and flood control.</p>	<p>Stormwater management will be required to meet City standards, as per the list of conditions attached as Appendix 2. No natural resources are negatively impacted by this development.</p>
<p>The adequacy of utilities and municipal services.</p>	<p>There are existing utilities and services in proximity to the development lands. Improvements to the existing services are necessary to accommodate the scale of the development. Any improvements or extensions to existing services that directly serve this subdivision will be the responsibility of the Developer. Any replacements of existing services that are undertaken simultaneously may be borne by the City. A cost-sharing agreement is required as a condition of approval. Further details of required servicing works and upgrades are discussed in the 'Development Engineering Division' section of this report.</p>

The adequacy of school sites.	There is adequate capacity in the area schools to accommodate this development.
The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.	There is no area of land, other than public highway, that is to be conveyed or dedicated for public purposes.
The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.	The proposed development makes appropriately efficient use of land, services and utilities.
The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land.	Site Plan Approval will have to be obtained for the two proposed development blocks prior to the construction of residential dwellings.

Site Plan Control

The City's Site Plan Control By-law requires that residential developments of four units or more will be subject to site plan control. Under this by-law both residential blocks (Block 2, and Blocks 3 and 4) would be subject to Site Plan Control. The applicants have already applied for site plan approval and this process is underway concurrent to the draft plan of subdivision application. Detailed development elements within the residential blocks will be addressed through the site plan review and approval process.

Circulation of Applications

The applications were circulated to all relevant departments and agencies in accordance with the Planning Act. No department or agency has objected to the proposed draft plan of subdivision. Numerous conditions of approval have been required to ensure that a number of items are addressed prior to final approval of the site plan including servicing upgrades / extensions, Record of Site Condition submission, utility approvals, parkland dedication, Clifford's Creek Park works, land transfers, waste collection, archaeology, stormwater management, tree protection, and the registration of a subdivision agreement. The full list of detailed conditions are included in Appendix 2.

Community, Recreation and Culture Services Department

A new public multi-use path is planned to the east of these lands; it will commence on the west side of Hartzel Road (just south of Shopper's Drug Mart) and extend westerly over the nearby rail line and through to the northerly terminus of Ellis Avenue. CRCS will require that, in lieu of a 1.5 metre concrete sidewalk along the west side of the new public road, the owner enter into a cost sharing agreement with the City to construct an extension of the multi-use path through the lands to be subdivided. The path is to be located along the western edge of the proposed public road, terminating at Phelps Street. Given there are likely to be conflicts associated with grading, drainage, and tree preservation, the path may be located within the road allowance or Clifford's Creek

Park, or both, as necessary. The multi-use path will replace the existing gravel path in this area.

Due to the proximity of the lands to Clifford's Creek Park, staff considered requiring the dedication of land to add to the park. However, the lands considered for dedication were identified Risk Assessment as having some restrictions associated with their use, including on-going monitoring being required. As a result, CRCS staff have instead required that the parkland dedication be provided as cash-in-lieu, and this requirement is included in the draft conditions (Appendix 2).

Development Engineering Division

The site abuts a portion of City-owned land at the east end of Smythe Street. The City must coordinate efforts to accommodate this small portion of City-owned land as Public Highway 'Smythe Street', to facilitate an additional access to / from the proposed development lands.

The site also abuts a portion of City-owned lands at the north-east limit of Clifford Creek Park that fronts Phelps Street. The City requires the development accommodate a through public road to Phelps Street, over a portion of the parkland.

Public Consultation

A virtual public open house was hosted by Planning and Building Services over the Zoom platform on March 24, 2022. The purpose of the open house was to present the applicant's proposed draft plan of subdivision and conceptual development plans, and to provide an opportunity for the public to ask questions and provide comments before staff recommendations are presented to Council for consideration. Three members of the public attended. Questions and concerns raised through the public consultation are summarized below, with staff responses.

Traffic and Traffic Calming

Comments: There was concern with the potential amount of traffic added to the area, and a desire to include traffic calming measures on the new extension of Ellis Avenue.

Response: Traffic staff have no concerns with the number of units / vehicles proposed on these lands. No updates to surrounding roads are required, and the new road will be built to current city standards. No additional traffic calming measures will be required. Should they be required in the future, the need will be assessed as it is for any currently existing city streets where the concern arises.

Loss of Wildlife

Comments: There is concern the development will displace wildlife that lives on and moves through the site.

Response: It is likely that the development of the site will prevent animals such as deer or coyotes from moving through and living on the site, if they are doing so now. However, the site is residentially zoned and has not been identified as containing and

specifically protected species of plant or animal. The site is generally proposed to be developed as intended by the City's Official Plan and Zoning By-law.

Loss of Informal Connection to Hartzel Road

Comments: Residents indicated that an informal path across this development site is used by locals to access the commercial area on Hartzel Road. There was concern about losing this connection and a request to formalize a path through this development.

Response: The path that is being used requires one to cross not only the privately owned development site, but the adjacent rail line, and privately owned property on Hartzel Road. Staff are unable to support the formalization of such a path, and it is likely this access across the railway line may be fenced off. However, the multiuse path that provides a connection to Hartzel Road to the south of this development is being constructed, and this subdivision will bring it further north to connect more of this neighbourhood to a safe and multi-use path to the commercial area.

Lighting

Comments: There was concern about the potential for light infiltration from the development into the surrounding area.

Response: The development blocks will have to provide lighting plans that demonstrate no light spillover onto adjacent lands. The public road will be lit per City standards with streetlights. The City will not approve plans with unacceptable light spillover.

Second Planning Opinion Advisory

Should Council consider not supporting the Staff Recommendation, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Ontario Land Tribunal, then the planner who has provided the second opinion shall be retained for the purpose of a hearing.

Financial Implications

Some of the upgrades and replacements of services and the resulting roadworks present an opportunity to replace existing services the City currently has servicing the area. Given that the works in question are not all to the benefit of the developer, the City's development engineering division has determined a cost-sharing agreement would be appropriate to outline which costs will be borne by the developer versus the City. The developer is to enter into a cost-sharing agreement as a condition of approval, outlined in Appendix 2. Final costs are not determined at this time.

Environmental Sustainability Implications

Natural features on and adjacent to the site have been considered. Additionally, the site requires a Record of Site Condition to ensure the land and soils are safe and suitable

for the proposed type of development. This will ensure it has been cleaned up to remove any existing contaminants to appropriate development standards.

Conclusion

In summary, staff recommends approval of the Draft Plan of Subdivision. The subject application would facilitate an appropriate development of the subject lands, and the continuation of a public road. The proposal makes efficient use of vacant lands and will be compatible with the surrounding uses. The proposed units will add to the City's housing stock. The application is consistent with the Provincial Policy Statement, and in conformity with the Provincial Growth Plan, Regional Official Plan and City Official Plan.

Notifications

It is in order to advise the following of the decision:

Edward Fothergill of Fothergill Planning and Development Inc., 62 Daffodil Crescent, Ancaster, ON L9K 1E1, the owner's agent.

Prepared by

Charlotte McEwan, MCIP, RPP
Planner I

Submitted by

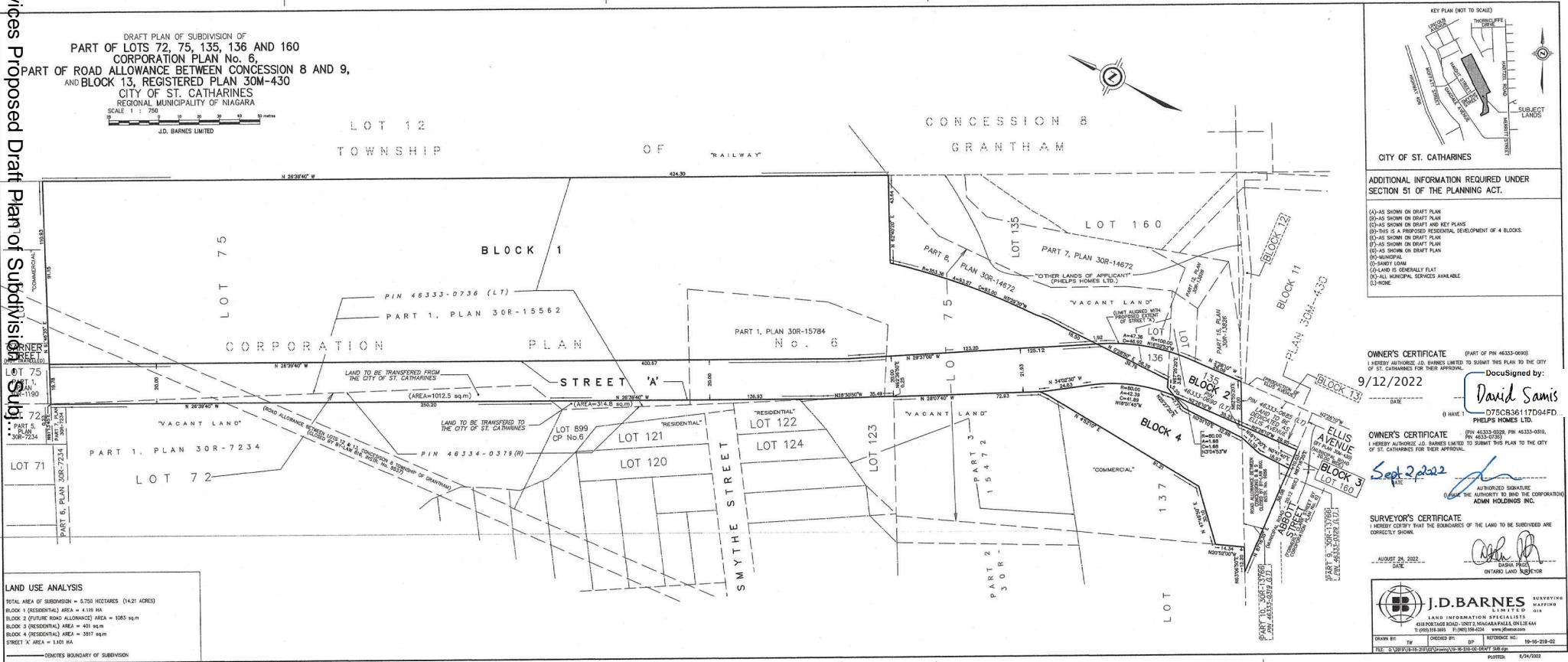
Margaret Josipovic, BES, MPA
Manager, Planning Services

Approved by

Tami Kitay, MPA, MCIP, RPP
Director, Planning and Building Services

Appendices

1. Draft Plan of Subdivision
2. Conditions of Draft Plan Approval
3. Conceptual Site Layouts
4. Location Map
5. Ontario Planning Framework
6. Official Plan Schedule D1
7. Official Plan Schedule E9
8. Zoning Designation
9. Land Exchange and G1 Zone Illustration



**Conditions of Draft Approval
3 Abbot Street, 40A Ellis Avenue
File No. 21 117958 SA**

General Approval

1. That this approval applies to the Draft Plan of Subdivision of the lands described as Part of Lots 72, 75, 135, 136 and 160 on Corporation Plan No. 6, Part of Road Allowance Between Concession 8 and 9, and Block 13, Registered Plan 30M-430, municipally known as 3 Abbot Street and 40A Ellis Avenue, prepared by J.D. Barnes Limited, dated August 24, 2022, showing Block 1 (residential), the continuation of Ellis Avenue through 3 Abbot Street (Block 2 and Street A), and Blocks 3 and 4 (residential), as outlined in Appendix 1, subject to the conditions outlined in Appendix 2; and

Zoning

2. That prior to approval of the final plan, the Owner obtain approval to re-zone the portion of the proposed development that is zoned G1 (Conservation/Natural Area).

(City of St. Catharines)

3. That prior to approval of the final plan, the Owner obtain approval to Lift the Holding Provision on the full extent of the lands to be developed.

(City of St. Catharines)

Environment

4. That following completion of any remediation and/or risk assessment work, if required, a Record of Site Condition (RSC) for the full extent of all of the private lands to be developed shall be filed on the Ministry of the Environment, Conservation and Parks' Environmental Site Registry in accordance with Environmental Protection Act and associated regulations as amended. Copies of the Environmental Site Assessment(s) and site remediation reports as well as a copy of the Ministry of the Environment, Conservation and Parks' written acknowledgement of the filing of the RSC, together with a certification from a Qualified Professional (QP) that the development lands meet the applicable standard(s) of the intended land uses shall be submitted to Niagara Region. A reliance letter from a QP shall also be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.

(Niagara Region)

Trees

5. That the Owner shall submit for review and approval a tree preservation and protection plan and report that provides an inventory of existing trees on the subject lands, on abutting privately owned lands, and within Clifford's Creek Park. Privately owned trees on abutting lands must be retained, unless otherwise agreed to in writing by the abutting landowner, and every effort must be made to preserve and protect trees within Clifford's Creek Park.

(City of St. Catharines)

6. That, prior to any works commencing on site, the Owner shall submit to the City a security deposit to ensure that the mitigation measures prescribed by the tree preservation and protection plan and report are properly undertaken and that the subject trees to be retained are shown to be in good health for a period of five years following completion of construction.

(City of St. Catharines)

7. That the subdivision agreement shall require the Owner pay to the city the cost associated with planting the proposed boulevard trees as shown on the required streetscape plan, such payment to be calculated in accordance with the Schedule of Rates and Fees at the time the subdivision agreement is registered.

(City of St. Catharines)

Archaeology

8. That the following clauses shall be included in the Subdivision Agreement:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists."

"In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

(Niagara Region)

Noise

9. That the subdivision agreement shall contain provisions whereby the Owner agrees to implement the recommendations of the approved Noise Control Feasibility Study and the Assessment of Railway Vibration Levels report by SS Wilson Associates (dated August 17, 2021).

(Niagara Region)

Construction

10. That the Owner shall submit a Construction Impact Mitigation Strategy outlining how the proponent intends to address the construction impact mitigation principles as they relate to the site development and surrounding external areas required for municipal improvements, for review and approval to the satisfaction of the City Engineer.

(City of St. Catharines)

Geotechnical Report

11. That the Owner shall submit to the City for review and approval a Geotechnical report with a hydrogeological component, chemical analysis and pavement design included, prepared by a qualified geotechnical engineering consultant, to the satisfaction of the City Engineer.

(City of St. Catharines)

12. That the Geotechnical analysis include additional borehole locations within the limits of the City's existing park lands proposed as part of the future public road Street 'A' through to Phelps Street, referred to as Part 1, 30R-1190, and the City's existing park lands proposed as part of the future public road Street 'A' along the west boundary of the property, and any applicable recommendations provided with respect to required remediations within these lands to satisfy the City's road construction needs for assumption purposes.

(City of St. Catharines)

13. That the Geotechnical analysis include additional borehole locations within the limits of the City's existing Phelps Street, Turner Crescent and Smythe Street proposed for servicing upgrades, and any applicable recommendations provided with respect to required remediations within these lands to satisfy the City's needs for acceptance purposes.

(City of St. Catharines)

Servicing and Grading

14. That the Owner shall have a hydraulic analysis completed and certified to assess how the subdivision lands will accommodate a looped system within one pressure zone, to the satisfaction of the City Engineer.

(City of St. Catharines)

15. That the Owner shall have the water distribution system and appurtenances designed by a Professional Civil Engineer in accordance with the City of St. Catharines Engineering Standards Manual, as amended, and constructed to the satisfaction of the City Engineer.

(City of St. Catharines)

16. The Owner shall enter into a Servicing Cost-Sharing Agreement for the improvement requirements of the external municipal watermain and appurtenances along Phelps Street to Turner Crescent, for the provisions of all applicable design, approvals, inspection, and construction costs therein, to the satisfaction of the City Engineer.

(City of St. Catharines)

17. That the Owner's Consulting Engineer shall submit a **Ministry of Environment – Form 1 – Record of Watermains Authorized as a Future Alteration** form to the satisfaction of the City Engineer.

(City of St. Catharines)

18. That the Owner shall adhere to the City's current Water Testing & Disinfection Criteria.

(City of St. Catharines)

19. That the Owner submit to the City for review and comment a Functional Servicing Report prepared by a licensed Professional Civil Engineer with respect to the development's sanitary sewer proposal and proposed peak flows, to the satisfaction of the City Engineer.

(City of St. Catharines)

20. That the Owner shall have the sanitary sewer system and appurtenances and any required improvements to the existing system designed by a Professional Civil Engineer in accordance with the City of St. Catharines Engineering Standards Manual, as amended, and be constructed to the satisfaction of the City Engineer.

(City of St. Catharines)

21. That the Owner enter into a Servicing Cost-Sharing Agreement for the upsizing and improvement requirements of the external municipal sanitary sewers and appurtenances along Phelps Street to Oakdale Avenue, for the provision of all applicable design, approvals, inspection, and construction costs therein, to the satisfaction of the City Engineer.

(City of St. Catharines)

22. That the Owner's Consulting Engineer submit and receive a **Ministry of Environment – Environmental Compliance Approvals** for the public sanitary sewer within the development lands and those required for the external sewer upgrades, at the full cost of the Owner.

(City of St. Catharines)

23. That the Owner shall have the local storm sewer system and appurtenances designed by a Professional Civil Engineer in accordance with the City of St. Catharines Engineering Standards Manual, as amended, and constructed to the satisfaction of the City Engineer.

(City of St. Catharines)

24. That a Stormwater Management Report shall be prepared for this development by a Professional Civil Engineer in accordance with the City of St. Catharines Engineering Standards Manual, as amended, to the satisfaction of the City Engineer.

(City of St. Catharines)

25. That an overland flow route be incorporated into the design of the stormwater management for the site identifying a suitable outlet for the major storm event (> 5-year event).

(City of St. Catharines)

26. That if the site proposes to outlet flows towards the City's existing Clifford Creek park, only the major event (> 5-year) flows will be authorized.

(City of St. Catharines)

27. That the storm system shall be designed to accommodate residential foundation weeping tile drainage via sump pump discharge to storm sewer laterals.

(City of St. Catharines)

28. That the Owner shall enter into a Servicing Cost-Sharing Agreement for the upsizing and improvement requirements of the external municipal storm sewers and appurtenances along Phelps Street and Turner Crescent, for the provision of all applicable design, approvals, inspection, and construction costs therein, to the satisfaction of the City Engineer.

(City of St. Catharines)

29. The Owner's Consulting Engineer submit and receive **Ministry of Environment – Environmental Compliance Approvals** for the public storm sewer within the development lands, inclusive of a quality control unit, and those required for the external sewer upgrades, at the full cost of the Owner.

(City of St. Catharines)

30. That prior to final approval for registration of the plan, the Owner shall submit the sanitary sewer and storm drainage system designed to service this development, as well as any proposed downstream sewer improvement to Niagara Region for review and approval under the Ministry of the Environment's Transfer of Review Program. Note: Any new storm sewer outlet to a creek or stormwater management scheme designed for quantity control/quality improvement will require the direct approval of the Ministry of the Environment, Conservation and Parks (Approvals Branch, Toronto office).

(Niagara Region)

31. That the Owner provide written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

(Niagara Region)

32. That the Owner provide a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the City.

(Niagara Region)

33. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled, Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Planning and Development Services for review and approval:

- a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site to the stormwater management facility; and
- b. Detailed erosion and sedimentation control plans.

(Niagara Region)

34. That a Regional Connection permit and detailed drawings for the proposed realigned sewer and connection be completed for the connection to the Region's sanitary trunk sewer on Oakdale Avenue.

(Niagara Region)

35. That the subdivision agreement contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with the previous condition.

(Niagara Region)

Public Notification of Required Off-site Municipal Improvements

36. That adequate notification of the improvements proposed to the existing municipal infrastructure off-site and external to the subject lands on Phelps Street, Turner Crescent, Oakdale Avenue and Smythe Street, shall be included with the public circulation of the proposed draft plan of subdivision to the residents, Utilities and Council members, and adequate signage be erected accordingly to the satisfaction of the City Engineer.

(City of St. Catharines)

37. That the Owner shall submit to the City a Pre-Construction Condition survey for all existing abutting properties and structures, inclusive of those abutting the proposed off-site works on Phelps Street, Turner Crescent, Smythe Street, Ellis Avenue, and Abbot Street, to the satisfaction of the City Engineer.

(City of St. Catharines)

Erosion and Sediment Control

38. That an Erosion & Sediment Control Plan shall be prepared by a Professional Civil Engineer to Municipal Standards and in accordance with the City of St. Catharines Engineering Standards Manual, as amended, to the satisfaction of the City Engineer, Niagara Region and Niagara Peninsula Conservation Authority, if applicable.

(City of St. Catharines)

Roads

39. That the design for the public road within the development be prepared by a Professional Engineer at a 20.0m right-of-way cross-section standard in accordance with the City's current Engineering Standards Manual, as amended to the satisfaction of the City Engineer.

(City of St. Catharines)

40. That an adequate alignment for the extension of Ellis Avenue through the subject lands from the existing Ellis Avenue northerly terminus, shall be designed by a Professional Engineer to the satisfaction of the City Engineer.

(City of St. Catharines)

41. That the City shall coordinate efforts to facilitate the transfer of lands at the easterly limit of Smythe Street to dedicate Smythe Street as Public Highway.

(City of St. Catharines)

42. That construction vehicle access shall be limited to the Ellis Avenue dead-end from Abbot Street and Oakdale Avenue only, throughout the development's construction process, inclusive of the private blocks, until full build-out is completed, once acquired by the Owner. Unless another means can be achieved, access through existing residential neighbourhood roads (Phelps Street, Smythe Street, Ellis Avenue south to Oakdale Avenue) shall be prohibited.

(City of St. Catharines)

43. That the proposed public road shall be named to the satisfaction of the City of St. Catharines.

(City of St. Catharines)

44. That the Owner shall design and construct the additional Ellis Avenue connection from the subject lands north to the easterly limit of Phelps Street to the satisfaction of the City Engineer.

(City of St. Catharines)

45. That, until an assumption of the subdivision through By-law by the Municipality and the rights-of-way dedicated as Public Highway, the Owner shall install and maintain signage within and at the limits of the subdivision roads noting 'Unassumed Roads – Use at Your Own Risk', to the satisfaction of the City Engineer.

(City of St. Catharines)

46. That the Owner shall confirm that there will be no negative impacts to municipal infrastructure within the Risk Assessment lands including roads, sidewalks, watermains, sanitary sewer, storm sewers, poles or other similar items. The following items must be addressed in the Risk Assessment and it must be confirmed that there will be no negative impacts:

- Include long term impacts such as reduced asset life cycles (e.g. from corrosion etc.) or performance (e.g. contamination leaking into sewers or watermains)
- Ensuring no elevated health risk of short term exposure to workers doing maintenance or repairs (e.g. exposure to contaminants during watermain break repair)
- Ensuring that deep rooted vegetation such as trees could be installed in the boulevards adjacent to the roads and that there would be no exposure to workers in the boulevards (e.g. planting trees, removing stumps etc.)

(City of St. Catharines)

Lot Grading

47. That a Master Grading Control Plan shall be prepared by a Professional Civil Engineer to Municipal Standards and in accordance with the City of St. Catharines Engineering Standards Manual, as amended, to the satisfaction of the City Engineer.

(City of St. Catharines)

Subdivision Design

48. That the final design of the internal public rights-of-way, including on street parking, lighting, road width, parking restrictions, among other matters, be to the satisfaction of the City of St. Catharines.

(City of St. Catharines)

Waste Collection

49. That the Owner shall ensure that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara Corporate Policy for Waste Collection, and by-laws relating to the curbside collection of waste.

(Niagara Region)

Streetscape Plan

50. That the Owner shall submit for review and approval a streetscape plan for all proposed public streets. The streetscape plan shall include the location of all roadways, laneways, sidewalks, street trees, trees to be preserved, fire hydrants, street lights, street light pedestals, hydro transformers, telephone pedestals, cable television pedestals, community mailboxes, waste collection pads, and similar structures located within the road right-of-way, and shall be submitted together with the related servicing plans.

(City of St. Catharines)

51. That the subdivision agreement shall require all offers of purchase and sale to include a copy of the approved streetscape plan and that each offer of purchase and sale shall indicate whether or not a sidewalk is to be constructed along the frontage of the lot or block.

(City of St. Catharines)

Sidewalks and Curbs

52. That a minimum 1.50m wide sidewalk shall be constructed on the east side of the public road extension Ellis Avenue, north through the subdivision development to Phelps Street, in accordance with the City's 20.0m road cross-section standards, to

the satisfaction of the City Engineer.

(City of St. Catharines)

53. That a minimum 1.50m wide sidewalk link shall be constructed on the west side of Ellis Avenue south to Abbot Street, inclusive of the north frontage of Abbot Street from Ellis Avenue west.

(City of St. Catharines)

54. That sidewalk links shall be installed from the proposed public road west along both sides of Smythe Street to connect to existing.

(City of St. Catharines)

55. That the existing north sidewalk from the easterly terminus of Phelps Street shall be removed and replaced/tied-in accordingly, west to Turner Crescent as required for the installation of municipal improvements to service the development lands.

(City of St. Catharines)

Clifford's Creek Park

56. That the general grading plan shall be provided by the Owner illustrates that finished grades between the proposed public road and Clifford's Creek Park will achieve a maximum 5% slope, without the need for retaining walls or similar structures. Grading works shall be completed by and at the sole expense of the owner.

(City of St. Catharines)

57. That the Owner shall enter into a cost-sharing agreement with the City to construct an extension of the planned multi-use path, located to the south of the subject lands, through the proposed subdivision and terminating at Smythe Street. The multi-use path shall be located along the west side of the proposed public road and shall be designed with consideration for grading constraints and the preservation of existing city-owned trees, where possible.

(City of St. Catharines)

58. That the Owner shall be responsible for the cost to remove the existing baseball diamond backstop located within Clifford's Creek Park, which removal is required to facilitate the land exchange and construction of the new public road.

(City of St. Catharines)

59. That the owner shall be responsible for the cost to replace the existing Clifford's Creek Park signage that will be removed to facilitate construction of the new public road.

(City of St. Catharines)

Street Lighting

60. That the Owner shall submit to the City a street lighting design prepared by a Professional Electrical Engineer, for review and acceptance to the satisfaction of the City Engineer.

(City of St. Catharines)

61. That the Owner pay for and construct the proposed street lighting design in accordance with the City, Electrical Safety Authority and Alectra Utilities standards, to the satisfaction of the City Engineer.

(City of St. Catharines)

Parkland

62. That the Owner shall submit to the City a cash payment in lieu of parkland dedication calculated in accordance with the provisions of By-law 74-72, as amended, or By-law 2022-174, whichever applies to this subdivision as of the date final approval is granted, and based on the appraised value of the subject lands. The appraisal report must be completed by a qualified appraiser and submitted to the City for review and approval by the City's Manager of Realty and Insurance Services.

(City of St. Catharines)

Land Dedication and Easements

63. That the Owner shall grant to the appropriate authority all easements as required for Municipal, Utility, and private needs, to the satisfaction of the City Engineer and Utility authorities.

(City of St. Catharines, Bell Canada or comparable utility, Enbridge Gas Distribution, Alectra, Cogeco)

64. That the Owner shall grant to the Corporation of the City of St. Catharines free and clear of any encumbrances the lands shown on the draft plan of subdivision and containing approximately 314.8 square metres. The owner shall provide the City with a draft Reference Plan to describe the lands for review, prior to depositing the plan.

(City of St. Catharines)

65. That the Owner shall request a Transfer from the City for the lands shown on the draft plan of subdivision and containing approximately 1,012.5 square metres. The Transfer would be in accordance with the City's Disposal of Land By-law and subject to City Council approval to declare the lands surplus and all expenses (survey,

appraisal, legal and any other expenses) will be the responsibility of the Owner. The Owner agrees to accept the lands in an “as is where is” condition.

(City of St. Catharines)

Utilities and Rail

66. That the Owner shall satisfy all utility companies with respect to the feasibility of and design for providing wire-line communication/telecommunication service, natural gas and electrical distribution services, street lighting, etc., and that the owner enter into any necessary agreements with those private utility companies for the provision of their respective services.

(Bell Canada or comparable utility, Enbridge Gas Distribution, Alectra, Cogeco)

67. That the following clause shall be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

(Giorail)

68. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.

(Giorail)

Canada Post

69. That the Owner shall work with Canada Post to determine and provide temporary suitable Centralized Mailbox locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

(Canada Post)

70. That the Owner shall install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.

(Canada Post)

71. That the Owner shall identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

(Canada Post)

72. That the Owner shall determine the location of all centralized mail receiving facilities in co-operation with Canada Post and indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

(Canada Post)

Administration

73. That the Owner shall submit to the City required fees and deposits for Engineering Inspection, water testing, regulatory street signage, and construction security obligations to the satisfaction of the City Engineer.

(City of St. Catharines)

74. That the Owner shall submit to the City the digital data and contract documentation in accordance with the Niagara Peninsula Standard Contract Document and City of St. Catharines CAD standards, to the satisfaction of the City Engineer.

(City of St. Catharines)

75. That the Owner shall enter into one or more agreements with the City of St. Catharines agreeing to satisfy all requirements, financial or otherwise, as the City of St. Catharines may consider necessary, including the provision of municipal services, roads, sidewalks, landscaping, grading, drainage, fencing, and all other matters pertaining to the development of the site.

(City of St. Catharines)

76. That the subdivision agreement between the owner and the City of St. Catharines be registered by the municipality against the lands to which it applies as provided for under the Planning Act.

(City of St. Catharines)

77. That if final approval is not given within three years of the approval date, and no extension has been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required must be received by the City prior to the lapsing date. An updated review and revisions to the conditions of approval may be necessary at that time.

(City of St. Catharines)



1. Copyright of this drawing is reserved by the Architect. The drawing and all associated documents are an instrument of service by the Architect. The drawing and the information contained therein may not be reproduced in whole or in part without prior written permission of the Architect.

2. These Contract Documents are the property of the Architect. The Architect bears no responsibility for the interpretation of these documents by the Contractor. Upon written application, the Architect will provide written/graphic clarification or supplementary information regarding the intent of the Contract Documents. The Architect will review Shop Drawings submitted by the Contractor for design conformance only.

3. Drawings are not to be scaled for construction. The Contractor is to verify all existing conditions and dimensions required to perform the work and report any discrepancies with the Contract Documents to the Architect before commencing any work.

4. Positions of exposed finished mechanical or electrical devices, fittings, and fixtures are indicated on architectural drawings. The locations shown on the architectural drawings govern over the Mechanical and Electrical drawings. Those items not clearly located will be located as directed by the Architect.

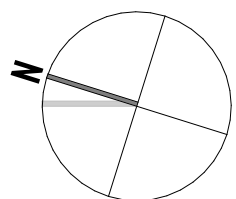
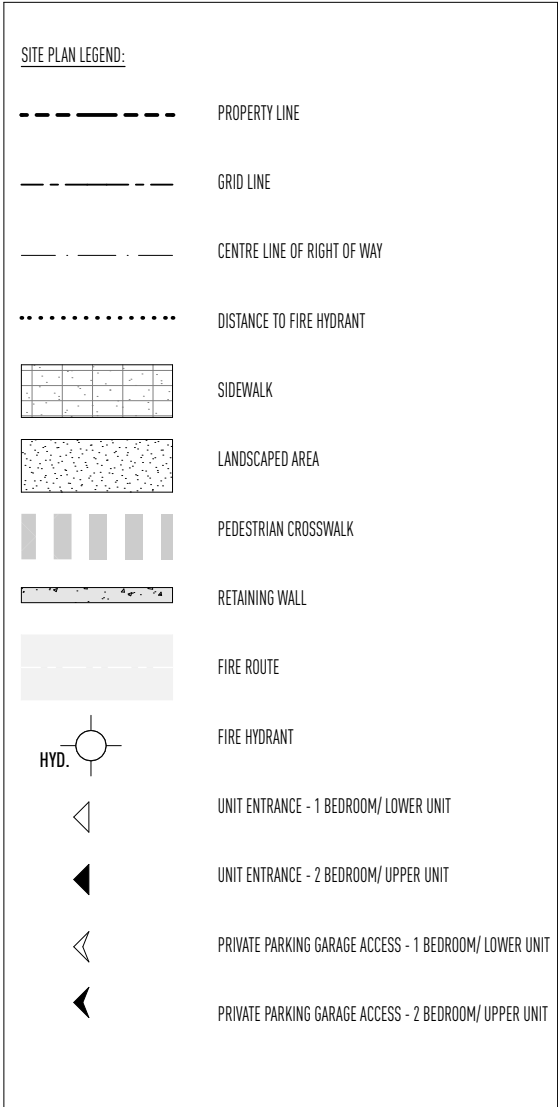
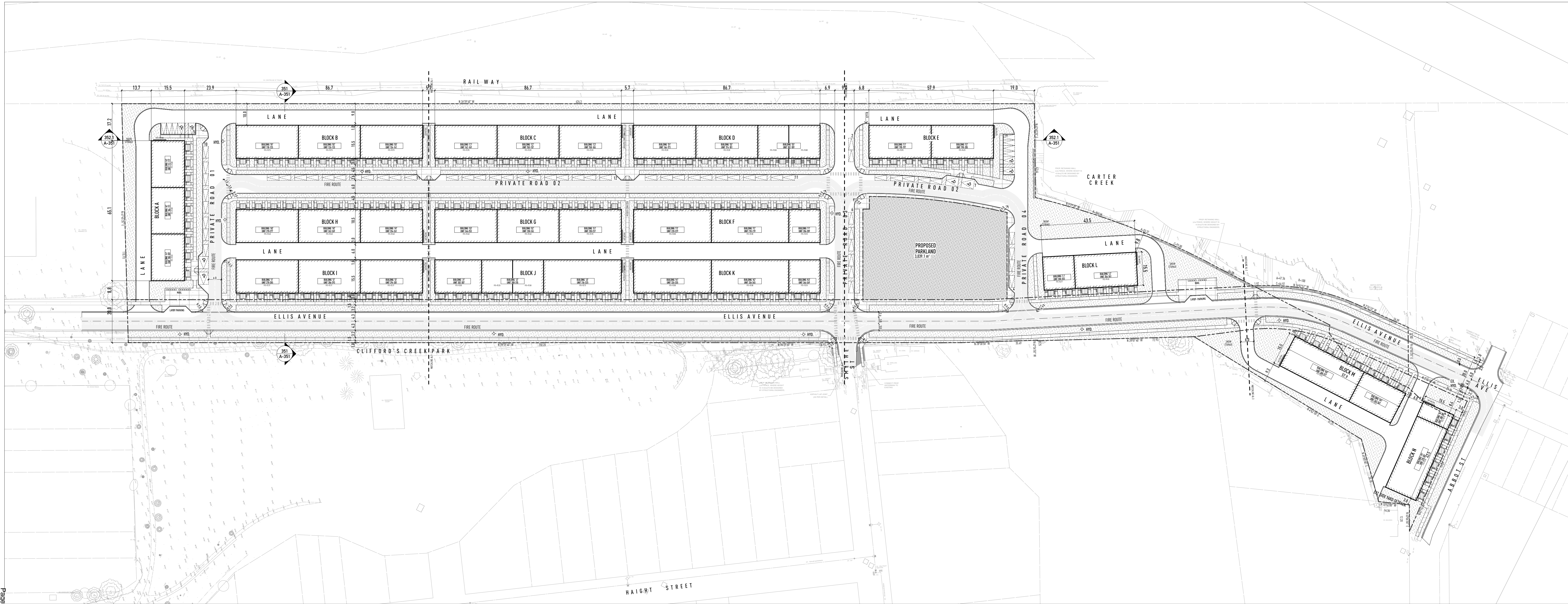
5. These drawings are not to be used for construction unless noted below as "Issuance for Construction".

6. All work is to be carried out in conformance with the Code and Bylaws of the authorities having jurisdiction.

7. The Architect of these plans and specifications gives no warranty or representation to any party about the constructability of the building(s) represented by them. All contractors or subcontractors must satisfy themselves when bidding and at all times ensure that they can properly construct the work represented by these plans.

