



**The Corporation of the City of St. Catharines**  
**CITY COUNCIL AGENDA**  
**Regular, Monday, November 28, 2022**  
**Council Chambers and Electronic Participation, 6:00 PM**

This Meeting will be held in both person at Council Chambers and electronically. Individuals who are feeling unwell are asked to watch the Meeting online at [www.stcatharines.ca/youtube](http://www.stcatharines.ca/youtube) rather than attend in-person.

Delegations to Council can be made in-person in Council Chambers or electronically through Zoom. Requests to delegate must be submitted using the

[City's Electronic Delegation Form](#) by Monday, November 28, 2022 before 9:00 a.m. Those wishing to delegate through Zoom must attend a test session on Monday, November 28 at 10:00 a.m.

*Public Comments: The public may submit comments regarding agenda matters to the Office of the City Clerk by contacting [clerks@stcatharines.ca](mailto:clerks@stcatharines.ca) by Monday, November 28, 2022 before Noon. If you are submitting comments regarding Item #6.2 - Application for Exemption to By-Law 95-212 – Reptilia Inc., please submit your comments to [correspondence@stcatharines.ca](mailto:correspondence@stcatharines.ca). Comments submitted will be considered as public information and entered into public record.*

*His Worship Mayor Mat Siscoe takes the Chair and opens the meeting with a Land Acknowledgement*

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- 1. Mayor's Report**
- 2. Adoption of the Agenda**
- 3. Adoption of the Minutes**

3.1 Regular Council, minutes of [November 7, 2022](#)  
[Addenda]

- 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

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may request that one or more of the reports listed under Item 6 be moved to the list of Discussion Reports.

## **6. Consent Reports**

- 5 - 15      6.1      Community Recreation and Culture Services  
2022 St. Catharines Cultural Investment Program Funding  
Recommendations – Rounds Three and Four
- 16 - 93      6.2      Economic Development and Tourism Services  
Application for Exemption to By-Law 95-212 – Reptilia Inc.  
*(Approval of this report will set a public meeting for the Council Meeting of December 12, 2022)*  
*(Written correspondence on this subject matter should be directed to correspondence@stcatharines.ca)*  
[Addenda]
- 94 - 130      6.3      Financial Management Services  
Amendment to Development Charges By-law No. 2021-140  
*(Approval of this report will set a public meeting for the Council Meeting of December 12, 2022)*  
[Addenda]
- 131 - 133      6.4      Legal and Clerks Services, Clerks Department  
2023 Schedule of Meetings for City Council and Budget Standing Committee
- 134 - 137      6.5      Legal and Clerks Services, Clerks Department  
Post-Election Accessibility Report
- 138 - 141      6.6      Legal and Clerks Services, Clerks Department  
Options for Deputy Mayor Appointment  
[Addenda]
- 142 - 262      6.7      Legal and Clerks Services  
Council Correspondence

## **7. Presentations**

## **8. Public Meetings**

## **9. Discussion Reports**

- 263 - 293      9.1      Financial Management Services  
Audit Planning Report for the Year Ended December 31, 2022  
*(Presentation by KPMG LLP will precede discussion of the report)*
- 294 - 302      9.2      Legal and Clerks Services, Clerks Department  
Councillor Appointments to Associations, Boards, Commissions and Task Forces

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- 303 - 307      9.3      Legal and Clerks Services, Clerks Department  
                                Filling a Vacancy on Regional Council – Jim Bradley  
                                [Addenda]

**10. Motions**

- 308 - 315      10.1      **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. On November 7, 2022, Council deferred consideration of this motion at the request of Councillor Kushner.*

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. Report Requests**

**13. Committee and Task Force Minutes**

13.1 Minutes to Receive

- Accessibility Advisory Committee, meeting of [October 31, 2022](#)
- Anti-Racism Advisory Committee, meeting of [October 18, 2022](#) (draft)
- Designations, Plaquing, and Ceremonies Sub-Committee, meeting of [September 23, 2022](#) (draft)
- Heritage Advisory Committee, meeting of [October 13, 2022](#) (draft)

- Heritage Permit Advisory Committee, meeting of [September 29, 2022](#) (draft)
- Museum Advisory Committee, meeting of [September 20, 2022](#) (draft)

[Addenda]

**14. Closed Session**

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

14.1 Legal and Clerks Services

Nativity Scene

*(Closed Session Pursuant to Municipal Act, 2001, S.O. 2001, c. 25, Section 239 (2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose)*

[Addenda]

**15. Motion Arising from Closed Session**

**16. By-laws**

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16.1 Reading of By-laws

[Addenda]

**17. Adjournment**





## Corporate Report City Council

**Report from:** Community, Recreation and Culture Services, Programs and Cultural Services

**Report Date:** November 10, 2022

**Meeting Date:** November 28, 2022

**Report Number:** CRCS-186-2022

**File:** 35.65.12

**Subject:** 2022 St. Catharines Cultural Investment Program Funding

Recommendations – Rounds Three and Four

### Strategic Pillar:

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



## Recommendation

That Council approve the recommendations for investment through the St. Catharines Cultural Investment Program in the amount of \$97,584.00 as outlined in Table A; and

That staff make the necessary notifications to St. Catharines Cultural Investment Program applicants.

## Summary

Staff are requesting Council's approval for rounds three and four of 2022 funding to be released through the St. Catharines Cultural Investment Program (SCCIP). The amount of funding recommended in this report represents the final allocation for SCCIP in 2022. With Council's approval of the report recommendations, total funding allocated in 2022 will be \$400,000.00. As per the revised [St. Catharines Cultural Investment Policy](#), the Arts and Culture Advisory Committee (ACAC) established two SCCIP Review Committees. These committees consisted of one to review the Arts Development Program and Culture Builds Community Program applications and one to review Sustaining - Festival Program applications. These committees finalized recommendations for Council's consideration totaling \$97,584.00.

## Relationship to Strategic Plan

SCCIP supports the Cultural Renaissance section of the Strategic Plan in the following ways which are also included in section 4.1 of the City's Culture Plan 2020 (linked [here](#)):

- support of the creative cluster and promotion of cultural talent, festivals, events, and venues; and
- stable sustainable cultural support and funding.

## Background

The St. Catharines Cultural Investment Policy was approved by Council at its meeting on [February 16, 2004](#). The revised Policy was approved by Council on [May 2, 2016](#). The Policy provides a framework for SCCIP, which is “designed to strengthen local arts creation, cultural distribution and engagement to improve the spirit and quality of life for its residents. The St. Catharines Cultural Investment Policy aims to serve long term community sustainability by strengthening cultural vitality, economic diversity, environmental awareness and social inclusion...”.

## Report

This report provides recommendations for funding to SCCIP applicants to the Arts Development Program, the Culture Builds Community Program, and the Sustaining – Festival Program.

The applications to the Arts Development and Culture Builds Community Programs were reviewed by the SCCIP Review Committee on November 1, 2022. Applications to the Sustaining - Festival Program were reviewed by the SCCIP Festival Review Committee on November 2, 2022. Both committees evaluated the applications using pre-approved evaluation criteria.

Summary of recommendations, brief descriptions of applicant activities and projects, and a summary of the review committee's conclusions are attached as Appendix 1. The information in Appendix 1 was provided to the ACAC for their review and final approval of the recommendations. The approval of the recommendations for all funding programs were made by motion at the ACAC meeting held on November 9, 2022.