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No.	Issuance	Date
01	ISSUED FOR SPA	2021-10-22
02	DRAFT PLAN OF SUBDIVISION APPROVAL	2021-11-01



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Dazz Group
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St. Kitts Urban Towns

3 Abbot St. St. Catharines ON L2P 2G3

Site Plan

Date of Issue: 2021-11-01
Project No.: 20002
Print Date: 2021-11-01 (10:29 AM)

Document Source: BIMcloud: SPlanver - BIMcloud Basic for ARCHICAD 24/20002 3 ABBOT STREET/CLIFFORD CREEK SITE PLAN

A-101

ARCHICAD ITEM #7.1

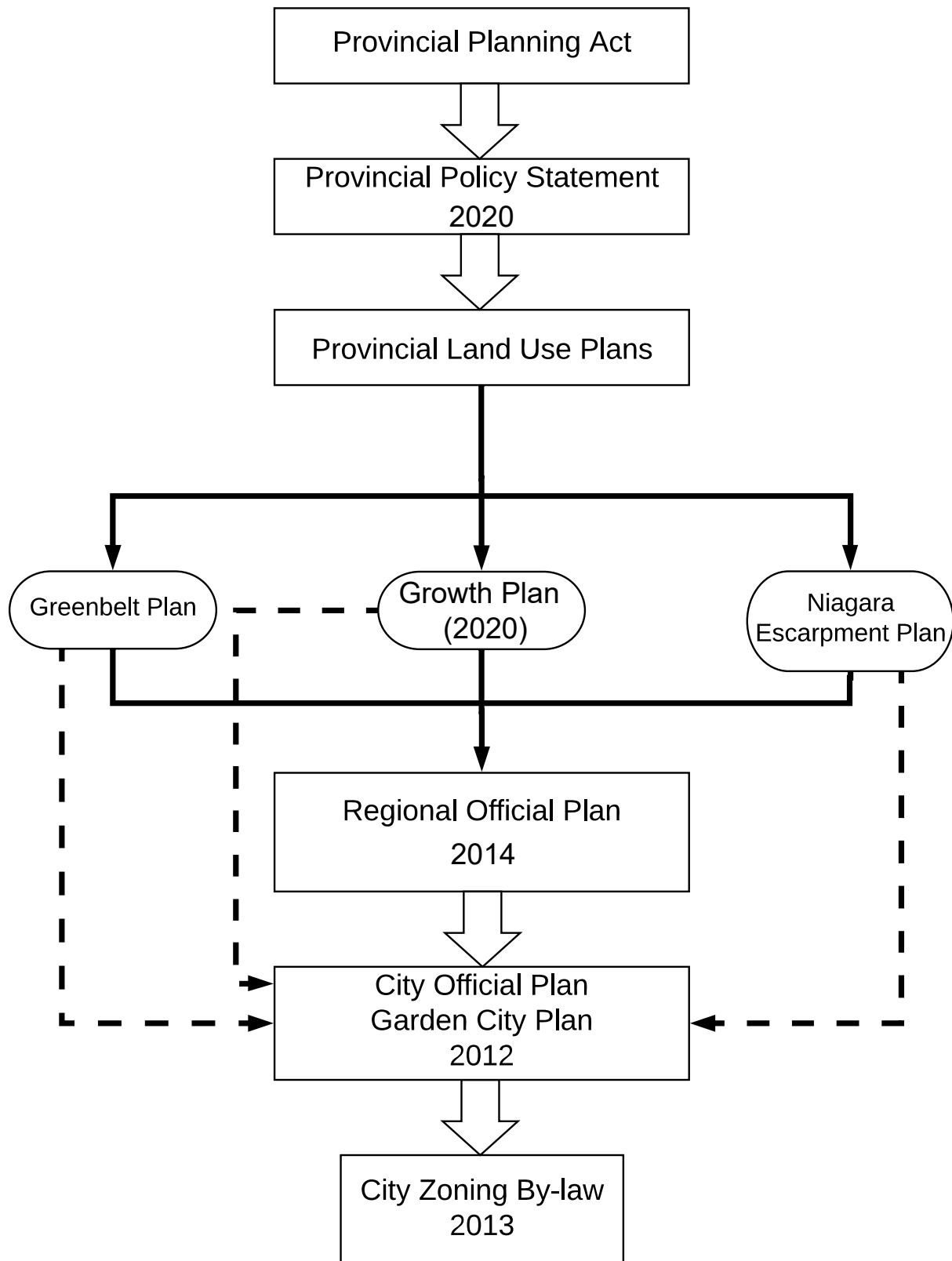
Location Map



Subject Lands

**3 Abbot Street &
40A Ellis Avenue**

Ontario Land Use Planning Framework



The Garden City Plan General Land Use Plan (D1)



Subject Lands

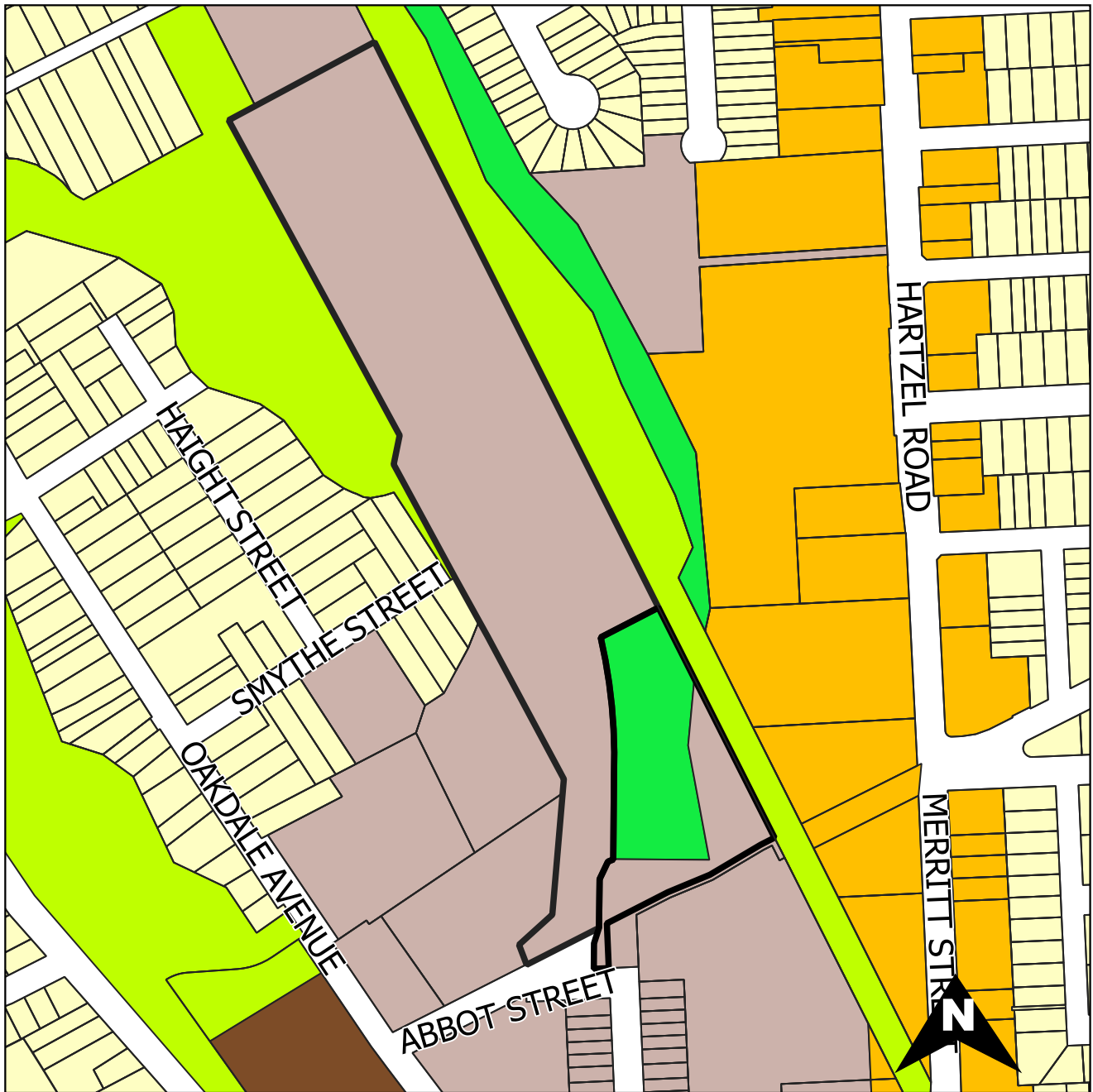
3 Abbot Street & 40A Ellis
Avenue

Lands to remain Neighbourhood
Residential & Natural Areas

Land Use Designations

- Neighbourhood Residential
- Mixed Use
- Natural Areas
- Parkland & Open Space

The Garden City Plan Central Planning District (Existing Schedule E9)









Subject Lands

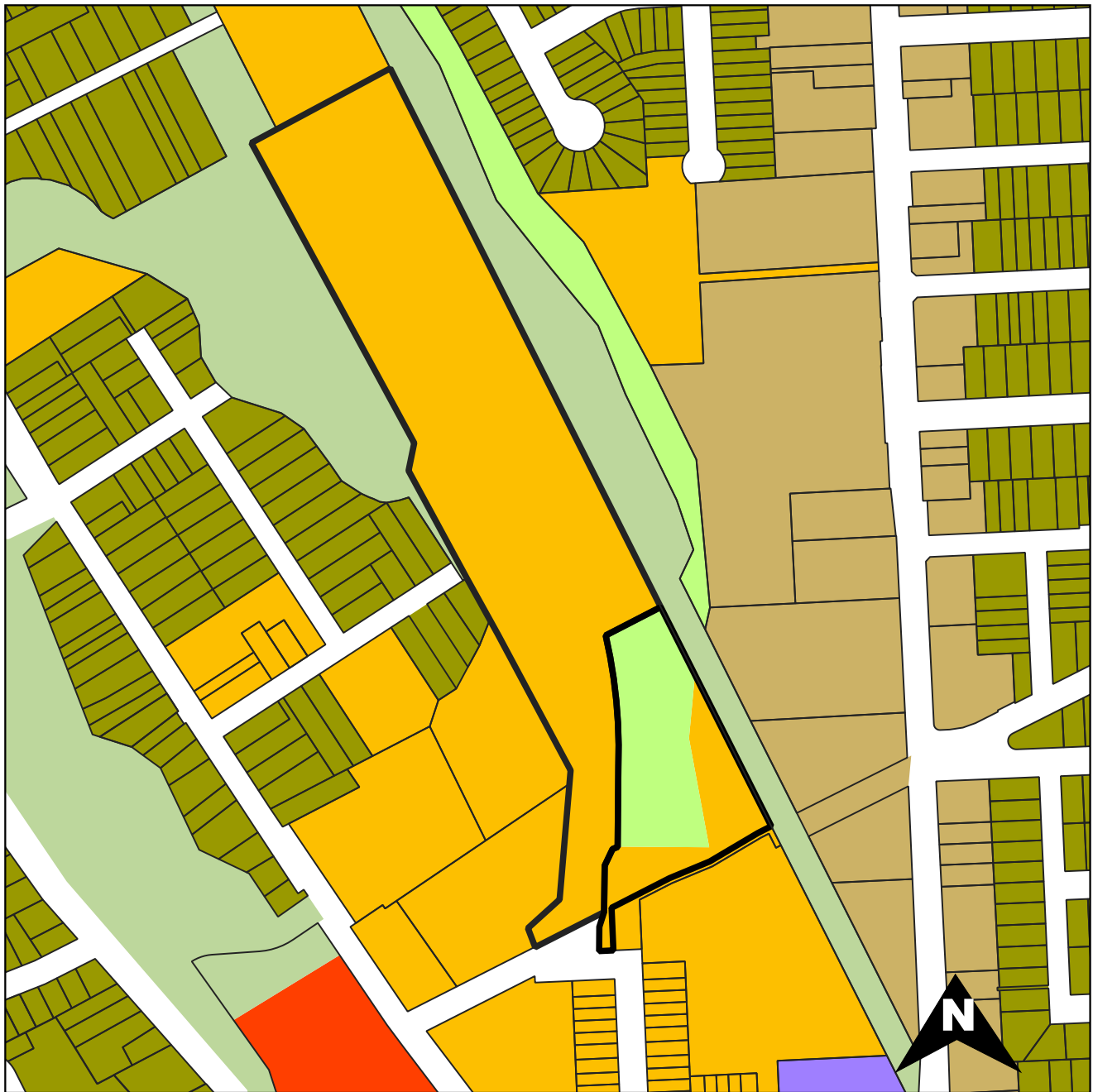
3 Abbot Street & 40A Ellis Avenue

Lands to remain
Medium Density Residential
(25 to 99 units / ha) and Natural Areas

Land Use Designations

-  Low Density Residential (20 to 32 units / ha)
-  Medium Density Residential (25 to 99 units / ha)
-  High Density Residential (85 units / ha or greater)
-  Mixed High Density Residential / Commercial
-  Natural Areas
-  Parkland & Open Space

Existing Zoning Schedule A Zoning By-law 2013-283



**Subject Lands 3 Abbot Street & 40A
Ellis Avenue**

Zones

- R2 - Low Density Residential - Traditional Neighbourhood
- R3 - Medium Density Residential
- R4 - High Density Residential
- M1 - Medium Density Mixed Use
- G1 - Conservation / Natural Area
- G2 - Minor Greenspace
- I2 - Community Institutional

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Corporate Report City Council

Report from: Planning and Building Services

Report Date: October 19, 2022

Meeting Date: November 7, 2022

Report Number: PBS-173-2022

File: 10.13.1

Subject: Recommendation Report to amend the Short-term Rental Licensing By-law 2021-67 to prohibit advertising and promoting without a licence and establish a corresponding administrative monetary penalty.

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: Social



Recommendation

That Council approve an amendment to the Short-term Rental Licensing By-law 2021-67, attached as Appendix "1" By-law amendment to Short Term Rental By-Law 2021-67 to prohibit advertising Short-term Rentals without license number; and

That Council approve an amendment to the Non-Parking AMPS By-law 2021-68, attached as Appendix "2" Amended Section 1 of Schedule "B" Non-Parking Administrative Penalty for the City's Short-term Rental Licensing By-law.

That the City Solicitor be directed to prepare the necessary by-law(s); and

That the Clerk be directed to make all necessary notifications.

Background

Starting in December of 2021, an education campaign commenced regarding the requirement to register a Short-term Rental (STR) within the City of St. Catharines. This included highlighting the information with a banner image and featured story on the homepage of the City's website, additional website content providing details and opportunities for licensing, an extensive social media campaign, and news releases to gain coverage in the local media regarding the requirement to register starting in January 2022. Effective January 4, 2022, the STR application process was open to the

public. This included detailed information on if a property owner or tenant was required to apply for a licence, what those requirements were to qualify, and what information and documents were needed to complete an application. In February of 2022, a further communication by way of a pamphlet insert was sent out with the City's water bills, reminding the public that if they were operating a STR, that they were required to licence with the City. Starting Victoria Day weekend, enforcement strategies shifted from an educational approach, to escalated enforcement practices to promote compliance which included issuing administrative monetary penalties for non-compliance.

Report

It is estimated that there are approximately 250 active STR listings advertising and promoting operations in the City. As of October 19, 2022, 57 Short-term Rental License applications have been received, and 27 Short-term Rental Licenses have been granted. Based on the number of applications received, voluntary compliance has been achieved with approximately 23% of the current estimated number of STRs advertising and promoting in the City. The current success rate on administered administrative monetary penalties for illegal STRs is 77%.

An amendment is required to the City's Short-term Rental Licensing By-law to address the estimated 77% of illegal operators advertising, promoting, and offering for rent. Under the current Short-term Rental Licensing By-law, the requirement to post a license number on an advertisement or promotion is specifically limited to a Licensee.

“9.1.8 the Licensee shall include the License number in any advertisement or promotion related to the renting out of the premises intended to be used as a Short-term Rental;”

This provision does not capture unlicensed operators from being prohibited from advertising or promoting an unlicensed STR. By having an offence that prohibits all persons, and not just Licensees from advertising without a license, there will be an ability to further limit illegal operators of STRs within the City. It is recommended that the following provision be added as an amendment to the City's Short-term Rental Licensing By-law 2021-67, as amended:

“No Person shall advertise, promote, broker or offer for rent or lease, or cause the advertisement, promotion, broker, or offer for rent or lease, of a Short-term Rental without including a valid license number on the advertisement or promotional material.”

It is further recommended that there be a corresponding administrative monetary penalty associated with the following offence:

“Advertising or promoting Short-term Rental without a valid license number.”

The recommended penalty amount for this offence is \$1,000.00, which is a similar amount to the established offence of operating a STR without a license. The established administrative penalty amount for a licensed operator failing to include a license number in an advertisement or promotion is currently \$700.00.

The City of Niagara Falls performed a similar exercise last year, passing an amendment on May 21, 2021, to the City of Niagara Falls Business Licensing By-law with respect to including language to address advertising and promoting a STR without a license. The provision has proven successful with proceedings in the Ontario Court of Justice and registering a conviction.

Financial Implications

Administrative Penalties administered for non-compliance will be collected in the same manner as property taxes. It is difficult to provide an estimate on the number of penalty notices that can be issued for this specific offence, as illegal listings can be easily removed by operators. It can be conveyed that based on the current success rate of administered monetary penalties being 77%, compared to the estimated minimum success rate of 90% with a provision prohibiting advertising and promoting without a license, the difference would translate to approximately \$12,000 in administrative penalties potentially not being discharged up to this point.

Conclusion

Amending the Short-term Rental Licensing By-law 2021-67 to include a provision prohibiting advertising and promoting a STR without a licence, coupled with an administrative penalty of \$1,000.00, will provide the By-law Enforcement Division with additional enforcement tools to address illegal STR operators in the City. Currently the requirement to post a licence number is restricted to licensed operators, which has created challenges for the ability of the By-law Enforcement Division to ensure that illegal operators are not advertising and promoting unlawful STRs in the City. It is also anticipated that the proposed new prohibition coupled with an administrative monetary penalty will assist with a higher success rate on administered administrative monetary penalties for illegal STRs overall, and further encourage voluntary compliance with the City's Short-term Rental Licensing By-law.

Prepared and Submitted by

Paul Chudoba
Manager By-law Enforcement and Licensing

Approved by

Tami Kitay
Director Planning and Building Services

Sandor Csanyi
Acting Director Clerks and Legal Services

Appendices

- **Appendix 1** - By-law amendment to STR BL 2021-67 to prohibit posting STR without license number.
- **Appendix 2** - Amended Section 1 of Schedule “B” Non-Parking Administrative Penalty for the City’s Short-term Rental Licensing By-law.

BY-LAW NO. _____

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CITY OF ST. CATHARINES

BY-LAW NO. _____

A By-law to amend By-law No. 2021-68 entitled “A by-law to establish a system for non-parking related administrative penalties.

WHEREAS Council of the City of St. Catharines, at its meeting held on May 10, 2021, passed a by-law to govern and regulate the licensing of Short-Term Rentals within the City of St. Catharines, under the short title “Short-term Rental Licensing By-law”.

AND WHEREAS Council of the City of St. Catharines deems it desirable include a penalty for the promotion or advertising of a Short-term Rental without a valid license number;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That By-law No. 2021-68 be and the same is hereby amended by adding the following Item 9 at the bottom of the table under section 2 of Schedule “B”:

9.	13.4	Advertising or promoting Short-term Rental without a valid license number	\$1,000.00
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Read and passed this day of 2022.

CLERK

MAYOR



Corporate Report City Council

Report from: Financial Management Services, Administration

Report Date: October 17, 2022

Meeting Date: November 7, 2022

Report Number: FMS-170-2022

File: 10.57.28

Subject: Recommended Amendment and Update to the 2023 Schedule of Rates and Fees

Strategic Pillar:



Recommendation

That Council approve the amendments to the 2023 Schedule of Rates and Fees, as outlined in Appendix 1.

Background

On June 27, 2022, Council approved the 2023 Schedule of Rates and Fees report. Since that time circumstances regarding 12 fees have changed. This report is recommending the amendments be approved which are summarized in Appendix 1.

Relationship to Strategic Plan

The proposed amendments demonstrate two guiding principles which links to the Economic Prosperity pillar. The first guiding principle of promoting operational and service excellence is met by conducting assessments to ensure both the public needs are met while providing the best value for tax dollars. The second guiding principle of accountability and transparency is met by openly communicating the reasons for the changes in a public manner. When combined these principles become part of the fiscal plan that will leads to Economic Prosperity through fiscal responsibility.

Report

The rate and fee process begins in early March each year with a draft list of fees being presented to Staff for review. Updates to the draft list of fees are presented to the Standing Budget Committee in May and by the end of July the list of fees has been reviewed by City Council which once approved becomes the official Schedule of Rates and Fees for next year.

This process is completed the middle of the previous year to allow staff time to update computer systems, advertisements, and other forms of communication for the coming year. Sometimes after the process is completed circumstances regarding a particular fee or group of fees can change significantly creating the need for an amendment to the Schedule of Rates and Fees. Since June 27, 2022, when the 2023 Schedule of Rates and Fees was approved by Council, the circumstances for 12 fees have changed prompting amendments which are summarized in appendix one and outlined by department below:

Financial Community Recreation and Culture Services / Municipal Works

Since the 2023 Schedule of Rates and Fees was approved, staff have completed an assessment regarding the Picnic Table Rental Fee. The results of the assessment indicate the demand for the City to deliver picnic table rentals has significantly dropped. In addition, the materials and equipment required to provide the service are near or at the end of their useful lives. The assessment also revealed, picnic table rental services are available from several local private sector vendors allowing organizations to meet their rental needs through other means. Therefore, Staff recommends the City exit the Picnic table rental business in 2023 and remove the fee from the Schedule of Rates and Fees.

Parking

When the 2023 Schedule of Rates and Fees was approved the hourly parking meter fee was listed as \$1.80 per hour. This is an administrative error which should have been \$1.75. The \$1.75 per hour parking fee is being adjusted by inflation but will not increase until it reaches \$2.00 to facilitate the easy use of coins.

Planning and Building Services

During the summer of 2022, staff transitioned to contractors for mowing services to enforce weed and tall grass complaints. The advantage contractors offer is that operations can be scaled up or down depending on need more easily than using municipal resources. This change in operations has led to shorter time frames to resolve complaints.

To build on this improvement, staff is recommending all nine existing mowing service fees associated with enforcement and municipal resources be eliminated. By eliminating the existing fees any potential for conflict regarding fee disputes is eliminated.

In addition, to the above changes, Staff is also recommending merging the Maintenance of Grasses / Weeds - Repeat Inspections with the Reinspection Fee. By merging these fees Staff believes the potential for error is reduced thus simplifying operations and the fee structure.

When the 2023 Schedule of Rates and Fees was approved the By-law Enforcement Admin Fee note stated the fee is \$250 or 15% of the total costs calculated before tax

whereas it should have stated the fee is \$250 minimum or 15% of the total costs calculated before tax plus the service cost.

Financial Implications

Since all the fee amendments involve either eliminating services with low demand, correcting an administrative error, eliminating fees or consolidating an existing fee, no overall significant financial impact is expected

Conclusion

Staff are recommending 12 amendments to the 2023 Schedule of Rate and Fees to improve clarity, reduce conflict and streamline processes.

Prepared by

Michael Patterson
Process Review Analyst

Submitted by

Lucia Chen, CPA, CMA
Manager, Budgets and Procurement

Approved by

Kristine Douglas, CPA, CMA
Director, Financial Management Services / City Treasurer

Appendices

Appendix 1 - Proposed Amendments to the 2023 Schedule of Rates and Fees

Proposed Amendments to the 2023 Schedule of Rates and Fees

Fee Name	Fee Amount	Proposed Changed
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Municipal Works

Picnic Table Rental 10 tables (includes delivery)	\$ 653.45	Delete
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Parking

Parking Meters	\$ 1.80	\$1.75
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Planning and Building Services**Mowing of Weeds and Grass on Private Lots and the Untraveled Portion of the Public Highway - Area**

0 - 7,500 square feet	\$ 492.10	Delete, replace with By-law Enforcement Admin Fee (Fee is \$250 minimum or 15% of the total costs calculated before tax plus service cost.)
7,501 - 15,000 square feet	\$ 561.00	Delete, replace with By-law Enforcement Admin Fee (Fee is \$250 minimum or 15% of the total costs calculated before tax plus service cost.)
15,001 - 30,000 square feet	\$ 821.75	Delete, replace with By-law Enforcement Admin Fee (Fee is \$250 minimum or 15% of the total costs calculated before tax plus service cost.)
30,001 - less than 1 acre	\$ 861.80	Delete, replace with By-law Enforcement Admin Fee (Fee is \$250 minimum or 15% of the total costs calculated before tax plus service cost.)
1 acre - 1.5 acres	\$ 951.00	Delete, replace with By-law Enforcement Admin Fee (Fee is \$250 minimum or 15% of the total costs calculated before tax plus service cost.)
Greater than 1.5 acres - 2 acres	\$ 1,114.95	Delete, replace with By-law Enforcement Admin Fee (Fee is \$250 minimum or 15% of the total costs calculated before tax plus service cost.)
Over 2 acres - per acre (additional charge)	\$ 492.10	Delete, replace with By-law Enforcement Admin Fee (Fee is \$250 minimum or 15% of the total costs calculated before tax plus service cost.)
Mowing requiring a contractor	Job Specific Costing	Delete, replace with By-law Enforcement Admin Fee (Fee is \$250 minimum or 15% of the total costs calculated before tax plus service cost.)
Additional Admin Fee when contractor required	\$ 181.55	Delete, replace with By-law Enforcement Admin Fee (Fee is \$250 minimum or 15% of the total costs calculated before tax plus service cost.)
Maintenance of Grasses/Weeds - Repeat Inspections	\$ 261.85	Changed to Reinspection Fee for Property Standards or By-law Enforcement (for the 3rd and subsequent required inspections) - \$261.85



Corporate Report City Council

Report from: Planning and Building Services, Director

Report Date: October 24, 2022

Meeting Date: November 7, 2022

Report Number: PBS-175-2022

File: 10.57.28

Subject: Comprehensive Fee Review Study: Results and Recommended

Amendments to the 2023 Rates and Fees By-law

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: economic, social, environmental and organizational excellence.



Recommendation

That Council amend the 2023 Schedule of Rates and Fees By-law to reflect the changes outlined in Appendix 1; and

That two additional permanent full-time Planner positions be included in the Draft 2023 Operating Budget for consideration; and

That a new non-discretionary (obligatory) reserve be created for planning development application fees (Planning Reserve Fund); and

That the annual net planning development revenue (if any) be transferred to the Planning Reserve Fund; and

Further that staff be directed to prepare the reserve policy for Planning Development Reserve Fund for Council approval.

Summary

The Planning and Building Services Department (PBS) of the City of St. Catharines is continuing on its path of improving customer experience and service delivery. In response to feedback from the local development industry, staff are continuing to implement technology improvements, such as e-permitting, web portal, and digital

inspections, incrementally increasing staffing and training complements, and have retained a consultant to undertake a streamline review of development processes. Like our municipal counterparts in the Greater Toronto Area (GTA) and elsewhere within Niagara Region, the next step is the evaluation of resourcing and determination of appropriate funding models moving forward. To that end, the City of St. Catharines has recently retained Watson & Associates Economists Ltd. to undertake a comprehensive review of the fee structures for development services provided by PBS. The purpose of the review is to ensure that the fees structure conforms with the legislative requirements, reflects industry best practices, and recommends improvements for reasonable cost recovery.

The facilitation of all aspects of development requires multi-department effort. The proposed fee changes create opportunities to better address capacity not just in PBS, but other departments as well (FMS, CSS, IT, EFES, CS, CAO, etc.). The comprehensive fee review and its financial modeling will assist in supporting financial modeling for future budget years.

Relationship to Strategic Plan

Economic Prosperity – Strategic Goal: Support the City’s commitment to building and growing a diverse and resilient economy through fiscal responsibility, urban regeneration, and collaborative partnerships.

Social Well-Being – Strategic Goal: Building and support strong, inclusive neighbourhoods that provide high quality of life for residents of all ages.

Cultural Renaissance – Strategic Goal: Celebrate the City’s rich history, diversity, and cultural assets through leadership, promotion, and investment to support measurable, sustainable, creative growth.

Organizational Excellence – Strategic Goal: Creating operational and organizational enhancements with a review of the organizational structure, policies and processes, and allocation of resources to discover efficiencies, strengthen customer service, evolve our delivery of services and programs and support an inclusive workplace and employee well-being

The recommendations of this report are in alignment with and advance the above pillars of the Strategic Plan. The revised fees create the capacity required to address longstanding service concerns identified by the building industry, cope with upcoming legislative changes, and address some substantial corporate-wide capacity and process needs related to planning and development.

Background

In Q1 2019, the PBS Leadership Team began hosting quarterly Development Industry Liaison Committee meetings with the Niagara Home Builders Association, Niagara Construction Association, and other local area builders and developers. The purpose of the meetings was to openly discuss issues and potential solutions. The outcome of

these meetings resulted in process changes, technology improvements, and educational cross opportunities. Appendix 2 to this report outlines high level feedback received through these sessions, as well as issues raised in the Development Industry Stakeholders Sessions and the City's response.

The Building Section of the Planning and Building Services Department (PBS) prepares an annual report on revenues, expenses, and the status of the building stabilization reserve fund. On September 14, 2020, Council approved [Report PBS-093-2020](#) which sought permission to utilize the Building Stabilization Reserve Fund to retain a qualified consultant to undertake a Comprehensive Fee Review. The project was delayed due to COVID-19 pandemic related workloads and was initiated in Q2 2022.

On June 27, 2022, Council approved the [2023 Schedule of Rates and Fees](#). At the time, a universal inflationary increase was applied to all PBS fees. However, following a detailed review, evaluation, and development industry consultation, this report recommends changes to certain development-related fees as outlined in Appendix 1 to come into force and effect on January 1, 2023.

Following a Request for Proposals procurement process, in July 2022 the City of St. Catharines retained Watson & Associates Economists Ltd. to undertake a comprehensive review of development related fees (Planning Act applications, Building Permits, and Development Engineering). Watson & Associates Economists Ltd. also undertook research and study work on the City's Development Charges Background Study, Community Benefits Charge By-law, and Parkland Dedication By-law and as such, all four studies share the same foundational application, population, and growth targets. The scope of work includes, amongst other items:

- Developing process maps for all costing categories and collecting time estimates per task;
- Analysis of historical application volumes;
- Analysis of annual staff processing capacity;
- Development of costing model;
- Analysis of current cost recovery levels; and
- Preliminary recommendations for fee adjustments to improve cost recovery levels.

The results of this extensive exercise can be found in the Watson & Associates Economists Ltd. report found in Appendix 1.

Report

Legislative Context

The Comprehensive Fee Review exercise seeks to study the application fees associated with development services provided by the PBS department, including Building, Planning, and Development Engineering functions. Each area of expertise is governed by separate pieces of legislation when it provides for cost recovery and fees.

Building permit fees are governed by the *Building Code Act*, s.7, which sets out that:

- Municipalities may pass a by-law requiring the payment of fees for application and issuance of building permits;
- Fees must not exceed the anticipated reasonable costs of administration and enforcement (including direct and indirect costs);
- Allows for the creation of Building Code Act reserve funds; and
- Requires annual reporting and public process requirements.

Planning application fees are governed by s. 69 of the *Planning Act* which sets out that:

- Recovery of anticipated costs of processing by type of application;
- No public process required in setting fees; and
- Fees may be paid under protest and appealed to the Ontario Land Tribunal.

Development Engineering fees are governed by *Part XII* of the *Municipal Act, 2001*, which sets out that:

- S. 391(1) allows a municipality to impose fees or charges for services or activities provided;
- Fees may include costs related to administration, enforcement, and capital;
- No public process is specified.

The proposed changes to the 2023 Schedule of Rates and Fees By-law conform to the applicable legislative requirements.

Methodology

Watson and Associates utilized an Activity Based Costing (ABC) methodology to determine direct and indirect costs associated with development application service delivery. Direct costs are operating and capital asset replacement costs associated with individuals directly participating in service delivery activities. Indirect costs are operating costs associated with individuals supporting direct service departments, including corporate support functions (such as HR, IT, Office of the Clerk, CAO, etc.). This is the industry standard and approach for comprehensive fee review studies and has been implemented in the Province of Ontario since 2006.

Chapter 2 of Appendix 1 describes in detail the methodology, application category definitions, direct / indirect / capital costs, and staff capacity utilization and processing effort cost allocations.

Stakeholder Consultation

PBS identified a list of 55 builders, developers, and planning consultants that have recent, active, and / or frequent development applications at the City and invited them to participate in the Comprehensive Fee Review study process.

The City and Watson Economists Ltd. led the first Development Industry Stakeholder session on July 19, 2022. The purpose of the information session was to introduce the legislative context, Activity Based Costing methodology, study workplan, and host a

question and answer period. There were 13 development industry participants in attendance.

The second Development Industry Stakeholder session was held on October 6, 2022. The purpose of the session was to introduce the findings of the Activity Based Costing exercise, present the draft fee schedule, and host a question and answer period. There were 10 development industry participants in attendance.

On October 7, 2022, the Development Industry Stakeholders were provided with a copy of the Notice of a Public Meeting to be held on November 7, 2022 and the draft fee adjustments. Feedback was requested by Friday, October 21, 2022. Appendix 2 to this report provides a high level discussion of the points raised in previous liaison committee discussions, as well as the Development Industry Stakeholder sessions. To date, no written feedback has been provided.

Market Comparison

The City of St. Catharines is the largest city in Niagara Region, the only city with a designated Urban Growth Centre, and enjoys such amenities as a university, hospital, GO station, and waterfront. Watson & Associates Economists Ltd. provided a comparison of fees charged by other competitor municipalities such as the City of Barrie, City of Cambridge, City of Guelph, City of Hamilton, City of Kingston, City of Kitchener, City of London, City of Niagara Falls, City of Oshawa, City of Peterborough, City of Welland, City of Whitby, and the City of Windsor in Appendix B to the attached Appendix 1.

Proposed Fee Changes

The proposed fee changes can be found in Appendix C to the Watson & Associates report found in Appendix 1.

Planning Applications

The *Planning Act* requires fees to be cost justified at the application type level. The processing of planning applications costs the City \$1.86 million annually. Current application fees recover approximately 53% of that processing amount. Watson's study included a review of each type of planning application process to determine the cost to the City, considered what comparator municipalities charged and determined what the recommended fee should be going forward.

The proposed fees are summarized in Appendix C to Appendix 1. Certain planning fees increased, and others decreased based on the cost of processing. There were some fees that were capped at the comparator maximum charge rather than the cost recovery amount. Implementing the proposed fees would increase the annually average cost recovery for planning applications from 53% to 85%.

The table below outlines a sample of fees to provide an overview of how changes were made and why.

Fee Title	Current Fee	Current Cost Recovery	Recommended Fee	Comment
Consent Applications: New Lots	\$2068.55	39%	\$3500.00	Fee was kept at the maximum of comparators rather than full cost recovery. The nature of the application also benefits from a lower fee increase.
Application for Approval – Final Condo Plans	\$3045.00	282%	\$1079.00	Decreased to reflect cost for processing.
Zoning By-law Amendment – Major	\$10,150.00	40%	\$25,099.00	Fee was increased to full cost recovery due to nature of application. Comparator fee maximums were higher.
Heritage Permit (Minor)	\$263.50	14%	\$263.50	Kept at current fee due to nature of the applications. Heritage permit applications are typically made by resident owners who already have increased costs of home upkeep. A lower fee encourages residents to not circumvent the process and helps protect heritage resources.
Subdivision Draft Plan Approval	\$12,741.25	65%	\$19,490.00	Fee was increased to full cost recovery due to nature of application. Comparator fee maximums were higher.
Site Plan Agreement Amendment – Major	\$5787.70	68%	\$8512.00	Fee was increased to full cost recovery due to nature of application. Comparator fee maximums were higher.

The fee changes are intended to properly reflect the cost of processing applications and therefore provide funding for adequate staffing. The Watson report also analyzed the

capacity for each division to handle the current and anticipated application load. The review of application volumes and Full Time Equivalent (FTE) utilization in the Watson report indicates that the planning division has an FTE shortfall of 2.06 planners. It should be noted that the current staffing review that handles application volumes (which Watson used in their review) includes three contract positions (two planners, one development agreement coordinator) and a policy planner who is currently reviewing development applications. Taking the above into account, the total FTE shortfall in the planning division is six FTEs (five planners, one development agreement coordinator). Budget Standing Committee – Committee of the Whole approved four planning positions (three planners, one development agreement coordinator) to be included in the Draft 2023 Operational Budget for consideration. Based on the findings of Watson's study, staff are recommending an additional two planner FTE positions be included in the 2023 Draft Operational Budget.

Bill 109 Impact

Royal Assent was given to Bill 109 on April 14, 2022. Bill 109 introduced changes to the planning act that require municipalities to refund some or all planning fees collected for certain applications. The City is currently undertaking a process review of planning applications that could further impact these recommendations if process changes are required.

Development Engineering

Historically, direct and indirect costs associated with Development Engineering activities have had significant impact on the levy. According to the Watson Report, Development Engineering services are currently at 0% cost recovery. This means that 100% of the costs attributed to:

- Engineering administration (subdivisions and site plans)
- Inspection of subdivisions
- Inspection of site plans
- Site servicing review and inspections are paid for through the tax levy.

It is prudent to recommend the imposition of fees for these services in order to realize a full cost recovery model.

Building Permits

The Activity Based Costing review of all Building Permit related fees, (plans review, building inspections and associated direct and indirect costs), revealed that several Building Permit fees are either correct or too low. The Watson Report indicates that the City of St. Catharines Building Division is operating at a loss and is depleting its building reserve fund. The proposed Building Permit fee increases identified in the Watson Report will be adequate enough to allow the Building Division to recoup its operating expenses (direct and indirect costs) as well as work towards building up the reserve fund to a total equivalent of 1.5 times the division's annual direct costs (within five years). As noted in the report, this still falls short of the industry standard of two times the value of annual direct costs, but is a prudent first step in building the reserve fund to respectable level without drastic Building Permit fee hikes over the next five years.

Planning Reserve Fund

Much like the Building Permit Stabilization Reserve Fund, several GTA municipalities have established and maintain Planning Department Reserve funds. This report recommends the creation of a Planning Reserve Fund whereby any year-end surplus of Planning Application revenues would be directed for future investment in staffing and resources. The reserve would only contain funds that were user fee based and not tax levy funded. With Council's support, a further report will be provided including a policy on the usage of the reserve fund.

Financial Implications

Should Council approve the staff recommendations in this report, the estimated financial implications in 2023 are as follows:

	Planning	Development Engineering	Building	Total
Revenue Increase	\$607,000	\$125,000	\$878,000	\$1,610,000
Revenue Refunds Increase (due to Bill 109 impact)	(246,000) ¹			(246,000) ¹
New Staffing & Job Support Cost	(221,000) ²			(221,000) ²
Transfer to Planning Development Reserve (new)	(140,000)			(140,000)
Decrease in Transfer from Building Stabilization Reserve		(125,000)	(878,000)	(1,003,000)
Net Impact	\$0	\$0	\$0	\$0

Notes:

1. The revenue refund %'s are assumed at 75% for Zoning Bylaw Application, 75% for Official Plan Amendment, and 75% for Site Plan Application.
2. Assuming two planners are hired on or after March 1, 2023;

With the staff recommendations, the additional net revenue generated in the Planning Development area will be transferred to the new Planning Development Reserve; and the additional revenue generated in the Development Engineering and Building areas will allow to reduce reliance on the Building Stabilization Reserve and also assist with maintaining the financial sustainability of the Reserve. The recommendations in this report would have net zero impact on the City's Draft 2023 Operating Budget.

In the long term, the recommendations from the Comprehensive Fees Review will improve the City's Planning and Building related cost recovery model and enhance the City's economic sustainability moving forward.

Environmental Sustainability Implications

There are no environmental sustainability implications associated with this report.

Conclusion

Starting in 2019, the City embarked on a path whereby the reasonable costs of growth should be borne by growth to relieve burden on the taxpayer. The recommendations in this report support the transition of development application fees to a cost recovery model will assist in meeting this goal, as well as providing a predictable revenue source to fund development-related service delivery moving forward to support development industry expectations.

Notifications

As per the *Building Code Act, 1992*, notice was given in writing to relevant parties and furthermore, in accordance with the City's Procedural By-law, published to the City's website.

Prepared and Submitted by

Tami Kitay, MPA MCIP RPP
Director of Planning and Building Services

Approved by

Erin O'Hoski
Deputy Chief Administrative Officer

Appendices

1. Development Application Fee Review Study, dated November 1, 2022, and prepared by Watson & Associates Economists Ltd.
2. Development Industry Feedback Summary and STC Response



Development Application Fees Review Study

City of St. Catharines

November 1, 2022

Watson & Associates Economists Ltd.
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Chapter 1

Introduction



1. Introduction

1.1 Background

Municipalities have periodically undertaken updates to their development application fees in order to address changes in development cycles, application characteristics, and cost recovery levels with the intent of continuing to improve fee structures so that they more accurately reflect processing efforts. The City of St. Catharines (City) retained Watson & Associates Economists Ltd. (Watson) to undertake a comprehensive fee review for the City's Development Planning, Building Permit and Inspection, and Development Engineering sections, and to make recommendations to provide for reasonable full cost recovery.

This technical report summarizes the legislative context for the fees review, provides a detailed description of the methodology utilized to assess the full costs of service, and presents the financial implications of moving towards full cost recovery and the associated fee schedules.

The intent of the development application fees review is to provide the City with a recommended fee structure for Council's consideration to appropriately recover the service costs from benefiting parties. The City will ultimately determine the level of cost recovery and phasing strategy that is suitable for its objectives.

1.2 Legislative Context for Development Application Fees Review

The context for the scope of this development application fees review is framed by the statutory authority available to the City to recover the costs of service. The statutory authorities that must be considered are the *Planning Act* which governs the imposition of fees for recovery of the anticipated costs of processing planning applications, section 7 of the Ontario *Building Code Act* which governs building permit fees, and Part XII (s. 391) of the *Municipal Act* which governs fees and charges more generally (i.e., development engineering works fees). The following summarizes the provisions of these statutes as they pertain to fees.



1.2.1 *Planning Act, 1990*

Section 69 of the *Planning Act* allows municipalities to impose fees through by-law for the purposes of processing planning applications. In determining the associated fees, the Act requires that:

“The council of a municipality, by by-law, and a planning board, by resolution, may establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality or to the planning board in respect of the processing of each type of application provided for in the tariff.”

Section 69 establishes many cost recovery requirements that municipalities must consider when undertaking a full cost recovery fee design study. The Act specifies that municipalities may impose fees through by-law and that the anticipated costs of such fees must be cost justified by application type as defined in the tariff of fees (e.g. subdivision, zoning by-law amendment, etc.). Given the cost justification requirements by application type, this would suggest that cross-subsidization of planning fee revenues across application types is not permissible. For instance, if site plan application fees were set at levels below full cost recovery for policy purposes, this discount could not be funded by subdivision application fees set at levels higher than full cost recovery. Our interpretation of section 69 is that any fee discount must be funded from other general revenue sources such as property taxes. In comparison to the cost justification requirements of the *Building Code Act*, where the justification point is set at the aggregate level of the Act, the requirements of the *Planning Act* are more stringent in this regard.

The legislation further indicates that the fees may be designed to recover the “anticipated cost” of processing each type of application, reflecting the estimated costs of processing activities for an application type. This reference to anticipated costs represents a further costing requirement for a municipality. It is noted that the statutory requirement is not the actual processing costs related to any one specific application. As such, actual time docketing of staff processing effort against application categories or specific applications does not appear to be a requirement of the Act for compliance purposes. As such, our methodology, which is based on staff estimates of application



processing effort, meets the requirements of the Act and is in our opinion a reasonable approach in determining anticipated costs.

The Act does not specifically define the scope of eligible processing activities and there are no explicit restrictions to direct costs as previously witnessed in other statutes. Moreover, recent amendments to the fee provisions of the *Municipal Act* and the *Building Code Act* are providing for broader recognition of indirect costs. Acknowledging that staff effort from multiple departments is involved in processing planning applications, it is our opinion that such fees may include direct costs, capital-related costs, support function costs directly related to the service provided, and general corporate overhead costs apportioned to the service provided.

The payment of *Planning Act* fees can be made under protest with appeal to the Ontario Land Tribunal (OLT), previously known as the Ontario Municipal Board, if the applicant believes the fees were inappropriately charged or are unreasonable. The OLT will hear such an appeal and determine if the appeal should be dismissed or direct the municipality to refund payment in such amount as determined. These provisions confirm that fees imposed under the *Planning Act* are always susceptible to appeal. Unlike other fees and charges (e.g. development charges) there is no legislated appeal period related to the timing of by-law passage, mandatory review period, or public process requirements.

1.2.2 Building Code Act, 1992

Section 7 of the *Building Code Act* provides municipalities with general powers to impose fees through passage of a by-law. The Act provides that:

“The council of a municipality may pass by-laws

- (c) requiring the payment of fees and prescribing the amounts of the fees,
 - (i) on application for and on issuance of permits,
 - (ii) for maintenance inspections,
 - (iii) for providing documentation, records or other information under section 15.10.4, and
 - (iv) for providing information under subsection 15.10.6 (2)



- (c.1) requiring the payment of interest and other penalties, including payment of collection costs, when fees are unpaid or are paid after the due date;
- (d) Providing for refunds of fees under such circumstances as are prescribed.”

The *Building Code Statute Law Amendment Act* imposed additional requirements on municipalities in establishing fees under the Act, in that:

“The total amount of the fees authorized under clause (1)(c) must not exceed the anticipated reasonable cost of the principal authority to administer and enforce this Act in its area of jurisdiction.”

In addition, the amendments also require municipalities to:

- Reduce fees to reflect the portion of service performed by a Registered Code Agency;
- Prepare and make available to the public annual reports with respect to the fees imposed under the Act and associated costs; and
- Undertake a public process, including notice and public meeting requirements, when a change in the fee is proposed.

O. Reg. 305/03 (which has since been replaced by O. Reg. 332/12) was the associated regulation arising from the *Building Code Statute Law Amendment Act, 2002*. O. Reg. 332/12 provides further details on the contents of the annual report and the public process requirements for the imposition or change in fees. With respect to the annual report, it must contain the total amount of fees collected, the direct and indirect costs of delivering the services related to administration and enforcement of the Act, and the amount of any reserve fund established for the purposes of administration and enforcement of the Act. The regulation also requires that notice of the preparation of the annual report be given to any person or organization that has requested such notice.

Relating to the public process requirements for the imposition or change in fees, the regulations require municipalities to hold at least one public meeting and that at least 21-days notice be provided, including notice via regular mail to parties that requested such notice within five years preceding the public meeting. Moreover, the regulations require that such notice include, or be made available upon request to the public, an



estimate of the costs of administering and enforcing the Act, the amount of the fee or change in existing fee and the rationale for imposing or changing the fee.

The Act specifically requires that fees “must not exceed the anticipated reasonable costs” of providing the service and establishes the cost justification test at the global *Building Code Act* level. With the Act requiring municipalities to report annual direct and indirect costs related to fees, this would suggest that *Building Code Act* fees can include general corporate overhead indirect costs related to the provision of service. Moreover, the recognition of anticipated costs also suggests that municipalities could include costs related to future compliance requirements or fee stabilization reserve fund contributions. As a result, *Building Code Act* fees modelled in this exercise include direct costs, capital-related costs, indirect support function costs directly consumed by the service provided, and corporate management costs related to the service provided, as well as provisions for future anticipated costs.

1.2.3 Municipal Act, 2001

Part XII of the Municipal Act provides municipalities and local boards with broad powers to impose fees and charges via passage of a by-law. These powers, as presented in s. 391 (1), include imposing fees or charges by a municipality:

- “(a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control.”

This section of the Act also allows municipalities to charge for capital costs related to services that benefit existing persons. The eligible services for inclusion under this subsection of the Act have been expanded by the *Municipal Statute Law Amendment Act*. Moreover, the amendments to the Act have also embraced the broader recognition for cost inclusion within municipal fees and charges with recognition under s. 391 (3) that “the costs included in a fee or charge may include costs incurred by the municipality or local board related to administration, enforcement and the establishment, acquisition and replacement of capital assets.”



Fees and charges included in this review, permissible under the authority of the *Municipal Act*, would include development engineering works fees not specifically provided for under the *Planning Act*.

In contrast to cost justification requirements under other legislation, the *Municipal Act* does not impose explicit requirements for cost justification when establishing fees for municipal services. In setting fees and charges for these services, however, municipalities should have regard for legal precedents and the reasonableness of fees and charges. The statute does not provide for appeal of fees and charges to the OLT; however, fees and charges may be appealed to the courts if municipalities are acting outside their statutory authority. Furthermore, no public process or mandatory term for fees and charges by-laws is required under the Act. There is, however, a requirement that municipal procedural by-laws provide for transparency with respect to the imposition of fees and charges.



Chapter 2

Activity-Based Costing



2. Activity-Based Costing

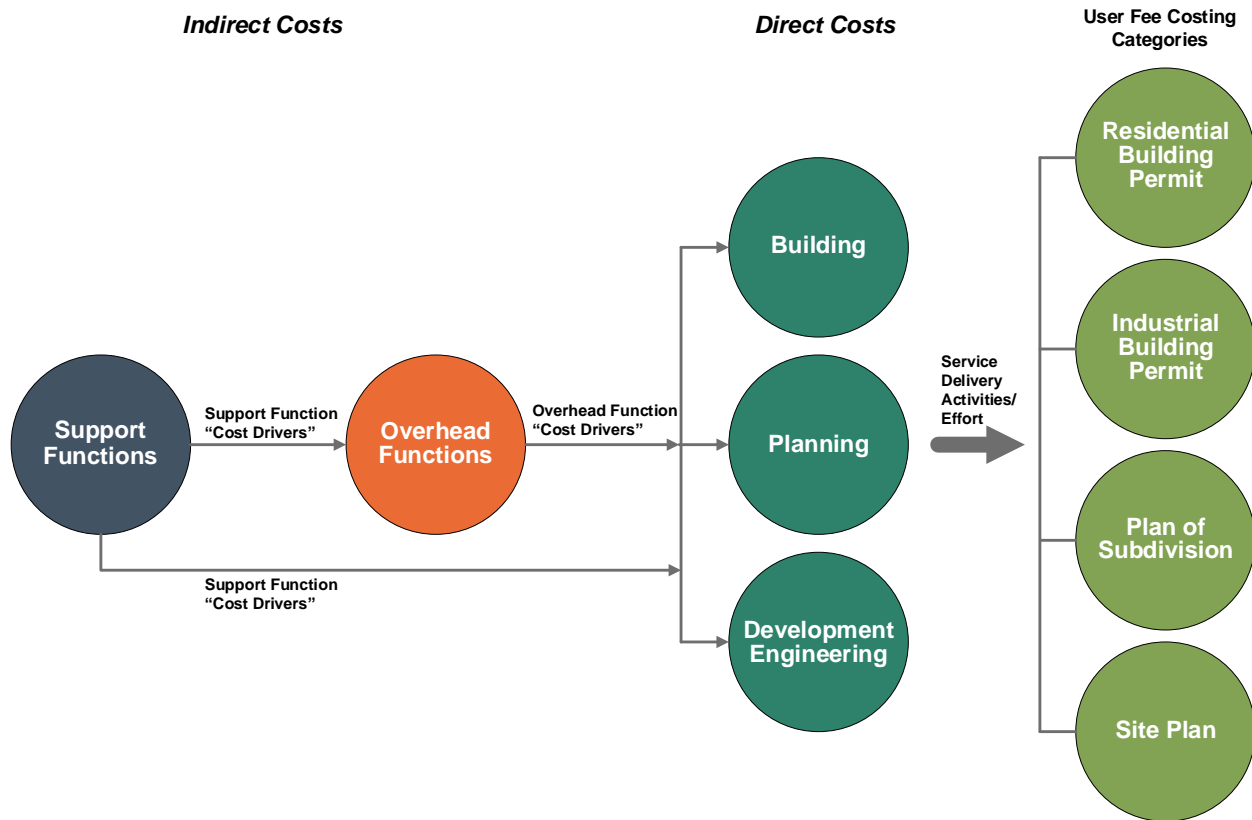
2.1 Methodology

An activity-based costing (A.B.C.) methodology, as it pertains to municipal governments, assigns an organization's resource costs through activities to the services provided to the public. One of the service channels provided by municipalities is the development review process. Conventional municipal accounting structures are typically not well suited to the costing challenges associated with development processing activities, as these accounting structures are business unit focused and thereby inadequate for fully costing services with involvement from multiple business units. An A.B.C. approach better identifies the costs associated with the processing activities for specific application types and thus is an ideal method for determining full cost recovery development application fees.

As illustrated in Figure 2-1, an A.B.C. methodology attributes processing effort and associated costs from all participating municipal business units to the appropriate development application service categories. The resource costs attributed to processing activities and application categories include direct operating costs, indirect support costs, and capital costs. Indirect support function and corporate overhead costs are allocated to direct business units according to operational cost drivers (e.g., information technology costs allocated based on the relative share of departmental personal computers supported). Once support costs have been allocated amongst direct business units, the accumulated costs (i.e., indirect, direct, and capital costs) are then distributed across the various development application service categories and other non-development services offered by the City, based on the business unit's direct involvement in development review process activities. The assessment of each business unit's direct involvement in development review process activities is accomplished by tracking the relative shares of staff processing effort across each development application category's sequence of process steps. The results of employing this costing methodology provide municipalities with a better recognition of the costs incurred in delivering development review processes, as it acknowledges not only the direct costs of resources deployed but also the operating and capital support required by those resources to provide services.



Figure 2-1
Activity-Based Costing Conceptual Cost Flow Diagram



The following sections of this chapter review each component of the A.B.C. methodology as it pertains to the City's development application fees review.

2.2 Application Category Definition

A critical component of the full cost user fees review is the selection of costing categories. This is an important first step as the process design, effort estimation, and subsequent costing is based on these categorization decisions. It is also important from a compliance standpoint where, as noted previously, the *Planning Act* requires user fees to be cost justified by application type consistent with the categorization contained within the City's tariff of fees. Moreover, it is equally important in costing building permit fees and development engineering fees to better understand the cost/revenue relationships of different permit types beyond the statutory cost justification for fees established broadly (e.g., under the authority of the *Building Code Act*).



Fee categorization discussions occurred at the outset of the assignment, during initial working sessions with City staff. The costing categories included in the A.B.C. model and later used to rationalize changes to the City's fee structure are summarized below.

Planning Applications

- Condominium Draft Plan Approval
- Exemption from Condominium Draft Plan Approval
- Application for Approval - Final Condominium Plans
- Amendment - Description for Registered Condominium
- Condominium Extension to Draft Approval (Major)
- Condominium Extension to Draft Approval (Minor)
- Heritage Permit (Major)
- Heritage Permit (Minor)
- Heritage Permit (Demolition with Report to Council)
- Official Plan Amendment
- Public Meeting Rescheduling
- Street Naming - Private Roads
- Address Change
- Part Lot Control By-Law
- Servicing Agreement & Other Development Type Agreements
- Telecommunication Facility Review
- Site Plan Agreement - Apartment Buildings 4 storeys or less
- Site Plan Agreement - Apartment Buildings 5+ storeys
- Site Plan Agreement - All Other Dwelling Types
- Site Plan Agreement - Non-Residential
- Site Plan Control
- Extension of Site Plan Agreement for up to 2 years
- Site Plan Agreement Amendment - Major (Registered Agreement)
- Site Plan Agreement Amendment - Minor (Registered Agreement)
- Site Plan Agreement Amendment - Minor (No Registered Agreement)
- Site Plan Agreement Clearance Letters
- Site Plan Agreement Release
- Servicing Agreement Clearance Letters
- More Than 3 Submission of Plans for Review
- Subdivision Agreement
- Subdivision Agreement Amendment
- Subdivision Agreement Release
- Subdivision Draft Plan Approval
- Subdivision Extension to Draft Approval - Major - With Circulation > 4 Months Extension



- Subdivision Extension to Draft Approval - Minor - Without Circulation < 4 Months Extension
- Deeming By-Laws
- Subdivision Modification to Draft Approval - Major - With Circulation
- Subdivision Modification to Draft Approval - Minor - Without Circulation
- Zoning By-Law Amendment- Major
- Zoning By-Law Amendment- Minor
- Concurrent Official Plan and Zoning By-law Amendment
- Zoning Amendment (Lifting of 'Holding' (H) Designation)
- Zoning Compliance or Information Letter
- Site Plan Compliance Letter
- Pre-consultation Meeting - General
- Consent
- Minor Variance
- Development Agreements
- Section 45 Agreements
- Recirculation
- Special Hearing
- Pre-consultation Meeting - Land Division

Development Engineering Applications

- Engineering Administration and Inspection of Subdivision
- Engineering Administration and Inspection of Site Plan
- Site Servicing



Building Permits

- Non-Residential - Group A (Assembly)
- Non-Residential - Group B (Institutional)
- Non-Residential - Group D/E (Business/Personal Services & Mercantile) Shell
- Non-Residential - Group D/E (Business/Personal Services & Mercantile) Finished
- Non-Residential - Group F (Industrial)
- Non-Residential - Farm
- Industrial - Parking Garage (Open)
- Industrial - Parking Garage (Enclosed)
- Residential - Single/Semi/Town/Row
- Residential - Apartments
- Residential - Garage, Shed, Deck, Balcony, etc.
- Residential - Misc. Work, Finish Basement
- Residential - Accessory Dwelling Unit
- HVAC
- Plumbing
- Backflow Prevention Device
- Designated Structure (retaining wall, communication tower, pedestrian bridge, crane runway, storage tank, dish antenna, solar collector)
- Electromagnetic locking device, hold open device
- Fire alarm system, emergency lighting, sprinkler system, stand pipe system, fixed extinguishing system
- Minor Alterations including single partition, demising wall, new roof structure, washroom, etc.
- Public Pool
- Shoring
- Temporary Structure
- Underpinning
- Swimming Pool Fence
- Demolition - Residential
- Demolition - Non-Residential
- Change of Use
- Wall Signs
- Ground Signs
- Pole Signs
- Additional Fee When Permit Divided Into Part Permits
- Letter (Deferral, Revocation, etc.)
- Liquor License Inspection Report
- Retrieval Of Dead Permit Files & Drawings
- To transfer ownership of permit
- Conditional Permit Agreement
- Demolition Agreement
- Spatial Separation Agreement



2.3 Application Processing Effort Cost Allocation

To capture each participating City staff member's relative level of effort in processing development applications, process map templates were prepared for each of the above-referenced costing categories. These process map templates outline the process steps undertaken for an application in each development application costing category identified previously. The finalized process templates were circulated to City staff and initial effort estimates were provided through workshops with Watson and internal business unit discussions.

The effort estimates received were applied against average annual application volumes to assess the average annual processing time per position spent on each development application category. Annual processing effort per staff position was measured against available processing capacity to determine overall service levels. The results of the initial capacity analysis were reviewed with City staff. Effort estimates were subsequently refined to better reflect current staff utilization levels. These refinements provided for the recognition of efforts within the development application review processes ancillary to direct processing tasks, i.e., application oversight activities by departmental senior management and administration and enforcement activities under the authority of the *Building Code Act*. Multiple rounds of review of the staff effort estimates and capacity analysis were conducted with City staff to ensure the reasonableness of the capacity utilization results. It is noted that the effort estimates captured through this exercise are reflective of the City's current processing activities and current application characteristics.

2.3.1 *Staff Capacity Utilization at Historical Volumes of Development Applications*

The development application review process considered within this assessment involves, to varying degrees, staff from multiple departments across the organization. Initially, the development application processing effort estimates were evaluated against the City's current business processes, 2017 to 2021 average application volumes and characteristics, and staffing levels currently in place across City departments (including three contract positions in Planning and Building Services). Tables A-1, A-2, and A-3 provide the average annual volume of planning applications, development engineering applications, and building permit applications by costing category, respectively.



Table 2-1 summarizes the number of full-time equivalent (F.T.E.) positions attributable to development application processes. In total, development application processing activities consume approximately 44 F.T.E. positions annually across the organization. The majority of the staff effort is from Planning and Building Services, accounting for approximately 41 F.T.E. positions annually and 93% of processing effort.

Table 2-1
Development Application F.T.E. Utilization by Department – at Historical Activity Volumes

Department	F.T.E.s ¹	Annual FTE Utilization					Difference
		Planning Applications	Development Engineering Agreements	Building Permits	Other	Total	
Building and Planning Services							
Building and Plumbing	25.90	0.66	0.38	21.41	4.84	27.29	1.39
By-law Enforcement and Licensing	6.00	-	-	0.09	5.91	6.00	-
Zoning	2.00	1.02	-	0.98	-	2.00	-
Development Coordination	0.25	0.08	0.00	0.17	-	0.25	-
Planning	10.75	8.13	0.38	0.56	3.68	12.75	2.00
PBS Administration	5.00	0.49	0.02	3.35	1.52	5.39	0.39
Committee of Adjustment	3.00	2.27	-	-	0.77	3.05	0.05
Community Improvement Plan	1.00	0.06	-	-	0.94	1.00	-
Heritage Committee	1.60	0.36	0.14	0.13	0.97	1.60	-
Sub-total Building and Planning Services	55.50	13.07	0.91	26.70	18.63	59.32	3.82
Other							
Fire	1.00	0.12	-	1.58	-	1.70	0.70
Engineering	5.00	0.12	0.00	0.31	4.57	5.00	-
Environmental Services	1.00	0.04	-	-	0.96	1.00	-
Finance	1.00	0.04	-	-	0.96	1.00	-
Community, Recreation and Culture Services	1.00	0.60	-	-	0.40	1.00	-
Human Resources	1.00	0.01	-	-	0.99	1.00	-
Geomatics	1.00	0.01	-	-	0.99	1.00	-
Legal Services	2.00	0.14	-	-	1.86	2.00	-
Clerks Services	3.00	0.01	-	-	2.99	3.00	-
Sub-total Other	16.00	1.09	0.00	1.89	13.72	16.70	0.70
Total	71.50	14.16	0.91	28.59	32.35	76.01	4.51

¹ Includes 3 contract positions

Based on the historical volume of development applications and current staffing levels, the City appears to be understaffed in a few departments, namely:

- Building and Plumbing: The Building and Plumbing group is approximately 1.4 F.T.E.s short of the resourcing required to process current (historical) volumes development applications.
- Historically, fire protection aspects of the Building Code were being reviewed and inspected by a fire prevention officer in the City's Fire department. Moving forward, these fire protection aspects will be incorporated into the City's Building



and Planning group. It has been estimated that the staffing complement within Building and Planning would need to be increased by approximately 1.7 F.T.E.s in order to have sufficient capacity to absorb these activities (resourcing shown under “Fire” in Table 2-1).

- Planning: The Planning department is approximately 2 F.T.E.s short of the resourcing required to process annual volumes of planning applications.
- Planning and Building Services (P.B.S.) Administration: the administrative staff complement is approximately 0.4 F.T.E.s short of the resourcing required at current (historical) volumes of development application activity.

In aggregate, the results of the capacity utilization analysis based on the historical volume of development applications suggest that the City is currently understaffed by approximately 4.5 F.T.E.s (5.5 F.T.E.s when accounting for the transition of fire aspects of the Building Code to the Building and Plumbing group). Furthermore, this shortfall would increase if the three positions that are currently on contract aren’t made permanent.

2.3.2 Building Permit Activity Projections

Building permit volumes and the staff effort required to process and administer those permit volumes are the main driving forces behind processing costs and consequently building permit fees. As such, a detailed analysis of the anticipated volume of building permit activity is required to identify how resources will be consumed across different permit categories and, therefore, where costs are generated. This analysis is especially important in the City’s case because of anticipated increases in new construction permits. Table 2-2 below provides a comparison of historical (2017-2021) and forecasted (2022-2032) volumes of annual building permit activity for new construction permits. A description of how the forecast was developed is provided below the table.



Table 2-2
Historical and Forecasted Annual Building Permit Activity

Costing Category	Avg. Annual Permit Volume (2017-2021)	Avg. Annual Permit Volume (Forecast)
Non-Residential - Group A (Assembly)	28.40	35.72
Non-Residential - Group B (Institutional)	1.20	1.51
Non-Residential - Group D/E (Business/Personal Services & Mercantile)	55.00	71.96
Non-Residential - Group F (Industrial)	13.40	44.41
Residential - Single/Semi/Town/Row	276.60	343.46
Residential - Apartments	10.20	19.64

The forecast of annual building permit volumes for select new construction costing categories was derived from the City's 2022 Community Benefits Charge Strategy. The annualized growth in residential units forecasted for the 2022-2032 period was compared to historical growth in residential units observed during the 2016-2021 period, by unit type. For non-residential development, the annualized employment growth forecasted for the 2022-2032 period was compared to historical employment growth observed during the 2016-2022 period, by employment category. The resultant ratios were applied to the average annual permit volumes observed during the 2017-2021 period to estimate the average annual permit volumes for the 2022-2032 period. It is estimated that the ratio of average annual permit volumes for the forecast period, relative to the historical period, will be as follows:

- Non-Residential – Group A (Assembly): 1.26 times the annual average observed over the 2017-2021 period;
- Non-Residential– Group B (Institutional): 1.26 times the annual average observed over the 2017-2021 period;
- Non-Residential – Group D/E (Business/Personal Services & Mercantile): 1.31 times the annual average observed over the 2017-2021 period;
- Non-Residential – Group F (Industrial): 3.31 times the annual average observed over the 2017-2021 period;
- Residential – Single/Semi/Town/Row: 1.24 times the annual average observed over the 2017-2021 period; and
- Residential – Apartments: 1.93 times the annual average observed over the 2017-2021 period.



For all other costing categories, it has been assumed that annual building permit volumes over the forecast period (i.e., 2022 to 2032) will be consistent with volumes observed during the historical period (i.e., 2017 to 2021).

2.3.3 Staff Capacity Utilization at Forecast Volumes of Development Applications

Table 2-3 summarizes the staff capacity utilization and number of F.T.E. positions attributable to development application processes when adjusting for the forecasted increases in building permit volumes. The results of the capacity utilization forecast suggest that, relative to the current staff complement (including contract positions), the City would need to increase staffing by approximately 9.0 F.T.E.s to address current staffing shortfalls and to accommodate future volumes of development applications.

Table 2-3
Development Application F.T.E. Utilization by Department – Forecast Volumes

Department	F.T.E.s ¹	Annual FTE Utilization					Difference
		Planning Applications	Development Engineering Agreements	Building Permits	Other	Total	
Building and Planning Services							
Building and Plumbing	25.90	0.66	0.38	25.43	3.48	29.94	4.04
By-law Enforcement and Licensing	6.00	-	-	0.11	5.89	6.00	-
Zoning	2.00	1.02	-	1.26	-	2.28	0.28
Development Coordination	0.25	0.08	0.00	0.20	-	0.28	0.03
Planning	10.75	8.13	0.38	0.67	3.62	12.81	2.06
PBS Administration	5.00	0.49	0.02	4.22	1.24	5.96	0.96
Committee of Adjustment	3.00	2.27	-	-	0.77	3.05	0.05
Community Improvement Plan	1.00	0.06	-	-	0.94	1.00	-
Heritage Committee	1.60	0.36	0.14	0.17	0.93	1.60	-
Sub-total Building and Planning Services	55.50	13.07	0.91	32.05	16.87	62.91	7.41
Other							
Fire	1.00	0.12	-	2.43	-	2.55	1.55
Engineering	5.00	0.12	0.00	0.39	4.49	5.00	-
Environmental Services	1.00	0.04	-	-	0.96	1.00	-
Finance	1.00	0.04	-	-	0.96	1.00	-
Community, Recreation and Culture Services	1.00	0.60	-	-	0.40	1.00	-
Human Resources	1.00	0.01	-	-	0.99	1.00	-
Geomatics	1.00	0.01	-	-	0.99	1.00	-
Legal Services	2.00	0.14	-	-	1.86	2.00	-
Clerks Services	3.00	0.01	-	-	2.99	3.00	-
Sub-total Other	16.00	1.09	0.00	2.83	13.64	17.55	1.55
Total	71.50	14.16	0.91	34.88	30.51	80.46	8.96

¹ Includes 3 contract positions



Based on the analysis presented in Table 2-3, the following observations are noted for select departments:

- Building and Plumbing: Staffing levels would need to be increased by approximately 4.0 F.T.E.s relative to current staffing levels to accommodate future volumes of development applications (6.6 F.T.E.s when accounting for the transition of fire aspects of the Building Code to the Building and Plumbing group – resourcing shown under “Fire” in Table 2-3);
- Zoning: An additional 0.3 F.T.E.s would be required to meet increased demands on staff resulting from the expected increase in building permit activity;
- Planning: Staffing levels would need to be increased by approximately 2 F.T.E.s relative to the current staff complement (assuming the three contract positions are made permanent), mainly to address current staffing shortfalls (as identified in subsection 2.3.1);
- P.B.S. Administration: Staffing levels would need to be increased by approximately 1.0 F.T.E.s to address current staffing shortfalls and to accommodate future volumes of development application activity.

2.4 Direct Costs

The following City business units are directly involved in processing the development applications included in the review:

- | | |
|------------------------------------|--|
| • Building and Plumbing | • Engineering, Facilities, and Environmental Services Administration |
| • By-law Enforcement and Licensing | • Accounting, Revenue, and Payroll |
| • Zoning | • Community, Recreation, and Culture Services Administration |
| • Development Coordination | • Human Resources |
| • Planning | • Municipal Surveys |
| • P.B.S. Administration | • Legal Services |
| • Committee of Adjustment | • City Clerks |
| • Community Improvement Plan | |
| • Heritage Committee | |
| • Fire Prevention | |



Based on the results of the resource capacity analysis summarized above, the proportionate share of each individual's direct costs was allocated to the respective development application categories. The City's 2022 Operating Budget was used to generate the direct cost allocations within the model, including cost components such as:

- Labour costs (e.g., salary, wages, and benefits);
- Employee related costs (e.g., mileage, training, conferences, associations/subscriptions, etc.); and
- Office supplies.

2.5 Indirect Costs

An A.B.C. review includes not only the direct service cost of providing service activities but also the indirect support costs that allow direct service business units to perform these functions. The methodology employed for building permits is based on the City's indirect cost allocation model. The City's 2022 Operating Budget included indirect costs of approximately \$364,000 for the Building and Plumbing department, which corresponds to approximately 11% of annual direct operating costs. The same factor was applied to the annual direct costs of all other departments with direct involvement in processing development applications to estimate their share of indirect costs.

2.6 Capital Costs

Estimated annual lifecycle costs of assets commonly utilized to provide direct business unit services have been included in the full cost assessment. The annual lifecycle costs were estimated based on the replacement cost of the assets and the annual reinvestment rates suggested in the Canadian Infrastructure Report Card¹. These lifecycle costs are then allocated across all development application categories based on the capacity utilization of direct business units.

Capital costs for the facility space utilized by the Planning and Building Services division were calculated by assessing the portion of total gross floor area utilized by the division and applying a replacement value of \$350 per square foot and annual reinvestment rate

¹ Informing the Future: The Canadian Infrastructure Report Card, 2016
https://www.pppcouncil.ca/web/pdf/infra_report_card_2016.pdf



of 2.1%. An annual lifecycle amount, as described above, was then calculated and distributed to each costing category based on staff resource capacity utilization.



Chapter 3

Cost Recovery Analysis and Fee Recommendations – Planning Applications



3. Cost Recovery Analysis and Fee Recommendations – Planning Applications

3.1 Planning Application Costing Results

As noted in the introduction, the *Planning Act* requires fees to be cost justified at the application type level. Application costs reflect the organizational direct, indirect, and capital costs based on 2022 budget estimates. Table 3-1 summarizes the average annual processing costs compared with average annual revenues derived from the City's current fee structure and historical application volumes over the 2017 to 2021 period. The annual cost to the City of processing planning applications has been estimated at \$1.86 million. Direct service costs represent 90% (\$1.67 million) of the total, with indirect and capital costs accounting for the remaining 10% (\$0.19 million) of costs. The City's current planning application fees are, in aggregate, recovering approximately 53% of average annual costs of service (\$0.98 million).

Table 3-1
Planning Applications: Annual Costs of Processing and Cost Recovery Levels at Current Fees

Cost Component	
Direct Costs (SW&B) ^A	\$ 1,579,154
Direct Costs (non-SW&B) ^A	\$ 88,592
Total Direct Costs	\$ 1,667,746
Indirect Costs	\$ 180,165
Capital Costs	\$ 10,593
Grand Total Costs	\$ 1,858,504
Average Annual Revenue (at current fees)	\$ 979,144
Cost Recovery Level (total costs)	53%

^A "SW&B" means Salaries, Wages, and Benefits

Table 3-2 details the cost recovery level for each costing category. While there are some planning application types that are recovering more than the average costs of processing, all application types that generate more than \$10,000 in annual costs are recovering less than 100% of full costs.



Table 3-2
Current Planning Application Cost Recovery Levels by Application Type

Application Type	Average Annual Revenue ¹	Average Annual Costs	Cost Recovery %
Condominium Draft Plan Approval	\$ 19,820	\$ 47,364	42%
Exemption from Condominium Draft Plan Approval	\$ 4,965	\$ 4,091	121%
Application for Approval - Final Condominium Plans	\$ 13,398	\$ 4,748	282%
Amendment - Description for Registered Condominium	\$ 327	\$ 599	55%
Condominium Extension to Draft Approval (Major)	\$ 508	\$ 354	143%
Condominium Extension to Draft Approval (Minor)			
Heritage Permit (Major)			
Heritage Permit (Minor)	\$ 5,534	\$ 38,188	14%
Heritage Permit (Demolition with Report to Council)			
Official Plan Amendment	\$ 12,180	\$ 19,067	64%
Public Meeting Rescheduling	\$ 419	\$ 244	172%
Street Naming - Private Roads	\$ 0	\$ 0	
Address Change	\$ 457	\$ 2,051	22%
Part Lot Control By-Law	\$ 8,826	\$ 18,034	49%
Servicing Agreement & Other Development Type Agreements	\$ 7,550	\$ 6,399	118%
Telecommunication Facility Review	\$ 3,310	\$ 10,128	33%
Site Plan Agreement - Apartment Buildings 4 storeys or less			
Site Plan Agreement - Apartment Buildings 5+ storeys	\$ 294,580	\$ 385,522	76%
Site Plan Agreement - All Other Dwelling Types			
Site Plan Agreement - Non-Residential			
Site Plan Control	\$ 12,300	\$ 51,906	24%
Extension of Site Plan Agreement for up to 2 years	\$ 2,101	\$ 1,100	191%
Site Plan Agreement Amendment - Major (Registered Agreement)			
Site Plan Agreement Amendment - Minor (Registered Agreement)	\$ 23,151	\$ 34,047	68%
Site Plan Agreement Amendment - Minor (No Registered Agreement)			
Site Plan Agreement Clearance Letters	\$ 0	\$ 0	
Site Plan Agreement Release	\$ 3,152	\$ 2,145	147%
Servicing Agreement Clearance Letters	\$ 0	\$ 0	
More Than 3 Submission of Plans for Review	\$ 6,116	\$ 3,639	168%
Subdivision Agreement	\$ 8,685	\$ 7,324	119%
Subdivision Agreement Amendment	\$ 0	\$ 0	
Subdivision Agreement Release	\$ 0	\$ 0	
Subdivision Draft Plan Approval	\$ 7,645	\$ 11,694	65%
Subdivision Extension to Draft Approval - Major - With Circulation > 4 Months Extension	\$ 0	\$ 0	
Subdivision Extension to Draft Approval - Minor - Without Circulation < 4 Months Extension	\$ 1,678	\$ 1,315	128%
Deeming By-Laws	\$ 2,211	\$ 5,496	40%
Subdivision Modification to Draft Approval - Major - With Circulation	\$ 421	\$ 844	50%
Subdivision Modification to Draft Approval - Minor - Without Circulation	\$ 0	\$ 0	
Zoning By-Law Amendment - Major			
Zoning By-Law Amendment - Minor	\$ 44,660	\$ 110,435	40%
Concurrent Official Plan and Zoning By-law Amendment	\$ 40,692	\$ 82,914	49%
Zoning Amendment (Lifting of 'Holding' (H) Designation)	\$ 3,852	\$ 7,143	54%
Zoning Compliance or Information Letter	\$ 39,483	\$ 60,952	65%
Site Plan Compliance Letter			
Pre-consultation Meeting - General	\$ 0	\$ 0	
Consent	\$ 119,976	\$ 309,973	39%
Minor Variance	\$ 204,791	\$ 408,377	50%
Development Agreements			
Section 45 Agreements	\$ 12,713	\$ 21,660	59%
Recirculation	\$ 0	\$ 0	
Special Hearing	\$ 0	\$ -	
Pre-consultation Meeting - Land Division	\$ 73,646	\$ 200,752	37%
Total	\$ 979,144	\$ 1,858,504	53%

¹ Average annual revenue is calculated based on historical volumes and current rates



3.2 Bill 109 Impacts

On April 14, 2022, the Province gave Royal Assent to Bill 109 (*More Homes for Everyone Act*), which introduced changes to the *Planning Act* that come into force on January 1, 2023. These changes require municipalities to refund some or all of planning fees collected for select applications (zoning by-law amendment and site plan control) where a decision has not been reached within legislated timelines.

This review has captured the current processes employed by the City in reviewing planning applications. As such, the recommendations contained within this report pertaining to planning fees have not been evaluated against potential changes to City processes that may be required in response to Bill 109. The City is currently undertaking a process review of its planning application review processes that could further impact these recommendations.

3.3 Recommended Fees

Fee structure recommendations were developed with regard to the cost/revenue impacts presented in Table 3-2. The fee structure recommendations presented below are based on the A.B.C. model and historical average application characteristic underlying planning applications. The complete recommended fee schedule is provided in Table 3-3 and Appendix C. Proposed changes to the structure of existing fees and proposed new fees are summarized in Table 3-4. Implementing the proposed fees would provide the City with approximately \$607,000 of additional revenue, which would increase the average annual cost recovery level for Planning applications from 53% to 85%.