The following investments are being recommended for Council's approval:

<b>TABLE A – SCCIP Applicants – Round 3 and 4 - Summary</b>				
<b>Applicant</b>	<b>First Time App.</b>	<b>Previous Funding Amount</b>	<b>2022 Request Amount</b>	<b>Recommended</b>
<b>Arts Development Program – Sept. 22 Deadline – Review Committee #3</b>				
Aeris Körper Contemporary Dance	✓		\$4,000.00	\$3,000.00
Avanti Chamber Singers		\$1,000.00	\$4,000.00	\$3,500.00

Port Dalhousie Beautification and Works Committee		\$1,600.00	\$4,600.00	\$4,000.00
Silver Spire United Church		\$4,000.00	\$7,000.00	\$5,884.00
<b>Culture Builds Community Program – Sept. 22 Deadline – Review Committee #3</b>				
MaryLou Pietrobon	✓		\$3,000.00	\$0.00
Dr. Neivin Shalabi Ad Hoc Group		\$3,000.00	\$8,134.00	\$0.00
Start Me Up Niagara		\$6,000.00	\$10,000.00	\$9,000.00
Willow Arts Community		\$8,581.00	\$9,000.00	\$8,500.00
<b>Sustaining – Festival Program – Sept. 22 Deadline – Review Committee #4</b>				
Bravo Niagara! Festival of the Arts		\$17,000.00	\$27,500.00	\$19,700.00
The Norm Foster Theatre Festival		\$26,500.00	\$30,000.00	\$27,500.00
TD Niagara Jazz Festival		\$16,000.00	\$25,000.00	\$16,500.00
<b>Total SCCIP Funding Request by Applicants</b>			<b>\$132,234.00</b>	
<b>TOTAL SCCIP Funding Recommendation</b>				<b>\$97,584.00</b>

## Financial Implications

Funding recommendations are within the approved 2022 operating budget of \$400,000 for the St. Catharines Cultural Investment Program. To date, \$302,416.00 has been invested through the SCCIP programs in the first two rounds of applications. The amount of funding recommended in this report represents the final allocation for 2022. With Council's approval of the report recommendations, total funding allocated in 2022 will be \$400,000.00.

## Environmental Sustainability Implications

There are no environmental sustainability implications in this report.

## Conclusion

The City's SCCIP funding program provides opportunity for investment in the cultural vitality of the community. Many SCCIP applicants partner with social service agencies to develop specialized programming that serves challenged and disadvantaged residents. SCCIP applicants also program events and activities that appeal to a wide range of interests, including diverse communities, to ensure that St. Catharines residents are provided with access to opportunities for professionally led arts experiences and creative self-expression.

Every year, SCCIP investment directly serves the implementation of Culture Plan 2020, cultivating the growth and development of the creative sector, fostering participation in arts, heritage, and cultural experiences, and communicating the experiences and value of culture to St. Catharines residents

## **Notifications**

Staff to notify SCCIP recipients accordingly.

### **Prepared by**

Ashley Judd-Rifkin  
Culture Coordinator, Culture Services

### **Submitted by**

Carly Anderson  
Supervisor, Programs and Culture Services

### **Approved by**

Phil Cristi  
Director, Community, Recreation and Culture Services

## **Appendices**

1. Appendix 1 – SCCIP Recommendations 2022 - Review Committee #3 and #4

# SCCIP Applicant Recommendations 2022

## Review Committee #3 – November 1, 2022

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### ARTS DEVELOPMENT PROGRAM – APPLICANTS

APPLICANT	AMOUNT REQ.	PROJECT	First Time	Recommendations and Comments
<b>Aeris Körper Contemporary Dance</b>	<b>\$4,000</b>	<p><b>Vik Mudge: Cultivating Emerging Choreographers in St Catharines</b> – Aeris Körper is a contemporary-based not-for-profit dance company that creates and produces live performances, hosts community presentation platforms, and leads open-level movement workshops. Their application seeks support for mentorship of emerging St. Catharines-based choreographer Vik Mudge, as well as the creation and production of a new dance film titled 'The Shadow Project' by Vik, to be presented in July 2023 in St. Catharines.</p> <p><b>Date: January to July 2023</b></p>	✓	<p><b>\$3,000</b> – The Committee agreed this was a great proposal for a first-time applicant. The project's focus on mentorship of an emerging dance artist, as well as the production of a new dance work, makes it both timely and unique within the context of the local arts community. With the inclusion of gender-diverse artists working within an underrepresented art form in St. Catharines, this project has the potential to be very impactful. The Committee was supportive of Aeris Körper and believes the recommended funding amount is a good starting point for this first-time applicant.</p>
<b>Avanti Chamber Singers</b>	<b>\$4,000</b>	<p><b>Considering Matthew Shepard</b> – The Avanti Chamber Singers are a 30+ mixed voice choir who have been performing in St Catharines since their inception in 2006. Avanti is seeking funds to support their production of the contemporary vocal oratorio, "Considering Matthew Shepard", a three-part work written by Craig Hella Johnson in response to the twentieth anniversary of the death of Matthew Shepard, the victim of one of the most notorious anti-gay hate crimes in United States history. Two performances are planned for April 2023 in St. Catharines.</p> <p><b>Date: January to April 2023</b></p>	✓	<p><b>\$3,500</b> – A very strong proposal, with both cultural interest and community impact clearly articulated. Avanti is an award-winning organization with a history of presenting work in St. Catharines, and this would be the first performance of this work anywhere in Niagara. The Committee was especially impressed with the proposed partnerships with local high schools, Brock University and Silver Spire United Church. The Committee agreed this was a strong way to return to performance after pandemic disruptions and recommended nearly the full amount of the funding request.</p>

## SCCIP Applicant Recommendations 2022

<b>Port Dalhousie Beautification and Works Committee (BWC)</b>	<b>\$4,600</b>	<p><b>Port's Old Lock One 2023 Concert Series –</b> The BWC is a volunteer driven organization dedicated to the beautification, preservation and enhancement of Port Dalhousie. After the old Lock one was re-purposed into a live stage (helped in part by the BWC), 2022 saw the first full BWC concert series take place. The BWC is requesting funds to improve and expand on this past year's program to provide a free concert series in summer 2023.</p> <p><b>Date: May to October 2023</b></p>	<p><b>\$4,000 –</b> The Committee noted that the BWC is a strong community organization, and that their past SCCIP-funded events were run very successfully. The Committee liked that the BWC was proposing an expansion of these free, engaging music performances for the community and believe that these events are well-suited to the venue while also appealing to a variety of audiences. As a result, they recommended almost the full amount of the request.</p>
<b>Silver Spire United Church</b>	<b>\$7,000</b>	<p><b>Spire Arts Team Mentorship Mondays –</b> Silver Spire Arts Team's Mission is to support the St. Catharines arts community. To support this mission, the team is seeking funds to organize a series of professional development events for the arts sector for 2023. These Mentorship Events will be two-hour events consisting of 1 hour with a mentor, in the format of a talk followed by a Q&amp;A session. The focus of the project is on building partnerships and helping members of the arts community connect with each other and with members of the Spire community, to help create the opportunity for revenue generation, community engagement, and further professional development on the part of the participants.</p> <p><b>Date: January to August 2023</b></p>	<p><b>\$5,884 –</b> Silver Spire's commitment to the local arts community and the work they do in the downtown core is outstanding, and the Committee particularly liked that they are proposing to work with local arts professionals to undertake this project. The Committee noted that the concept of providing space and opportunity to share expertise would be a significant benefit to the arts community members involved, especially as the sector slowly emerges from the effects of the pandemic. The Committee agreed that Silver Spire's proposal to offer this form of professional development for free is hugely important and is recommending funding for this project.</p>

# SCCIP Applicant Recommendations 2022

## CULTURE BUILDS COMMUNITY PROGRAM – APPLICANTS

APPLICANT	AMOUNT REQ.	PROJECT	First Time	Recommendations and Comments
<b>MaryLou Pietrobon</b>	<b>\$3,000</b>	<p><b>Fence Art</b> – MayLou Pietrobon is a St. Catharines-based artist and has been making art her entire life. She is applying for funds to create positive, cheerful, floral art for outdoor display, using material headed for the landfill and re-using it, saving the environment one painting at a time. The first area of installation is proposed on already approved fencing around the Port Weller Community Centre.</p> <p><b>Date: March to October 2023</b></p>	✓	<p><b>\$0</b> – The Committee agreed this was a good submission for a first-time grant applicant and that the project sounded interesting. However, they agreed that the community impact and engagement for this project, a requirement of this program, was not as strong as other proposals. As well, they believed only providing some funding to this project would not help the artist achieve the goal of a professional finished product. This, coupled with the high demand of the program, resulted in the Committee not recommending funding for this initiative. The Committee strongly recommends this applicant re-apply to another deadline with an application that more clearly articulates community impact.</p>
<b>Dr. Neivin Shalabi Ad Hoc Group</b>	<b>\$8,134</b>	<p><b>Exploring the Arab and Canadian Cultural Practices Through Art</b> – Led by Dr. Neivin M. Shalabi, Ph.D. in collaboration with Dr. Ahmed Shalaby, two artists, and two volunteers, this ad-hoc group is seeking funds to facilitate a series of workshops on cross-cultural understanding. To allow for a rich exchange, each workshop will focus on a salient cultural aspect including the following: language, clothes, relationships, spirituality, food, and sports. Participants will develop artwork that highlights the distinctive features of each of these cultural aspects. This program is mainly intended for older adults in St. Catharines.</p> <p><b>Date: January to March 2023</b></p>		<p><b>\$0</b> – The Committee was interested in this project and impressed with how responsive it was to a perceived gap in community needs. They also liked the plan to include local newcomer artists to facilitate the sessions. However, they had strong reservations around the timing of the project and the potential difficulty with in-person sessions scheduled for January and February. In addition, they questioned the overall timelines of the project, wondering if there was a better way to engage potential participants. This, coupled with the high demand of the program, resulted in the Committee not recommending funding for this initiative. The Committee strongly recommends this applicant re-apply to another deadline with these concerns in mind.</p>