Table 3-3
Recommended Planning Application Fees

Fee Title	Unit of Measure	Current Fee	Recommended Fee
Boulevard Trees			
New Tree Planting 60mm Deciduous Tree	-	Job Specific Costing	Job Specific Costing
Replacement Tree (Does not include costs of removal)	-	Job Specific Costing	Job Specific Costing
Committee of Adjustment			
Consent Application - New Lots	Per Application	\$ 2,068.55	\$ 3,500.00
Consent Application - Others, i.e., easements, etc.	Per Application	\$ 1,444.05	\$ 2,443.00
Variance Application	Per Application	\$ 1,551.45	\$ 3,094.00
Consent and Validation of Title Certification Fee	Per Application	\$ 222.20	\$ 222.20
Development Agreement for New Lots	Per Agreement	\$ 825.50	\$ 1,407.00
Committee of Adjustment Pre-Consultation All Severances	Per Application	\$ 1,274.15	\$ 1,545.00
Recirculation Fee	Per Application	\$ 535.75	\$ 536.00
Section 45 Agreements	Per Agreement	\$ 2,954.20	\$ 2,427.00
Special Hearing Fee (in addition to Application Fee)	Flat Fee	\$ 893.00	\$ 893.00
Condominium Fees			
Amendment - Description for Registered Condominium	Per Application	\$ 544.50	\$ 998.00
Application for Approval - Final Condominium Plans	Per Application	\$ 3,045.00	\$ 1,079.00
Condominium Draft Plan Approval	Per Application	\$ 7,078.50	\$ 16,916.00
Exemption from Condominium Draft Plan Approval	Per Application	\$ 2,068.55	\$ 1,704.00
Condominium Extension to Draft Approval			
Major - With Circulation > 4 months	Per Application	\$ 2,537.50	\$ 1,770.00
Minor - Without Circulation < 4 months	Per Application	\$ 1,404.80	\$ 1,096.00
Documents and Printing Fees			
Basic Street Maps (Paper Prints Only)			
1:20,000 (Black & White)	Flat Fee	\$ 6.30	\$ 6.30
1:20,000 (Colour)	Flat Fee	\$ 10.10	\$ 10.10
Official Plan (Garden City Plan)	Flat Fee	\$ 81.60	\$ 81.60
Official Plan (Certified)	Flat Fee	\$ 87.95	\$ 87.95
Mapping Requests for Ministry of Environment Approvals	Flat Fee	\$ 75.35	\$ 75.35
Microfilm Prints	Per Page	\$ 2.00	\$ 2.00
Photocopies - miscellaneous	Per Page	\$ 0.45	\$ 0.45
Property/Addressing Mapping	Per Page	\$ 8.85	\$ 8.85
Zoning Maps	Flat Fee	\$ 131.95	\$ 131.95
Zoning By-law 2013-283	Flat Fee	\$ 31.40	\$ 31.40
Zoning By-law - Certified	Flat Fee	\$ 36.10	\$ 36.10
Heritage Fees			
Heritage Permit Application Fee (Major)	Per Application	\$ 263.50	\$ 1,100.00
Heritage Permit Application Fee (Minor)	Per Application	\$ 263.50	\$ 264.00
Heritage Permit Application Fee (Demolition with Report to Council)	Per Application	\$ 263.50	\$ 264.00
Official Plan			
Official Plan Application Amendment (includes advertising cost)	Per Application	\$15,225.00	\$ 23,834.00
Preconsultation	Per Application	\$ 1,274.15	\$ 2,108.00
Other Approvals			
Public Meeting Rescheduling After Public Notice Issued (Official Plan Amendment, Zoning Amendment, Draft Plan of Subdivision, Draft Plan of Condominium)	Per Application	\$ 699.15	\$ 407.00
Street Naming - Private Roads	Per Application	\$ 1,050.70	\$ 724.00



Table 3-3 (continued)
Recommended Planning Application Fees

Fee Title	Unit of Measure	Current Fee	Recommended Fee
Other			
Address Change Application Fee	Per Application	\$ 163.35	\$ 375.00
Part Lot Control By-Law Application	Per Application	\$ 1,838.70	\$ 3,757.00
Servicing Agreement & Other Development Type Agreements (Similar To Section 45 C. of A. Agreements)	Per Agreement	\$ 2,903.75	\$ 2,461.00
Telecommunication Facility Review Fee	Per Agreement	\$ 2,068.55	\$ 6,330.00
Site Plan			
Site Plan Agreement	Per Agreement	\$ 7,751.10	\$ 12,874.00
•Full site plan application fee is a sum of the base fee and the per unit/ type/ square footage of the development to a maximum of \$ 18,930.			
Apartment Buildings (inclusive of mixed-use buildings) 4 stories or less	Per Agreement	\$ 3,000.00	\$ 1,196.00
Apartment Buildings (inclusive of mixed- use buildings) 5- 8 storeys	Per Agreement	\$ 7,248.90	\$ 6,056.00
Apartment Buildings (inclusive of mixed- use buildings) 9+ stories	Per Agreement	\$ 7,248.90	\$ 6,056.00
All other dwelling types (site plan)	Per Unit	\$ 300.00	\$ 321.00
Non-Residential Floor Area Fee (site plan)	Per 1,000 Square Feet	\$ 50.55	\$431.00
•Non-Residential floor area \$ 431 for every 1,000 sq. ft of floor area in excess of the first 30,000 sq. ft.			
Site Plan Control (minimum fee)	Per Application	\$ 1,500.00	\$ 1,909.00
•Flat fee.			
Preconsultation	Per Agreement	\$ 1,274.15	\$ 2,108.00
Maximum Charge	Flat Fee	\$15,225.00	\$ 18,930.00
Extension of Site Plan Agreement for up to 2 years	Flat Fee	\$ 1,751.10	\$ 917.00
Site Plan Agreement Amendment Application			
Major (Registered Agreement)	Per Application	\$ 5,787.70	\$ 8,512.00
Site Plan - Minor (Registered Agreement)	Per Agreement	\$ 3,474.60	\$ 4,946.00
Minor (No Registered Agreement)	Per Application	\$ 2,548.25	\$ 4,615.00
Site Plan Agreement Clearance Letters	Per Letter	\$ 666.50	\$ 811.00
Site Plan Compliance Letter	Per Letter		\$ 884.00
Site Plan Agreement Release	Per Agreement	\$ 1,050.70	\$ 715.00
More Than 1 Partial Release of Securities	Flat Fee	\$ 509.70	\$ 347.00
More Than 3 Submission of Plans For Review	Flat Fee	\$ 1,698.85	\$ 1,011.00
Subdivision			
Subdivision Agreement Application	Per Application	\$ 8,684.55	\$ 7,324.00
New Tree Planting for a Subdivision 60 mm deciduous tree	Per Tree	\$ 699.15	\$ 699.15
Subdivision Agreement Amendment Application	Per Application	\$ 3,077.55	\$ 1,709.00
Subdivision Agreement Release	Per Agreement	\$ 1,058.50	\$ 1,175.00
•A Legal Release Agreement Fee will also be required.			
Subdivision Draft Plan Approval	Per Application	\$12,741.25	\$ 19,490.00
Preconsultation	Per Application	\$ 1,274.15	\$ 2,108.00
Subdivision Extension to Draft Approval			
Major - With Circulation > 4 Months Extension	Per Application	\$ 2,100.05	\$ 1,770.00
Minor - Without Circulation < 4 Months Extension	Per Application	\$ 1,398.25	\$ 1,096.00
Deeming By-Laws	Per Application	\$ 1,228.40	\$ 2,208.00
•A Registration of Agreement or By-law Fee will also be required.			
Subdivision Modification to Draft Approval			
Major - With Circulation	Per Application	\$ 2,103.95	\$ 4,219.00
Minor - Without Circulation	Per Application	\$ 1,398.25	\$ 2,500.00



Table 3-3 (continued)
Recommended Planning Application Fees

Fee Title	Unit of Measure	Current Fee	Recommended Fee
Zoning Fees			
Zoning By-Law Amendment Application - Major	Per Application	\$10,150.00	\$ 25,099.00
Preconsultation	Per Application	\$ 1,274.15	\$ 2,108.00
Zoning By-Law Amendment Application - Minor	Per Application	\$ 6,124.90	\$ 15,146.00
Zoning By-Law And Official Plan Amendment Application Combined - if processed concurrently (includes advertising costs)	Per Application	\$14,532.75	\$ 29,612.00
Zoning Amendment (Lifting of 'Holding' (H) Designation)	Per Application	\$ 1,751.10	\$ 3,247.00
Zoning Compliance or Information Letter	Per Letter	\$ 132.05	\$ 204.00

Table 3-4
Additions/Changes to Planning Application Fee Structure

Application Type	Description of Change
Heritage Permit	Differentiated by Major, Minor, & Demolition with Report to Council
Official Plan Preconsultation	No longer discounted from full fee
Site Plan Preconsultation	No longer discounted from full fee
Site Plan Major Amendment	No longer includes preconsultation
Site Plan Compliance Letter	New Fee
Subdivision Preconsultation	No longer discounted from full fee
Zoning By-law Amendment Preconsultation	No longer discounted from full fee
Zoning By-law Amendment - Minor	No longer includes preconsultation
Zoning Compliance or Information Letter	No longer differentiated between Inspection and No Inspection

3.4 Other Recommendations

Planning fees are collected at the application submittal stage – i.e., before any processing effort is expended and therefore before any processing costs are realized. For major planning applications, the processing effort may be spread over several months, and may span more than one calendar year. To reconcile the difference in timing between application revenues and processing effort/costs, the City may wish to consider creating a reserve fund for the stabilization of planning fees. Annual contributions to the reserve fund would be made from surpluses realized in revenues



generated from planning applications relative to annual processing effort. Conversely, in years with lower-than-average volumes of application intake, the City could draw from the reserve fund to offset the revenue shortfall, thereby mitigating negative impacts on the general tax levy.



Chapter 4

Cost Recovery Analysis and Fee Recommendations – Development Engineering



4. Cost Recovery Analysis and Fee Recommendations – Development Engineering

4.1 Development Engineering Application Costing Results

Development Engineering Application costs reflect the organizational direct, indirect, and capital costs based on 2022 budget estimates. Table 4-1 summarizes the average annual costs to process development engineering applications at historical application volumes as identified by City staff. The annual cost to the City of processing development engineering applications has been estimated at \$124,600. Direct service costs represent 89% (\$110,400) of the total, with indirect and capital costs accounting for the remaining 11% (\$14,200) of costs. Currently, the City does not recover any costs related to development engineering activities.

Table 4-1
Current Development Engineering Application Cost Recovery Levels

Cost Component	
Direct Costs (SW&B) ^A	\$ 102,930
Direct Costs (non-SW&B) ^A	\$ 7,495
Total Direct Costs	\$ 110,425
Indirect Costs	\$ 13,316
Capital Costs	\$ 900
Grand Total Costs	\$ 124,642
Average Annual Revenue (at current fees)	\$ -
Cost Recovery Level (total costs)	0%

^A "SW&B" means Salaries, Wages, and Benefits

Table 4-2 details the annual cost of service by costing category. As mentioned previously, the costs of processing development engineering applications are not being recovered currently.



Table 4-2
Development Engineering Applications: Annual Costs of Processing

Application Type	Average Annual Costs
Engineering Administration and Inspection of Subdivision	\$ 61,863
Engineering Administration and Inspection of Site Plan	\$ 62,779
Site Servicing	\$ 0
Total	\$ 124,642

4.2 Recommended Fees

Fee structure recommendations were developed in light of the full cost of service, as summarized in Table 4-2. The fee structure recommendations presented below are based on the A.B.C. model and historical average application characteristic underlying development engineering applications. The complete recommended fee schedule is provided in Table 4-3 and Appendix C. Implementing the proposed fees would provide the City with approximately \$124,600 of additional revenue and increase the annual cost recovery level from 0% to 100%, on average.

Table 4-3
Recommended Development Engineering Application Fees

Fee Title	Unit of Measure	Recommended Fee
Development Engineering		
Engineering Administration and Inspection of Subdivision	% of Constructed Value of Infrastructure	4.6%
Engineering Administration and Inspection of Site Plan	% of Constructed Value of Infrastructure	6.0%
Site Servicing	Flat Fee	\$ 2,417.00



Chapter 5

Cost Recovery Analysis and Fee Recommendations – Building Permits



5. Cost Recovery Analysis and Fee Recommendations – Building Permits

5.1 Building Code Act Reserve Fund Design

Building Code Act municipal financial reporting regulations recognize the legitimacy of creating a municipal reserve fund(s) to manage Building Code responsibilities. While the Act does not prescribe a specific methodology for determining an appropriate reserve fund target, municipalities have developed building permit reserve fund policies to provide service stabilization. The City currently has a Building Permit Reserve Fund with an estimated 2022 opening balance of approximately \$3.24 million.

Reserve funds should be developed to reduce the staffing and budgetary challenges associated with cyclical economic downturns and the requirement for ongoing legislative turnaround time compliance. Without such a reserve fund, reduced permit volumes during a downturn could result in severe budgetary pressures and the loss of certified City building staff, which would be difficult to replace during the subsequent recovery when mandatory permit processing turnaround times apply. A reserve fund stabilization policy would provide the City with the ability to retain qualified staff during a future economic downturn while minimizing the impact on the general tax levy.

It is common practice for municipalities to set a target reserve fund balance that is some multiple of annual direct costs. Examining historical residential building permit activity to identify downturns in building activity is an approach often utilized in developing these targets. A survey of building permit reserve fund target multiples utilized by municipalities throughout Ontario was compiled and identified a median target balance of 2 times annual direct costs. Through subsequent discussions with City staff it was determined that the target multiple should be based on the lower end of the range used by surveyed municipalities, and a target balance of 1.5 times annual direct costs was selected.

Based on the modelled annual direct building permit processing costs of approximately \$4.37 million (as detailed in section 5.2), the building permit reserve fund target should be approximately \$6.55 million. In order to achieve this reserve fund target over 5 years, the City would need to incorporate annual reserve fund contributions of approximately \$419,000 into the full cost definition and the resultant fee structure.



5.2 Building Permit Costing Results

Building Permit costs reflect the organizational direct, indirect, and capital costs based on 2022 budget estimates. Table 5-1 summarizes the average annual processing costs associated with building permit activities at forecasted volumes (as identified in section 2.3.2), compared to the average annual revenues that would be expected at current building permit fees. The average annual cost to the City of processing building permits has been estimated at \$4.87 million. Direct service costs represent 83% (\$4.37 million) of the total, with indirect costs, capital costs, and the reserve fund contribution accounting for the remaining 17% (\$0.92 million) of costs. At the forecast volumes of annual building permit activity, the City's current building permit fees would be, in aggregate, recovering approximately 83% of annual costs of service (\$4.41 million).

Table 5-1
Building Permits: Annual Costs of Processing and Recovery Levels at Current Fees

Cost Component	
Direct Costs (SW&B) ^A	\$ 4,122,954
Direct Costs (non-SW&B) ^A	\$ 242,062
Total Direct Costs	\$ 4,365,016
Indirect Costs	\$ 476,550
Capital Costs	\$ 26,580
Annual Contribution to Reserve Fund	\$ 419,286
Grand Total Costs	\$ 5,287,432
Average Annual Revenue (at current fees)	\$ 4,411,841
Cost Recovery Level (total costs)	83%

^A "SW&B" means Salaries, Wages, and Benefits

Table 5-2 details the levels of cost recovery—regarding total direct, indirect, and capital costs—for each costing category. The following observations regarding cost recovery levels for different costing categories are provided:

- Non-residential Group A, Group D/E, and Group F permits recover approximately 73%, 97%, and 67% of total annual costs, respectively.
- Non-residential Farm and Parking Garage permits recover well over total annual costs.



- Residential Single/Semi/Town/Row permits recover approximately 66% of total annual costs.
- Apartment permits are operating at approximately 204% of full cost recovery.
- Both Residential Garage, Shed, Deck, Balcony, etc. and Finish Basement/ Misc. Work permits under recover total annual costs, at 38% individually.
- Revenues generated from all other permit types, in aggregate, provide approximately 31% recovery of total annual costs.



Table 5-2
Current Building Permit Cost Recovery Levels by Costing Category

Application Type	Average Annual Revenue ¹	Average Annual Costs	Cost Recovery %
Non-Residential - Group A (Assembly)	\$ 239,628	\$ 329,609	73%
Non-Residential - Group B (Institutional)	\$ 229,831	\$ 65,945	349%
Non-Residential - Group D/E (Business/Personal Services & Mercantile) Shell	\$ 481,078	\$ 498,264	97%
Non-Residential - Group D/E (Business/Personal Services & Mercantile) Finished	\$ 257,853	\$ 387,325	67%
Non-Residential - Group F (Industrial)	\$ 86,101	\$ 25,761	334%
Non-Residential - Farm	\$ 4,360	\$ 2,268	192%
Industrial - Parking Garage (Open)	\$ 1,140,836	\$ 1,741,523	66%
Industrial - Parking Garage (Enclosed)	\$ 1,634,542	\$ 802,651	204%
Residential - Single/Semi/Town/Row	\$ 33,950	\$ 89,097	38%
Residential - Apartments	\$ 96,107	\$ 252,215	38%
Residential - Garage, Shed, Deck, Balcony, etc.	\$ -	\$ 0	
Residential - Misc. Work, Finish Basement	\$ 1,217	\$ 1,305	93%
Residential - Accessory Dwelling Unit	\$ 49,306	\$ 53,325	92%
HVAC	\$ 5,993	\$ 24,280	25%
Plumbing	\$ 2,372	\$ 3,065	77%
Backflow Prevention Device	\$ 15,639	\$ 24,897	63%
Designated Structure (retaining wall, communication tower, pedestrian bridge, crane runway, storage tank, dish antenna, solar collector)	\$ 68,541	\$ 417,182	16%
Electromagnetic locking device, hold open device	\$ 97	\$ 0	
Fire alarm system, emergency lighting, sprinkler system, stand pipe system, fixed extinguishing system	\$ 1,433	\$ 2,308	62%
Minor Alterations including single partition, demising wall, new roof structure, washroom, etc.	\$ 5,591	\$ 15,825	35%
Public Pool	\$ -	\$ 0	
Shoring	\$ 13,572	\$ 36,445	37%
Temporary Structure	\$ 5,883	\$ 14,790	40%
Underpinning	\$ 1,117	\$ 3,293	34%
Swimming Pool Fence	\$ 158	\$ 475	33%
Demolition - Residential	\$ 14,911	\$ 33,176	45%
Demolition - Non-Residential	\$ 2,081	\$ 8,133	26%
Change of Use	\$ 2,623	\$ 8,558	31%
Wall Signs	\$ 430	\$ 858	50%
Ground Signs	\$ 1,239	\$ 3,603	34%
Pole Signs	\$ 1,545	\$ 11,705	13%
Additional Fee When Permit Divided Into Part Permits	\$ 2,119	\$ 6,889	31%
Letter (Deferral, Revocation, etc.)	\$ 814	\$ 1,726	47%
Liquor License Inspection Report	\$ 294	\$ 104	282%
Retrieval Of Dead Permit Files & Drawings	\$ 8,784	\$ 1,122	783%
To transfer ownership of permit	\$ 1,794	\$ 426	421%
Conditional Permit Agreement			
Demolition Agreement			
Spatial Separation Agreement			
Annual Reserve Fund Contribution		\$ 419,286	
Total	\$ 4,411,841	\$ 5,287,432	83%

¹ Average annual revenue is calculated based on historical revenues, adjusted by forecasted volumes



5.3 Recommended Fees

Fee structure recommendations were developed with regard to the cost revenue impacts presented in Table 5-2. The fee structures presented below are based on the A.B.C. model and historical average application characteristic underlying building permits. The complete recommended fee schedule is provided in Table 5-3 and Appendix C. Proposed changes to the structure of existing fees and proposed new fees are summarized in Table 5-4. The recommended fees were determined based on increasing the under-recovering permit fees to maximum market values, or full cost recovery levels where appropriate. Appendix B contains a comparison of the City's current building permit fees with selected comparator municipalities. This comparison was used in determining the market competitiveness of building permit fee recommendations.

Implementing the proposed fees would provide the City with approximately \$878,500 of additional annual revenue and would increase the City's overall average annual cost recovery level for building permits from 83% to 100%. The recommended fees would move all building permit application categories towards full cost recovery levels while maintaining competitiveness with fees imposed by comparator municipalities.



Table 5-3
Recommended Building Permit Fees

Fee Title	Unit of Measure	Current Fee	Recommended Fee
Administrative Fees Associated with a Permit			
Additional Fee When Permit Divided Into Part Permits	Flat Fee	\$ 168.30	\$ 306.00
Alternative Solutions	Per Application	Job Specific Costing	Job Specific Costing
•\$500 per application Up to 4 hours of staff time with an additional \$125 per hour for every hour over four (4).			
Defer or Revocation of a permit or cancellation of an application.	Per Permit	\$ 132.05	\$ 132.05
Letter (No Inspection)	Per Letter	\$ 132.05	\$ 132.05
Deferral of revocation of a permit or cancellation of an application	Per Permit	\$ 132.05	\$ 132.05
Expedited permit (resource dependent) - 1.5 x the applicable rate	Per Permit	Job Specific Costing	Job Specific Costing
Liquor License Inspection Report	Per Permit	\$ 208.95	\$ 480.00
Permit Administration Fee	Flat Fee	Job Specific Costing	Job Specific Costing
•The higher of 25%, 50% or 100% of the original permit fee based on the stage of construction or the minimum fee. This amount will be added to the permit cost.			
Re-inspection fee	Flat Fee	\$ 168.30	\$ 168.30
To reinspect/update file closed with outstanding order	Per Permit	\$ 168.30	\$ 168.30
Request for Inspection Outside Normal Working Hours	Per Hour	Job Specific Costing	Job Specific Costing
Retrieval Of Dead Permit Files & Drawings	Per Permit	\$ 61.60	\$ 231.00
Review Revised Drawings	Per Permit	Job Specific Costing	Job Specific Costing
Third Party Review for Plans Examination or Inspection (at the discretion of the CBO)	Per Permit	Job Specific Costing	Job Specific Costing
To transfer ownership of permit	Per Permit	\$ 132.05	\$ 263.00
Agreements			
Agreements, Leases or Licences (Misc.)	Per Agreement	\$ 452.00	\$ 452.00
Agreements, Release Of Various	Per Agreement	\$ 316.10	\$ 316.10
Conditional Permit Agreement Application	Per Agreement	\$ 761.25	\$ 761.25
Conditional Permit Agreement Release	Per Agreement	\$ 383.40	\$ 383.40
Demolition Agreement	Per Agreement	\$ 596.05	\$ 596.05
Demolition Agreement Release	Per Agreement	\$ 383.40	\$ 383.40
Outdoor Patio Development Agreement preparation	Per Agreement	\$ 517.15	\$ 517.15
Spatial Separation Agreement	Per Agreement	\$ 714.85	\$ 714.85
Spatial Separation Agreement Release	Per Agreement	\$ 382.35	\$ 382.35
Building Permit Fees			
Minimum Building Permit Fee	Per Permit	\$ 141.60	\$ 170.00
Building Permit Fee when square foot method is not possible	Per Permit	Job Specific Costing	Job Specific Costing
Application Fee for Complex Projects Adjusted During Plan Review	Per Square Foot	Job Specific Costing	Job Specific Costing
•\$12.00 for each \$1,000.00 of estimated value of work or portion thereof. (Square foot method may result in an additional fee or refund)			
Group A - Assembly			
School, church, restaurant over 30 persons, library, club, outdoor patio, hall and occupancies of a similar nature	Per Square Foot	\$ 2.30	\$ 2.80
Group B - Institutional			
Hospital, nursing home, reformatory, prison and occupancies of a similar nature	Per Square Foot	\$ 2.50	\$ 2.80
Residential Care Facility	Per Square Foot	\$ 2.00	\$ 2.24
Group C - Residential			
Single, semi, duplex, triplex, row house and multiple dwelling	Per Square Foot	\$ 1.50	\$ 1.63
Accessory Dwelling Unit	Per Square Foot		\$ 1.50
Each attached garage or carport, shed, decks, open porch, balcony	Per Square Foot	\$ 1.50	\$ 1.50
Miscellaneous Residential Work - addition to existing	Per Square Foot	\$ 1.45	\$ 1.45
Miscellaneous Residential Work - finish basement	Per Square Foot	\$ 1.45	\$ 1.45



Table 5-3 (continued)
Recommended Building Permit Application Fees

Fee Title	Unit of Measure	Current Fee	Recommended Fee
Apartment building - six (6) storey building or less	Per Square Foot	\$ 1.45	\$ 1.63
Apartment building more than six (6) stories	Per Square Foot	\$ 1.30	\$ 1.46
Hotel/motel building - 2 storey building or less	Per Square Foot	\$ 1.55	\$ 1.55
Hotel/motel building - more than 2 stories	Per Square Foot	\$ 1.45	\$ 1.45
Group D - Business and Personal Services			
Building (Shell Only)	Per Square Foot		\$ 2.32
Building (Finishing Only)	Per Square Foot		\$ 0.87
Building (Finished)	Per Square Foot	\$ 2.05	\$ 2.80
Group E - Mercantile			
Building (Shell Only)	Per Square Foot		\$ 2.32
Building (Finishing Only)	Per Square Foot		\$ 0.87
Building (Finished)	Per Square Foot	\$ 1.65	\$ 2.80
Group F - Industrial			
Building up to and including 10,000 sq. ft.	Per Square Foot	\$ 1.15	\$ 1.73
Building up to and including 50,000 sq. ft.	Per Square Foot	\$ 1.10	\$ 1.65
Building over 50,000 sq. ft.	Per Square Foot	\$ 0.95	\$ 1.43
Parking Garage (Open)	Per Square Foot	\$ 0.70	\$ 0.70
Parking Garage (Enclosed)	Per Square Foot	\$ 0.70	\$ 0.94
Farm Buildings and Low Human Occupancy			
Greenhouse	Per Square Foot	\$ 0.55	\$ 0.55
Storage, livestock buildings and occupancies of a similar nature	Per Square Foot	\$ 0.55	\$ 0.55
Other Than Low Human Occupancy			
Office, work area, retail packaging and occupancies of a similar nature	Per Square Foot	\$ 1.15	\$ 1.15
Heating, Ventilation and Air Conditioning (HVAC) Permit Fees			
Minimum HVAC Only Fee	Flat Fee	\$ 225.45	\$ 326.00
Add on System (unit heater, make up air unit, exhaust fans) and or ductwork alterations.	Flat Fee	\$ 225.45	\$ 326.00
Furnace Replacement or Air Conditioner (Unit Installation)	Flat Fee	\$ 225.45	\$ 326.00
Commercial Exhaust Hood, Spray Booth, Dust Collection System	Flat Fee	\$ 225.45	\$ 326.00
Masonry Fireplace, woodstove	Flat Fee	\$ 225.45	\$ 326.00
Plumbing Permit Fees (Where no building permit is required)			
Backflow Prevention Device	Per Device	\$ 82.45	\$ 260.00
Minimum Plumbing Permit Fee	Flat Fee	\$ 141.60	\$ 260.00
Each fixture	Per Fixture	\$ 16.05	\$ 29.00
Each manhole, catch basin or fire hydrant	Per Fixture	\$ 39.60	\$ 73.00
Drain, sewer or water pipe 4" (100 mm) or less	Per Linear Foot	\$ 0.70	\$ 1.29
Drain, sewer or water pipe more than 4" (100 mm)	Per Linear Foot	\$ 1.00	\$ 1.84
Septic Tank Changeover	Per Permit	\$ 225.45	\$ 414.00
Other Miscellaneous Permit Fees			
Balcony guard repair or balcony repair	Flat Fee	\$ 33.05	\$ 33.05
Business Licence Review (Building & Zoning)	Per Letter	\$ 54.95	\$ 132.05
Canopy or Marquee	Per Square Foot	\$ 1.00	\$ 1.00
Change of Use (no construction required)	Flat Fee	\$ 170.65	\$ 396.00
Demolition Permit (Residential)	Per Permit	\$ 241.95	\$ 350.00
Demolition Permit (Non-Residential)	Per Permit	\$ 241.95	\$ 750.00
Designated Structure (retaining wall, communication tower, pedestrian bridge, crane runway, storage tank, dish antenna, solar collector)	Flat Fee	\$ 225.45	\$ 913.00
Electromagnetic locking device, hold open device	Per Device	\$ 50.75	\$ 89.00
Emergency Lighting	Per Floor	\$ 238.50 (Flat)	\$ 239.00
Fire Alarm System (greater number of floors or zones)	Per Floor or Zone	\$ 238.50 (Flat)	\$ 239.00
Fixed Extinguishing System	Flat Fee	\$ 238.50	\$ 326.00
Foundation	Per Square Foot	\$ 0.50	\$ 0.50
Minor Alterations including single partition, demising wall, new roof structure, washroom, etc., each	Flat Fee	\$ 261.70	\$ 262.00
Moving of a Building	Per Permit	\$ 132.40	\$ 510.00
Occupancy Permit (building not fully completed) Residential - per dwelling unit, room or suite of Rooms individually occupied	Flat Fee	\$ 132.40	\$ 132.40
Other occupancies - per 1,000 sq. ft. of floor area or portion to be occupied	Per 1,000 Square Feet	\$ 65.90	\$ 65.90



Table 5-3 (continued)
Recommended Building Permit Application Fees

Fee Title	Unit of Measure	Current Fee	Recommended Fee
Parking Garage Repair	% of Value of Construction	\$ 225.45 (Flat)	1%
Pavilion, bandshell, open sided covered walkway	Per Square Foot	\$ 1.00	\$ 1.00
Public Pool	Flat Fee	\$ 786.25	\$ 1,932.00
Racking System	Per Square Foot	\$ 1.00	\$ 1.00
Shoring	Per Linear Foot	\$ 3.60	\$ 7.00
Sprinkler System or Standpipe System (new or modification)	Per Square Foot	\$ 238.50 (Flat)	\$ 0.06
Temporary structure (tent, air supported structure, new portable, relocated portable)	Flat Fee	\$ 225.45	\$ 440.00
Underpinning	Per Permit	\$ 3.60	\$ 357.00
By-law and Property Standards Fees			
Certificate of Compliance	Per Letter	\$ 142.20	\$ 142.20
Entry onto Adjoining Land (non refundable)	Flat Fee	\$ 133.25	\$ 133.25
Adjoining Land Entry - Extension of Authorization	Flat Fee	\$ 50.75	\$ 50.75
Fence By-Law Variance Application	Flat Fee	\$ 407.10	\$ 407.10
File a Notice of Appeal	Flat Fee	\$ 415.85	\$ 415.85
Registration/Discharge - Property Standards Order	Flat Fee	\$ 291.10	\$ 291.10
Reinspection Fee for Property Standards or By-law Enforcement (for the 3rd and subsequent required inspections)	Per Inspection	\$ 167.40	\$ 167.40
Swimming Pool Fence Permit	Per Permit	\$ 180.55	\$ 302.00
Sign Permits (see p. 87 of fees & charges by-law)			
Wall signs	Per Permit	\$ 133.05	\$ 460.00
Ground signs	Per Permit	\$ 133.05	\$ 460.00
Pole signs	Per Permit	\$ 262.85	\$ 460.00



Table 5-4
Additions/Changes to Building Permit Fee Structure

Application Type	Description of Change
Accessory Dwelling Unit	New Fee
Demolition Permit	Differentiated by Residential and Non-Residential
Fire alarm system, emergency lighting, sprinkler system, stand pipe system, fixed extinguishing system	Differentiated fee by type and adjusted charging parameters
Group D - Business and Personal Services	Changed differentiation of fee based on storeys to Shell Only/Finishing Only/Finished
Group E - Mercantile	Change differentiation of fee based on building G.F.A. to Shell Only/Finishing Only/Finished
Parking Garage	Differentiated by Open and Enclosed
Parking Garage Repair	Change Charging Parameter to % of Construction Value
Permit Administration Fee	Removed \$5,000 maximum



Appendix A – Historical Volumes



Table A-1
Planning Application Historical Volumes

Costing Category	Historical Avg. Annual Volume (2017-2021)
Condominium Draft Plan Approval	2.8
Exemption from Condominium Draft Plan Approval	2.4
Application for Approval - Final Condominium Plans	4.4
Amendment - Description for Registered Condominium	0.6
Condominium Extension to Draft Approval (Major)	0.2
Condominium Extension to Draft Approval (Minor)	0.0
Heritage Permit (Major)	21.0
Heritage Permit (Minor)	
Heritage Permit (Demolition with Report to Council)	
Official Plan Amendment	0.8
Public Meeting Rescheduling	0.6
Street Naming - Private Roads	0.0
Address Change	2.8
Part Lot Control By-Law	4.8
Servicing Agreement & Other Development Type Agreements	2.6
Telecommunication Facility Review	1.6
Site Plan Agreement - Apartment Buildings 4 storeys or less	27.4
Site Plan Agreement - Apartment Buildings 5+ storeys	
Site Plan Agreement - All Other Dwelling Types	
Site Plan Agreement - Non-Residential	
Site Plan Control	8.2
Extension of Site Plan Agreement for up to 2 years	1.2
Site Plan Agreement Amendment - Major (Registered Agreement)	4.0
Site Plan Agreement Amendment - Minor (Registered Agreement)	
Site Plan Agreement Amendment - Minor (No Registered Agreement)	
Site Plan Agreement Clearance Letters	0.0
Site Plan Agreement Release	3.0
Servicing Agreement Clearance Letters	0.0
More Than 3 Submission of Plans for Review	3.6
Subdivision Agreement	1.0
Subdivision Agreement Amendment	0.0
Subdivision Agreement Release	0.0
Subdivision Draft Plan Approval	0.6
Subdivision Extension to Draft Approval - Major - With Circulation > 4 Months Extension	0.0
Subdivision Extension to Draft Approval - Minor - Without Circulation < 4 Months Extension	1.2
Deeming By-Laws	1.8
Subdivision Modification to Draft Approval - Major - With Circulation	0.2
Subdivision Modification to Draft Approval - Minor - Without Circulation	0.0
Zoning By-Law Amendment - Major	4.4
Zoning By-Law Amendment - Minor	
Concurrent Official Plan and Zoning By-law Amendment	2.8
Zoning Amendment (Lifting of 'Holding' (H) Designation)	2.2
Zoning Compliance or Information Letter	299.0
Site Plan Compliance Letter	
Consent	58.0
Minor Variance	132.0
Development Agreements	15.4
Section 45 Agreements	
Recirculation	0.0
Special Hearing	0.0
Pre-consultation Meeting - Land Division	57.8
Pre-consultation Meeting - General	



Table A-2
Development Engineering Application Historical Volumes

Costing Category	Historical Avg. Annual Volume
Engineering Administration and Inspection of Subdivision	8.0
Engineering Administration and Inspection of Site Plan	27.4
Site Servicing	-



Table A-3
Building Permit Historical Volumes

Costing Category	Historical Avg. Annual Volume (2017-2021)
Non-Residential - Group A (Assembly)	28.4
Non-Residential - Group B (Institutional)	1.2
Non-Residential - Group D/E (Business/Personal Services & Mercantile) Shell	55.0
Non-Residential - Group D/E (Business/Personal Services & Mercantile) Finished	
Non-Residential - Group F (Industrial)	13.4
Non-Residential - Farm	3.8
Industrial - Parking Garage (Open)	0.4
Industrial - Parking Garage (Enclosed)	
Residential - Single/Semi/Town/Row	276.6
Residential - Apartments	10.2
Residential - Garage, Shed, Deck, Balcony, etc.	36.0
Residential - Misc. Work, Finish Basement	79.6
Residential - Accessory Dwelling Unit	0.0
HVAC	4.0
Plumbing	204.8
Backflow Prevention Device	
Designated Structure (retaining wall, communication tower, pedestrian bridge, crane runway, storage tank, dish antenna, solar collector)	26.6
Electromagnetic locking device, hold open device	3.6
Fire alarm system, emergency lighting, sprinkler system, stand pipe system, fixed extinguishing system	18.4
Minor Alterations including single partition, demising wall, new roof structure, washroom, etc.	144.0
Public Pool	0.0
Shoring	1.6
Temporary Structure	17.0
Underpinning	0.0
Swimming Pool Fence	74.4
Demolition - Residential	24.8
Demolition - Non-Residential	4.8
Change of Use	1.2
Wall Signs	57.2
Ground Signs	10.8
Pole Signs	10.8
Additional Fee When Permit Divided Into Part Permits	2.8
Letter (Deferral, Revocation, etc.)	9.2
Liquor License Inspection Report	12.0
Retrieval Of Dead Permit Files & Drawings	29.8
To transfer ownership of permit	6.4
Conditional Permit Agreement	0.2
Demolition Agreement	2.8
Spatial Separation Agreement	1.4



Appendix B – Market Comparison



Market Survey – Planning Application Fees

Costing Category	Barrie			Cambridge			Guelph			Hamilton			Kingston			Kitchener			London		
	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes
Planning & CoA																					
Condominium Draft Plan Approval	\$ 10,297.97	Flat		\$ 6,800.00	Flat	Common Elmt.	\$ 6,204.35	Flat	plus per Unit	\$ 18,905.00	Flat		\$ 4,666.50	Flat + per Unit	\$87.40 per Unit, 50 or less Units	\$ 9,246.30	Flat + per ha	\$193.80 per ha	\$ 9,035.00	Flat + per Unit	Vacant Land, \$181 per unit
Exemption from Condominium Draft Plan Approval	\$ 3,212.16	Flat								\$ 1,330.00	Flat										
Application for Approval - Final Condominium Plans													\$ 6,064.84	Flat							
Amendment - Description for Registered Condominium													\$ 520.15	Flat							
Condominium Extension to Draft Approval (Major)	\$ 3,985.77	Flat								\$ 540.00	Flat								\$ 120.00	Flat	
Condominium Extension to Draft Approval (Minor)	\$ 3,985.77	Flat								\$ 540.00	Flat								\$ 120.00	Flat	
Heritage Permit (Major)				\$ 550.00	Flat																
Heritage Permit (Minor)				\$ 550.00	Flat																
Heritage Permit (Demolition with Report to Council)				\$ 550.00	Flat																
Official Plan Amendment	\$24,987.33	Flat		\$25,000.00	Flat	Complex	\$17,378.70	Flat	Major	\$34,945.00	Flat	Rural or Urban	\$ 8,197.95	Flat	Basic, < 3k sq.m or 50 Units	\$ 8,908.68	Flat		\$13,000.00	Flat	
Public Meeting Rescheduling																					
Street Naming - Private Roads										\$ 2,475.00	Flat					\$ 558.96	Flat				
Address Change	\$ 224.24	Flat								\$ 375.00	Flat										
Part Lot Control By-Law	\$ 880.12	Flat		\$ 570.00	Flat		\$ 2,302.53	Flat		\$ 2,650.00	Flat		\$ 4,901.85	Flat		\$ 3,145.68	Flat				
Servicing Agreement & Other Development Type Agreements	\$ 1,306.17	Flat																	\$ 3,000.00	Flat	
Telecommunication Facility Review	\$ 3,385.94	Flat											\$ 2,119.65	Flat							
Site Plan Agreement - Apartment Buildings 4 storeys or less	\$12,260.02	Flat	5k to 20k sq.m.	\$ 8,400.00	Flat + per Unit	Base	\$ 8,114.02	Flat + per Unit	Base + Agmnt.	\$25,350.00	Flat		\$ 5,874.90	Flat + per Unit	\$111.45 per Unit	\$ 4,937.82	Flat + per Unit	\$97.92 per Unit	\$ 1,205.00	Flat + per Unit	\$60 per unit
Site Plan Agreement - Apartment Buildings 5+ storeys	\$14,653.72	Flat	>20k sq.m.	\$ 8,400.00	Flat + per Unit	Base	\$ 8,114.02	Flat + per Unit	Base + Agmnt.	\$25,350.00	Flat		\$ 6,432.80	Flat + per Unit	\$122.35 per Unit	\$ 4,937.82	Flat + per Unit	\$97.92 per Unit	\$ 1,205.00	Flat + per Unit	\$60 per unit
Site Plan Agreement - All Other Dwelling Types				\$ 8,400.00	Flat + per Unit	Base										\$ 4,937.82	Flat + per Unit	\$97.92 per Unit	\$ 1,205.00	Flat + per Unit	\$60 per unit
Site Plan Agreement - Non-Residential	\$14,653.72	Flat	>20k sq.m.	\$ 8,400.00	Flat + per Unit	Base	\$ 8,114.02	Flat	Base + Agmnt.	\$25,350.00	Flat		\$ 6,432.80	Flat + per GFA	\$1.35 per sq.m	\$ 4,937.82	Flat + per GFA	\$2.05 per sq.m	\$ 1,205.00	Flat + per GFA	\$1.24 per sq.m over 1k
Site Plan Control													\$ 1,909.05	Flat							
Extension of Site Plan Agreement for up to 2 years	\$ 2,786.12	Flat								\$ 1,685.00	Flat	1-yr									
Site Plan Agreement Amendment - Major (Registered Agreement)	\$ 3,727.89	Flat		\$ 4,600.00	Flat					\$14,805.00	Flat		\$ 3,933.15	Flat							
Site Plan Agreement Amendment - Minor (Registered Agreement)	\$ 3,727.89	Flat		\$ 4,600.00	Flat					\$14,805.00	Flat		\$ 3,933.15	Flat					\$ 904.00	Flat	
Site Plan Agreement Amendment - Minor (No Registered Agreement)	\$ 3,727.89	Flat		\$ 1,400.00	Flat	Redline				\$14,805.00	Flat		\$ 1,802.65	Flat					\$ 904.00	Flat	
Site Plan Agreement Clearance Letters																					
Site Plan Agreement Release													\$ 546.35	Flat							
Servicing Agreement Clearance Letters																					
More Than 3 Submission of Plans for Review				\$ 1,300.00	Flat	3+ submission															
Subdivision Agreement				\$ 2,200.00	Flat								\$15,457.50	Flat					\$ 3,000.00	Flat	
Subdivision Agreement Amendment													\$ 2,957.20	Flat							
Subdivision Agreement Release																					
Subdivision Draft Plan Approval	\$19,401.89	Flat	Base Fee	\$10,600.00	Flat	Base	\$17,350.80	Flat	Incl. Agmnt.	\$51,590.00	Flat + per Unit	\$520 (1-25), \$280 (26-100), \$225 (100+) per unit	\$ 6,172.00	Flat + per Unit	\$142.60 per Unit, 50 or less Units	\$ 9,246.30	Flat + per ha	\$193.80 per ha	\$17,689.00	Flat + per Unit	\$181 (single) or \$361 (multi) per lot
Subdivision Extension to Draft Approval - Major - With Circulation > 4 Months Extension	\$ 4,181.97	Flat					\$ 2,302.53	Flat		\$ 915.00	Flat								\$ 1,205.00	Flat + per Unit	\$50 (single) or \$100 (multi) per lot
Subdivision Extension to Draft Approval - Minor - Without Circulation < 4 Months Extension	\$ 4,181.97	Flat					\$ 2,302.53	Flat		\$ 915.00	Flat								\$ 1,205.00	Flat	
Deeming By-Laws	\$ 880.12	Flat											\$ 2,208.10	Flat					\$ 1,205.00	Flat	
Subdivision Modification to Draft Approval - Major - With Circulation										\$38,685.00	Flat		\$ 1,998.55	Flat		\$ 6,722.82	Flat		\$ 1,205.00	Flat	
Subdivision Modification to Draft Approval - Minor - Without Circulation										\$ 1,235.00	Flat		\$ 1,998.55	Flat		\$ 3,488.40	Flat		\$ 1,205.00	Flat	
Zoning By-Law Amendment - Major	\$22,313.34	Flat		\$18,000.00	Flat		\$17,378.70	Flat		\$36,815.00	Flat		\$ 8,067.95	Flat	Basic	\$11,850.36	Flat		\$12,000.00	Flat	
Zoning By-Law Amendment - Minor	\$22,313.34	Flat		\$12,000.00	Flat	Non-Res/ Res 2+ Unit	\$14,307.44	Flat		\$25,320.00	Flat	Routine	\$ 4,163.90	Flat		\$11,850.36	Flat		\$12,000.00	Flat	
Concurrent Official Plan and Zoning By-law Amendment				\$29,000.00	Flat	Major	\$23,635.17	Flat	Major												
Zoning Amendment (Lifting of 'Holding' (H) Designation)	\$ 2,304.01	Flat		\$ 1,700.00	Flat		\$ 2,302.53	Flat		\$ 4,060.00	Flat		\$ 2,342.55	Flat		\$ 1,292.34	Flat		\$ 1,205.00	Flat	
Zoning Compliance or Information Letter				\$ 280.00	Flat											\$ 160.14	Flat		\$ 100.00	Flat	
Site Plan Compliance Letter													\$ 115.90	Flat							
Consent	\$ 2,774.90	Flat		\$ 1,600.00	Flat		\$ 2,507.00	Flat		\$ 2,985.00	Flat		\$ 2,368.55	Flat					\$ 1,807.00	Flat	
Minor Variance	\$ 2,079.78	Flat		\$ 1,240.00	Flat		\$ 1,257.00	Flat		\$ 3,465.00	Flat		\$ 2,503.00	Flat	Urban Res.						
Development Agreements																					
Section 45 Agreements																					
Recirculation		50% of Orig. Fee											\$ 458.40	Flat							
Special Hearing	\$ 908.15	Flat																			
Pre-consultation Meeting - Land Division	\$ 145.76	per Hour		\$ 1,545.00	Flat											\$ 226.44	Flat				
Pre-consultation Meeting - General	\$ 2,107.80	Flat		\$ 1,545.00	Flat											\$ 1,330.08	Flat	Subdivision	\$ 301.00	Flat	



Costing Category	Niagara Falls			Oshawa			Peterborough			Waterloo			Welland			Whitby			Windsor		
	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes
Planning & CoA																					
Condominium Draft Plan Approval	\$10,300.00	Flat	Vacant	\$11,406.00	Flat		\$ 8,000.00	Flat + per ha	\$50 per ha	\$11,965.00	Flat	Standard	\$15,564.00	Flat		\$ 9,904.52	Flat	Standard			
Exemption from Condominium Draft Plan Approval							\$ 1,500.00	Flat		\$ 3,450.00	Flat	Standard									
Application for Approval - Final Condominium Plans				\$ 2,536.00	Flat											\$ 2,437.22	Flat				
Amendment - Description for Registered Condominium				\$ 2,574.00	Flat																
Condominium Extension to Draft Approval (Major)	\$ 1,050.00	Flat					\$ 3,000.00	Flat													
Condominium Extension to Draft Approval (Minor)	\$ 1,050.00	Flat					\$ 3,000.00	Flat													
Heritage Permit (Major)																					
Heritage Permit (Minor)																					
Heritage Permit (Demolition with Report to Council)																					
Official Plan Amendment	\$12,550.00	Flat		\$16,471.00	Flat		\$ 8,000.00	Flat		\$25,490.00	Flat		\$ 8,843.00	Flat		\$24,835.79	Flat	Simple			
Public Meeting Rescheduling																					
Street Naming - Private Roads																\$ 1,324.58	Flat				
Address Change																\$ 119.21	Flat				
Part Lot Control By-Law	\$ 1,750.00	Flat		\$ 1,903.00	Flat		\$ 2,500.00	Flat	Plus \$45/ lot	\$ 5,300.00	Flat	Single Lot	\$ 2,683.00	Flat		\$ 1,491.25					
Servicing Agreement & Other Development Type Agreements													\$ 8,673.00	Flat							
Telecommunication Facility Review				\$ 6,337.00	Flat					\$ 4,320.00	Flat					\$ 5,942.93	Flat				
Site Plan Agreement - Apartment Buildings 4 storeys or less	\$ 4,100.00	Flat		\$ 4,057.00	Flat + per GFA	Plus \$347 per Unit	\$ 1,500.00	Flat + per Unit	\$45/unit	\$ 5,830.00	Flat	Minor	\$ 8,843.00	Flat		\$10,698.16	Flat + per Unit	\$475/unit (first 25)			
Site Plan Agreement - Apartment Buildings 5+ storeys	\$ 4,100.00	Flat		\$ 4,057.00	Flat + per GFA	Plus \$347 per Unit	\$ 1,500.00	Flat + per Unit	\$45/unit	\$ 8,715.00	Flat	Major	\$ 8,843.00	Flat		\$10,698.16	Flat + per Unit	\$475/unit (first 25)			
Site Plan Agreement - All Other Dwelling Types	\$ 4,100.00	Flat		\$ 4,057.00	Flat + per GFA	Plus \$347 per Unit	\$ 1,500.00	Flat + per Unit	\$45/unit	\$ 5,830.00	Flat	Minor	\$ 8,843.00	Flat		\$10,698.16	Flat + per Unit	\$475/unit (first 25)			
Site Plan Agreement - Non-Residential	\$ 4,100.00	Flat		\$ 4,057.00	Flat + per GFA	Plus \$0.40 per sq.m. of GFA	\$ 2,000.00	Flat + per GFA	Plus \$1.0 per sq.m. of GFA	\$ 8,715.00	Flat	Major	\$ 8,843.00	Flat		\$10,698.16	Flat + per GFA	\$5.24/sq.m. (Commercial)			
Site Plan Control																					
Extension of Site Plan Agreement for up to 2 years							\$ 700.00	Flat													
Site Plan Agreement Amendment - Major (Registered Agreement)	\$ 1,550.00	Flat					\$ 2,000.00	Flat	Non-Res	\$ 1,170.00	Flat		\$ 7,703.00	Flat							
Site Plan Agreement Amendment - Minor (Registered Agreement)	\$ 1,550.00	Flat					\$ 800.00	Flat		\$ 1,170.00	Flat		\$ 7,703.00	Flat							
Site Plan Agreement Amendment - Minor (No Registered Agreement)	\$ 1,550.00	Flat					\$ 800.00	Flat		\$ 1,170.00	Flat		\$ 7,703.00	Flat							
Site Plan Agreement Clearance Letters																					
Site Plan Agreement Release																					
Servicing Agreement Clearance Letters																					
More Than 3 Submission of Plans for Review																					
Subdivision Agreement				\$ 5,072.00	Flat											\$ 7,109.65	Flat				
Subdivision Agreement Amendment				\$ 5,072.00	Flat																
Subdivision Agreement Release				\$ 2,663.00	Flat											\$ 3,661.43	Flat				
Subdivision Draft Plan Approval	\$13,900.00	Flat		\$15,131.00	Flat	Plus \$0.40 per sq.m. of GFA	\$ 8,000.00	Flat + per ha	\$50 per ha	\$46,065.00	Flat		\$14,684.00	Flat + per Unit	\$121 per Lot	\$41,472.45	Flat + per Unit	\$828.97 per Lot			
Subdivision Extension to Draft Approval - Major - With Circulation > 4 Months Extension	\$ 1,050.00	Flat					\$ 3,000.00	Flat					\$ 2,960.00	Flat + per Unit	\$120 per Lot						
Subdivision Extension to Draft Approval - Minor - Without Circulation < 4 Months Extension	\$ 1,050.00	Flat					\$ 3,000.00	Flat					\$ 2,960.00	Flat + per Unit	\$120 per Lot						
Deeming By-Laws	\$ 1,550.00	Flat																			
Subdivision Modification to Draft Approval - Major - With Circulation	\$ 2,600.00	Flat					\$ 3,000.00	Flat					\$ 1,892.00	Flat							
Subdivision Modification to Draft Approval - Minor - Without Circulation	\$ 2,600.00	Flat					\$ 1,500.00	Flat													
Zoning By-Law Amendment - Major	\$12,550.00	Flat	Complex	\$10,139.00	Flat		\$ 2,000.00	Flat + Unit/GFA	\$50/unit or \$1.50/sq.m. GFA for Non-Res	\$26,350.00	Flat		\$ 8,843.00	Flat		\$27,588.70	Flat	Complex			
Zoning By-Law Amendment - Minor	\$ 5,800.00	Flat	Standard	\$10,139.00	Flat		\$ 2,000.00	Flat + Unit/GFA	\$50/unit or \$1.50/sq.m. GFA for Non-Res	\$13,160.00	Flat		\$ 8,843.00	Flat		\$14,855.11	Flat	Simple			
Concurrent Official Plan and Zoning By-law Amendment	\$13,900.00	Flat	General	\$20,488.00	Flat					\$32,930.00	Flat		\$13,002.00	Flat		\$39,737.26	Flat	Simple			
Zoning Amendment (Lifting of 'Holding' (H) Designation)				\$ 3,298.00	Flat		\$ 700.00	Flat		\$11,965.00	Flat		\$ 1,584.00	Flat		\$ 7,545.66	Flat				
Zoning Compliance or Information Letter	\$ 200.00	Flat								\$ 205.00	Flat		\$ 255.00	Flat							
Site Plan Compliance Letter	\$ 200.00	Flat					\$ 150.00	Flat					\$ 255.00	Flat							
Consent	\$ 3,500.00	Flat		\$ 764.00	Flat		\$ 1,000.00	Flat + per Lot	\$200 per lot	\$ 1,550.00	Flat		\$ 3,449.00	Flat							
Minor Variance	\$ 2,200.00	Flat					\$ 800.00	Flat	SFD	\$ 1,325.00	Flat		\$ 773.00	Flat		\$ 974.66	Flat	Residential			
Development Agreements																					
Section 45 Agreements																					
Recirculation							\$ 400.00	Flat		\$ 165.00	Flat										
Special Hearing				\$ 1,518.00	Flat																
Pre-consultation Meeting - Land Division				\$ 1,126.00	Flat		\$ 400.00	Flat													
Pre-consultation Meeting - General	\$ 500.00	Flat					\$ 400.00	Flat		\$ 375.00	Flat					\$ 607.10	Flat				



Market Survey – Development Engineering Application Fees

Costing Category	Barrie			Cambridge			Guelph			Hamilton			Kingston			Kitchener			London		
	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes
Development Engineering																					
Site Servicing																					
Engineering Administration and Inspection of Subdivision	5.0%	% of CV					6%	% of CV		6.0%	% of CV	up to \$1mill	\$10,300.00	Flat	CV > \$3 mill	4.50%	% of CV				
Engineering Administration and Inspection of Site Plan	5.0%	% of CV								6.0%	% of CV	up to \$1mill	\$ 962.95	Flat	up to 14 hrs						

Costing Category	Niagara Falls			Oshawa			Peterborough			Waterloo			Welland			Whitby			Windsor		
	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes
Development Engineering																					
Site Servicing																					
Engineering Administration and Inspection of Subdivision				8.1%	% of CV	First \$500k	5.5%	% of CV		5.0%	% of CV					9.8%	% of CV	First \$200k			
Engineering Administration and Inspection of Site Plan							5.5%	% of CV		5.0%	% of CV					12.4%	% of CV	First \$200k			



Market Survey – Building Permit Fees

Costing Category	Barrie			Cambridge			Guelph			Hamilton			Kingston			Kitchener			London		
	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes
Building																					
Non-Residential - Group A (Assembly)	\$ 2.35	per Sq.Ft.		\$ 2.78	per Sq.Ft.		\$ 2.45	per Sq.Ft.		\$ 2.30	per Sq.Ft.		\$ 2.75	per Sq.Ft.		\$ 2.07	per Sq.Ft.		\$ 1.74	per Sq.Ft.	
Non-Residential - Group B (Institutional)	\$ 2.85	per Sq.Ft.		\$ 3.15	per Sq.Ft.		\$ 3.04	per Sq.Ft.		\$ 2.75	per Sq.Ft.		\$ 2.77	per Sq.Ft.		\$ 2.21	per Sq.Ft.		\$ 2.26	per Sq.Ft.	
Non-Residential - Group D/E (Business/Personal Services & Mercantile) Shell	\$ 1.59	per Sq.Ft.	Group D	\$ 2.05	per Sq.Ft.	Group D	\$ 1.66	per Sq.Ft.		\$ 1.55	per Sq.Ft.	Group D	\$ 1.33	per Sq.Ft.	Group D	\$ 1.49	per Sq.Ft.	Group D	\$ 1.30	per Sq.Ft.	Group D
Non-Residential - Group D/E (Business/Personal Services & Mercantile) Finished	\$ 2.06	per Sq.Ft.	Group D	\$ 2.34	per Sq.Ft.	Group D	\$ 1.95	per Sq.Ft.		\$ 2.04	per Sq.Ft.	Group D	\$ 1.93	per Sq.Ft.	Group D	\$ 1.76	per Sq.Ft.	Group D	\$ 1.58	per Sq.Ft.	Group D
Non-Residential - Group F (Industrial)	\$ 1.14	per Sq.Ft.		\$ 1.10	per Sq.Ft.		\$ 1.05	per Sq.Ft.		\$ 1.19	per Sq.Ft.		\$ 1.28	per Sq.Ft.		\$ 0.70	per Sq.Ft.		\$ 0.79	per Sq.Ft.	
Non-Residential - Farm	\$ 1.14	per Sq.Ft.		\$ 0.54	per Sq.Ft.		\$ 0.50	per Sq.Ft.		\$ 0.28	per Sq.Ft.		\$ 1.28	per Sq.Ft.		\$ 0.34	per Sq.Ft.		\$ 0.33	per Sq.Ft.	
Industrial - Parking Garage (Open)	\$ 0.94	per Sq.Ft.		\$ 0.89	per Sq.Ft.		\$ 0.89	per Sq.Ft.		\$ 0.70	per Sq.Ft.					\$ 0.65	per Sq.Ft.		\$ 0.79	per Sq.Ft.	
Industrial - Parking Garage (Enclosed)	\$ 0.94	per Sq.Ft.		\$ 0.89	per Sq.Ft.		\$ 0.89	per Sq.Ft.		\$ 0.70	per Sq.Ft.					\$ 0.65	per Sq.Ft.		\$ 0.79	per Sq.Ft.	
Residential - Single/Semi/Town/Row	\$ 1.49	per Sq.Ft.		\$ 1.50	per Sq.Ft.		\$ 1.50	per Sq.Ft.		\$ 1.55	per Sq.Ft.		\$ 1.24	per Sq.Ft.		\$ 1.07	per Sq.Ft.		\$ 1.07	per Sq.Ft.	
Residential - Apartments	\$ 2.06	per Sq.Ft.		\$ 1.54	per Sq.Ft.		\$ 1.95	per Sq.Ft.		\$ 1.55	per Sq.Ft.		\$ 1.45	per Sq.Ft.		\$ 1.07	per Sq.Ft.		\$ 0.70	per Sq.Ft.	
Residential - Garage, Shed, Deck, Balcony, etc.				\$ 0.45	per Sq.Ft.		\$ 110.00	Flat		\$ 0.45	per Sq.Ft.		\$ 223.95	Flat		\$ 95.00	Flat		\$ 175.00	Flat	
Residential - Misc. Work, Finish Basement	\$ 0.67	per Sq.Ft.		\$ 0.47	per Sq.Ft.		\$ 0.47	per Sq.Ft.		\$ 0.34	per Sq.Ft.		\$ 0.39	per Sq.Ft.		\$ 0.37	per Sq.Ft.		\$ 0.28	per Sq.Ft.	
Residential - Accessory Dwelling Unit	\$ 1.49	per Sq.Ft.					\$ 0.45	per Sq.Ft.					\$ 0.39	per Sq.Ft.		\$ 250.00	Flat				
HVAC				\$ 118.00	Flat	Res.	\$ 0.16	per Sq.Ft.	Non-Res.	\$ 396.00	Flat	Comm. Exhaust	\$ 223.95	Flat		\$ 95.00	Flat	Res.	\$ 175.00	Flat	Residential
Plumbing	\$ 260.31	Flat		\$ 15.45	per Item	Fixture	\$ 15.00	per Item	Fixture				\$ 11.25	per Item	Fixture	\$ 11.00	per Item	Fixture			
Backflow Prevention Device	\$ 260.31	Flat		\$ 82.00	per Item		\$ 115.00	per Item		\$ 265.00	per Item	For 1st	\$ 135.05	per Item					\$ 175.00	per Item	
Designated Structure (retaining wall, communication tower, pedestrian bridge, crane runway, storage tank, dish antenna, solar collector)	\$ 493.98	Flat	Comm. Tower	\$ 372.00	Flat	General	\$ 460.00	Flat		\$ 477.00	Flat		\$ 427.70	Flat		\$ 291.00	Flat		\$ 380.00	Flat	
Electromagnetic locking device, hold open device	\$ 123.39	per Item		\$ 52.00	per Item		\$ 55.00	per Item		\$ 226.00	per Item		\$ 223.95	per Item		\$ 39.00	per Item		\$ 35.00	per Item	
Fire alarm system, emergency lighting, sprinkler system, stand pipe system, fixed extinguishing system	\$ 0.06	per Sq.Ft.		\$ 194.00	Flat	Minimum (per sq.ft.)	\$ 345.00	Flat	Min. (per sq.ft.)	\$ 396.00	Flat		\$ 570.60	Flat	Sprinkler	\$ 0.05	per Sq.Ft.		\$ 375.00	Flat	
Minor Alterations including single partition, demising wall, new roof structure, washroom, etc.				\$ 0.47	per Sq.Ft.											\$ 163.00	Flat				
Public Pool				\$ 964.00	Flat		\$ 880.00	Flat		\$ 1,932.00	Flat								\$ 0.93	per Sq.Ft.	
Shoring	\$ 1,020.00	Flat								\$ 3.47	per Linear Foot					\$ 3.04	per Linear Foot				
Temporary Structure	\$ 0.74	per Sq.Ft.		\$ 177.00	Flat	Tents	\$ 440.00	Flat		\$ 265.00	Flat	General	\$ 223.95	Flat		\$ 163.00	Flat		\$ 175.00	Flat	
Underpinning	\$ 357.00	Flat														\$ 3.04	per Linear Foot		\$ 4.57	per Linear Foot	
Swimming Pool Fence	\$ 301.85	Flat											\$ 223.95	Flat							
Demolition - Residential	\$ 345.81	Flat		\$ 0.16	per Sq.Ft.		\$ 345.00	Flat	Min. (per sq.ft.)	\$ 0.05	per Sq.Ft.		\$ 0.09	per Sq.Ft.		\$ 0.03	per Sq.Ft.		\$ 350.00	Flat	
Demolition - Non-Residential	\$ 815.21	Flat		\$ 0.16	per Sq.Ft.		\$ 345.00	Flat	Min. (per sq.ft.)	\$ 0.05	per Sq.Ft.		\$ 0.09	per Sq.Ft.		\$ 0.03	per Sq.Ft.		\$ 0.09	per Sq.Ft.	>600 sq.m.
Change of Use	\$ 0.30	per Sq.Ft.	Group C	\$ 194.00	Flat					\$ 265.00	Flat		\$ 337.65	Flat		\$ 163.00	Flat		\$ 175.00	Flat	
Wall Signs	\$ 237.03	Flat		\$ 139.00	Flat	Min. (% of Val.)	\$ 460.00	Flat		\$ 417.00	Flat		\$ 223.95	Flat							
Ground Signs	\$ 260.10	Flat	Freestanding	\$ 139.00	Flat	Min. (% of Val.)	\$ 460.00	Flat		\$ 237.00	Flat	up to 2.5 sq.m.	\$ 223.95	Flat							
Pole Signs	\$ 260.10	Flat	Freestanding	\$ 139.00	Flat	Min. (% of Val.)	\$ 460.00	Flat					\$ 223.95	Flat							
Additional Fee When Permit Divided Into Part Permits																					
Letter (Deferral, Revocation, etc.)	\$ 92.46	Flat																	\$ 100.00	Flat	
Liquor License Inspection Report				\$ 67.00	Flat		\$ 230.00	Flat											\$ 480.00	Flat	
Retrieval Of Dead Permit Files & Drawings																					
To transfer ownership of permit	\$ 160.23	Flat		10%	% of Orig. Fee					\$ 170.00	Flat								\$ 175.00	Flat	
Conditional Permit Agreement	\$ 5,100.00	Flat		\$ 0.20	per Sq.Ft.		\$ 0.16	per Sq.Ft.		\$ 1,110.00	Flat	Min. (+ 10% of Fee)	\$ 300.00	Flat	Min. (+ 10% of Fee)				\$ 275.00	Flat	Residential
Demolition Agreement																					
Spatial Separation Agreement	\$ 2,550.00	Flat																	\$ 400.00	Flat	



Costing Category	Niagara Falls			Oshawa			Peterborough			Waterloo			Welland			Whitby			Windsor		
	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes	Current Fee	Charging Parameter	Notes
Building																					
Non-Residential - Group A (Assembly)	\$ 1.73	per Sq.Ft.		\$ 2.32	per Sq.Ft.		\$ 1.99	per Sq.Ft.		\$ 1.79	per Sq.Ft.		\$ 2.15	per Sq.Ft.		\$ 3.08	per Sq.Ft.		\$ 2.50	per Sq.Ft.	
Non-Residential - Group B (Institutional)	\$ 1.73	per Sq.Ft.		\$ 2.50	per Sq.Ft.		\$ 1.99	per Sq.Ft.		\$ 1.90	per Sq.Ft.		\$ 2.30	per Sq.Ft.		\$ 3.27	per Sq.Ft.		\$ 2.50	per Sq.Ft.	
Non-Residential - Group D/E (Business/Personal Services & Mercantile) Shell	\$ 1.73	per Sq.Ft.	Group D	\$ 1.38	per Sq.Ft.	Group D	\$ 1.49	per Sq.Ft.		\$ 1.29	per Sq.Ft.	Group D	\$ 1.45	per Sq.Ft.		\$ 1.75	per Sq.Ft.	Group D			
Non-Residential - Group D/E (Business/Personal Services & Mercantile) Finished	\$ 1.38	per Sq.Ft.	Group D	\$ 1.72	per Sq.Ft.	Group D	\$ 1.99	per Sq.Ft.		\$ 1.51	per Sq.Ft.	Group D	\$ 2.00	per Sq.Ft.		\$ 2.15	per Sq.Ft.	Group D	\$ 2.50	per Sq.Ft.	
Non-Residential - Group F (Industrial)	\$ 0.68	per Sq.Ft.		\$ 1.32	per Sq.Ft.	11.6k sq.m. GFA or less	\$ 1.99	per Sq.Ft.		\$ 0.62	per Sq.Ft.		\$ 1.70	per Sq.Ft.		\$ 1.48	per Sq.Ft.		\$ 2.50	per Sq.Ft.	
Non-Residential - Farm	\$ 0.35	per Sq.Ft.		\$ 0.42	per Sq.Ft.					\$ 0.28	per Sq.Ft.		\$ 0.60	per Sq.Ft.		\$ 0.41	per Sq.Ft.				
Industrial - Parking Garage (Open)	\$ 0.49	per Sq.Ft.		\$ 0.63	per Sq.Ft.					\$ 0.56	per Sq.Ft.					\$ 0.86	per Sq.Ft.				
Industrial - Parking Garage (Enclosed)	\$ 0.49	per Sq.Ft.		\$ 0.63	per Sq.Ft.					\$ 0.56	per Sq.Ft.					\$ 0.86	per Sq.Ft.				
Residential - Single/Semi/Town/Row	\$ 1.12	per Sq.Ft.		\$ 1.36	per Sq.Ft.		\$ 2.03	per Sq.Ft.		\$ 0.90	per Sq.Ft.		\$ 1.50	per Sq.Ft.		\$ 1.90	per Sq.Ft.		\$ 1.55	per Sq.Ft.	
Residential - Apartments	\$ 1.05	per Sq.Ft.		\$ 1.33	per Sq.Ft.		\$ 2.03	per Sq.Ft.		\$ 0.90	per Sq.Ft.		\$ 1.35	per Sq.Ft.		\$ 1.90	per Sq.Ft.		\$ 2.10	per Sq.Ft.	
Residential - Garage, Shed, Deck, Balcony, etc.	\$ 0.36	per Sq.Ft.		\$ 0.42	per Sq.Ft.					\$ 84.00	Flat		\$ 169.00	Flat		\$ 0.90	per Sq.Ft.		\$ 0.80	per Sq.Ft.	
Residential - Misc. Work, Finish Basement	\$ 0.33	per Sq.Ft.		\$ 0.68	per Sq.Ft.					\$ 224.00	Flat		\$ 0.65	per Sq.Ft.					\$ 0.52	per Sq.Ft.	
Residential - Accessory Dwelling Unit													\$ 0.45	per Sq.Ft.		\$ 0.90	per Sq.Ft.				
HVAC				\$ 228.00	Flat	Res. House							\$ 263.00	Flat	Residential				\$ 465.00	Flat	Residential
Plumbing	\$ 100.00	Flat	First 7 Fixtures	\$ 25.00	per Item	Fixture	\$ 125.00	Flat	First 10 Fixtures				\$ 16.00	per Item	Fixture	\$ 25.39	per Item	Fixture	\$ 29.00	per Item	Fixture
Backflow Prevention Device	\$ 150.00	Flat		\$ 78.00	per Item											\$ 220.00	per Item				
Designated Structure (retaining wall, communication tower, pedestrian bridge, crane runway, storage tank, dish antenna, solar collector)	\$ 250.00	Flat		\$ 454.00	Flat	Comm. Tower	\$ 235.00	Flat					\$ 949.00	Flat		\$ 220.00	Flat				
Electromagnetic locking device, hold open device				\$ 150.00	per Item								\$ 346.10	per Item		\$ 166.00	per Item				
Fire alarm system, emergency lighting, sprinkler system, stand pipe system, fixed extinguishing system	\$ 275.00	Flat		\$ 756.00	Flat								\$ 1,382.00	Flat		\$ 551.00	Flat	Part 9	\$ 15.50	per \$1k CV	
Minor Alterations including single partition, demising wall, new roof structure, washroom, etc.	\$ 150.00	Flat								\$ 0.39	per Sq.Ft.										
Public Pool				\$ 0.67	per Sq.Ft.								\$ 508.00	Flat							
Shoring				\$ 4.52	per Linear Foot								\$ 10.30	per Linear Foot							
Temporary Structure				\$ 264.00	Flat	< 225 sq.m. GFA				\$ 140.00	Flat		\$ 263.00	Flat		\$ 220.00	Flat		\$ 165.00	Flat	
Underpinning	\$ 8.84	per Linear Foot											\$ 10.30	per Linear Foot							
Swimming Pool Fence							\$ 262.00	Flat													
Demolition - Residential	\$ 150.00	Flat	< 275 sq.m	\$ 0.31	per Sq.Ft.		\$ 250.00	Flat	<600 sq.m. GFA	\$ 84.00	Flat	<10k sq.ft. GFA	\$ 263.00	Flat	SFD < 3k sq.ft.	\$ 220.00	Flat		\$ 0.15	per Sq.Ft.	
Demolition - Non-Residential	\$ 0.03	per Sq.Ft.	> 275 sq.m	\$ 0.31	per Sq.Ft.		\$ 470.00	Flat	≥600 sq.m. GFA	\$ 224.00	Flat	10k to 20k sq.ft. GFA	\$ 0.15	per Sq.Ft.		\$ 0.02	per Sq.Ft.		\$ 0.15	per Sq.Ft.	
Change of Use	\$ 150.00	Flat	< 400 sq.m	\$ 150.00	Flat		\$ 218.00	Flat		\$ 84.00	Flat		\$ 263.00	Flat		\$ 220.00	Flat		\$ 220.00	Flat	
Wall Signs				\$ 303.00	Flat								\$ 1.05	per Sq.Ft.		\$ 220.00	Flat				
Ground Signs				\$ 303.00	Flat								\$ 1.05	per Sq.Ft.		\$ 220.00	Flat				
Pole Signs				\$ 303.00	Flat								\$ 1.05	per Sq.Ft.		\$ 220.00	Flat				
Additional Fee When Permit Divided Into Part Permits				\$ 756.00	per Stage																
Letter (Deferral, Revocation, etc.)																					
Liquor License Inspection Report	\$ 150.00	Flat					\$ 80.00	Flat													
Retrieval Of Dead Permit Files & Drawings																					
To transfer ownership of permit	\$ 150.00	Flat		\$ 150.00	Flat		\$ 215.00	Flat					\$ 263.00	Flat		\$ 220.00	Flat		\$ 110.00	Flat	
Conditional Permit Agreement	\$ 500.00	Flat		\$ 150.00	Flat	Plus appl. Fee, Residential				\$ 336.00	Flat	Plus \$0.05/ sq.ft. GFA	\$ 1,194.00	Flat		\$ 1,655.00	Flat				
Demolition Agreement																					
Spatial Separation Agreement													\$ 917.00	Flat							



Appendix C – Consolidated Schedule of Recommended Fees



Consolidated Schedule of Recommended Fees

Fee Title	Unit of Measure	Current Fee	Recommended Fee
PLANNING			
Boulevard Trees			
New Tree Planting 60mm Deciduous Tree	-	Job Specific Costing	Job Specific Costing
Replacement Tree (Does not include costs of removal)	-	Job Specific Costing	Job Specific Costing
Committee of Adjustment			
Consent Application - New Lots	Per Application	\$ 2,068.55	\$ 3,500.00
Consent Application - Others, i.e., easements, etc.	Per Application	\$ 1,444.05	\$ 2,443.00
Variance Application	Per Application	\$ 1,551.45	\$ 3,094.00
Consent and Validation of Title Certification Fee	Per Application	\$ 222.20	\$ 222.20
Development Agreement for New Lots	Per Agreement	\$ 825.50	\$ 1,407.00
Committee of Adjustment Pre-Consultation All Severances	Per Application	\$ 1,274.15	\$ 1,545.00
Recirculation Fee	Per Application	\$ 535.75	\$ 536.00
Section 45 Agreements	Per Agreement	\$ 2,954.20	\$ 2,427.00
Special Hearing Fee (in addition to Application Fee)	Flat Fee	\$ 893.00	\$ 893.00
Condominium Fees			
Amendment - Description for Registered Condominium	Per Application	\$ 544.50	\$ 998.00
Application for Approval - Final Condominium Plans	Per Application	\$ 3,045.00	\$ 1,079.00
Condominium Draft Plan Approval	Per Application	\$ 7,078.50	\$ 16,916.00
Exemption from Condominium Draft Plan Approval	Per Application	\$ 2,068.55	\$ 1,704.00
Condominium Extension to Draft Approval			
Major - With Circulation > 4 months	Per Application	\$ 2,537.50	\$ 1,770.00
Minor - Without Circulation < 4 months	Per Application	\$ 1,404.80	\$ 1,096.00
Documents and Printing Fees			
Basic Street Maps (Paper Prints Only)			
1:20,000 (Black & White)	Flat Fee	\$ 6.30	\$ 6.30
1:20,000 (Colour)	Flat Fee	\$ 10.10	\$ 10.10
Official Plan (Garden City Plan)	Flat Fee	\$ 81.60	\$ 81.60
Official Plan (Certified)	Flat Fee	\$ 87.95	\$ 87.95
Mapping Requests for Ministry of Environment Approvals	Flat Fee	\$ 75.35	\$ 75.35
Microfilm Prints	Per Page	\$ 2.00	\$ 2.00
Photocopies - miscellaneous	Per Page	\$ 0.45	\$ 0.45
Property/Addressing Mapping	Per Page	\$ 8.85	\$ 8.85
Zoning Maps	Flat Fee	\$ 131.95	\$ 131.95
Zoning By-law 2013-283	Flat Fee	\$ 31.40	\$ 31.40
Zoning By-law - Certified	Flat Fee	\$ 36.10	\$ 36.10
Heritage Fees			
Heritage Permit Application Fee (Major)	Per Application	\$ 263.50	\$ 1,100.00
Heritage Permit Application Fee (Minor)	Per Application	\$ 263.50	\$ 264.00
Heritage Permit Application Fee (Demolition with Report to Council)	Per Application	\$ 263.50	\$ 264.00
Official Plan			
Official Plan Application Amendment (includes advertising cost)	Per Application	\$15,225.00	\$ 23,834.00
Preconsultation	Per Application	\$ 1,274.15	\$ 2,108.00
Other Approvals			
Public Meeting Rescheduling After Public Notice Issued (Official Plan Amendment, Zoning Amendment, Draft Plan of Subdivision, Draft Plan of Condominium)	Per Application	\$ 699.15	\$ 407.00
Street Naming - Private Roads	Per Application	\$ 1,050.70	\$ 724.00
Other			
Address Change Application Fee	Per Application	\$ 163.35	\$ 375.00
Part Lot Control By-Law Application	Per Application	\$ 1,838.70	\$ 3,757.00
Servicing Agreement & Other Development Type Agreements (Similar To Section 45 C. of A. Agreements)	Per Agreement	\$ 2,903.75	\$ 2,461.00
Telecommunication Facility Review Fee	Per Agreement	\$ 2,068.55	\$ 6,330.00
Site Plan			
Site Plan Agreement	Per Agreement	\$ 7,751.10	\$ 12,874.00
*Full site plan application fee is a sum of the base fee and the per unit/ type/ square footage of the development to a maximum of \$ 18,930.			
Apartment Buildings (inclusive of mixed-use buildings) 4 storeys or less	Per Agreement	\$ 3,000.00	\$ 1,196.00
Apartment Buildings (inclusive of mixed- use buildings) 5- 8 storeys	Per Agreement	\$ 7,248.90	\$ 6,056.00
Apartment Buildings (inclusive of mixed- use buildings) 9+ storeys	Per Agreement	\$ 7,248.90	\$ 6,056.00
All other dwelling types (site plan)	Per Unit	\$ 300.00	\$ 321.00
Non-Residential Floor Area Fee (site plan)	Per 1,000 Square Feet	\$ 50.55	\$431.00



Fee Title	Unit of Measure	Current Fee	Recommended Fee
•Non-Residential floor area \$ 431 for every 1,000 sq. ft of floor area in excess of the first 30,000 sq. ft.			
Site Plan Control (minimum fee)	Per Application	\$ 1,500.00	\$ 1,909.00
•Flat fee.			
Preconsultation	Per Agreement	\$ 1,274.15	\$ 2,108.00
Maximum Charge	Flat Fee	\$15,225.00	\$ 18,930.00
Extension of Site Plan Agreement for up to 2 years	Flat Fee	\$ 1,751.10	\$ 917.00
Site Plan Agreement Amendment Application			
Major (Registered Agreement)	Per Application	\$ 5,787.70	\$ 8,512.00
Site Plan - Minor (Registered Agreement)	Per Agreement	\$ 3,474.60	\$ 4,946.00
Minor (No Registered Agreement)	Per Application	\$ 2,548.25	\$ 4,615.00
Site Plan Agreement Clearance Letters	Per Letter	\$ 666.50	\$ 811.00
Site Plan Compliance Letter	Per Letter		\$ 884.00
Site Plan Agreement Release	Per Agreement	\$ 1,050.70	\$ 715.00
More Than 1 Partial Release of Securities	Flat Fee	\$ 509.70	\$ 347.00
More Than 3 Submission of Plans For Review	Flat Fee	\$ 1,698.85	\$ 1,011.00
Subdivision			
Subdivision Agreement Application	Per Application	\$ 8,684.55	\$ 7,324.00
New Tree Planting for a Subdivision 60 mm deciduous tree	Per Tree	\$ 699.15	\$ 699.15
Subdivision Agreement Amendment Application	Per Application	\$ 3,077.55	\$ 1,709.00
Subdivision Agreement Release	Per Agreement	\$ 1,058.50	\$ 1,175.00
•A Legal Release Agreement Fee will also be required.			
Subdivision Draft Plan Approval	Per Application	\$12,741.25	\$ 19,490.00
Preconsultation	Per Application	\$ 1,274.15	\$ 2,108.00
Subdivision Extension to Draft Approval			
Major - With Circulation > 4 Months Extension	Per Application	\$ 2,100.05	\$ 1,770.00
Minor - Without Circulation < 4 Months Extension	Per Application	\$ 1,398.25	\$ 1,096.00
Deeming By-Laws	Per Application	\$ 1,228.40	\$ 2,208.00
•A Registration of Agreement or By-law Fee will also be required.			
Subdivision Modification to Draft Approval			
Major - With Circulation	Per Application	\$ 2,103.95	\$ 4,219.00
Minor - Without Circulation	Per Application	\$ 1,398.25	\$ 2,500.00
Zoning Fees			
Zoning By-Law Amendment Application - Major	Per Application	\$10,150.00	\$ 25,099.00
Preconsultation	Per Application	\$ 1,274.15	\$ 2,108.00
Zoning By-Law Amendment Application - Minor	Per Application	\$ 6,124.90	\$ 15,146.00
Zoning By-Law And Official Plan Amendment Application Combined - if processed concurrently (includes advertising costs)	Per Application	\$14,532.75	\$ 29,612.00
Zoning Amendment (Lifting of 'Holding' (H) Designation)	Per Application	\$ 1,751.10	\$ 3,247.00
Zoning Compliance or Information Letter	Per Letter	\$ 132.05	\$ 204.00
DEVELOPMENT ENGINEERING			
Engineering Administration and Inspection of Subdivision	% of Constructed Value of Infrastructure		4.6%
Engineering Administration and Inspection of Site Plan	% of Constructed Value of Infrastructure		6.0%
Site Servicing	Flat Fee		\$ 2,417.00
BUILDING			
Administrative Fees Associated with a Permit			
Additional Fee When Permit Divided Into Part Permits	Flat Fee	\$ 168.30	\$ 306.00
Alternative Solutions	Per Application	Job Specific	Job Specific Costing
•\$500 per application Up to 4 hours of staff time with an additional \$125 per hour for every hour over four (4).			
Defer or Revocation of a permit or cancellation of an application.	Per Permit	\$ 132.05	\$ 132.05
Letter (No Inspection)	Per Letter	\$ 132.05	\$ 132.05
Deferral of revocation of a permit or cancellation of an application	Per Permit	\$ 132.05	\$ 132.05
Expedited permit (resource dependent) - 1.5 x the applicable rate	Per Permit	Job Specific	Job Specific Costing
Liquor License Inspection Report	Per Permit	\$ 208.95	\$ 480.00
Permit Administration Fee	Flat Fee	Job Specific	Job Specific Costing
•The higher of 25%, 50% or 100% of the original permit fee based on the stage of construction or the minimum fee. This amount will be added to the permit cost.			
Re-inspection fee	Flat Fee	\$ 168.30	\$ 168.30
To reinspect/update file closed with outstanding order	Per Permit	\$ 168.30	\$ 168.30
Request for Inspection Outside Normal Working Hours	Per Hour	Job Specific	Job Specific Costing