## SCCIP Applicant Recommendations 2022

<b>Start Me Up Niagara</b>	<b>\$10,000</b>	<p><b>Art Me Up - Before The Barriers</b> – Start Me Up Niagara (SMUN) is applying for funds to work with Art Me Up artists, interested community participants, local artists, Pathstone Mental Health, and other partners to research and develop ideas for a memorial dedicated to those who committed suicide at the Burgoyne Bridge prior to the installation of the barriers. Participants will have a variety of opportunities – including workshops and facilitated open studios – to express personal memories and life journeys. They will work with the project and workshop facilitators, other SMUN staff and volunteers, and the local community, to access, record, store and document their expressions of the stories left behind.</p> <p><b>Date: January to May 2023</b></p>	<p><b>\$9,000</b> – SMUN is a well-established organization, and the Committee was impressed with the project's direct focus on providing access for a severely underserved community to engage in a touching and important memorial. SMUN provides a valuable safe space to be inspired and inspire others and the community has shown a great desire to engage in recent similar projects that SMUN has organized. The Committee noted that project leaders are well-qualified to undertake this initiative and well-positioned to help others succeed. The Committee was very supportive of this project and the only reason SMUN is not getting their full request is due to the high demand of the program.</p>
<b>Willow Arts Community</b>	<b>\$9,000</b>	<p><b>Culture Share</b> – In partnership with leadership at the Niagara Regional Native Centre (NRNC), Willow Arts is seeking funds to co-create and facilitate three multidisciplinary art programs in 2023. Working with Willow Arts staff, lead artists will be selected from the Willow Arts membership to facilitate programs such as: a zine-making course; a multigenerational visual arts activity; and a music exchange program. Their plan is to employ the arts to connect native and non-native communities, create dialogue, and inspire hope, understanding and change.</p> <p><b>Date: January to December 2023</b></p>	<p><b>\$8,500</b> – The Committee noted that Willow Arts Community's work is well-recognized as a proponent of healing through arts development and mentorship. The organization fills a unique need in St. Catharines for this type of programming for a community that is chronically under-served. The Committee agreed that this is an excellent partnership with the NRNC and that the project itself has a wide scope, allowing participants multiple opportunities for engagement. The Committee felt it was an extremely worthwhile project for support and recommended nearly the full amount of funding.</p>



# SCCIP Applicant Recommendations 2022

Review Committee #4 – November 2, 2022

## FESTIVAL PROGRAM – APPLICANTS

Applicant / Festival/Event / Dates	Amt. Req.	Festival Description	Funding Recommendations and Review Committee Comments
<b>Bravo Niagara!</b> <b>Festival of the Arts</b>  <b>Voices of Freedom Festival, Bravo Niagara! TD Jazz Series and Maestro Series</b>  Taking place throughout 2023	<b>\$27,500</b>	<p>The Voices of Freedom Festival (VOFF) was launched in 2015 and has become a signature Bravo Niagara! event and important platform for featuring culturally diverse artists. In 2023, Bravo Niagara! will transition 100% of its programming to St. Catharines and is seeking support for an expanded program of events as part of their TD Jazz Series and Maestro Series, as well as their Voices of Freedom Festival. Bravo's TD Jazz Series will feature leading Canadian and international jazz artists at the FirstOntario Performing Arts Centre (PAC). Their Maestro Series is an intimate encounter Festival in the PAC Recital Hall and Robertson Theatre featuring classical stars. The 2023 Voices of Freedom Festival includes a headline concert at the Mandeville Theatre in partnership with Ridley College, featuring Grammy Award-winning drummer Larnell Lewis in a special project with his wife Joy Lapps-Lewis.</p> <p>Organizationally, Bravo's 2021-23 Strategic Plan prioritizes increasing private sector revenue through donations, membership, and foundation support – in addition to building public sector support through operational and multi-year government funding.</p>	<b>\$19,700</b> – The Committee was very impressed with this application and commended Bravo Niagara! for the culturally-enriched, distinct, and innovative programming that they're planning. The Committee agreed the artistic lineup is high-caliber and that Bravo's focus on projects with original content has the potential to build awareness and draw visitors from outside Niagara. Solid partnerships and outreach activities – especially connections with local high schools, Ridley College, Brock University and Niagara College – provide opportunities for community engagement. Though they really liked how Bravo has transitioned all their programming to St. Catharines, the Committee had some reservations about how they will be able to grow audiences and connect with new markets, especially as the arts sector emerges from the pandemic. Still, the Committee was very supportive of a slight funding increase for Bravo Niagara!'s 2023 season.

## SCCIP Applicant Recommendations 2022

<p><b>The Norm Foster Theatre Festival</b></p> <p><b>The Foster Festival</b></p> <p>Taking place throughout 2023</p>	<p><b>\$30,000</b></p>	<p>The Foster Festival is in the midst of their seventh successful season (2016 – 2022) producing the plays of Norm Foster. Norm is internationally renowned for his skill in examining extraordinary moments in the lives of ordinary people and his highly entertaining style – humour with heart. In 2023, The Foster Festival is partnering with Ridley College and is using the Mandeville Theatre to produce two full productions – one world premiere and one greatest hit. The Foster Festival is also working with Ridley to develop a year-round arts educational series where students and youth will be able to participate in free arts educational workshops and talkbacks covering a variety of artistic disciplines and topics. Productions in 2023 include: the world premiere of “Danny and Delilah” in February/March; a world premiere workshop &amp; reading of Foster’s new play “Whit’s End” in April; a site-specific production of “Outlaw”, at a barn or horse riding stable in Niagara in May/June; and, in July/August, the companion piece to “Outlaw” titled “Jenny’s House of Joy”.</p> <p>Organizationally they are growing, having engaged a part-time employee to manage the Box Office throughout 2022 and with plans to hire two new positions in 2023 - a full-time General Manager and a full-time Director of Development.</p>	<p><b>\$27,500</b> – The Committee noted that the Foster Festival worked hard over the course of the pandemic to retain their audience, think outside the box (especially in terms of outdoor venues), and sell tickets. Moving to a new season format – one that sees four productions throughout the year instead of three productions over three months – could not only help improve ticket sales but also help to avoid staff burnout. The Committee was impressed with the Festival’s outreach initiatives, including their emerging arts worker program &amp; arts educational series with Ridley College, as well as providing free and low-cost tickets, which illustrates their goal to make theatre accessible for all local community members. The Committee praised the Festival’s lengthy list of local partners, including golf clubs, restaurants, cafés, and wineries throughout St. Catharines, noting these connections are purposeful and goal-oriented, and that they benefit the businesses, the Festival, and audiences. Ultimately, the Committee was very supportive of providing the Festival with a slight increase over last year.</p>
<p><b>Niagara Jazz Festival</b></p> <p><b>The TD Niagara Jazz Festival</b></p> <p>Taking place throughout 2023</p>	<p><b>\$25,000</b></p>	<p>The TD Niagara Jazz Festival (NJF) is dedicated to keeping jazz music alive by uniting the Niagara community in a cutting-edge festival that inspires, educates and develops future jazz audiences, and combines live jazz with a unique Niagara experience – food, wine, culture and natural wonders. In 2023 the TD Niagara Jazz Festival will celebrate its 10-year anniversary with '10 for 10'. These ten signature events and series throughout the year include: Twilight Jazz &amp; Blues Series; Twilight Jazz Series; Mardi Gras / Jazz Crawl; Live Learn Jazz Series (Master</p>	<p><b>\$16,500</b> – The Committee was very impressed that a large amount of NJF programming is free, accessible, and family-friendly. The Committee agreed that the mix of talented national and international artists being programmed along with local artists and emerging musicians was excellent. The Committee noted how the organizational team at the NJF are creative in approach (especially in terms of programming and venues) and that,</p>

## SCCIP Applicant Recommendations 2022

Classes); International Jazz Day (Fundraiser); Summer Festival – flagship event plus multiple other series; Online Emancipation Day Celebration; Summer Patio Jazz; Hungry 4 Hammond Series; Jazz 4 The Ages Youth Program. In St. Catharines, events will take place at venues that have been key St. Catharines partners, including the FirstOntario Performing Arts Centre, Mahtay Café and Lounge, Ridley College, Henry of Pelham Winery, and 13th Street Winery (among others.)

In 2022, the Jazz Festival successfully hired its first General Manager, and priorities for 2023 include engaging new Board Members, looking for new sponsorship opportunities, and applying for new grant funding.

since 2023 represents the 10<sup>th</sup> Anniversary of the Festival, there is a huge potential that events related to the anniversary will be highly successful. The NJF as an organization is gaining strength after a very difficult year, and the addition of a General Manager should help to continue this strength going forward. Though the Committee noted some areas could be strengthened – especially in terms of using additional St. Catharines venues – they were supportive of funding the NJF’s activities in 2023.

### SUMMARY

Program	# of Applicants	Requests Fall 2022 Intake	# of Recipients	Recommended Investments
Arts Development Program	4	\$ 19,600	4	\$16,384
Culture Builds Community Program	4	\$ 30,134	2	\$17,500
Sustaining – Festival Program	3	\$82,500	3	\$63,700
<b>Total</b>	<b>11</b>	<b>\$132,234</b>	<b>9</b>	<b>\$ 97,584</b>



## Corporate Report City Council

**Report from:** Economic Development and Tourism Services

**Report Date:** November 17, 2022

**Meeting Date:** November 28, 2022

**Report Number:** EDTS-189-2022

**File:** 10.13.9

**Subject:** Application for Exemption to By-Law 95-212 – Reptilia Inc.

### Strategic Pillar:

This report aligns with the St. Catharines Strategic Plan Economic pillar.



## Recommendation

That Report EDTS-189-2022, regarding Application for Exemption to By-Law 95-212 – Reptilia Inc., be referred to City Council for consideration of the Staff Recommendation after a public meeting to be scheduled for December 12, 2022, for which notice will be duly given.

## Staff Recommendation

That Council approve an amendment to By-law 95-212, attached as Appendix 2, to authorize Reptilia Inc. to operate at 285 Geneva St. (known as the Fairview Mall) and to offer off-site educational project, training, or authorized special event activities within city limits, including transportation to and from such off-site locations; and

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

That the Clerk be directed to make all necessary notifications.

## Relationship to Strategic Plan

This report relates directly to the Economic Prosperity Pillar of the City's 2019 -2028 Strategic Plan.

- Continue to implement the Economic Development Strategy (2017-2022) with particular focus on investments, employment, and partnerships to attract, retain, and grow the economy of the city. It further supports the Council approved Economic Development and Tourism Services Pandemic Recovery Strategy.

## Background

The Municipal Act provides authority for lower-tier municipalities to pass by-laws respecting health, safety and well-being of persons and further provides authority for municipalities to pass by-laws with respect to animals.

On June 19, 1995, City Council adopted [By-Law No. 95-212](#) to regulate and govern the keeping and harbouring of animals within the city. This By-Law was further amended on [November 4, 2013](#) by adding an extensive list restricting the harbouring of specific reptilia as defined in the amending by-law on lands within the geographical boundaries of the city outlined in the amendment. Currently, the by-law exempts the City or any other government authority from operating an exhibit or zoological garden and maintaining animals therein.

On December 13, 2021, a staff report was published regarding Reptilia's application requesting an exemption to By-law No. 95-212, with a public meeting scheduled for January 17, 2022. At the request of the applicant, the public meeting was subsequently moved to January 31, 2022.

On January 31, 2022, the applicant submitted a letter of notice withdrawing their application for exemption.

On March 9, 2022, a new letter of request for an exemption was submitted to the City Clerk seeking an amendment to By-Law No. 95-212 to establish operations in St. Catharines.

On April 22, 2022 the applicant submitted a letter of notice requesting a deferral of the application for exemption resulting in a withdrawal.

On November 10, 2022, a new letter request for an exemption was submitted to the City Clerk seeking an amendment to By-Law No. 95-212 to establish operations in St. Catharines (Appendix 1).

## Report

Since 2017, Economic Development & Tourism Services (EDTS) staff have been engaged with Reptilia Inc. regarding their interest in expanding and investing in a new flagship tourist attraction in St. Catharines. In February 2021, First Capital Realty announced Reptilia Inc. as its first new tenant to lease space in its recently renovated southwest end of the Fairview Mall. Reptilia Inc. plans to occupy the former IKEA store space serving as an anchor draw for the mall and surrounding areas.

Reptilia Inc. has educated and entertained the public for more than 20 years at its existing Ontario locations in Vaughan and Whitby. Reptilia Inc. operates a permanent zoo as well as a mobile zoo in both municipalities. Each of the facilities are multi-functional, featuring family attractions, camp programs for youth, curriculum-based education programs for schools and extends a professional program that provides training to military personnel and first responders. An additional part of the operations includes working with local animal authorities such as the Niagara Regional Animal Services on save and rescue missions serving as a benefit to the local community.

To operate in St. Catharines, Reptilia Inc. requires an amendment to the current animal control by-law. This by-law prohibits the keeping of certain animals within the city, including species which are proposed to be housed at Reptilia. The provisions of the by-law do not apply to the City or any other government authority while lawfully operating a public park, exhibit, or zoological garden and maintaining animals therein. Reptilia has requested that this exemption be expanded to include a person specifically authorized in a new schedule to the by-law, subject to any conditions set out in the schedule. The new schedule will specifically identify Reptilia Inc. at its proposed location at 285 Geneva St. within the Fairview Mall. Fairview Mall is in a C4 zone and the proposed use as presented to the building division by Reptilia Inc. is permitted.

Also, as a condition to be included in the new schedule permitting the exemption, Reptilia Inc. would be required to notify the City's contracted service provider for animal control enforcement (currently Niagara Regional Animal Services Inc.), the City's By-Law Enforcement Division and Niagara Region Public Health prior to attending any off-site educational projects, training, or special event activities within the city, including the anticipated duration of the off-site event.

## **Health and Safety Considerations**

### **Consultation with Reptilia Inc.**

Since opening its first location in 1996, Reptilia Inc. has confirmed there have been no incidences related to animal escape or reptile bites at either of its permanent zoo locations or any mobile / off-site events. The types of species that are most likely to be encountered at Reptilia Inc. include snakes (mostly nonvenomous), alligators, crocodiles, salamanders, frogs, turtles and lizards. Through the mobile program, a selection of animals are transported to offsite locations for educational purposes depending on client requests.

Reptilia Inc. staff further confirmed all animal exhibits are designed and constructed to prevent escape. Enclosures are checked daily and the facilities are monitored 24 hours a day, seven days a week, with routinely practiced animal escape drills ensuring that health and safety protocols are continuously measured and training practices for all staff is ongoing.

In the event of an animal escape of any kind, Reptilia Inc. confirms that their experts would be dispatched to safely capture, handle and transport the animal back to their facility.

### **Antivenin**

Reptilia Inc. has confirmed that its corporate protocol is to stock antivenin for all venomous species held onsite. The company has also indicated it will work proactively with the medical community and area hospitals to facilitate training exercises regarding the education and administration of antivenin in emergency situations. While Reptilia Inc. has not recorded any onsite venomous bites, in other cases the antivenin has been made available to local hospitals for exotic pet owners who have encountered an unexpected bite (Appendix 3).

## Niagara Regional Public Health

Staff consulted with Niagara Region Public Health (NRPH) officials who shared the potential health risks associated with the handling of reptiles. Risks identified include exposure to infectious diseases that are likely to increase in transmission during birthday parties and travel exhibitions. Vulnerable populations identified include children, the elderly and those with compromised immune systems who are more susceptible to potential disease transmission. As such, NRPH has established a set of guidelines for all animal exhibit operations (permanent, seasonal or transient). The guidelines apply to a public place of business, a temporary operation associated with a shopping mall, a special event, a school event and birthday parties (Appendix 4).