Fee Title	Unit of Measure	Current Fee	Recommended Fee
Retrieval Of Dead Permit Files & Drawings	Per Permit	\$ 61.60	\$ 231.00
Review Revised Drawings	Per Permit	Job Specific	Job Specific Costing
Third Party Review for Plans Examination or Inspection (at the discretion of the CBO)	Per Permit	Job Specific	Job Specific Costing
To transfer ownership of permit	Per Permit	\$ 132.05	\$ 263.00
Agreements			
Agreements, Leases or Licences (Misc.)	Per Agreement	\$ 452.00	\$ 452.00
Agreements, Release Of Various	Per Agreement	\$ 316.10	\$ 316.10
Conditional Permit Agreement Application	Per Agreement	\$ 761.25	\$ 761.25
Conditional Permit Agreement Release	Per Agreement	\$ 383.40	\$ 383.40
Demolition Agreement	Per Agreement	\$ 596.05	\$ 596.05
Demolition Agreement Release	Per Agreement	\$ 383.40	\$ 383.40
Outdoor Patio Development Agreement preparation	Per Agreement	\$ 517.15	\$ 517.15
Spatial Separation Agreement	Per Agreement	\$ 714.85	\$ 714.85
Spatial Separation Agreement Release	Per Agreement	\$ 382.35	\$ 382.35
Building Permit Fees			
Minimum Building Permit Fee	Per Permit	\$ 141.60	\$ 170.00
Building Permit Fee when square foot method is not possible	Per Permit	Job Specific	Job Specific Costing
Application Fee for Complex Projects Adjusted During Plan Review	Per Square Foot	Job Specific	Job Specific Costing
* \$12.00 for each \$1,000.00 of estimated value of work or portion thereof. (Square foot method may result in an additional fee or refund)			
Group A - Assembly			
School, church, restaurant over 30 persons, library, club, outdoor patio, hall and occupancies of a similar nature	Per Square Foot	\$ 2.30	\$ 2.80
Group B - Institutional			
Hospital, nursing home, reformatory, prison and occupancies of a similar nature	Per Square Foot	\$ 2.50	\$ 2.80
Residential Care Facility	Per Square Foot	\$ 2.00	\$ 2.24
Group C - Residential			
Single, semi, duplex, triplex, row house and multiple dwelling	Per Square Foot	\$ 1.50	\$ 1.63
Accessory Dwelling Unit	Per Square Foot		\$ 1.50
Each attached garage or carport, shed, decks, open porch, balcony	Per Square Foot	\$ 1.50	\$ 1.50
Miscellaneous Residential Work - addition to existing	Per Square Foot	\$ 1.45	\$ 1.45
Miscellaneous Residential Work - finish basement	Per Square Foot	\$ 1.45	\$ 1.45
Apartment building - six (6) storey building or less	Per Square Foot	\$ 1.45	\$ 1.63
Apartment building more than six (6) stories	Per Square Foot	\$ 1.30	\$ 1.46
Hotel/motel building - 2 storey building or less	Per Square Foot	\$ 1.55	\$ 1.55
Hotel/motel building - more than 2 stories	Per Square Foot	\$ 1.45	\$ 1.45
Group D - Business and Personal Services			
Building (Shell Only)	Per Square Foot		\$ 2.32
Building (Finishing Only)	Per Square Foot		\$ 0.87
Building (Finished)	Per Square Foot	\$ 2.05	\$ 2.80
Group E - Mercantile			
Building (Shell Only)	Per Square Foot		\$ 2.32
Building (Finishing Only)	Per Square Foot		\$ 0.87
Building (Finished)	Per Square Foot	\$ 1.65	\$ 2.80
Group F - Industrial			
Building up to and including 10,000 sq. ft.	Per Square Foot	\$ 1.15	\$ 1.73
Building up to and including 50,000 sq. ft.	Per Square Foot	\$ 1.10	\$ 1.65
Building over 50,000 sq. ft.	Per Square Foot	\$ 0.95	\$ 1.43
Parking Garage (Open)	Per Square Foot	\$ 0.70	\$ 0.70
Parking Garage (Enclosed)	Per Square Foot	\$ 0.70	\$ 0.94
Farm Buildings and Low Human Occupancy			
Greenhouse	Per Square Foot	\$ 0.55	\$ 0.55
Storage, livestock buildings and occupancies of a similar nature	Per Square Foot	\$ 0.55	\$ 0.55
Other Than Low Human Occupancy			
Office, work area, retail packaging and occupancies of a similar nature	Per Square Foot	\$ 1.15	\$ 1.15
Heating, Ventilation and Air Conditioning (HVAC) Permit Fees			
Minimum HVAC Only Fee	Flat Fee	\$ 225.45	\$ 326.00
Add on System (unit heater, make up air unit, exhaust fans) and or ductwork alterations.	Flat Fee	\$ 225.45	\$ 326.00
Furnace Replacement or Air Conditioner (Unit Installation)	Flat Fee	\$ 225.45	\$ 326.00
Commercial Exhaust Hood, Spray Booth, Dust Collection System	Flat Fee	\$ 225.45	\$ 326.00
Masonry Fireplace, woodstove	Flat Fee	\$ 225.45	\$ 326.00



Fee Title	Unit of Measure	Current Fee	Recommended Fee
Plumbing Permit Fees (Where no building permit is required)			
Backflow Prevention Device	Per Device	\$ 82.45	\$ 260.00
Minimum Plumbing Permit Fee	Flat Fee	\$ 141.60	\$ 260.00
Each fixture	Per Fixture	\$ 16.05	\$ 29.00
Each manhole, catch basin or fire hydrant	Per Fixture	\$ 39.60	\$ 73.00
Drain, sewer or water pipe 4" (100 mm) or less	Per Linear Foot	\$ 0.70	\$ 1.29
Drain, sewer or water pipe more than 4" (100 mm)	Per Linear Foot	\$ 1.00	\$ 1.84
Septic Tank Changeover	Per Permit	\$ 225.45	\$ 414.00
Other Miscellaneous Permit Fees			
Balcony guard repair or balcony repair	Flat Fee	\$ 33.05	\$ 33.05
Business Licence Review (Building & Zoning)	Per Letter	\$ 54.95	\$ 132.05
Canopy or Marquee	Per Square Foot	\$ 1.00	\$ 1.00
Change of Use (no construction required)	Flat Fee	\$ 170.65	\$ 396.00
Demolition Permit (Residential)	Per Permit	\$ 241.95	\$ 350.00
Demolition Permit (Non-Residential)	Per Permit	\$ 241.95	\$ 750.00
Designated Structure (retaining wall, communication tower, pedestrian bridge, crane runway, storage tank, dish antenna, solar collector)	Flat Fee	\$ 225.45	\$ 913.00
Electromagnetic locking device, hold open device	Per Device	\$ 50.75	\$ 89.00
Emergency Lighting	Per Floor	\$ 238.50 (Flat)	\$ 239.00
Fire Alarm System (greater number of floors or zones)	Per Floor or Zone	\$ 238.50 (Flat)	\$ 239.00
Fixed Extinguishing System	Flat Fee	\$ 238.50	\$ 326.00
Foundation	Per Square Foot	\$ 0.50	\$ 0.50
Minor Alterations including single partition, demising wall, new roof structure, washroom, etc., each	Flat Fee	\$ 261.70	\$ 262.00
Moving of a Building	Per Permit	\$ 132.40	\$ 510.00
Occupancy Permit (building not fully completed) Residential - per dwelling unit, room or suite of Rooms individually occupied	Flat Fee	\$ 132.40	\$ 132.40
Other occupancies - per 1,000 sq. ft. of floor area or portion to be occupied	Per 1,000 Square Feet	\$ 65.90	\$ 65.90
Parking Garage Repair	% of Value of Construction	\$ 225.45 (Flat)	1%
Pavilion, bandshell, open sided covered walkway	Per Square Foot	\$ 1.00	\$ 1.00
Public Pool	Flat Fee	\$ 786.25	\$ 1,932.00
Racking System	Per Square Foot	\$ 1.00	\$ 1.00
Shoring	Per Linear Foot	\$ 3.60	\$ 7.00
Sprinkler System or Standpipe System (new or modification)	Per Square Foot	\$ 238.50 (Flat)	\$ 0.06
Temporary structure (tent, air supported structure, new portable, relocated portable)	Flat Fee	\$ 225.45	\$ 440.00
Underpinning	Per Permit	\$ 3.60	\$ 357.00
By-law and Property Standards Fees			
Certificate of Compliance	Per Letter	\$ 142.20	\$ 142.20
Entry onto Adjoining Land (non refundable)	Flat Fee	\$ 133.25	\$ 133.25
Adjoining Land Entry - Extension of Authorization	Flat Fee	\$ 50.75	\$ 50.75
Fence By-Law Variance Application	Flat Fee	\$ 407.10	\$ 407.10
File a Notice of Appeal	Flat Fee	\$ 415.85	\$ 415.85
Registration/Discharge - Property Standards Order	Flat Fee	\$ 291.10	\$ 291.10
Reinspection Fee for Property Standards or By-law Enforcement (for the 3rd and subsequent required inspections)	Per Inspection	\$ 167.40	\$ 167.40
Swimming Pool Fence Permit	Per Permit	\$ 180.55	\$ 302.00
Sign Permits (see p. 87 of fees & charges by-law)			
Wall signs	Per Permit	\$ 133.05	\$ 460.00
Ground signs	Per Permit	\$ 133.05	\$ 460.00
Pole signs	Per Permit	\$ 262.85	\$ 460.00

Appendix 2 to Report PBS-175-2022

Development Industry Feedback	STC Response	Action and Responsibility	Status
Staff are slow to respond to building permit resubmissions.	Staff are overwhelmed with workload. Staffs' first efforts are on new applications during the OBC timeframes. Resubmissions were reviewed in order of receipt, after first submission applications. Quantity of applications negated staff ability to respond in a timely fashion.	The annual building report on revenues, expenses, and status of the building stabilization reserve fund for 2019, 2020, and 2021 recommended increasing staffing complement to adequately respond to industry and legislative expectations.	On-going. Recruitment efforts have been challenging due to profession-wide talent shortages.
Plans Examiners and Building Inspectors are too black / white and too rigorous. "It's easier to do business in (insert name of other Niagara lower tier municipality)."	The City's Plans Examiners and Building Inspectors are the most highly qualified and trained in Niagara Region. As such, due to the depth of their knowledge and experience, they are more apt to identifying deficiencies on building permit drawings and on-site. The Ontario Building Code sets minimum standards that all construction is expected to adhere to.	In 2018, Building Inspections staff led masonry and carpentry seminars for the local trades. Further sessions on firestopping and fire blocking were delayed by the COVID-19 pandemic. Development Industry instructed to require higher quality submissions from their designers, including pressuring their consultants to undertake Building Code training courses, especially since the OBC is updated annually.	On-going. No action taken by the Development Industry, their designers, or consultants.
Staff are slow to respond to planning	Staff are overwhelmed with workload. Planning applications have increased at least 20% year	On April 7, 2022, Council considered report PBS-067-2022 which outlined the anticipated	On-going.

Development Industry Feedback	STC Response	Action and Responsibility	Status
Application resubmissions.	over year since 2019 while staffing complement has remained largely unchanged. Responses to applicants are also delayed due to staffing and resourcing challenges experienced by internal and external commenting agencies.	<p>Challenges with <i>Bill 109</i> and outlined that based on 2020 caseloads that the City of St. Catharines was deficient by at least six development planners.</p> <p>On September 19, 2022, the Committee of the Whole discussed Report PBS/FMS-147-2022 entitled Operational and Financial impacts of Bill 109 and agreed to consider the addition of three FTE Planner positions and one FTE Development Agreement Coordinator position to added to the Draft 2023 Operating Budget deliberations and that furthermore, three additional FTE Planners be considered when the Comprehensive Fee Review Study comes forward for consideration.</p>	<p>Reliant on the outcome of the draft 2023 Operating Budget process.</p> <p>The Comprehensive Fee Review study prepared by Watson & Associates identified that with the new fee structure, two FTE Planner positions could be created to be paid through revenue and without impact to the tax levy.</p>
Clients who purchase property in Port Dalhousie are subjected to too much red tape so they abandon their project.	A significant portion of Port Dalhousie is under the policies of a Heritage Conservation District Plan which outlines the criteria for development and redevelopment options. Property speculators are not undertaking appropriate due diligence before buying property to	Heritage Planning staff reached out twice to the local Real Estate Board and offered a free tutorial on the Port Dalhousie Heritage Conservation District Plan and the Heritage Permit Advisory Committee process. Both invitations were not responded to.	No action taken by the local Real Estate Board.

Development Industry Feedback	STC Response	Action and Responsibility	Status
	redevelop and as such, are being surprised after the fact with the requirement to undertake a Heritage impact Assessment and get a permit recommendation from the Heritage Permit Advisory Committee.		
It would save the development industry time and money if applicants didn't need to pay to have multiple copies of drawings, studies, and documents reproduced and drive into City Hall for Building Permit and Planning application submissions.	PBS staff had collaborated with the Niagara home Builders Association and the Niagara Construction Association on these process improvements; however, a lack of resources prevented implementation. On February 28, 2022, Council endorsed Report PBS-029-2022 - the proposed usage of the Province's Streamline Development Fund to fund these specific initiatives.	<p>AMANDA 7 live Q4 2020</p> <p>With support from ITS, staff are now utilizing the Streamline Development Fund to implement:</p> <ul style="list-style-type: none"> • an e-portal where applicants can apply online; • Bluebeam to allow staff to review electronic submissions and provide comments directly on the plans; • an electronic payment systems for payments to be made online; • an e-inspections software to allow staff to undertake their inspection notes in the field and issue inspection reports in real time; 	<p>Complete.</p> <p>On-going, to be completed by February 2023. As above.</p> <p>As above.</p> <p>As above.</p>

Development Industry Feedback	STC Response	Action and Responsibility	Status
		<ul style="list-style-type: none"> to upgrade computer equipment and monitors for the capacity to undertake these new programs and functions. 	On-going. To be completed by December 2022.
The City just got a million dollars from the Province, how can you justify an increase in fees?	In January 2022, the Province announced that the City of St. Catharines was eligible for up to \$1 million in funding to implement initiatives that streamline the development approvals process. Utilizing feedback previously received from the NHBA and NCA, Council considered Report PBS-029-2022 on how to utilize these funds. As described above, a portion of the funds are being used to implement certain software and hardware technology improvements requested for by the industry. However, the Streamline Development Fund is a one-time grant and does not cover on-going licensing, upgrade, or training costs. Furthermore, the Streamline Development Fund eligibility criteria does not support the funding of permanent, full time positions in planning or building – only contract positions to focus on backlog.	See above.	See above.

Development Industry Feedback	STC Response	Action and Responsibility	Status
	However, numerous attempts to fill these contract positions have been unsuccessful.		
Since 2021, the City has implemented Development Charges, Community Benefit Charges, Parkland Dedication Fees, and now an increase in application fees. These fees go straight to the homebuyer reducing affordability.	The development industry has enjoyed decades of not paying development charges, community benefits, and ICI parkland dedication fees in the City of St. Catharines. During this time, there has been no evidence to suggest that these savings were passed on to the home buyer. Market builders will sell their products for what the market can bear. It is acknowledged that these fees will likely be passed on to the homebuyer; however, to provide the level of service that legislation requires, and the development industry expects requires cost recovery and investment that should not be borne only by the taxpayer.	On September 26, 2022, staff presented Report PBS-149-2022 which outlined the efforts the City has undertaken to implement the Housing Action Plan from 2017 and support affordable housing initiatives within the community.	In order to provide the services required by legislation and expected by the development industry, revenues must be raised to support reasonable cost recovery.
As of November 3, 2022, no written feedback has been provided by the Development Industry Stakeholders in response to the provided draft fee adjustments presented on October 6, 2022 and provided on October 7, 2022.			



Corporate Report City Council

Report from: Planning and Building Services

Report Date: November 5, 2022

Meeting Date: November 7, 2022

Report Number: PBS-181-2022

File: 35.31.18

Subject: St. Catharines Response to Bill 23 (More Homes, Built Faster Act)

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars:



Recommendation

That Council, via the Mayor's Office, advise the Premier of Ontario, the Minister of Finance and the Minister of Municipal Affairs and Housing, of the following comments of the City regarding Bill 23 – More Homes Built Faster Act, 2022:

1. Bill 23, as presented, fails to address the stated goals of increasing housing supply, housing affordability, and improved process and instead will result in the loss of environmental protections, heritage conservation, urban design, and accountability to the public, in addition to severe financial implications for the City and Region, as follows:
 - a) Removing conservation of land and protection of significant environmental features, allowing development within protected areas worthy of protection.
 - b) Limiting tools for conservation of heritage resources.
 - c) Removal of primary quality control mechanism to promote good design.
 - d) Loss of cohesive Regional systems oversight with the removal of the Region of Niagara from review and approval of planning applications and Official Plan creation.
 - e) Elimination of appeal rights for the public on Planning Act applications and reduction in overall public consultation and involvement.
 - f) Transfer of financial responsibility from private developers to the individual property taxpayer.
 - g) 73% of the City's projected growth for the next 30 years is now to be accommodated in 10 years, despite the building industry's inability to deliver; and

2. Council requests the Province defer passage of Bill 23 until such time as further evaluation, analysis, and meaningful consultation has occurred with municipalities, AMO, Niagara Region, ROMA, RPC, NPCA, Conservation Ontario, OPPI, MFOA, and OBCM; and
3. Council strongly recommends that substantial Provincial investment be provided to support municipalities to fund anticipated infrastructure upgrades to accommodate new intensification goals and compensate for decrease of development charge funding opportunities as outlined in the proposed legislation; and

That staff forward Report PBS-181-2022 and its Appendices to those identified in the Notifications section of this report, including the Premier, the Minister of Municipal Affairs and Housing, and local Members of Provincial Parliament; and

Further, that Council authorize staff to provide comments to the Environmental Registry of Ontario regarding proposed Bill 23, prior to November 24, 2022.

Summary

On October 25, 2022 the Province introduced [Bill 23](#), *More Homes Built Faster Act, 2022* with associated regulations and legislative changes (the Bill). The stated intent of the Bill is to support increasing housing supply, affordability, and improvements to process to facilitate timely approvals. However, the proposed amendments do not serve this intent and will result in the loss of environmental protections, heritage conservation, urban design, and accountability to the public, in addition to severe financial implications for the City and Region. The Bill, as presented by the Province, proposes significant changes to a number of Acts, including the Planning Act, Heritage Act, and Conservation Authorities Act, that threaten the foundation of planning in Ontario.

The City is supportive of the stated goals and has been continuously working to ensure St. Catharines is well situated to support infill, intensification, and growth within the built boundary and will continue to do so. The Bill, if passed, would undermine and reverse progress the City has made to date.

The purpose of this report is to highlight for Council the proposed amendments and the anticipated implications for the City of St. Catharines.

Relationship to Strategic Plan

Bill 23, if implemented as currently proposed, will have substantial negative impacts that threaten all five pillars of the City's Strategic Plan:

- **Economic Prosperity:** Support the City's commitment to building and growing a diverse and resilient economy through fiscal responsibility, urban regeneration, and collaborative partnerships.
- **Social Well-Being:** Build and support strong, inclusive neighbourhoods, that provide high quality of life for residents of all ages.

- Environmental Stewardship: Adopt innovative approaches and continue responsible community planning and decision-making that balances growth, enhances quality of life, manages emergencies, and minimized the environmental impacts of climate change.
- Cultural Renaissance: Celebrate the City's rich history, diversity, arts and cultural assets through leadership, promotion and investments that support measurable, sustainable creative growth.
- Organizational Excellence: Create operational and organizational enhancements with a review of the organizational structure, policies and processes, and allocation of resources to discover efficiencies, strengthen customer service, evolve delivery of services and programs and support an inclusive workplace.

Background

On April 7, 2022, Council considered two reports relating to the province's plan to address housing affordability:

1. [PBS-059-2022](#), titled "St. Catharines Response to the Ontario Housing Affordability Task Force Recommendations"
2. [PBS-067-2022](#), titled "St. Catharines Response to Bill 109 – Supplemental to Report PBS-059-2022"

Bill 23 (the Bill), announced on October 25, 2022, is the next step in the Province's plan to address housing supply and affordability in Ontario and has been presented in support of Ontario's More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023. The Bill is posted on the Environmental Registry of Ontario (ERO) and indicates that additional regulations, not yet published, will be forthcoming.

The Bill is proceeding through the legislature and at the time of writing this report, has passed a second reading. The Standing Committee on Heritage, Infrastructure and Cultural Policy will consider the omnibus Bill on November 17, 2022. There is a 30 day comment period to submit comments on the proposed Bill, which closes on November 24, 2022. It is prudent for the City to submit comments quickly, as it is possible for the Bill to receive Royal Assent prior to the closure of the comment period.

Report

The Province has proposed Bill 23 and associated amendments (the Bill) in an effort to increase the supply of housing and expedite development approvals. The City has undertaken numerous proactive policy and regulatory approaches to expedite development that implements the vision set out in the Garden City Official Plan, which has been brought into conformity with the Province's Growth Plan population targets. The City has demonstrated commitment to Provincial goals of creating more housing, providing a greater mix of housing types, and expediting approvals, where under municipal control.

The Bill proposes amendments to ten (10) Acts, accompanied by associated regulations. While the entirety of the Bill proposes significant change, the amendments proposed to the Planning Act, Ontario Heritage Act, Conservation Authorities Act and

Development Charges Act will have considerable impact to the City. Following review of the proposed legislation, staff are concerned that the direction of some of the proposed amendments do not serve the goal of increasing housing supply but will result in the loss of environmental protections, heritage conservation, urban design and accountability to the public. There are also anticipated serious financial implications for the City as a result of responsibilities being downloaded from the Region, the need for amendments to existing policies and programs that were not in the workplan, and loss of revenues to support growth, which will force Council choose to either reduce service levels or transfer the burden to the taxpayer.

There are additional regulations anticipated to be released by the Province in support of the Bill. In the absence of all proposed amendments, the entirety of potential impact to the City is not yet known. To this extent, on November 4, 2022, the Province announced additional amendments to the Greenbelt Plan and Greenbelt Area boundary regulation. This announcement indicates a shift towards development within protected, environmentally significant lands. The direction in which the proposed provincial policy amendments are setting Ontario is extremely concerning.

Staff will continue to review the proposed legislation presented by the Province, consider the effects to the City and provide further reports, as necessary. The key impacts of the Bill are outlined in the following sections.

Conservation and Natural Environment

- Removing conservation of land and protection of significant environmental features allowing development within protected areas worthy of protection.

Conservation Authorities take a systems approach to watershed-based policies to protect people and property from flooding and other natural hazards, while conserving natural resources, such as water quality. The amendments proposed by the Bill will result in the loss of protection of environmental features, creating the ability for development to sprawl into previously protected areas. Through the Bill, Conservation Authorities will lose the ability to regulate effects on pollution or the conservation of land and will be limited to the control of flooding, erosion, and dynamic beaches.

The Bill proposes significant updates to the Ontario Wetland Evaluation System (OWES), reducing the procedures and criteria to determine and identify significant wetlands and their boundaries, and no longer requiring Ministry of Natural Resources and Forestry review and approval of wetland evaluations. This action will lead to wetland degradation, including impacts to water quality and flora and fauna habitats.

The amendments propose exempting development approved via a planning application from obtaining a permit under the Conservation Authority Act. There is also an indication that the Province is considering consolidation of the existing 36 conservation authority regulations (one for each local conservation authority) into one provincial regulation and potential to develop an ecological offsetting policy that would allow

offsetting the loss of natural heritage to restore or create new natural heritage features, where avoiding and mitigating the impact is not possible.

The proposed amendments would result in a significant change to the role of Conservation Authorities in reviewing Planning Act applications, issuing permits, and the scope of their regulations. The City of St. Catharines, along with many other municipalities in Ontario, has declared a climate emergency. The role of Conservation Authorities within our community is critical to the protection of life and property from natural hazards and features. The reduction of Conservation Authority involvement in reviewing development applications and elimination of responsibility for pollution and the conservation of land could be detrimental to the health and wellbeing of our community and is a regression in the City's efforts to fight the effects of climate change.

The proposed changes to the OWES in combination with consideration for ecological offsetting substantially removes protections in place for Provincially Significant Wetlands and opens the door for development to sprawl into currently identified natural areas that serve functions for flood attenuation, biodiversity, water quality, and may have financial implications for liability, insurance and long-term maintenance.

Heritage Impact

- Limiting tools for conservation of heritage resources.

Bill 23 proposes significant changes to the existing framework for conserving heritage properties across the province. The changes will limit some of the tools available to municipalities for conserving properties, making it more challenging for communities to conserve important heritage buildings. The City of St. Catharines has over one thousand heritage properties. The Official Plan speaks to the importance of heritage preservation, not only because it connects us to our past and helps us to interpret our history, but also because it can benefit the local economy by attracting both visitors to the city, and new investment or residents. Over the past three years, Council has supported staff's efforts to protect the City's heritage by approving the addition of over 100 properties to the City's Heritage Register. The proposed legislation will reverse some of those efforts and make it more challenging for the City to conserve its heritage for future generations.

The most significant changes to the Ontario Heritage Act have been identified and analyzed in the chart in Appendix 1. As part of this analysis, staff have participated in discussions with heritage planners across the province to fully understand the impacts of the legislation. Throughout the province, the most significant concern relates to the dismantling of Heritage Registers through the removal of listed properties after two years unless they are designated by the municipality. The resources required to designate each property individually under Part IV of the Ontario Heritage Act would be immense and will result in the loss of thousands of heritage properties across the province.

The City currently has 163 Listed properties, with two-thirds located in the downtown core. Given the large number of properties in this concentrated area, an alternative strategy to designating properties individually may be to devote resources towards the pursuit of a downtown heritage conservation district. This would efficiently ensure the protection of a large portion of the existing Heritage Register, along with other downtown properties that may be significant. Downtown heritage districts have been pursued in a number of similarly sized communities recently, including Cambridge and Peterborough. The scope of work, which includes extensive research, analysis and the creation of a property inventory, would be too substantial to be completed internally and would require the retention of heritage consultants. Depending on the size of the study area, staff anticipate that a downtown heritage conservation district may cost approximately \$150,000 to complete both the background study and conservation district plan. This amount is consistent with costs found in other municipalities with a similar number and concentration of heritage assets.

Given that the downtown is slated for intensification, it may seem counter-intuitive to introduce a heritage district at this time. However, staff are not of the opinion that heritage and development cannot co-exist. In fact, the marriage of old and new can create very vibrant and interesting communities that maintain a sense of place. Staff view a potential downtown heritage district as an opportunity to manage change in a predictable way that is respectful of the City's built heritage and the character of downtown. The added benefit of a heritage district is the robust public engagement component, which would allow property owners and members of the community to help shape their downtown and determine what they value about its past and hope for in its future.

Site Plan and Urban Design

- Removal of primary quality control mechanism to promote good design.

The Bill proposes amendments to Site Plan Approval, which is a process used to ensure developments include suitable form, function, and appropriate servicing, as well as considerations for impacts and integration with surrounding lands. The Bill would remove exterior design as a consideration in the process and no longer require developments of ten (10) or fewer units to receive Site Plan Approval.

The City's Official Plan is clear that urban design, which includes exterior design and landscaping, is crucial in St. Catharines, a mature City with a finite urban boundary. The City will need to accommodate growth primarily through intensification and redevelopment, and these forms of development require innovative and sensitive design to ensure high quality urban environments that promote compatibility and improve sense of place. The removal of exterior appearance considerations from the site plan review process is anticipated to result in reduced built form quality, negative impact to the streetscape, and less integration between new developments and the existing community character. In short, the City would be stripped of a primary quality control

mechanism to promote good design. The City's image and the quality of our neighbourhoods may suffer accordingly.

The City's existing Site Plan Control By-law establishes that development of four (4) or more residential units is subject to site plan approval. Should the proposed amendments be approved, the Site Plan Control by-law would need to be amended. Developments that obtain site plan approval and propose condominium tenure are typically granted exemption from Draft Plan of Condominium Approval, and benefit from an expedited process. An anticipated impact for those developments of ten (10) units or fewer is they would no longer be eligible for exemption from Draft Plan of Condominium and would be subject to a decision of Council, adding additional time to the process. Bill 23 in this regard will actually increase the time required to process approvals for condominium developments of 10 units or less.

Public Engagement and Appeal Rights

- Elimination of appeal rights for the public on Planning Act applications and reduction in overall public consultation and involvement.

The Bill proposes to eliminate the right of appeal for third parties (e.g. residents) from all Planning Act applications. Only the applicant, approval authority and specified public bodies retain the right to appeal. There would also no longer be a requirement to host a public meeting prior to approval of a Draft Plan of Subdivision.

While these amendments may be proposed to facilitate timely approvals and reduce the number of appeals to be considered by the Ontario Land Tribunal (OLT), the result is the diminishment of the democratic process. Community involvement in the planning process is vital to engage various perspectives and better understand the needs of the community. Eliminating the ability for third party appeals will result in frustration and a community that feels shut out of the process. This will lead to a further loss of meaningful engagement in other stakeholder events.

Upper-tier Planning Framework

- Loss of cohesive Regional systems oversight with the removal of the Region of Niagara from review and approval of planning applications and Official Plan creation.

The Bill identifies the Region of Niagara as an upper-tier municipality without planning responsibilities, meaning the Region would no longer have a role in the review of planning approvals. The City would effectively inherit the components of the Region's Official Plan that affect St. Catharines and have the ability to revoke or amend the Plan. Further, the Region would no longer have public body appeal rights on any planning applications. It is unknown the extent to which this approach may result in the loss of cohesive regional vision and the implementation of broader services.

The Region is currently responsible for natural heritage and archaeology review throughout local area municipalities and it appears these responsibilities could be downloaded to the City.

The Region has recently completed an Archaeological Management Plan that was intended to identify areas of significance, ensure the long-term protection of archaeological resources (such as the Welland Canal), and provide a clear direction for when archaeological assessments will be required. Archaeology is a specific area of expertise with only partial overlap with the heritage field and requires relationship building with Indigenous peoples in the area to ensure that sites and objects are managed appropriately. Similarly, the review of natural heritage and associated environmental studies is a specific area of expertise that the City has relied heavily upon the Region to provide. Given the amount of Indigenous history, early European settlement, and natural heritage value within the city, the staff review related to archaeology and natural heritage may result in a significant increase in required resources in order to meet provincial timelines for planning applications.

Financial Programs

- Transfer of financial responsibility from private developers to the individual property taxpayer.

The Bill proposes changes affecting Development Charges (DCs), Community Benefits Charges (CBC) and Parkland Dedication. DCs fund infrastructure including water, wastewater, stormwater drainage, bridges, and roads. CBCs support culture and public realm improvements, and Parkland Dedication provisions are used to acquire parkland or improve the creation of parks. All three of these programs were reviewed and approved by Council within the last year in response to changes in legislation introduced in 2020.

The proposed legislation also includes definitions for affordable and attainable residential units which are tied to market value. The proposed definition refers to associated regulations that have not yet been released. As such, it is not clear what other criteria may apply. In the absence of the complete set of regulations, staff do have initial concern that attributing values based solely on market rate may not adequately address affordability in the context of an individual's income and the cost of living. The parameters around "attainable housing" need to be understood to determine the overall loss of financial contributions for integral infrastructure works.

Development Charges

The City reinstated DCs as of January 1, 2022 as a growth funding tool to recover costs associated with growth, as an alternative to those costs being paid for by existing taxpayers through property taxes, increased rates and fees, water and wastewater bills. The Bill proposes residential unit exemptions, new statutory exemptions, mandatory phase-in DC charges, rental housing discounts and interest rates on eligible installment

plans, background study preparation, eligible capital costs to be funded by DCs, and the allocation of funds received. These changes will reduce funding to build the infrastructure that housing growth needs, and the City will have to make the decision to drastically reduce service levels or raise property taxes to fund growth related costs.

Community Benefits Charges

The City's Community Benefits By-law came into effect on September 1, 2022. CBCs are a revenue tool aimed to support capital costs related to intensification and to offset amendments to the Development Charges Act that limits the City's ability to collect DCs for certain services that were previously eligible. There are sufficient planned developments that meet the density requirements to implement the approved 4% charge (based on value of land) and there is a sufficient portfolio of eligible capital projects within the 10-year planning horizon eligible for funding. The financial impacts of these updates include reduced CBC collections at the initial development stage for eligible exemptions, but also on corresponding phases of eligible developments. Reduced CBC collections results in less funding for the critical infrastructure and services not traditionally covered by DCs and parkland dedication.

Parkland Dedication

The City has used parkland dedication as a means to acquire land for parks purposes since 1974. The City recently approved a new Parkland Dedication By-law, which will come into effect January 1, 2023. The Bill proposes new statutory exemptions, non-profit housing exemptions, additional residential unit exemptions, timing of when parkland dedication is determined, maximum alternative parkland dedication requirements, identification of lands for conveyance and requirements for municipalities. With further exemptions and requirements for parkland cut in half based on the number of dwelling units, and the option to provide shared outdoor private spaces such as condo courtyards or laneways in a housing complex, inclusion of encumbered parkland or parks built on top of infrastructure for parkland dedication, this will reduce quality, safe and accessible parkland available to the community.

Unless the Province financially assists the funding to support growth-related projects, the proposed reduced fees will shift the financial burden onto existing taxpayers instead of "growth paying for growth".

Residential Growth

- 73% of the City's projected growth for the next 30 years is now to be accommodated in 10 years, despite the building industry's inability to deliver.

The Bill proposes a target of 11,000 residential units to be constructed in St. Catharines by 2031. Based on recently completed Land Needs Assessment (LNA) the City's existing planning framework can support 11,000 new units. However, it's important to note that the growth forecasted through the LNA projected 15,000 units by 2051. It is unclear how the target of 11,000 units will integrate with existing growth projections and

whether the accelerated timeframe will have other impacts such as, servicing upgrades, facility improvements, and capacity of staffing resources and workplans.

In support of additional dwelling units, the Bill would require that Official Plans and Zoning By-laws permit second and third residential units, as of right, in a detached, semi-detached or townhouse dwelling. The units can be provided both interior to the principal dwelling, or one interior and one detached (e.g. laneway, garden suite). The City's existing Official Plan and Zoning By-law permit one accessory dwelling unit (second residential unit). If Bill 23 is approved, Planning and Building Services would be required to amend the Official Plan and Zoning By-law to permit a second accessory dwelling unit (third residential unit).

The City has championed permissive development rights in the downtown since 2010 (no height cap, no density cap, no required parking) and until 2021, little attempt was made to capitalize on these benefits. The development industry will always phase development to reduce downward pressure on price and purchase price will always be set by what the market dictates at that time. Staff remain concerned with the fundamental premise that by reducing "barriers" to development in favour of developers that the market will flood with supply and housing costs will substantially decrease. The City will continue to support development and intensification within the urban boundary and the goal of increased housing supply, however recognizing that there are factors affecting the rate of development that are beyond the City's control. There has also been no information provided as to the consequences of not meeting the allocated growth target.

Financial Implications

The proposed changes to the Development Charges Act (DCA) and Planning Act regarding DCs, CBCs and Parkland Dedication have direct financial impacts to the City.

The reduction of DC and CBC revenues collected due to phase in of DC charges, added exemption categories and discounts for rental housing and unit classifications, will have a significant impact on the City's capacity to fund growth-related costs to support infrastructure and the community.

Expanding growth will not be able to fiscally support the service level needed under the proposed changes. Unless the Province financially assists the funding to support growth-related projects, the proposed reduced fees will shift the financial burden onto existing taxpayers instead of growth paying for growth. This will put significant stress on the City's budget and planning to accommodate for the lost revenue required for the City's capital projects. Projects will become deferred or cancelled due to the prioritization of required projects that will more accurately reflect the current growth.

Further financial risk will be taken by the City due to the downloading of responsibilities, additional studies, programs, staffing and increased need for long term debt. Without the ability to rely on funding from development charges, the reserves will be relied on to supplement the loss of revenue and going forward a restructuring of revenue will be

needed to support future service levels. Allocating and spending collected funds will also impact the City's ability to build up the reserve to fund larger scale capital projects. The City will continue to analyze the proposed regulations of the Bill and provide additional financial implications to the City.

Environmental Sustainability Implications

There are no environmental sustainability implications associated with this report. However, if the proposed legislation and amendments are approved, there will be significant and generational impact to the natural heritage system, watershed, and the City's ability to invest in resilient infrastructure and parkland development.

Conclusion

The City is facing a housing crisis and climate crisis. We have a responsibility to review existing practices and policies and adapt and make changes in the public interest. However, the proposal as presented by the Province fails to address the goals of increasing housing supply, housing affordability, and improved process and instead will result in the loss of environmental protections, heritage conservation, urban design and accountability to the public, along with severe financial implications for the City and Region.

The Bill threatens the foundation of planning and community building further and generates conflict and division in the process when it is critical that all levels work together. Should the Bill be passed as proposed, it will have a detrimental impact to the environmental, social and economic health and wellbeing of our community, setting the City back instead of progressing forward.

The City agrees that additional housing supply is warranted; however, housing alone does not create community. Bill 23 has no regard or consideration for infrastructure funding, asset management, environmental systems, public realm, and quality of space. The erosion of community input into the built environment is undemocratic, draconian, and offends the principle of public interest.

Bill 23 includes varying timelines for the proposed amendments with some coming into force upon the Act receiving Royal Assent and others only coming into force by proclamation of the Lieutenant Governor, of which the timing is currently unknown. There are a number of associated regulations anticipated that the Province has not yet released. It is difficult to fully evaluate the potential impacts until all of the details have been published, however staff are recommending that Council authorize staff to comment on the ERO postings that have been released, prior to the associated deadline of November 24, 2022.

Notifications

It would be prudent to notify the following individuals of Council's recommendation:

- Office of the Premier
- Steve Clarke, Minister of Municipal Affairs and Housing

- Sam Oosterhoff, MPP
- Provincial Standing Committee on Heritage, Infrastructure and Cultural Policy
- Jennie Stevens, MPP
- Jeff Burch, MPP
- M. Sergi, Commissioner of Planning, Region of Niagara
- Niagara Regional Council
- Niagara Peninsula Conservation Authority
- Niagara Escarpment Commission
- All local area municipalities in Niagara Region
- Association of Municipalities of Ontario
- Ontario Professional Planners Institute
- Niagara Home Builders Association
- Niagara Construction Association
- Ontario Federation of Agriculture
- Grape Growers Association
- Rural Ontario Municipalities Association
- Greenbelt Foundation

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Appendices

1. Ontario Heritage Act Implications
2. Niagara Region Memorandum
3. Niagara Peninsula Conservation Authority Comments
4. Letter from Conservation Halton
5. Environmental Defence Comments
6. Big City Mayors Comments
7. Letter from Minister Clark regarding Greenbelt Plan
8. ACO Statement

Bill 23 - Changes to the Ontario Heritage Act

The More Homes Built Faster Act 2022 proposes significant changes to the existing framework for conserving heritage properties across the province. The changes will limit some of the tools available to municipalities for conserving properties, making it more challenging for communities to conserve important heritage buildings. The City of St. Catharines has over one thousand heritage properties. The Official Plan speaks to the importance of heritage preservation, not only because it connects us to our past and helps us to interpret our history, but also because it can benefit the local economy by attracting both visitors to the City, and new investment or residents. Over the past three years, Council has supported staff's efforts to protect the City's heritage by approving the addition of over 100 properties to the City's Heritage Register. The proposed housing legislation will reverse some of those efforts and make it more challenging for the City to conserve its heritage for future generations.

The most significant changes to the Ontario Heritage Act have been included in the chart below, with preliminary analysis about the anticipated effects of the proposed changes.

Item	Analysis
Heritage Register and Designations	
<p>Properties may only be on a municipality's Heritage Register for up to two years. If a property has not been designated under Part IV of the Ontario Heritage Act, the property is removed from the Heritage Register and cannot be re-added for five years.</p>	<p>The City of St. Catharines currently has over one thousand heritage properties. The properties are protected in one of three ways:</p> <ul style="list-style-type: none"> ○ Listed on the City's Heritage Register (163 properties); ○ Individually designated under Part IV of the Ontario Heritage Act (48 properties); or ○ Designated under Part V of the Ontario Heritage Act as part of a heritage conservation district (799 properties). <p>Along with the properties already identified, City staff and the St Catharines Heritage Advisory Committee have been actively identifying and adding new properties to the Heritage Register, including 52 properties in 2020 and 50 in 2022. More properties were anticipated to be added in 2023 and beyond. Most of the properties added to the Register since 2020 have been located downtown,</p>

	<p>where many of the City's oldest and most architecturally significant buildings are located and where there is significant development pressure. These buildings help to tell the city's story and make St. Catharines what it is today. Staff are not opposed to more development in the downtown core (where intensification will help businesses and create a vibrant downtown), but the goal of adding properties to the Register was to help manage change and ensure that elements of the City's history are retained while welcoming more people to the community. The changes to the Ontario Heritage Act will require staff to reconsider this strategy and will create significant challenges for conserving the City's built heritage resources.</p> <p>Listing buildings on the Heritage Register is generally considered good planning practice. It has provided property owners, developers and property buyers with a level of certainty about the status of their property and the expectations under the Ontario Heritage Act. Listing only affects a property owner's ability to demolish a building (in which case, the owner must provide the City with 60-days notice, at which point the City may designate the building to deny the demolition permit). Alterations or additions to Listed buildings do not require heritage permits, though City staff were able to request a Heritage Impact Assessment for alterations related to a planning application. This system provided property owners with the flexibility to make changes to their property, while ensuring that buildings will be retained for future generations. The changes to the Listing of properties will effectively eliminate the City's ability to treat heritage in a balanced manner.</p>
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	<p>The City will need to consider how it will handle the two-year window in which the existing 163 Listed properties will need to be designated under the Heritage Act, or else removed from the Register. Each property will require an evaluation under Ontario Regulation 9/06 to determine if it merits designation under Part IV of the Ontario Heritage Act. Research and evaluation takes significant time and resources, and with only one heritage planner on staff, properties will need to be prioritized for research and evaluation. Though our Listed properties are already sorted by priority level, it is likely that further prioritization will be required and tough decisions will need to be made. The City is lucky to have engaged and informed volunteers on its Heritage Advisory Committee, but staff do not want to put the onus on the volunteer members to take on this amount of work. The new legislation states that if the City is unable to designate properties within the next two years, the City will lose the ability to add those properties back to the Register for five years. In that time, given the pressure to create more housing and the City's intention to intensify with infill development, it is likely that many significant buildings will be lost.</p> <p>Beyond the logistics of researching and evaluating the properties, approximately 100 properties were added to the Register since 2020, and as part of those efforts, property owners were notified that their properties were only to be Listed and not designated unless proposed for demolition. The most common concern brought to staff upon notification that their property will be Listed, was the ability to make changes to their property. Once owners were informed that Listing only pertains to demolitions, it often quelled any concerns. Though the legislation has</p>
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created this situation, some property owners will have concerns about the sudden change of course and may be opposed to a designation.

In terms of a strategy going forward, staff will need to review the existing Heritage Register to determine a course of action for prioritizing designations over the next two years. It is unlikely that new properties will be added to the Heritage Register, likely resulting in the loss of buildings which may be significant. Over 100 Listed buildings are located within the downtown (see map below), and there are certainly other downtown properties that would have been added over the coming years. Given the large number of properties in this concentrated area, an alternative strategy to designating properties individually may be to devote resources towards the pursuit of a downtown heritage conservation district. This would efficiently ensure the protection of a large portion of the existing Heritage Register, along with other downtown properties that may be significant. An interim control by-law could be put in place to ensure that no buildings are lost during the study. Downtown heritage districts have been pursued in a number of similarly sized communities recently, including Cambridge and Peterborough. Each of these studies were completed by qualified heritage consultants, given the extensive research and analysis required. The intention of a heritage district in the Downtown would not be to prevent development, but rather to help manage development in a predictable way that is respectful of the City's built heritage. Furthermore, the process for creating a Heritage District involves a robust public engagement strategy and would allow property owners and members of the

	<p>community to help shape their downtown. A heritage district would also help to counter the changes to the Planning Act that will restrict staff's ability to control urban design elements of new buildings. Heritage district guidelines would effectively bring an urban design component to development in the downtown core.</p>
<p>Municipalities will not be permitted to issue a notice of intention to designate a property under Part IV of the Ontario Heritage Act unless the property is already on the Heritage Register when the current 90-day timeline for designating properties involved in Planning Act applications is triggered.</p>	<p>Previously, properties could be designated without first being on the Heritage Register, allowing the municipality to designate properties which had been previously overlooked either due to lack of resources or new information about the property. The goal of adding properties to the Heritage Register was to provide property owners, developers and potential buyers with certainty about the heritage status of their property. Going forward, there will be limited incentive to list buildings proactively unless it is anticipated that they are under threat of demolition or development. Rather than being proactive with Listings, staff will now have to be reactive. This is not regarded as good heritage planning. Though the intent of the housing bill is to create a smooth process for housing development, this will actually create greater uncertainty for property owners in St. Catharines. Staff will unfortunately be in the position where they will need to tell developers and property owners that the time and resources spent on development concepts will need to be reconsidered in order to protect significant buildings that are not designated. Staff will have to provide this feedback as part of pre-consultations for planning applications, and quickly work to List and then designate buildings within the short timelines prescribed by the Ontario Heritage Act. It is likely that this will result</p>

	<p>in a more combative planning process, which is not good customer service. The City may also find that buildings are pre-emptively demolished before a planning application comes forward in order to avoid heritage implications all together.</p>
<p>All properties listed on a municipal heritage register must meet criteria for determining whether property is of cultural heritage value as prescribed, i.e. Ontario Regulation 9/06 criteria including physical or design value, historical or associative value, or contextual value.</p>	<p>Previously, Council only needed to believe that a property may be of cultural heritage value or interest in order to add the property the Heritage Register. As part of the most recent additions to the Heritage Register, staff have added properties using Ontario Regulation 9/06 criteria as a basis for the addition of properties to the Register, though the rationale has not been explicitly described beyond the require statement explaining the perceived cultural heritage value of the property. Conducting more thorough research and evaluation will be required going forward, though this work will help to inform the designation process as heritage evaluations under Ontario Regulation 9/06 provide the basis for designating properties.</p>
<p>Owners of properties added to the Heritage Register at any time may serve a notice of objection on the municipality. The new legislation identifies the objection process for property owners and requires Council to make a decision in this regard within 90 days.</p>	<p>As part of the City's ongoing efforts to add properties to the Heritage Register, staff have made efforts to communicate to all property owners in advance of their properties being added to the Heritage Register. This has been completed to ensure that any questions or concerns are raised, and that property owners have an understanding of their rights under the Ontario Heritage Act. At this time, no property owners have requested removal from the Heritage Register. Staff anticipate that given the other changes to the Act, and the limited reliance upon Listing to protect buildings, that the addition of this clause will not have a significant impact.</p>

The City of St. Catharines will be required to maintain a list online of all properties on the Heritage Register	A list of properties on the City's Heritage Register is available online, though requires updating after the most recent additions to the Heritage Register. Staff anticipate that this list will be updated before the end of 2022.
Heritage Conservation Districts	
A process will be created as part of a regulation to allow for Heritage Conservation District Plans to be amended or repealed.	<p>The proposed legislation will provide an update to Part V of the Ontario Heritage Act, which covers Heritage Conservation Districts. Municipalities will now have the ability to amend Heritage Conservation District By-laws. The process for amending the by-law will be prescribed in a Regulation which has not been released at this time.</p> <p>This change is important for the City of St. Catharines as nearly 80% of the city's heritage properties are in Heritage Districts. The City's five Heritage Conservation Districts include:</p> <ul style="list-style-type: none"> ○ Queen Street Heritage Conservation District (1989) ○ Yates Street Heritage Conservation District (1995) ○ Port Dalhousie Heritage Conservation District (2001) ○ Power Glen Heritage Conservation District (2010) ○ Port Dalhousie Heritage Conservation District (2022) <p>Best practices in the heritage field have changed over time and Heritage Conservation District Plans and Guidelines have evolved, particularly after 2005 when the Ontario Heritage Act underwent a significant overhaul. Similarly, the language used in District Plans has evolved, particularly as more plans have been subject to appeals. Previously, there was no prescribed course of action for amending Heritage Conservation Districts. Amendments</p>

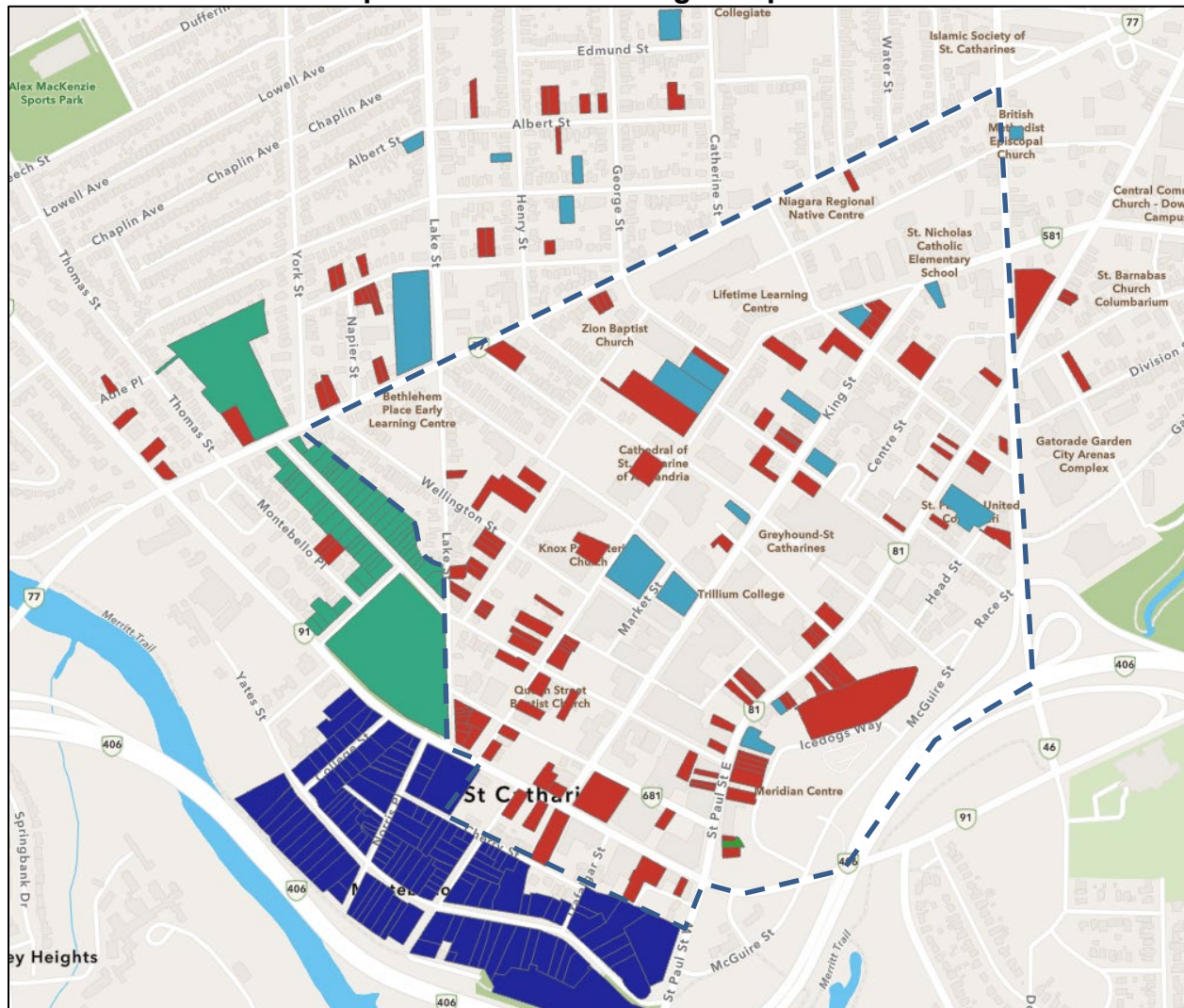
	<p>were challenging to pursue because it involved repealing the designation by-law and re-designating the heritage district under Part V of the Ontario Heritage Act, with an updated District Plan. This involved significant risk due to the potential for appeals to the Ontario Land Tribunal.</p> <p>It is possible that the City may wish to pursue updated plans for its heritage districts plans, especially Queen Street, Yates Street and Port Dalhousie, which are now each decades old. Along with updating Plans to ensure that best practices and language are up-to-date, it is also important to revisit District Plans to determine if they are working as intended and resulting in desirable outcomes. Ultimately, a heritage district is only as good as its District Plan, and the changes to the Act will hopefully allow for the City to make changes in the future that will allow for the continued conservation of properties in our Heritage Districts.</p>
Criteria for Heritage Conservation Districts will be established as part of a regulation.	Previously, Ontario Regulation 9/06 was used to determine cultural heritage value of Heritage Conservation Districts. It is not known at this time if the new regulation will use similar criteria to designate heritage districts. Though no new heritage conservation districts are planned at this time, if the City were to pursue a new heritage district in the downtown or another area of the city, the regulation will provide guidance for its creation.
Provincial Government, Ministry and Public Body Rights	
New rights given to the Provincial Government, Ministries and public bodies to override heritage standards and guidelines if the exemption would	Previously, the Provincial Government, Ministries and public bodies were expected to comply with standards and guidelines without exceptions. The changes that will allow for the Provincial

advance transit, housing, health/long-term care or other infrastructure projects.	Government, Ministries and public bodies to override heritage standards and guidelines for specific projects, should not have a significant impact on the City's ability to conserve properties and minimize impacts on heritage resources. Should a project emerge where this may be a factor, staff will work with these public stakeholders to emphasize the importance of good heritage conservation work and to find strategies that meet the goals of all parties. Heritage conservation does not have to be in opposition to the creation of important projects like housing and transportation and should be regarded as an important asset that can be used to enhance these projects.
Archaeology	
<ul style="list-style-type: none"> The removal of the Region from the planning approval process, which may affect the review of archaeological sites. 	Currently, the Niagara Region is responsible for archaeology throughout the Region. The Region has recently completed an Archaeological Management Plan that was intended to identify areas of significance, ensure the long term protection of archaeological resources, such as the Welland Canal, and provide a clear direction for when archaeological assessments will be required. At this time, it is not clear whether the responsibility of managing archaeology will be downloaded to City staff or how the work of the Archaeological Management Plan will be carried out if the Region is no longer part of the planning process. Given the amount of Indigenous history and early European settlement within the City, the amount of staff review related to archaeology may result in a significant increase in required resources in order to meet provincial timelines for planning applications. Furthermore, archaeology is a specific area of expertise with only partial overlap with the heritage field and

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	requires relationship building with Indigenous peoples in the area to ensure that sites and artefacts are managed appropriately.
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Map of Downtown Heritage Properties



Listed Properties – Red

Designated Part IV (Individual) – Light Blue

Yates Street Heritage District – Dark Blue

Queen Street Heritage District – Green

Potential Downtown Heritage Conservation District Study Area – Dashed line

Note: The intent of the boundary shown above is to reflect the general area of the downtown where heritage properties are currently located and subject to removal from the Register in two years. The potential boundary for a downtown heritage conservation district study is not definitive and can be reduced as necessary.

10.28.2022

STATEMENT FROM NPCA ON CHANGES TO THE CA ACT

Earlier this week, the Ministry of Municipal Affairs and Housing outlined the next phase of Ontario's Housing Supply Action Plan, the "More Homes Built Faster Act." As part of the plan, the government proposes new legislative changes that will impact Niagara Peninsula Conservation Authority (NPCA) and other Conservation Authorities (CAs) across Ontario.

Key changes being proposed that impact conservation authorities include:

- Changes to the CA's role in reviewing and commenting on planning applications on behalf of municipalities under prescribed Acts: Aggregate Resources Act, Condominium Act, Drainage Act, Endangered Species Act, Environmental Assessment Act, Environmental Protection Act, Niagara Escarpment Planning and Development Act, Ontario Heritage Act, Ontario Water Resources Act, and the Planning Act.
- New regulation-making ability has been introduced in the Conservation Authorities Act to enable exemptions from natural hazard permits where Planning Act approvals are in place in select municipalities.
- Amendment to the Conservation Authorities Act enables the Minister to direct CAs to maintain development fees at current levels for the specified period.
- Proposal to remove terms 'conservation of lands' and 'pollution' as considerations in permit decisions and changes to the definition of watercourse.
- Changes have been proposed in the Ontario Wetland Evaluation System (OWES).
- It is proposed that CAs identify potential conservation lands that could support housing development.

We understand bold steps are required to address the housing crisis affecting communities across the Province. We have been working collaboratively with stakeholders and all levels of government to improve service delivery while protecting critical watershed ecosystems and preventing risks from natural hazards and climate change to ensure the health and safety of Ontarians.

The NPCA supports Conservation Ontario's call for meaningful engagement of CAs through the re-establishment of the Multi-Stakeholder Conservation Authority Working Group, comprised of members from conservation authorities, municipalities, the development sector, and agriculture. The CA Working Group helped guide the Province in implementing the last round of changes to the Conservation Authorities Act.

The NPCA will be working over the next few days to understand these changes' impacts better and provide comments and suggestions for consideration by the Province.

The Niagara Peninsula Conservation Authority (NPCA) is responsible for reviewing planning applications affected by natural environmental hazards while working in partnership with local municipalities to further the conservation of natural resources.

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About the NPCA

The Niagara Peninsula Conservation Authority (NPCA) is a community-based natural resource management agency that works to protect, enhance, and sustain healthy watersheds. With over 60 years of experience, the NPCA offers watershed programs and services focusing on flood and hazard management, source water protection, species protection, ecosystem restoration, community stewardship, and land management. Learn more at npca.ca.

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Protecting the Natural
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 Lake to Escarpment

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October 31st, 2022

Dear Premier Ford, Minister Clark, Minister Smith and Minister Piccini,

We are writing to you in response to Bill 23, the *More Homes Built Faster Act*, which was announced on Tuesday, October 25th, 2022, specifically regarding Schedule 2.

We agree that there is a housing supply and affordability issue in Ontario that needs to be pragmatically addressed. We support the government's commitment to reducing unnecessary barriers to development and streamlining processes. We share this commitment and publicly report on the standards of service delivery to illustrate our goal of providing the best customer service to the municipalities, communities, residents and developers we serve.

We will do our part to help the Province meet its goal of building 1.5 million homes in Ontario over the next ten years. We think your stated outcomes are important but are concerned that your proposed legislative changes may have unintentional, negative consequences. Rather than creating the conditions for efficient housing development, these changes may jeopardize the Province's stated goals by increasing risks to life and property for Ontario residents.

1. Potential sweeping exemptions to transfer CA regulatory responsibilities to municipalities

Conservation Halton would like to understand the government's intentions with this proposed exemption. It is unclear whether it will be limited to certain types of low-risk development and hazards, or if the purpose is to transfer Conservation Authorities (CA) responsibilities to municipalities on a much broader scale. While the government wants to focus CAs on their core mandate, this proposed sweeping exemption signals the exact opposite. As proposed in the legislation, the CA exclusions will nullify the core functions of CAs and open up significant holes in the delivery of our natural hazard roles, rendering them ineffective. This will negatively

impact our ability to protect people and property from natural hazards, which seem to be more and more prevalent with extreme weather events.

Without limitations or further scoping, these proposed changes signal the likelihood of future delegation of CA permitting roles to municipalities that have neither capacity nor expertise in water resources engineering, environmental planning and regulatory compliance. This will result in longer response times and increased costs and impede the government's goal of making life more affordable.

Municipalities will also assume sole liability for the impact of development on natural hazards within municipal boundaries and on neighbouring upstream and downstream communities, which is a significant and new responsibility that they have never had to manage.

Key Recommendations:

- Address this risk expressly – keep all hazard-related responsibilities with CAs.
- Engage with the existing multi-stakeholder Conservation Authorities Working Group (CAWG) to ensure there is a streamlined, consistent and scoped process for CAs to help the Province achieve its housing goals while ensuring costs are low, the process is fast and Ontario taxpayers are protected.

2. Proposed change that would prohibit CAs from entering into MOUs with municipalities for other services (e.g., natural heritage reviews, select aspects of stormwater management reviews, etc.)

Conservation Halton has demonstrated that we can deliver these services efficiently without lengthening the approvals process. There is no evidence that municipalities can do this faster or cheaper. Bill 23 as currently written, precludes municipalities from entering into agreements with CAs to provide advice on environmental and natural heritage matters. They will have to coordinate with neighbouring municipalities and the Province on a watershed basis, rather than taking advantage of expertise already available within many CAs.

Key Recommendations:

- Municipalities should retain the option to enter into MOUs with CAs, with clearly defined terms, timelines and performance measures, as allowed under Section 21.1.1 (1) of the CA Act.
- Work with the CAWG to develop guidance for commenting and exploring the option of limiting CAs from commenting beyond natural hazards risks except where a CA has entered into an agreement or MOU.

3. Proposed change to freeze CA fees

This proposal has no guidelines on the timing or permanence of the fee freeze. Conservation Halton has already undertaken an extensive cost-based analysis that has been benchmarked against other development review fees to ensure our fees do not exceed the cost to deliver the service. We meet regularly with developer groups and municipalities to ensure our fees, processes and service standards are transparent, consistent and fair. We hope that you will be guided by your already approved fee policy that Conservation Halton supports, otherwise this change will impose additional costs on municipalities.

Key Recommendation:

- Require CAs to demonstrate to the Province that permit and planning fees do not exceed the cost to deliver the program or service and only consider freezing fees if CAs are exceeding 100% cost recovery.

4. Wetland Offsetting

Wetlands play a critical role in mitigating floods. Further wetland loss may result in serious flooding, putting the safety of communities at risk. Wetlands are a cost-effective strategy for protecting downstream properties. The

government must be prudent when considering changes like offsetting, which could negatively affect the ability of wetlands to reduce flooding and confuse roles in wetland management and protection between municipalities and CAs.

Conservation Halton is disciplined and focused on providing mandatory programs and services related to natural hazards. We have a transparent and proven track record of providing regulatory services that are streamlined, accountable and centred on rigorous service delivery standards. Our commitment focuses on stakeholder engagement, from meeting homeowners on-site to engaging with the development community to better understand perceived barriers. This approach helps us find innovative solutions for continued and safe growth in the municipalities we serve.

To ensure the most effective implementation of this Bill, we believe it is critical that the government presses pause on the proposed changes we have highlighted and meet with us to clarify and consider more effective alternatives. It is our hope that we can work with you again to safeguard the best possible outcomes for the people of Ontario.

You had such great success through the multi-stakeholder CA Working Group, which your Progressive Conservative government created and which Hassaan Basit, President and CEO of Conservation Halton, chaired. We strongly suggest continuing this engagement and we stand ready to help.

Sincerely,

Gerry Smallegange



Chair
Conservation Halton Board of Directors

Mayor Gordon Krantz



Town of Milton
Conservation Halton Board member

Mayor Rob Burton, BA, MS



Town of Oakville
Conservation Halton Board member

Mayor Marianne Meed Ward



City of Burlington
Conservation Halton Board member

cc:

MPP Ted Arnott
MPP Parm Gill
MPP Stephen Crawford
MPP Effie Triantafilopoulos
MPP Natalie Pierre
MPP Donna Skelly
MPP Deepak Anand
MPP Peter Tabuns



Protecting Ontario's environment **TAKE ACTION**

For Immediate Release: October 31, 2022

Ontario's Housing Bill is Actually a Trojan Horse for Environmentally Catastrophic Rural Sprawl

*Statement and Detailed Analysis of Bill 23 from Phil Pothen,
Ontario Environment Program Manager, Environmental
Defence*

Toronto | Traditional territories of the Huron-Wendat, the Anishnaabeg, Haudenosaunee, Chippewas and the Mississaugas of the Credit First Nation – The Ontario government's Bill 23 "More Homes Built Faster Act" includes only tepid measures to enable more badly needed home construction in existing cities, while diving deep into dangerous attacks on wetland habitat, woodlands and other conservation lands and encouraging even more of the expensive rural sprawl that caused Ontario's housing crisis.

The most glaring feature of Bill 23 and its associated policy proposals is an attack on Conservation Authorities, woodlands and provincially significant wetlands that aims

to enable destruction of wetland habitats and conservation lands:

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Across Ontario, municipalities largely leave it to Conservation Authorities to use refusal of permits – and their authority to appeal land use decisions – to ensure that sprawl doesn't destroy the ecological function of the habitat and water bodies they protect.

However, this Bill prohibits Conservation Authorities' power to protect anything beyond managing floodwaters and erosion. It would leave vast swathes of Ontario's most important habitats largely unprotected. This measure is useless as a spur to housing supply, because Ontario has more than enough room in existing neighborhoods and lands already designated for development than it will need for housing for many decades.

This Bill's attack on regional planning is counterproductive for housing affordability – as well as being environmentally disastrous:

Devolving planning decisions to lower-tier municipalities would produce development that is more scattered and thus much more environmentally harmful, but also more uncoordinated and expensive.

This is precisely the opposite of what's needed at a time when we need to preserve every acre of farmland and habitat, and use scarce construction materials, construction labour, equipment and supporting infrastructure to maximize the number of well-designed

and low-cost homes, and transform existing post-WWII subdivisions into public transit-supporting complete communities.

One of the few bright spots in this Bill is a mandate for as-of-right zoning for building more densely near major transit stations:

However, promised reforms to remove or reduce exclusionary “single detached” zoning, which is desperately needed to add compact and low-cost family housing to existing low-rise neighborhoods, were watered down to such a degree that, according to the government’s own documents, they would create just 50,000 of the 1,500,000 promised homes.

This means that families would still be pushed out into low-density car-dependent sprawl.

The government seems to be using this bill to destroy many of the most effective measures that cities have created to ensure that development can go ahead smoothly without causing social and environmental problems, including ending the requirement for rental unit replacement when old buildings are replaced and putting restrictions on inclusionary zoning.

Unless the major flaws in Bill 23 are addressed, it will further the destruction of critical natural areas in a time of climate crisis, while also failing to deliver the urban transformation – or the affordable housing – that Ontario needs.

Below is a detailed analysis of Bill 23.

BACKGROUNDER: A SCHEDULE BY SCHEDULE ANALYSIS OF THE BIGGEST ENVIRONMENTAL IMPACTS OF BILL 23

SCHEDULE 1: CITY OF TORONTO ACT, 2006

Jeopardizing Rental Replacement

The amendment to s. 111 of the *City of Toronto Act* would empower the Minister of Municipal Affairs and Housing to unilaterally limit the City of Toronto's much-lauded rental replacement policy.

The Rental Replacement Policy ensures that when rental apartments are demolished to make way for new development, the tenants are entitled to a replacement unit of roughly the same size and type in the new development, at the same rent as before – as well as temporary accommodation at the interim.

In the absence of the Rental Replacement Policy, construction of much-needed new housing will frequently result in the displacement of existing tenants who currently pay lower rents, and will require them to enter new leases at rents that will almost always be much higher.

Killing the Toronto Green Standard?

The amendment to s. 114(6) of the City of Toronto Act, and the addition of to s. 114 (1.2) would remove the statutory authority for many parts of the Toronto Green Standard, and narrow its application considerably – potentially making it impossible for the City of Toronto to meet its building emissions targets.

SCHEDULE 2: CONSERVATION AUTHORITIES ACT**5****Facilitating a Mass Sell-Off of Conservation Lands**

When land is owned by Conservation Authorities, Ontarians trust that it will remain permanently off-limits for destruction. Outside of extraordinary circumstances, in which case there is direct approval from the Minister or a provincial agency, board or commission, Conservation Authorities are not permitted to sell off conservation lands for development. Bill 23 would remove the requirement for government permission, and allow the sale of conservation lands – including endangered or threatened species habitat, wetlands, and areas of natural and scientific interest. Where a sale is for “provincial or municipal infrastructure and municipal purposes”, the authority is not even required to consult on these dispositions.

Open Season for Sprawl on Wetlands

Many of Ontario’s rarest and most at-risk wildlife and habitats are concentrated in the same “crisis ecoregions” which the vast majority of the province’s people live, and where pressure for suburban residential, commercial and residential sprawl is most intense

This Bill would remove the power of Conservation Authorities to regulate or prohibit sprawl developers and land speculators from destroying wetlands, river or stream valleys, within their jurisdiction, in almost every case. It does this through Section 7 of the Bill, which would amend s. 28 of the *Conservation Authorities Act* to exempt any project that has received land use planning approval under the *Planning Act* from Conservation Authority regulations

regulating water-taking, interference with rivers, creeks, streams, watercourses, and wetlands, or controlling flooding, erosion, conservation of land.

Sections 8. (3)(a), 8(6)(a), 9 (1) (a), 9 (2) (a) & (b), 10 (4) (a), 10 (7)(a), 11(2)(1), 12 (2)(i) of the Act would remove the power of Conservation Authorities to protect the ecological function and potentially the long-term stability and viability of wetlands. It would do this by removing the power to regulate and refuse permits based on “pollution or the conservation of land”, and removing the obligation of the Minister to consider those matters in appeals.

Gagging Conservation Authorities

Bill 23 doesn't just prohibit Conservation Authorities from protecting conservation lands, wetlands wetlands, river or stream valleys themselves. Amendments to s. 21.1.1 and s. 21.1.2 of the *Conservation Authorities Act* actually goes so far as to “gag” them – prohibiting them from providing Municipalities with the information they need in order to start protecting conservation lands themselves when they consider land use planning approvals.

If the Bill passes, Conservation Authorities will not be allowed to “provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act.”

The result will be a massive gap in Ontario's system for protecting public safety and ecosystems, and ultimately, the unleashing of bulldozers and backhoes on cumulatively vast

areas of wetland, forest and other sensitive areas currently off-limits for development.

SCHEDULE 3: DEVELOPMENT CHARGES ACT, 1997

Bill 23 would seem to jeopardize the ability of municipalities to use development charges as intended – to gather funds for large infrastructure projects to accommodate and support growth. It would do this by requiring municipalities to spend or allocate 60 per cent of reserve funds each year.

SCHEDULE 4: MUNICIPAL ACT, 2001

Opening the Door to Displacement of Lower-Income Tenants

Just as Schedule 1's amendments to the City of Toronto Act, attack rental replacement policies in Toronto, Schedule 4 amendments to the *Municipal Act, 2001* would empower the Minister of Municipal Affairs and Housing to unilaterally limit – and even dismantle – rental replacement policies of other Ontario municipalities.

As mentioned above, these policies ensure that when rental apartments are demolished to make way for new development, the tenants are entitled to a replacement unit of roughly the same size and type in the new development, at the same rent as before – as well as temporary accommodation at the interim.

In the absence of the rental replacement policies, construction of much-needed new housing will frequently result in the displacement of existing tenants who currently

pay lower rents, and will require them to enter new leases at rents that will almost always be much higher.

SCHEDULE 9: PLANNING ACT

Contrary to the government's messaging, the main thrust of its amendments to the *Planning Act* – and the main thrust Bill 23 overall – is to legalize and provoke a massive acceleration of suburban sprawl into wetlands, forests, farmland, and other areas on the rural outskirts of major population centers in Ontario's most sensitive ecoregions.

Unilaterally Imposing Sprawl on Municipalities that Choose Smart Growth

Over the past year, Ontario municipalities like Hamilton, Halton and and Waterloo have made extraordinary strides in protecting wildlife habitat and farmland and delivering the denser, walkable, lower-cost forms of housing in existing neighborhoods, by adopting groundbreaking plans that would allocate all – or almost all – of their new homes and workplaces to existing neighborhoods, built up areas, and their existing supply of unused designated greenfield area.

One of the most glaring features of this Bill's amendments to the *Planning Act* is the removal of the last procedural obstacles to the Minister unilaterally imposing sprawl on those conscientious municipal governments. Recent legislation allowed the provincial government to amend these plans, but only if there was an adverse affect on provincial interests protected by the Provincial Policy Statement, and only after the municipality was given the opportunity to remedy any non-compliance.

This Bill's amendments to the s. 23 of the Planning Act would allow the government to directly impose sprawl on those municipalities, without any opportunity to accommodate demand for housing and workplaces in their own way.

Destroying Regional Planning in the Greater Golden Horseshoe

Even more concerning is the Bill's proposal to entirely eliminate coordinated regional planning in Ontario's Golden Horseshoe. In Simcoe, Durham, Halton, Peel, Niagara and Waterloo and York Region, regional planning is meant to prevent "patchwork" sprawl that wastes construction resources and infrastructure, to enable regional governments to ensure that development can be serviced effectively, and to ensure that land isn't wasted.

The Bill would remove the power of Regional governments to plan where new homes and workplaces go, and the densities at which they are built, to prevent the squandering of farmland and wildlife to habitat, and to ensure that new and existing communities can be serviced with public transit, water and other infrastructure.

The effect of Bill 23 will be a region-wide race to the bottom when it comes to land-use planning, with lower-tier municipalities that lack experienced land use planning staff pressured to expand settlement boundaries onto vital farmland and habitat, or into places where they can never be serviced effectively.

Failure to Deliver on Densification: Exiling Families to Sprawl

All of Ontario's major municipalities are on a race against time to bring post-WWII neighborhoods, in particular, up to densities that support frequent, reliable public transit, and allow most residents to get by comfortably without a car. That is in part because of the need to both to make room for everyone who wants to live there – and to stop pushing residents into sprawl. It is also because reducing car trips is vital to meeting Ontario's obligations to eliminate greenhouse gas emissions before it is too late. However, it is also because the population growth that enables us to deliver them without massive hardship will not continue forever. Ontario cannot afford to squander homes and workplaces that are needed to fix existing sprawl right now on the creation of even more sprawl suburbs in wetlands and farms.

Unfortunately, Bill 23 fails to deliver the changes required to meet demand for housing in existing neighborhoods. Measures to require that zoning be updated to facilitate densification around public transit are a modest step in the right direction. However, *Planning Act* amendments hyped as meeting demand for family homes in low-traffic residential neighborhoods are nowhere near what is required to meet the demand for that kind of housing – particularly in Toronto, where vast numbers of family homes must be created within the next 30 years. Promised reforms to remove or reduce exclusionary “single detached” zoning, were watered down to such a degree that, according to the government's own documents, they would create just 50,000 of the 1,500,000 promised homes. Contrary to government messaging, amendments to s. 16(3) of the *Planning Act* do not allow modest, purpose-built walk-up apartments or even townhomes to be built as of right on the

existing lots currently being squandered on single detached McMansions. It is difficult to see how the changes permitted by the Bill – which allows up to two additional residential units within a detached house, semi-detached house or rowhouse, or in a modest ancillary structure – go meaningfully beyond what is already permitted in the City of Toronto.

SUPPORTING GROWTH AND HOUSING IN YORK AND DURHAM REGIONS ACT, 2022

Unleashing Sprawl in York Region and Northern Durham Region

While municipalities like Hamilton and Waterloo made an unprecedented effort to deliver housing in affordable and environmentally sustainable way, York Region, in particular, allowed itself to strong-armed by the provincial government into defying existing land use planning rules by submitting boundary expansion requests that would mark far more farmland and wildlife habitat for destruction than could ever plausibly be required to meet housing need. Moreover, York Region approved boundary expansion on large swathes of land in the overtaxed Lake Simcoe watershed that lacked any capacity at all for further expansion.

The new “Supporting Growth and Housing in York and Durham Regions Act, 2022”, which would be created by Bill 23, aims to facilitate York Region’s reckless and excessive boundary expansion by forcing a massive sewage tunnel through the Greenbelt and the sensitive Oak Ridges Moraine. This law would exempt the project from many features of an Environmental Assessment, and even from the Environmental Bill of Rights.

ABOUT ENVIRONMENTAL DEFENCE

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(environmentaldefence.ca): Environmental Defence is a leading Canadian environmental advocacy organization that works with government, industry and individuals to defend clean water, a safe climate and healthy communities.