## Animal Welfare Considerations

Reptilia Inc. has advised that more than 75% of its animals originate from rescue situations and are not purposefully removed from the wild. Those that are rescued also receive proper veterinary care and diet.

Petitions and correspondence from residents and non-residents expressed both concerns and support for the proposed facility (samples attached as Appendix 5). Opinions ranged from supporting a new family friendly attraction in the community to concerns regarding the animals receiving adequate care, accommodations, the risk of escape and entering public spaces, as well as transmission of disease.

As of November 23, 2022, a total of 4,904 petitions and 133 items of correspondence have been received. A total of five templated petitions were received. Of the five template petitions, two of the petitions, totaling 3,581 submissions, did not include a place of residency, therefore staff cannot verify residency status or duplication of submissions. Samples of the petitions are included in Appendix 5. All items of correspondence and petition samples are included in Council's SugarSync folder.

Additional letters of objection and concern were received from the following animal welfare organizations respecting the Request for Exemption of By-law 95-212 from Reptilia Inc:

- Niagara Action for Animals (NAFA)
- Zoocheck Inc.
- World Animal Protection
- Animal Alliance of Canada
- Animal Justice
- Born Free USA
- Ontario Captive Animal Watch
- Canadian Wildlife Federation
- International Fund for Animal Welfare Inc

The information provided in this correspondence included concerns for public safety, risk of zoonotic disease, animal welfare impacts, comparator municipality decisions to not permit private zoos, precedent setting, increased offsite mobile live animal programs, the encouragement of exotic pet ownership and enhanced risk to native wildlife and environments (Appendix 6).

On January 27, 2022, an updated letter from Niagara Regional Animal Services (NRAS) was received recommending that By-law 95-212 not be amended. NRAS provides animal control services within Niagara Region, including St. Catharines, and enforces all animal related by-laws specific to animal control in the city. Notwithstanding the mutual aid save and rescue assistance Reptilia Inc. offers, NRAS remains concerned with the display of animals to the public and exposing the public through mobile operations and birthday parties which may contribute to additional stress and negatively impact the well-being of the animals (Appendix 7).

On January 28, 2022, a letter from the Ontario SPCA and Humane Society (SPCA) was received that recommends denying the request for an exemption to By-law 95-212. The SPCA mission is to ensure that all animals are free from abuse and neglect. The SPCA position states that the keeping of exotic animals poses serious threats to public safety, such as transmission of disease, risk of escape and potential injury to handlers or the public who come in direct interaction (Appendix 8).

Reptilia Inc. has stated that it continues to proactively work with Provincial Animal Welfare Services (PAWS), a provincial government-based animal welfare enforcement system in Canada to exceed provincial legal requirements. Also, accredited through the Canadian Association of Zoos and Aquariums (CAZA), Reptilia Inc. has recently renewed a five-year accreditation. CAZA standards are recognized by all levels of government and requires each facility to re-apply for accreditation and submit annual attestation to their compliance. (Appendix 9)

First Capital, the owner and operator of Fairview Mall has provided a letter in support for Reptilia, detailing the evolution of regional malls and the importance of adding experiential services as a means to retain and attract business and new visitors. In addition, letters of support from economic development officials from the Town of Whitby and Vaughan were received outlining the positive economic benefits and community impacts that Reptilia has contributed to both municipalities. (Appendix 10)

## **Financial Implications**

There are no financial implications associated with this report.

## **Environmental Sustainability Implications**

There are no environmental implications associated with this report.

## **Conclusion**

EDTS is responsible for leading a business retention and expansion program that enhances St. Catharines' position as a competitive and prosperous location for private and public investment that positively contributes to the City's employment and non-residential tax base. The tourism and attraction industry continues to be one of the hardest-hit sectors of the economy. Reptilia Inc.'s planned investment in St. Catharines has the ability to bolster recovery efforts in establishing a flagship attraction in the city. Staff is of the opinion that the requested amendment is reasonable and are satisfied that Reptilia Inc. will comply fully with all conditions and by-laws.



Staff support this application to amend By-law 95-212, as amended, being a by-law to regulate the keeping of animals including exotic animals within the city.

## **Notifications**

It is in order to advise Mr. Brian Child, President, Reptilia Inc.

### **Prepared and Submitted by**

Sabrina Maselli

Senior Economic Development Officer

Brian York

Director of Economic Development and Government Relations

### **Approved by**

Brian York

Director of Economic Development and Government Relations

## **Appendices**

- Appendix 1 - Bylaw Exemption Request - Reptilia
- Appendix 2 - Proposed Draft By-Law Amendment No. 95-212
- Appendix 3 - Reptilia Facility Statement of Clarification
- Appendix 4 - Niagara Region Public Health Guidelines for Animal Exhibits
- Appendix 5 - Sample of Petition Correspondence Received
- Appendix 6 - Statement of Objection Correspondence
- Appendix 7 - Niagara Regional Animal Services Letter
- Appendix 8 - Ontario SPCA and Humane Society
- Appendix 9 - CAZA Accreditation
- Appendix 10 - Letters of Support



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November 10<sup>th</sup>, 2022

Re: Animal Bylaw Exemption Request (Bylaw # 95-212)

Attention: Ms. Kristen Sullivan  
City Clerk, St. Catharines, Ontario

Dear Ms. Sullivan,

Reptilia Inc. requests the Mayor and Council consider a request from Reptilia for an exemption to the Animal Bylaw to allow us to place one of our Facilities in Fairview Shopping Centre in the former IKEA pick up location.

I wish to apologize for the past two requests which we were forced to withdraw due to parties who were against our application filing documents or failing to attend very close to the meeting date, which did not provide us with sufficient time to respond to the contentions contained therein.

I look forward to hearing from you.

Thank you,

Brian Child  
President  
Reptilia Inc.

CITY OF ST. CATHARINES

BY-LAW NO. \_\_\_\_\_

A By-law to amend By-law No. 95-212 entitled "A By-law to regulate the keeping of animals."

WHEREAS section 11 (2) of the Municipal Act provides authority for municipalities to pass by-laws respecting health, safety and well-being of persons;

AND WHEREAS section 103 of the Municipal Act provides authority for municipalities to pass by-laws to regulate or prohibit with respect to animals being at large and trespassing of animals;

AND WHEREAS by giving the required public notice and holding a public meeting, the City of St. Catharines has complied with the public notice requirement, and notice of the said by-law was posted to the City of St. Catharines website on 12/09/2021 and the public meeting was held on January 17, 2022;

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

1. That By-law No. 95-212, as amended, be and the same is hereby further amended by deleting section 1(b)(i) and replacing it with the following:

1 (b) "Officer" means:

(i) a municipal law enforcement officer appointed by the City.

2. That By-law No. 95-212, as amended, be and the same is hereby further amended by deleting section 3(c) and replacing it with the following:

3 (c) this corporation, any other government authority, or such other person listed in Schedule C and subject to any conditions set out in Schedule C, while lawfully operating a public park, exhibit, or zoological garden, and maintaining animals therein;

3. That By-law No. 95-212, as amended, be and the same is hereby further amended by adding Schedule "C" attached hereto.

4. That provisions of this by-law come into force on January 17, 2022.

Read and passed this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

CLERK

MAYOR

## SCHEDULE "C" TO BY-LAW NO. 95-212, as amended

Persons permitted to operate an exhibit or zoological garden:

1. Reptilia Inc., subject to the following conditions:
  - a. Only at the retail location located at 285 Geneva Street (also known as Fairview Mall) and to any off-site educational project, training, or authorized special event activities within the City limits, including the transportation to and from such off-site locations; and
  - b. That Reptilia Inc. notify the City's contracted service provider for animal control enforcement and the City's By-Law Enforcement Division prior to attending any off-site educational projects, training, or special event activities within the City of St. Catharines and the approximate duration of said off-site event.



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## **Reptilia Zoo – St. Catharines Facility Statement of Clarification**

**29 March 2022**

### **As Requested by:**

**Brian York**

Director of Economic Development & Government Relations, St., Catharines, ON

**Sabrina Maselli**

Senior Economic Development Officer, St Catharines, ON

### **1. Rescued animals vs captured – percentage of each, and what is the rationale behind the captured?**

Reptilia does not purposely remove animals from the wild for its animal collection. Reptilia carefully considers the number of animals we can provide an excellent standard of care for, and what species are needed to forward our mandate of education and conservation. Reptilia is proud to house a large diversity of animals of which 75% are rescues/surrenders, 10% are born in our facilities and 15% come from other accredited facilities.

Reptilia only takes in/breeds animals if they forward the company's mandate of education and conservation. Any uncommon species bred in captivity are rarely surrendered by the public.

Rescued/surrendered animals are often obtained as a result of unwanted pets from members of the public, or are given to Reptilia by public organizations such as Animal Services, OSPCA, MNR and Environment Canada. Through partnerships with the Ministry of Natural Resources and Forestry, Environment Canada, and the OSPCA, Reptilia has provided homes for many animals who were destined for the illegal pet trade, or were confiscated from poachers and smugglers by authorities. We house these animals at Reptilia for educating the public on the importance of conservation and responsible pet ownership. Over the years, Reptilia's educational programs have encouraged members of the community to practice responsible pet ownership, gain empathy for animal welfare and to partake in ecological and conservation-based initiatives.



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In addition, Reptilia has been operating an Adoption Program since 2012, and has found forever families for more than 250 common pet species. This has been highly successful, with only two animals returning to the program due to unforeseen circumstances; the others appear to be living happy lives with their new families based upon Reptilia's annual check-up on our adopted animals. The adoption program allows animals to have a second chance for a quality of life through our vetting the future owners to ensure they will provide the animals' proper care and health.

Reptilia does not function as an animal wildlife and rehabilitation centre, and does not capture or release any animals/wildlife. In the event Reptilia takes part in captive breeding and reintroduction programs in the future, we will follow all Provincial and Federal legislation, MNR/CAZA and SSP Policies.

## **2. Venomous bites – anti venom – who has it, how can St. Catharines be assured it is available in case of an emergency?**

Reptilia maintains adequate antivenin (anti-venom) onsite to treat a bite from a venomous snake housed in its collection. The antivenin is kept in a climate-controlled refrigerator, and in the unlikely event of a bite would travel with the victim to the closest hospital for administration. All Reptilia facilities develop a relationship with local hospitals and share our snake bite protocols should an emergency arise.

Any employee working with a venomous species is required to wear a lanyard with a species' ID and anti-venom information. Should an incident occur, the required antivenin is easily identifiable via the lanyard. Reptilia also keeps snakebite first aid kits, epinephrine and emergency protocols with our antivenin.

Additional anti venom beyond Reptilia's onsite stock can be obtained from the following: other Reptilia facilities, West Parry Sound Health Centre, Hospital for Sick Kids, Toronto Zoo, Buffalo Zoo, and Toledo Zoo.

Antivenin is sourced at Reptilia's cost from various worldwide vendors and is replaced according to shelf life provided by the manufacturer. Import is regulated by a Special Access Programme.

Cast Members go through an extensive training and clearance before being allowed to work with and have access to venomous species, and this never occurs when they are alone. Cast Members only have access to the specific species they have been cleared on. The public has no access to venomous animals.



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Preventative measures in our training protocols have ensured that in the last 26 years of operations, not a single venomous bite has occurred.

**3. Capture plan – what does Reptilia have in place should a reptile escape? Will there be local resources expected to be utilized in a capture plan (e.g. Animal Control, Humane Society, Police, Fire etc.)**

For the safety and comfort of the animals, Guests, and Cast Members, Reptilia keeps animals securely in their spacious home enclosures. Animals are homed either on exhibit or in animal holding rooms (for outreach, hospitalization, or quarantine purposes).

Exhibits are designed and built to prevent escape, and are checked regularly for security. Exhibits that have doors that open towards the public house harmless animals used in our educational interaction programming, and are locked unless a zookeeper is present. Exhibits that house dangerous animals have no access from the public areas. Instead, they open into a secured corridor that is accessible only by lock and key to trained and cleared Cast Members. As a third level of protection, corridors are secured so that animals cannot get into public space even if they were to escape their exhibit through the access door. Warning lights outside the corridors inform Cast Members if a dangerous exhibit is currently being accessed, and the corridor cannot be entered at that time. Small, harmless animals remain in their exhibits when being cleaned. In contrast, venomous animals are placed into locked and labelled holding containers and large snakes or crocodilians remain in their enclosures, but with the exhibit doors closed and the corridor on lockdown.

Within animal holding rooms, animals have individual, secure enclosures. Venomous species are locked and labelled as such, with only authorized handlers being able to access them. If an animal were to escape from an enclosure, the room is secure and escape-proof (for example, permanent barriers are placed against the bottom of doors, drains are covered, doors are always kept closed, etc.), so the animal cannot access other areas of the facility.

The facility itself is entirely indoors, has a double door entrance system where the doors are never propped open, making escape from the building unrealistic, even if all other measures were to fail. The facility is inspected daily to ensure no animal holding areas are compromised and that all animals are safely in their habitats. Further, inspections by PAWS serve to affirm our safety measures, as well as animal welfare.

In the event of a minor or major reptile escape of any kind, local resources would not be required, as Reptilia houses the expertise to safely capture, handle and transport any animal species that we maintain. Although never having to employ our skills with our own collection, we have captured loose caiman, pythons, boas and venomous snakes on behalf of Toronto





Police and Animal Services in the Greater Toronto Area, the event of animals found outside, in buildings or during busts.

#### **4. Spread of Infectious disease (Zoonoses) – what measures does Reptilia take to prevent this?**

By definition a zoonoses or zoonotic disease is a disease that can transfer between a nonhuman animal to a human, or vice versa. Much ado has been made about this, but, in reality, onions are about ten times more likely to cause an infectious outbreak than reptiles.

Reptiles are a great species choice for educational outreach programs, as they are so distantly related to humans, that the diseases shared between are far fewer than those shared between humans and other mammals. This protects both Cast Members and Guests, but also the animals as well! Incoming animals must be cleared after strict quarantine to assure they are not transmitting disease to other animals in the facilities.

However this does not mean there is a complete absence of risk. How much of a risk reptiles pose to humans is a source of much debate, but the number of cases reported by the USA CDC pales in comparison to human food. Those who do not like animals or the use of animals in programming often over-inflate the risks, but on the opposite end, animal institutions and reptile hobbyists tend to trivialize or claim that there is no risk at all, where the reality is likely somewhere in the middle.

##### **Zoonotic Risks from Reptiles:**

**Bacterial** – A handful of bacteria only may be passed from reptiles to humans. Reptiles are not the only source of infection, as most infections come from other animals, food, and water sources. Those most at risk are those who consume undercooked reptiles, and those who work with them in close quarters.

**Salmonella** – This bacteria is the most famous reptilian zoonoses. Almost 1000 serotypes of *Salmonella* have been identified in reptiles, many of which can infect humans and exist without causing disease in the reptile host. Furthermore, *Salmonella* has an amazing ability to sit dormant for long periods, and may be shed transiently from an infected reptile. The bacteria is even known to coat eggs as they are laid, passing on to future offspring. Although most commonly associated with turtles, other reptiles can also be carriers. Infection can be serious, especially in very young children and the immunocompromised. Although symptoms are typically like a nasty bout of the flu, in extreme cases they can lead to meningitis or brain abscesses. Fortunately infection is relatively rare and can be fairly easily mitigated by basic hygienic practices. Although *Salmonella* causes about 1.35 million infections in the USA each



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year, recently turtles have accounted for only 87 infections *total* (not per year), and pet bearded dragons merely 44 *total* (in 25 states!). Thus, the vast majority of reported *Salmonella* cases in humans (>99%) are not related to reptiles.

Other possible but very rarely reported zoonoses include *Aeromonas* spp., *Campylobacter* spp., *Edwardsiella* spp., *Escherichia* spp., *Mycobacterium* spp., *Pasteurella* spp., *Proteus* spp., *Staphylococcus* spp., *Streptococcus* spp.

Fungal – Fungal agents that ca at this point in time, direct transmission has not been documented. These include *Aspergillus* spp., *Dermatophilus* spp. and *Trichophyton* spp.