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For more information or to request an interview, please contact:

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— **OBCM** —

Ontario's Big City Mayors

Ontario's Big City Mayors (OBCM) Statement on the Introduction of More Homes Built Faster Act, 2022

Posted on Oct 27, 2022

On Tuesday, Ontario's Minister of Municipal Affairs and Housing introduced legislation to address the housing supply shortage being faced across the province. The *More Homes Built Faster Act, 2022*, if passed, will make changes to multiple pieces of existing legislation and supporting regulations as part of Ontario's Housing Supply Action Plan for 2022-2023.

Ontario's Big City Mayors (OBCM) support the governments' goal of building 1.5 million homes over the next 10 years, there is a housing crisis in Ontario and daily we see the impact of this on our residents. Delivering more housing, affordable for all income levels, is a priority for municipalities and while we are seeing results more needs to be done.

"OBCM welcomes the introduction of the *More Homes Built Faster Act, 2022*," said Cam Guthrie, Mayor of Guelph, and Chair of OBCM. "There are some very positive things in here, and there are some items that will require further review, such as the impact of removing development charges. We look forward to further discussions with Minister Clark and his colleagues on these matters before legislation is passed."

OBCM understands that the province and the federal government have initiated conversations on how all three levels of government can collaborate to solve some of these issues. OBCM would like to see the municipal sector at the table as decision-making progresses – there is no solution without all three parties involved.

OBCM will be providing a more detailed position on this extensive legislation after meeting collectively with our membership. We look forward to welcoming twelve newly-elected Mayors and to welcoming back seventeen re-elected Mayors at our first meeting – after new Councils are sworn-in and inaugural meetings are held mid-to-late November.

Because of this timing, OBCM is also requesting that the Government of Ontario extend the comment period for all 30- and 31-day postings for feedback on potential legislative, regulatory, policy and other changes, to 45- or 66-day postings as some already are, to allow for full municipal participation. The current list of postings is as follows:

Environmental Registry of Ontario Postings:

- Proposed Planning Act and City of Toronto Act Changes (30 days)
- Proposed Planning Act and Development Charges Act Changes (30 days)
- Proposed Ontario Heritage Act and Regulatory Changes (30 days)
- Proposed Conservation Authorities Act and Regulatory Changes (30 days)
- Proposed Natural Hazards Regulatory Changes (66 days)
- Proposed Inclusionary Zoning Regulatory Changes (45 days)
- Proposed Changes to Ontario Regulation 299/19: Additional Residential Units (45 days)
- Proposed Supporting Growth and Housing in York and Durham Regions (30 days)

Regulatory Registry Postings:

- Proposed Municipal Act and City of Toronto Act Changes (30 days)
- Proposed Ontario Land Tribunal Act Changes (31 days)
- Proposed Ontario Underground Infrastructure Notification System Act Changes (31 days)
- Proposed New Home Construction Licensing Act Regulatory Changes (45 days)
- Proposed Building Code Regulatory Changes (45 days)

A review of various housing and land use policies to identify and remove barriers to getting more homes built:

- Provincial Policy Statement and A Place to Grow review proposal (66 days)
- Proposed Revocation of the Parkway Belt West Plan (66 days)
- Proposed Revocation of the Central Pickering Development Plan (30 days)
- Conserving Ontario's Natural Heritage (66 days)
- Ontario Wetland Evaluation System Proposal (30 days)
- Potential measures to support Rent-to-Own (45 days)

“The mayors stand ready to work with the province to implement their changes effectively, however it is critical that the full impacts of these measures are explored before implementation occurs. We need to get this right,” said Cam Guthrie, Mayor of Guelph, and Chair of OBCM. “This is an opportunity for all three orders of government to align behind our shared objective of building more homes and setting a new trajectory for housing affordability in Ontario.”

About Ontario's Big City Mayors

Ontario's Big City Mayors (OBCM), formerly known as the Large Urban Mayors' Caucus of Ontario, includes mayors of 29 single and lower-tier cities with a population of 100,000 or more, who collectively represent nearly 70 per cent of Ontario's population. OBCM advocates for issues and policies important to Ontario's largest cities

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November 4, 2022

Dear Clerks, CAOs, and Conservation Authority Administrators:

As you are aware, on October 25, 2022 the government introduced the [More Homes Built Faster](#) plan, which takes bold action to advance our plan to address the housing crisis by building 1.5 million homes over the next 10 years. The government is taking further action to support this goal by launching a consultation on proposed changes to the Greenbelt that would support our municipal partners to plan for responsible growth and help build housing faster and in a targeted manner, while leading to an overall expansion of the Greenbelt.

Ontario is expected to grow by more than two million people by 2031, with approximately 1.5 million people living in the Greater Golden Horseshoe Region.

To accommodate that growth and support the building of more homes, MMAH is seeking feedback on proposed amendments to the Greenbelt Plan, the Greenbelt Area boundary regulation (O. Reg. 59/05) and the Oak Ridges Moraine Conservation Plan in order to:

- Remove/redesignate lands from the Greenbelt Plan and Oak Ridges Moraine Conservation Plan that would be suitable for residential development; and
- Add a portion of the **Paris Galt Moraine area**, designated as Protected Countryside with a Natural Heritage System.

The proposed strategic removal of lands from the Greenbelt Area was considered in the context of the objectives and policies of the Greenbelt Plan and the requirement in the Greenbelt Act, 2005 that the total amount of land within the Greenbelt Area shall not be reduced. The area of the Paris Galt Moraine lands that are proposed to be added would be in addition to the proposed 13 Urban River Valley areas that were consulted upon previously in March 2022 (see [ERO Posting 019-4485](#)). The total lands proposed to be added would be greater than the area of the lands proposed for removal from the Greenbelt Plan under this proposal.

For more information on this proposal and the consultation, please visit the following links where you will find information including a description of the proposed amendments to the Greenbelt Plan, Greenbelt boundary regulation, Oak Ridges Moraine Conservation Plan, and the associated maps.

- [ERO 019-6216 Proposed amendments to the Greenbelt Plan](#)
- [ERO 019-6217: Proposed amendments to the Greenbelt Area boundary regulation O. Reg. 59/05](#)
- [ERO 019-6218: Proposed redesignation of land under the Oak Ridges Moraine Conservation Plan O. Reg. 140/02](#)

The comment period on the Environmental Registry of Ontario will close on December 5, 2022.

The government is building a strong foundation for action that will continue to ensure Ontario is a prosperous and growing province – and the best place in the world to call home. The Province looks forward to continued collaboration with municipal partners to get more homes built faster.

Sincerely,



Steve Clark

Minister

- c. Kate Manson-Smith, Deputy Minister, Municipal Affairs and Housing
Sean Fraser, Assistant Deputy Minister, Municipal Affairs and Housing



Media Release

October 27, 2022

Undermining Heritage Conservation Won't Solve Ontario's Housing Supply Issues

Response to More Homes Built Faster Act, 2022

According to figures discussed at the National Trust for Canada Conference in Toronto last weekend, heritage protected buildings amount to approximately 4 percent of Canada's existing building stock. "Making it harder for communities to preserve places is misguided, cannot solve the housing crisis but will certainly lead to loss of heritage valued by the diverse peoples of the province.", says Diane Chin, ACO President. "As one example of poorly thought out proposals, requiring two criteria for designation, instead of one, will make it practically impossible to protect the often-humble buildings that tell the stories of BIPOC and other marginalized communities.

ACO sees a missed opportunity with the lack of emphasis on converting buildings larger than houses for new housing, absolutely the fastest way to bring new housing online compared to the environmentally destructive practices of demolition and new builds. Diane Chin, ACO President, says "We advocate KEEPING FIXING REUSING our older buildings."

ACO supports many of the Ford government's proposals which would make it easier to achieve infill (gentle) housing development such as permitting secondary suites, laneway housing. We are also pleased that overdue changes to make it easier to amend Heritage Conservation District Plans will be included. We are disappointed that the promised Ontario Building Code proposals that would permit easy conversion of commercial buildings to residential and retrofitting of Ontario's historic main-streets buildings received no mention. Such changes would make it easier to retain and convert existing buildings, build around them, as well as create a new class of small investors in housing provision.

Architectural Conservancy Ontario is the largest voice for heritage in Ontario, founded in 1933 with branches in 17 communities across the province.

For more information contact: Diane Chin President, president@acontario.ca or Will Coukell, Chief Operating Officer will@acontario.ca 416 367 8075

MEMORANDUM

CL-C-145-2022

Subject: Proposed Provincial Legislation—Bill 23 More Homes Built Faster Act, 2022

Date: November 3, 2022

To: Regional Council

From: Michelle Sergi, Commissioner, Planning and Development Services;
 Todd Harrison, Commissioner, Corporate Services/Treasurer; Bruce Zvaniga, Commissioner, Public Works

On October 25, 2022, the Provincial government introduced Bill 23 *More Homes Built Faster Act, 2022*. The government has indicated that the intent of the Act is to create conditions that will result in the construction of more homes to address the housing supply crisis. This memo provides information and preliminary commentary with respect to the legislative changes introduced in Bill 23.

This omnibus Bill proposes to amend nine different statutes with limited commenting periods. A full list of the Acts proposed to be amended by Bill 23, as well as all 15 postings on the Provincial ERO website are attached as **Appendix 1**. The proposed legislative changes that will impact the Region most directly include the Development Charges Act, the Planning Act, the Ontario Land Tribunal Act, and the Conservation Authorities Act. **Appendix 2** provides a high level summary of the various legislative changes that impact Niagara Region. Staff are reviewing the legislation to understand the full implications of the changes, how they will impact the Region, Area Municipalities (AMs), Niagara Peninsula Conservation Authority (NPCA) and ultimately the residents of Niagara. The Association of Ontario Municipalities (AMO) issued a news bulletin on October 25, 2022 which provides an overview of the impacts to municipalities and outlines initial concerns with the legislation, see Appendix 3.

The proposed changes in Bill 23 appear to have negative impacts on the extensive work already undertaken by Niagara Region to address housing supply and affordability including integrated growth management, streamlining initiatives, as well as the

collaboration with the AMs to assist with harmonizing and improving the development review process to ensure it is consistent throughout Niagara Region. On the whole, the proposed slate of changes will create unintended consequences and challenge the Region's ability to support and contribute to building more housing in a sustainable way. Below is a summary of some of the proposed changes that would have the most direct impact on Niagara Region.

Financial Sustainability

- 1) Growth paying for growth has been an accepted taxation principle for some time, however, Bill 23 has the potential to shift a portion of the obligation for funding growth-related infrastructure onto existing property taxpayers. Bill 23 proposes a variety of development charge (DC) discounts and exemptions, including a five year phase in of DC rate increases. The effect of this legislation will be to reduce development charge revenue and prompt municipalities to fund growth with property taxes unless the Province offers a new funding source. This will increase the on-going cost of home ownership because of higher tax rates. It will also exacerbate already known gaps in infrastructure maintenance, renewal, and expansion.
- 2) Development Charge by-laws would expire 10 years after the day the by-law comes into force. The Region's 2022 DC By-law would remain with a five year expiry (i.e., August 31, 2027). However, the 2027 By-law would have a 10 year expiry. This length of time could result in growth projections and capital programs becoming stale dated and not being as responsive to the Region's changing growth needs.
- 3) Currently, a municipal DC by-law may impose development charges to pay for increased capital costs required to provide a variety of municipal services. Bill 23 proposes the removal of housing services as an eligible service for development charges impacting the Region's ability to provide affordable social housing units. The Region's new 2022 DC By-Law provides funding for an additional 193 units of social housing and the former 2017 By-law provided funding for 54 units. This funding for Regional social housing provides housing for the most vulnerable residents with deeper affordability requirements which is generally not the target of private development.

Growth and Infrastructure: Regional Coordination

- 4) Unlike other upper-tier municipalities, Niagara Region has already delegated responsibilities for development approvals to the Area Municipalities and has a Memorandum of Understanding (MOU) governing the division of planning roles. As proposed in Bill, 23 Niagara would be identified as an “upper-tier municipality without planning responsibilities”. The Region would no longer hold an Official Plan, commenting on development applications would potentially be limited and the Region would not be able to appeal development decisions. The potential consequence is that regional aspects of development, such as water/wastewater infrastructure planning, phasing, and capacity allocations may not be coordinated. Cross-jurisdictional transportation policies on regional roads are critical to goods movement and will be impacted. Supporting rapid growth requires a degree of coordination between Area Municipalities, and without a coordinating body to facilitate such planning, ensuring adequate capacity and identifying where infrastructure will be located will likely cost more; and, it may not occur where needed, when needed. It may impact the overall ability of Niagara Region to plan for and support growth in a financially sustainable manner.
- 5) In the proposed legislation, Local Official Plans would be submitted to the Ministry of Municipal Affairs and Housing (MMAH) for approval. The importance of Regional Council having approval authority of local official plans is that there is an opportunity for local interests to be heard and represented in local official plans. With the proposed changes, approval authority rests with MMAH and there may be limited ability to discuss potential changes. Modifications would be made by Ministry staff and approvals granted by the Minister, with no right to appeal the decision. This change would limit the ability for local decision making and influence over land use planning matters including where growth occurs and the protection of the local environment and agricultural resources.

Natural Environment

- 6) As part Bill 23, there are a number of proposed changes to the Conservation Authorities Act which would impact the roles and responsibilities of Conservation Authorities (CAs) and how they interact with municipalities. CAs will have a reduced ability to ensure sensitive environmental lands are appropriately considered during development since they will change from an “approval authority” to a “commenting agency” on issues that are not part of their core

mandate. When this change is combined with removing formal planning responsibilities from upper tiers and other postings on the Environmental Registry including proposed changes to the evaluation criteria for wetlands, compensation, and the potential merging of the Provincial Policy Statement with the Growth Plan, there is an overarching concern related to the direction that is being signaled related to the protection of the natural environment and water resource as systems.

Next Steps/Conclusion

Niagara Region is working with other upper-tier municipalities to understand the impacts and share that information with Councils, CAOs, Treasurers, Legal Services, and Planning. Niagara Region is working with Area Municipalities to understand the implications of Bill 23 locally. In addition, the proposed legislation includes significant changes related to natural heritage, agriculture, and cultural heritage, site plan approval, parkland dedication and residential intensification that may have an impact on Area Municipalities directly.

The stated goals of Bill 23 are important goals, as everyone needs to be working to increase housing supply. Niagara Region has long been committed to this goal as demonstrated through our new Niagara Official Plan, the Regional Affordable Housing Strategy that includes the Niagara Housing Statement, the Consolidated Housing Master Plan, and the Housing and Homelessness Action Plan.

Internal work continues to understand the specific financial implications of Bill 23 with respect to planned infrastructure projects and future needs of growth. Staff will be preparing a formal response on behalf of Niagara Region to the Provincial ERO postings.

Given the extent of the changes a number of transition provisions are included in Bill 23 with some coming into force upon the Act receiving Royal Assent while others with respect to Regional Planning authority only coming into force by proclamation of the Lieutenant Governor, of which the timing is currently unknown. The Province also has not yet released the associated regulations that will need to be introduced to support the proposed changes to the legislation. In addition, it is anticipated that there will be further changes introduced in the following months that could see the consolidation of the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. It is difficult to fully evaluate the potential impacts until all of the details have been published.

Respectfully submitted and signed by

Michelle Sergi, MCIP, RPP
Commissioner, Planning and Development Services

Todd Harrison, CPA, CMA
Commissioner, Corporate Services/Treasurer

Bruce Zvaniga, P.Eng.
Commissioner, Public Works

Appendix 1 – Bill 23 ERO List and Comments Deadline

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ERO Number	Title	Description	Comment Due Date	Link
019-6141	Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0	Legislative and regulation changes under the Conservation Authorities Act to streamline processes, provide clarity and certainty for development, and focus on conservation authorities' natural hazards mandate.	2022-11-24	Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0 Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6141)
019-6160	Proposed Updates to the Ontario Wetland Evaluation System	Legislative and regulation changes under the Conservation Authorities Act to streamline processes, provide clarity and certainty for development, and focus on conservation authorities' natural hazards mandate.	2022-11-24	Proposed Updates to the Ontario Wetland Evaluation System Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6160)
019-6196	Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022	A proposal to make legislative and regulatory amendments to the Ontario Heritage Act to help remove barriers to housing development by updating how heritage properties are identified and conserved by municipalities and the Province of Ontario.	2022-11-24	Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022 Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6196)

Appendix 1 – Bill 23 ERO List and Comments Deadline

019-6161	Conserving Ontario's Natural Heritage	In support of Ontario's Housing Supply Action Plan 3.0 and the government's commitment to support the construction of 1.5 million new housing units over the next ten years, the province is seeking feedback on the discussion paper entitled Conserving Ontario's Natural Heritage.	2022-12-30	Conserving Ontario's Natural Heritage Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6161)
019-6192	Supporting Growth and Housing in York and Durham Regions Act, 2022	The province is proposing new legislation that, if passed, would require the expansion of crucial wastewater treatment services for York Region and the construction of a phosphorus reduction facility to remove phosphorus from drainage water that flows into Lake Simcoe. The ministry is seeking comments on the proposed legislation.	2022-11-24	Supporting Growth and Housing in York and Durham Regions Act, 2022 Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6192)
019-2927	Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario	The ministry is proposing a regulation that outlines how conservation authorities permit development and other activities for impacts to natural hazards and public safety.	2022-12-30	Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-2927)

Appendix 1 – Bill 23 ERO List and Comments Deadline

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019-6162	Consultations on More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023	The government is seeking feedback on potential legislative changes, regulatory changes, policy and other matters to help the government achieve its goal of building 1.5 million homes over the next ten years as part of More Homes Built Faster: Ontario's Housing Supply Action Plan: 2022-2023.	N/A	Consultations on More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-2023 Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6162)
019-6163	Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill X - the proposed More Homes Built Faster Act, 2022)	The government is proposing changes to the Planning Act and the City of Toronto Act, 2006 to make it easier and faster to build new homes for Ontarians as part of its commitment to build 1.5 million homes over the next ten years.	2022-11-24	Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill X - the proposed More Homes Built Faster Act, 2022) Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6163)
019-6171	2031 Municipal Housing Targets	The Province has assigned housing targets to 29 selected lower- and single-tier municipalities in Southern Ontario. These selected municipalities will work towards achieving these targets by 2031.	N/A	2031 Municipal Housing Targets Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6171)

Appendix 1 – Bill 23 ERO List and Comments Deadline

019-6167	Proposed Revocation of the Parkway Belt West Plan	The Ministry of Municipal Affairs and Housing is seeking feedback on a proposal to revoke the Parkway Belt West Plan, 1978, under the Ontario Planning and Development Act, 1994.	2022-12-30	Proposed Revocation of the Parkway Belt West Plan Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6167)
019-6172	Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges	To reduce the cost of building homes, the government is proposing changes to the Planning Act and the Development Charges Act through Bill XYZ “More Homes Built Faster Act, 2022” introduced in support of Ontario’s More Homes Built Faster: Ontario’s Housing Supply Action Plan: 2022-2023.	2022-11-24	Proposed Planning Act and Development Charges Act Changes: Providing Greater Cost Certainty for Municipal Development-related Charges Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6172)
019-6173	Proposed Amendment to O. Reg 232/18: Inclusionary Zoning	Proposing amendments to O. Reg. 232/18 (Inclusionary Zoning) to provide more certainty/clarity and make inclusionary zoning rules more consistent across the province by setting maximum affordability period at 25-years, limiting the number of affordable units to 5%, and standardizing the approach to determining the price/rent of the affordable units	2022-12-09	Proposed Amendment to O. Reg 232/18: Inclusionary Zoning Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6173)

Appendix 1 – Bill 23 ERO List and Comments Deadline

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019-6177	Review of A Place to Grow and Provincial Policy Statement	The Ministry of Municipal Affairs and Housing (MMAH) is undertaking a housing-focused policy review of A Place to Grow and the Provincial Policy Statement. MMAH is seeking input on how to create a streamlined province-wide land use planning policy framework that enables municipalities to approve housing faster and increase housing supply.	2022-12-30	Review of A Place to Grow and Provincial Policy Statement Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6177)
019-6211	Proposed Changes to Sewage Systems and Energy for the Next Edition of Ontario's Building Code	The Ministry of Municipal Affairs and Housing is entering its third and final phase of consultation on the next edition of Ontario's Building Code. As part of this phase, changes to an energy requirement and sewage system provisions (Part 8 of the Building Code) are proposed.	2022-12-09	Proposed Changes to Sewage Systems and Energy Efficiency for the Next Edition of Ontario's Building Code Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6211)

Appendix 1 – Bill 23 ERO List and Comments Deadline

019-6197	Proposed Changes to Ontario Regulation 299/19: Additional Residential Units	Changes are being proposed to Ontario Regulation 299/19: Additional Residential Units. These are consequential amendments resulting from changes to the Planning Act proposed through Bill X to make it easier to build new homes for Ontarians as part of the government's commitment to build 1.5 million homes over the next ten years.	2022-12-09	Proposed Changes to Ontario Regulation 299/19: Additional Residential Units Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6197)
019-6174	Proposed Revocation of the Central Pickering Development Plan	The Ministry of Municipal Affairs and Housing is seeking feedback on a proposal to revoke the Central Pickering Development Plan, under the Ontario Planning and Development Act, 1994.	2022-11-24	Proposed Revocation of the Central Pickering Development Plan Environmental Registry of Ontario (https://ero.ontario.ca/notice/019-6174)

Appendix 2

**Summary of Bill 23 Highlights (proposed More Homes Built Faster Act, 2022)
Introduction/First Reading - October 25, 2022**

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Conservation Authorities Act proposed changes (Schedule 2)	Impacts on Region
A conservation authority cannot provide any service related to reviewing and commenting on a development application or other matter.	Potentially reduces protections.
Conservation authorities must issue permits for community infrastructure and housing accelerator orders.	Reduces authority over regulated features (floodplains, wetlands). Potential impact on Regional infrastructure in the future (operational and maintenance issues).
The regulations of the 36 conservation authorities have been revoked.	No Regional impact.
Expand the program to offset development pressures on wetlands requiring a net positive impact on wetlands.	Reduced protection for PSWs, impacts environment which could have negative impacts on Regional infrastructure in the long term.
Identify conservation authority owned land that could support housing development. Streamline the process to sell or lease Conservation Authority owned land.	No Regional impact. Overall impacts—allow development of protected land for housing. Reduction in conservation areas and community recreation opportunities.

Development Charges Act proposed changes (Schedule 3)	Impacts on Region
Development charges may no longer be collected for housing services.	<p>Increased burden on existing tax base – formerly DC eligible capital projects related to housing would need to be funded by an alternative funding source which often falls on the existing tax base.</p> <p>Increases cost of affordable housing to the Region and may be a barrier to constructing new Regional affordable housing units.</p>

Appendix 2

Development Charges Act proposed changes (Schedule 3)	Impacts on Region
Development charges may no longer be collected for studies including background studies for development charge by-laws.	Alternative funding source to pay for DC background studies will be required – this will be an impact on the overall tax levy.
Five year phase-in of DC rate increases.	The DC Background Study and related DC charges are calculated based on the Region's capital requirements. If the Region is not collecting at a rate of 100% an alternative funding source will be required for many of these projects – this burden will fall on the existing tax payers.
Historical service level for DC eligible capital costs (except transit) extended from 10 to 15 years.	Increased burden on the tax base as service levels over a 15 year period may not accurately reflect the current growth rate.
The creation of affordable residential units, attainable residential units, non-profit housing developments and inclusionary zoning residential units are exempt from the imposition of development charges.	<p>Creation of these types of units contributes to overall growth in the Region and increased service needs. Alternative funding sources will be required to fund these growth projects putting an increased burden on tax base due to less revenue from DCs.</p> <p>There is additional concern over the definitions of affordable and attainable as these may provide incentives to build units that are not truly affordable for the Region. There is also no promise that by exempting these DCs that the cost of housing will correspondingly be reduced.</p>

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Appendix 2

Development Charges Act proposed changes (Schedule 3)	Impacts on Region
Development charges in respect of rental housing development is reduced by a percentage based on the number of bedrooms. Attainable Housing, which includes only ownership housing, is exempt from Development charges.	Creation of rental housing units contributes to overall growth in the Region and increased service needs. Alternative funding sources will be required to fund these growth projects putting an increased burden on tax base due to less revenue from DCs. Having market rental construction pay more DCs than attainable ownership will disincentivize new rental construction in favour of ownership housing. In contrast, in Niagara 24.6% (12,705) of renter households compared to 4.9% (6,870) of owner households are in core housing need (Census 2021). Adequate supply of rental housing is critical for reducing need for social housing.
Development charge by-laws expire after ten years (currently five years)	Reduction in consultant fees, however there is a risk that capital project listings may become stale or may have changes that need to be accommodated in an updated background study/By- law in order to adequately collect and pay for capital needs which could result in increased consultant fees.
Requirement to spend or allocate at least 60% of monies in a reserve fund.	Could impact ability to build reserve funds for large scale infrastructure projects.

Ontario Land Tribunal proposed changes (Schedule 7)	Impacts on Region
LGIC is given the authority to make regulations requiring the Tribunal to prioritize the hearing of appeals of applications/decisions that would permit the most housing to be created.	Limited Regional impact.

Appendix 2

Ontario Land Tribunal proposed changes (Schedule 7)	Impacts on Region
Expand the authority of the Tribunal to dismiss appeals for unreasonable delay and failure to comply with Tribunal orders.	Local matter. Overall impact—less community input into the planning process and less checks and balances.
Expand the authority of the Tribunal to include the power to order an unsuccessful party to pay for the successful party's costs.	Local matter. Overall impact is local municipalities may be hesitant to appeal because if they lose and costs are awarded against local municipalities the impact to budgets could be significant especially for smaller municipalities.

Planning Act proposed changes (Schedule 9)	Impacts on Region
Up to three residential units are permitted “as of right” on most land zoned for one home in residential areas without needing a municipal by-law amendment. No parking and no minimum floor area requirements.	Limited Regional impact related to infrastructure. Local matter.
The area municipalities in the Region are no longer required to provide an official plan and official plan amendments to the Region for approval.	<p>No ability to identify for road widths of Regional roads or lands for infrastructure projects which means no ability to take road widenings if not included in local official plans impacts to Regional roads and goods movement.</p> <p>Removing upper tiers from planning decision-making will lead to misalignment between capital investments in infrastructure by upper-tiers and areas where growth is targeted by area municipalities, which will increase regional costs/taxes and/or create gaps in service.</p>
Niagara Region, now defined as an upper tier municipality without planning responsibilities. Region does not have the ability to appeal or be added as a party to an appeal of adopted lower-tier official plans/official plan amendments, zoning by-law amendments, interim control by-laws, minor variances, approval of plans of subdivision or granting of consents.	Most planning responsibilities are moved from the Region to the area municipality or the Minister. Limited input over future growth and ability to ensure Regional interests are considered as the Region becomes solely a commenting agency without appeal rights or the ability to seek party status on appeals.

Appendix 2

Planning Act proposed changes (Schedule 9)	Impacts on Region
The Region of Niagara is no longer required to have an official plan, which means the twelve local municipalities will address matters such as the allocation of growth, protection of natural heritage and greenbelt areas, other region wide considerations, in the local plans.	<p>No ability to protect for Regional interests in local official plans or local planning matters/approvals.</p> <p>Limited input over future land development on a Region wide basis.</p> <p>Limited ability to coordinate growth management and to plan for delivery of Regional infrastructure projects.</p>
Conservation authorities no longer have the ability to appeal or be added as a party to an appeal of adopted lower-tier official plans/official plan amendments, zoning by-law amendments, interim control by-laws, minor variances, approval of plans of subdivision or granting of consents	Conservation Authorities become a commenting agency.
The Minister may by order amend an official plan if he is of the opinion that the plan is likely to adversely affect a matter of provincial interest	As the existing process has been simplified there is a potential impact the Minister will exercise this power.
The two year freeze following the effective date of new official plans, secondary plans, and zoning by-laws no longer applies to aggregate extraction applications.	Potential increase in aggregate resource applications during first two years.
Residential development proposals with less than ten units are exempt from site plan approval.	<p>Reduced workload; less ability to mitigate potential impacts of development.</p> <p>Potentially stormwater management needs may not be adequately regulated/addressed could result in flooding of Regional roads, natural environment impacts.</p>
Developments with more than ten units will be subject to matters of health and safety under the amended site plan approval process.	Reduced Regional involvement in development applications.
Public meetings for applications for draft plans of subdivisions are now optional for approval authorities.	No Regional impact. Overall impact—could streamline the process, however, less public input.

Appendix 2

Planning Act proposed changes (Schedule 9)	Impacts on Region
Land lease community homes are now included as an exception to the prohibition against the transfer of land.	No Regional impact.
The approval of plans of subdivisions and consent (severance) are now solely within the jurisdiction of the area municipalities.	No impact. Niagara Region delegated approval for subdivision and consent in the 1990s.
Remove the ability of third parties to appeal decisions on official plan and zoning by-law amendments, minor variance and consents.	No Regional impact. Reduced public input in the planning process.



POLICY UPDATE

October 25, 2022

AMO Policy Update – *More Homes Built Faster Act*

Today, the government [introduced](#) the [More Homes Built Faster Act, 2022](#) which proposes significant legislative and regulatory changes that aim to advance the [province's goal](#) to increase housing supply in Ontario. It builds on the province's More Homes, More Choice Plan and the More Homes for Everyone Plan.

The *More Homes Built Faster Act, 2022* proposes changes to several acts including, but not limited to the *Planning Act*, *Conservation Authorities Act*, and *Development Charges Act*, in accordance with four main themes:

- building more homes
- helping homebuyers
- reducing construction costs and fees
- streamlining development approvals

AMO is encouraged to see the province focus on increasing supply, including building more affordable and purpose-built rental housing. However, we are concerned that the province is proposing to exert more centralized control over local planning decisions and limit public consultation and appeals through this Plan.

In AMO's view, the proposed changes to municipal development charges, parkland dedication levies, and community benefits charges may contradict the goal of building more housing in the long-term. Unless fully offset by funding to support growth-related projects, reductions in these fees will shift the financial burden of growth-related infrastructure onto existing municipal taxpayers.

Many of the proposed changes need to be better understood, as they seem to transfer risk from private developers to the public. At first glance these changes seem punitive in nature – at a time where staffing shortages of planners, building officials, and skilled labour are a key factor beyond the control of municipal governments.

AMO will be reviewing the [various proposals](#) and cross-ministry initiatives included in today's announcement. We look forward to actively participating in any ongoing consultations and also hope that this work will be informed by the [Housing Supply Action Plan Implementation Team](#).

*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.

Memorandum

To: Mayor and Council

Cc: David Oakes, Chief Administrative Officer
Kristine Douglas, Director, Financial Management Services/City Treasurer
Tami Kitay, Director, Planning and Building Services
Phil Cristi, Director, Community, Culture and Recreation Services

From: Stephanie Tripp, Manager, Realty and Insurance Services
Margaret Josipovic, Manager, Planning Services
Amanda Knutson, Community Project and Development Planner

Date: November 7, 2022

Subject: Request to Purchase City owned Land -
Adjacent 66A, 66B and 66C Marsdale Drive

Council received the attached memorandum at the July 18 Council meeting and this matter was referred to staff to provide additional information as follows:

- Why the property line for 66A, 66B and 66C Marsdale Drive was adjusted to below the bank;
- Explanation on the classification / uses of Town and Country Park
- Definition of a woodlot;
- The removal of significant trees and the NPCA's role / policies in the matter;
- Boundaries of Town and Country Park

This memo provides the additional information.

PROPERTY LINE FOR 66A, 66B AND 66C MARSDALE DRIVE

Town and Country Park is described as Lot 428, Plan 495 and was transferred to the City for parkland by the developers of Town and Country Estates on September 23, 1960. The developer retained certain other lands including the lands adjacent 66A, 66B and 66C Marsdale Drive legally described as Lot 360 and Part of Lot 361, Plan 495 shown as Part 7 on Plan 30R-2697. In early 1993 the owner had requested that the City accept a transfer of those lands to incorporate the parcels into Town and Country Park and these lands were acquired by the City on December 21, 1993 from River Realty Development (1976) Inc.

CLASSIFICATION / USES OF TOWN AND COUNTRY PARK

The City's Parks Policy Plan (2005) classifies Town and Country Park as a Neighbourhood Park that services residents living within its 800-metre catchment area. The park provides opportunities for passive recreation through a network of open space and informalized trails that traverse the natural hazard and natural heritage features on site. The City's Parks Policy Plan recommends the installation of playground equipment within the park (none currently exists) and that the community be consulted to determine what improvements to the park are desirable.

The City's Official Plan, the Garden City Plan (GCP), outlines the locations of Natural Hazard and Natural Heritage Features throughout the City. Schedules F2, F3, and F4 of the GCP identify the presence of Significant Valley Lands and Significant Woodlands associated with Riverview Creek in Town and Country Park, including the lands closest to Marsdale Drive. To promote the long-term sustainability of the identified natural features most of the park has been designated Natural Areas by the GCP. A relatively small portion of the park, closest to St. Peter Catholic Elementary School is designated Parkland and Open Space.

The land use policies that apply to the Natural Areas designation support "the protection, preservation, restoration, maintenance, and where possible, the improvement of a diverse, connected and integrated system of natural areas, features, hazard lands, habitats, corridors and associated biological and ecological functions (*Section 13.2*)". Only legally existing uses, wildlife conservation management uses, and "passive small scale recreation features such as trails, walkways, and bicycle paths that will have no significant negative impact on natural features or ecological functions" are permitted. No development, redevelopment, or site alteration is permitted within the natural heritage and natural hazard features nor their surrounding protective buffers, unless it has been demonstrated through an approved Environmental Impact Study that adverse impacts will be minimized.

In addition to the land use permissions and restrictions noted above, the GCP sets out general policies to support the preservation and protection of Natural Areas. Public acquisition of privately-owned Natural Areas is supported, while private encroachment into publicly-owned Natural Areas is prohibited. Specifically, the GCP states that "private property encroachments on municipal parkland, open space and natural areas should not be permitted and should progressively be eliminated in order to maximize the use and enjoyment of these areas for public purposes."

DEFINITION OF A WOODLOT / WOODLAND

In Niagara Region, privately owned trees located in Woodlands are regulated by the Region's Woodland Conservation By-law 2020-79. In accordance with Section 135 of the Municipal Act, this by-law defines a Woodland as any treed area with a density of at least:

- 1000 Trees of any size, per hectare
- 750 Trees measuring over 5 cm diameter per hectare

- 500 Trees measuring over 12 cm diameter per hectare
- 250 Trees measuring over 20 cm diameter per hectare

In St Catharines, the minimum regulated woodland size is 0.2 hectares. The minimum size of a Woodland feature is not impacted by property boundaries. A site visit by Regional staff was required to confirm whether the treed area within the City lands meets the Woodland definition described above.

The Region conducted a site visit of the lands directly behind 66A, 66B and 66C Marsdale Drive and their review determined the City lands contains a single mature tree of Woodland origin and the crown of this tree is contiguous with the larger Woodland feature to the west. This tree is located within the City lands shaded in blue on Appendix 1. The tree is therefore subject to Woodland Conservation By-law 2020-79.

Trees regulated by Regional By-Law 2020-79 cannot be damaged or removed, except in accordance with exemption criteria described in Section 4 of the Woodland Conservation by-law, or through the issuance of a Good Forestry Practices permit by Niagara Region. Section 4 exemptions include removal of dead or hazardous trees, limited harvest of woodland trees for personal use (e.g. firewood), and tree removals for approved development, among others.

Development approvals are regulated by the local Zoning By-law and Official Plan, and subject to the Natural Heritage policies outlined in Niagara Region's Official Plan where Planning Act approval is required.

NPCA ROLE / POLICIES IN THE REMOVAL OF SIGNIFICANT TREES

The NPCA advises they do not have the regulatory authority to enforce the activity of cutting individual trees (or multiple individual trees) on private property. This is the legislated jurisdiction of the upper and lower tier municipalities through the provisions of the Municipal Act. The act of removing individual trees does not meet the definition of development under the NPCA's Act or regulations.

BOUNDARIES OF TOWN AND COUNTRY PARK

Town and Country Park contains an area of approximately 9.64 acres and the boundaries are shown outlined in red on Appendix 1 attached hereto.

Appendix 1





By-laws to be considered Monday, November 7, 2022

- (a) A By-law to amend By-law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads." (One reading – with respect to addition of the loading zone at Church Street. Delegation of Powers and Duties By-law No. 2020-156.)
- (b) A By-law to authorize the acceptance of a conveyance of certain lands from NICKEL DEVELOPMENTS LTD. for road widening along Carlisle Street. (One reading – with respect to a condition for the Site Plan Agreement application in relation to 57 Carlisle Street. Delegation of Powers and Duties By-law No. 2020-156.)
- (c) A By-law to authorize the acceptance of a conveyance of certain lands from KASOWSKI, FRANK, BODNIK, STANISLAW, KASOWSKI, IZABELA, KASOWSKA, JANINA, BODNIK, JOANNA, BODNIK, BRIAN, for road widening along Pelham Road. (One reading – with respect to a condition for the severance application in relation to 229 – 233 ½ Pelham Road. Delegation of Powers and Duties By-law No. 2020-156.)
- (d) A By-law to authorize the acceptance of a conveyance of certain lands from TAYDRIEN DEVELOPMENTS INC. for road widening along Linwell Road. (One reading – with respect to a condition for the severance application in relation to 374 Linwell Road. Delegation of Powers and Duties By-law No. 2020-156.)
- (e) A By-law to assume and declare certain lands to be a highway and to be known as Vansickle Road North. (One reading – with respect to a condition for the minor variance application in relation to 1076 Vansickle Road North. Delegation of Powers and Duties By-law No. 2020-156.)
- (f) A By-law to authorize the acceptance of a conveyance of certain lands from THE ROYAL CANADIAN LEGION, POLISH VETERANS, BRANCH 418, THE ROYAL CANADIAN LEGION, POLISH VETERANS, BRANCH NO. 418 for road widening along Vine Street. (One reading – with respect to a condition for the severance application in relation to 294 Vine Street. Delegation of Powers and Duties By-law No. 2020-156.)
- (g) A By-law to authorize the acceptance of a conveyance of certain lands from 1032438 ONTARIO LIMITED for road widening along Vine Street. (One reading – with respect to a condition for the severance application in relation to 249 Vine Street. Delegation of Powers and Duties By-law No. 2020-156.)
- (h) A By-law to authorize an Operating Agreement with Tourism St. Catharines Municipal Services Corporation. (One reading – with respect to implementation of Municipal Accommodation Tax by the City. To be considered by Council, November 7, 2022.)



- (i) A By-law to amend By-law No. 2021-67 entitled “A By-law to provide for the licensing, regulating and inspecting of Short-term Rentals in the City of St. Catharines.” (One reading – with respect to prohibition of advertising and promoting without a licence. To be considered by Council, November 7, 2022.)
- (j) A By-law to amend By-law No. 2021-68 entitled “A by-law to establish a system for non-parking related administrative penalties. (One reading – with respect to imposing a penalty for advertising and promoting of Short-term rentals without a licence. To be considered by Council, November 7, 2022.)
- (k) A By-law to confirm the proceedings of council at its meeting held on the 7th day of November 2022. (One reading - with respect to confirming the proceedings of the meeting held on November 7, 2022.)