Viruses – Reptiles may provide reservoirs for some viruses such as West Nile and Equine Encephalitis. However, this would not affect reptiles housed indoors

Accidental intermediate parasite hosts – A few parasites can enter and encyst in humans if they come into contact. These situations are extremely rare and typically do not result in problems. Common exposure is from eating an uncooked reptile or amphibian. Examples *Cryptosporidium* spp. and *Coccidia* spp.

#### Zoonoses Management

Reptilia's animals are typically captive born and bred, and pass through a quarantine before they enter the collection and join outreach programs. This highly diminishes the chance zoonotic disease transmission. Reptilia has strict standards of care including for cleanliness and disinfection, which goes a long way to prevent disease from forming and spreading. Reptilia performs regular health checks and parasite checks on animals in the collection. Sick animals do not travel for programming and animals that test positive for parasites are treated. Reptilia feeds frozen but thawed prey, which reduces the likelihood of zoonoses. Any animal that dies receives a post mortem, which will identify potential zoonotic factors. Reptilia deworms all turtles twice yearly, as these reptiles carry a higher risk of transmission to both humans and other reptiles. Cast Members are supplied with PPE and taught the benefits of using them. They are required to wash their hands and clothing regularly, and always after contact with feces, food items, or hospitalized animals. Guests are asked to wash their hands before and after coming in contact with an animal. They are also asked not to eat during contact, and particularly for little ones, not to touch their face. Reptilia's Cast Members bring sanitizer with them to offsite events, in the event other hand washing opportunities are not readily available. All wounds including scrapes and cuts from outside Reptilia must be properly cleaned, covered and contained during healing.



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## **5. Education**

Zoocheck is the major detractor for a new Reptilia facility in St. Catharines. Their website states one of its goals as being “challenging the fallacy of zoo conservation and education” as far as wild animals are concerned. This anti-educational stance is troublesome, and completely irrelevant to our application because Reptilia does not capture, purchase, or seek wild-caught animals. That said, ...

Ontario’s Wildlife in Captivity Policy WiPo2.5 (updated Jan 2020) states the following:

### **Section 1.0:**

“... zoos can have a role in advancing public understanding and appreciation of wildlife and helping to advance species conservation,” and “[a] zoo with a well-developed educational program can contribute to our understanding of wildlife species.” Reptilia has developed a provincially accepted program for reptiles and amphibians.

### **Section 2.0:**

“O. Reg 668/98 defines a zoo as “a place where game wildlife or specially protected wildlife is kept in captivity for display to the public and for conservation, educational or scientific purposes”. This definition precludes the zoo licence from being issued to a person who does not have a permanent physical location that is open to the public.”

and

“For many people, a zoo provides the only opportunity to observe wildlife up close and, along with a well-developed educational program, the experience may leave the viewer with a better understanding and appreciation of the wildlife they see. Zoo facilities must be physically open to the public to allow direct viewing of captive wildlife. Indirect approaches for viewing wildlife, such as videos and live webcams, cannot be the only method of displaying wildlife under a zoo licence.”

It is also important to note that the policy and accompanying legislation are not specific to Ontario indigenous species.

Should you have any further questions, please do not hesitate to ask.

**Mr. Brian Child, President**

**Prof. Robert W. Murphy, Director of  
Animal Welfare (volunteer)**



## GUIDELINES FOR

## ANIMAL EXHIBITS

All animals and reptiles naturally carry a range of micro-organisms, some of which can be transmitted to humans and possibly cause illness. Touching the animals, their food or their environment may be sufficient contact to cause severe illness. Some disease organisms include Salmonella, Campylobacter, Tuberculosis, and E.Coli 0157:H7.

In order to prevent the transmission of harmful organisms from animals and reptiles to people, Niagara Region Public Health has developed these Guidelines for Animal Exhibits. An animal exhibit includes any event where animal contact is encouraged, or where the public is allowed access to animal enclosures. This would include; petting zoos, open farms, and animal rides.

Public Health Inspectors will be expecting to see the items listed below for all animal exhibit operations (permanent, seasonal, or transient). The guidelines are meant to apply to a public place of business, a temporary operation associated with a shopping mall, a special event, a school event, and birthday parties.

1. Notify Niagara Region Public Health at least 2 weeks in advance of starting/opening.
2. Provide written assurance from the municipality in which that the animals are intended for exhibit, are not restricted by local by-laws.
3. Ensure that there are clearly visible signs posted at animal exhibits that include the following messages:
  - After visiting the animals wash hands; with soap and water, with a hand sanitizer (alcohol rinse), or with disinfected hand towelettes
  - Do NOT eat or drink while visiting animals
  - Avoid touching your face and mouth before washing your hands
  - Wash hands again before eating
  - Children under 5 years of age should be supervised
  - Infants less than one year of age should not touch or feed the animals
  - Do not take wheelchairs, strollers, toys, or pacifiers into the animal area
4. Provide sufficient hand cleaning stations in accessible locations near the exit from the animal exhibit. In the case where a petting zoo is part of the animal exhibit, at least one hand cleaning station should be immediately adjacent to the petting zoo area.

5. Ensure that hand cleaning stations are kept clean and fully stocked with supplies;
  - Hot and cold running water, dispensed soap, and paper towels, or
  - Hand sanitizer that contains at least 70% alcohol.
6. Ensure that any manure is quickly and thoroughly cleaned up, and appropriately discarded; The manure storage area is to be;
  - 45 M from a drilled well
  - 90 M from any other well
  - 100 M from a residence
  - 250 M from a residential area
7. Sanitize the animal enclosures, the flooring, and the railings, throughout the day as needed by either;
  - Washing with hot water and soap (or detergent),
  - Washing with steam under pressure,
  - Washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or
  - A combination detergent/disinfectant product that accomplishes the same purpose.
8. Animal enclosures with pens or runs using gravel, sand, or dirt, shall be cleaned by removing contaminated material as necessary to prevent odors, diseases, pests, insects and vermin infestations.
9. Ensure that food is not fed to the animals in containers that can be eaten by people (e.g. ice cream cones or other edible products).
10. Do not allow the public to drink unpasteurized milk.
11. Do not display ill animals or those known to be positive for E.coli 157:H7, tuberculosis, salmonella and other infectious zoonotic agents
12. Report all animal bitings to Niagara Region Public Health.
13. Ensure all animals are fully vaccinated, tested, and screened as per recommendations of a veterinarian.
14. Provide an isolation area for ill, injured, or distressed animals. Do not display ill, injured, or distressed animals.

15. Restrict public access to:
  - a. Wastewater runoff
  - b. Animal waste
  - c. Manure storage areas
  - d. Birthing areas
  - e. Areas being cleaned and disinfected
  
16. The exhibit operator needs to be familiar with health risks of direct and indirect contact with animals. The operator is to assign trained staff to monitor animal public activities and supervise to assure appropriate human-animal contact. This includes;
  - Reporting injuries and biting incidents to public health
  - Instructing guests to cover open wounds
  - Assuring that guests behave calmly in the animal exhibit area
  - Controlling access to prevent overcrowding
  - Not allowing kissing of animals, or hitting, or tormenting, or chasing them
  - Watching for and addressing placing of fingers in mouth
  - Encouraging hand cleaning
  - Removing animal waste immediately and preventing contact with the waste
  - Not allowing water bottles, baby bottles or “sippy-cups” into the animal area
  - Removing sick, injured or distressed animals
  - Addressing missing animal situations
  - Addressing first aid needs and directing guests on where to access to first aid resources.
  
17. There shall be NO public access to:;
  - Non-human primates
  - Venomous or toxin producing animals- some spiders, snakes and frogs
  - Large carnivores such as wolves, lions, and tigers
  - Mammals with a high risk of transmitting rabies such as bats, foxes, skunks, and raccoons
  - Prairie dogs as they can transmit plague
  - Aggressive or unpredictable animals- wild or domestic
  
18. Barriers and gates need to be in place to discourage uncontrolled access to animals and animal areas.
  
19. There needs to be well defined barriers between animal exhibits and food preparation/food service areas. Food and beverages are not to be served or consumed in the animal exhibit areas. Likewise animals are to be barriered from access to the food and beverage areas.

For more information or to notify us about the establishment of an animal exhibit please contact Niagara Region Public Health;

Fort Erie Office:	905-871-6513
Niagara Falls Office:	905-356-1538
Welland Office:	905-735-5697

Niagara Region Public Health

1815 Sir Isaac Brock Way, Campbell East, Thorold, ON

905-688-8248, ext. 7590 or toll free 1-888-505-6074 [www.niagararegion.ca](http://www.niagararegion.ca)

**From:** Zoocheck <[zoocheck@zoocheck.com](mailto:zoocheck@zoocheck.com)>

**Sent:** Thursday, January 6, 2022 2:53 PM

**To:**

**Subject:** Deny Reptilia request for exemption to animal bylaw

**AGENDA ITEM #6.2**  
Appendix 3

**CAUTION:** This email originated from outside of City of St. Catharines email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor and Members of Council:

Thank you for helping to make the City of St. Catharines a municipality that values the welfare of both its human and animal residents. I urge you to make sure it stays that way by rejecting the Reptilia request to amend By-Law 95-212 that would allow the Reptilia business to keep prohibited animals, including large and/or dangerous reptiles and other animals in the City.

By-Law 95-212 was only updated in 2013 when, to further protect public health and safety, new inappropriate animal species were added to the By-Law's prohibited list. There is no compelling reason why the By-Law should be undermined now, especially when doing so will may create human health and safety, animal welfare, environmental and other problems, simply to favour a small business interest that utilized wild animals in a broad range of commercial activities.

The Niagara Region, including the City of St. Catharines, has had a long history of dubious, controversial private zoos and animal attractions. Thankfully most of them are now gone. We should not be turning back the clock by inviting new commercial animal businesses into the City or Region.

I urge you to:

- **Protect public health and safety** by making sure that large, inappropriate, dangerous or venomous reptiles that pose potential physical safety risks to residents are not kept in the City:
- **Protect vulnerable residents, including children and senior citizens**, from being exposed to potential zoonotic disease risks in contact activities onsite or when animals are taken out to children's parties and a broad range of other events and activities throughout St. Catharines and the Niagara Region;
- **Protect animal welfare** by preventing animals that can feel discomfort, pain and suffering, that need to be able to move and behave normally and that should be provided with a lot of space, natural conditions, physical and mental stimulation, and specialized environments from being kept in a building in a St. Catharines shopping mall or from being exposed to stress and/or suffering when they are used in events and other activities;
- **Protect the native wildlife and natural environments** of St. Catharines and the Niagara Region by choosing not to encourage or facilitate activities that may promote the keeping of exotic wildlife as pets, by acting to control the number of exotic animals in the City and, by doing so, reducing the risk of exotic animals being abandoned or released into our wild spaces where they could introduce new diseases or become invasive species;
- **Maintain St. Catharines' existing animal control bylaw and prohibited animal rules** that protect public health and safety, animal welfare, local environments and wildlife and that reduce nuisance and other issues; In recent years the City of St. Catharines has been moving forward toward becoming a more, humane animal-friendly municipality. The days of wild animals being used throughout the Region for entertainment and profit are gradually becoming nothing but a memory. I hope you will not turn back the clock and weaken what has already been accomplished. Please **deny** the request for a Reptilia exemption to By-Law 95-212.

Sincerely,



# Petition

## Allow Reptilia to Open at Fairview Mall, St Catharines

This Petition will be sent to:

Mayor of St Catharines  
mayor@stcatharines.ca

City of St. Catharines  
citizensfirst@stcatharines.ca

St. Catharines' Ward Councillors (12)  
Various Emails

### Our Petition

Dear St. Catharines City Council,

We demand fair opportunities for Reptilia as a new business and attraction to reside in St. Catharines, for the enjoyment of families, support of the economy, and additional wildlife support for the City.

I would like Reptilia to join the St. Catharines Community at Fairview Mall located at 285 Geneva Street. I would like to see a new attraction in St. Catharines that can be enjoyed by families, schools, and businesses.

I understand that there is a concern for public safety issued by Third Parties. I also understand that in 25 years of operating in Vaughan, Ontario, Reptilia has never posed a single instance of threat to the community. In fact, Reptilia has helped communities across the GTA by providing wildlife and rescue services. As such, I believe these claims are non-issues.

In signing this petition, I declare that I stand with Reptilia in allowing them to join the St. Catharines Community.

Thank you.

Sincerely,

The Reptilia Cast & Supportive Citizens

### Sign the Petition

Full Name

Phone Number

Email

Phone Number

Email

- ☐ Keep me updated on the status of this Petition.
- ☐ Sign me up to receive news, discounts, and updates.

SIGN THE PETITION

### Thank you for supporting us!

YOU are a valued Member of the Reptilia Community. We hope to see you soon!



**From:** [Zoocheck](#)  
**To:** [CLERKS Website Division Mailbox](#)  
**Subject:** I oppose amendments to By-Law 95-212 that would allow new zoos in St. Catharines  
**Date:** Monday, April 25, 2022 8:44:35 AM

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**CAUTION:** This email originated from outside of City of St. Catharines email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor and Members of Council, City of St. Catharines, c/o City Clerk,

I am writing to urge you to deny the Reptilia request to amend By-Law 95-212 that would allow Reptilia to set up a private zoo, keep dangerous prohibited reptiles in the City and transport and use live animals in children's parties, meet and greets, corporate events, shows and other commercial activities throughout St. Catharines.

Undermining By-Law 95-212, allowing animals to be used for entertainment, and making the City less safe simply because a small, private commercial zoo business wants to set up makes no sense. Public values and sensibilities about animals and how they are treated have changed and evolved over the years. Please protect animals, people, our environment and your own City resources by denying the request for a Reptilia exemption to By-Law 95-212.

Sincerely,

Click [here](#) to report this email as spam.

**From:** \_\_\_\_\_  
**To:** [CLERKS Website Division Mailbox](#)  
**Subject:** Please deny Reptilia's request for an exemption to By-Law 95-212  
**Date:** Thursday, April 21, 2022 4:24:11 PM

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CAUTION: This email originated from outside of City of St. Catharines email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Sendzik and Members of City Council of St. Catharines,

I am writing to urge you to deny the request to amend By-law 95-212 that would allow Reptilia to keep and use dangerous prohibited reptiles.

Wild animals should not be used for entertainment, as Reptilia does at their facilities, or shipped across the province for birthday parties and other events. I am also concerned that Reptilia actively promotes the keeping of reptiles as exotic pets as they profit from the exotic pet industry by selling reptile husbandry equipment and feed online and at their zoos. There is a great amount of research on the cognitive, emotional and social capabilities of wild exotic animals to prove that they suffer when transported and handled.

St. Catharines has taken important steps to make the city a better place for animals by creating by-laws that protect animals such as banning circuses and prohibiting dangerous species that can be kept within the city. Allowing an exemption would undermine the work the city has done so far.

In addition to the animal welfare concerns, public health agencies in Ontario and nationwide advise at-risk groups like young children, people over the age of 65, pregnant individuals and anybody who is immunocompromised to refrain from interacting with reptiles and other exotic animals due to zoonotic diseases. Reptilia profits from using their animals to entertain people at events like birthday parties, consumer shows and retail stores. They actively target and market to groups that are most vulnerable.

Lastly, it is in part because of humanity's rapacious and predatory thirst for mindlessly exploiting the natural world that we are in the global mess of climate change and dangerous biodiversity decline. We must CHANGE our ways before it's too late!

I urge you to protect animal welfare and human health and safety by denying the request for an exemption by Reptilia to By-law 95-212.

Sincerely,

**From:**  
**To:** [CLERKS Website Division Mailbox](#)  
**Subject:** Protect Humans and Animals in St. Catharines by Rejecting Reptilia's Application for Exemption to By-Law 95-212  
**Date:** Friday, April 22, 2022 5:16:19 PM

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\* Spoofing Indicators \*

CAUTION: This email originated from outside of City of St. Catharines email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: The Office of the City Clerk;  
 Re: Reptilia Inc.'s Application for an Exemption to By-Law 95-212

I write to you today to express my strong opposition to Reptilia Inc.'s application for an exemption to By-Law 95-212 which would allow Reptilia to keep, display, and exhibit currently prohibited, large, venomous, and/or otherwise dangerous reptiles at St. Catharines' Fairview Mall and any offsite locations within City limits for various activities, including "mobile live shows".

I object to this exemption for a variety of reasons, including the following:

- Animal welfare impacts: There are significant animal welfare concerns associated with keeping, transporting, and exhibiting a wide variety of exotic animals to the public (often via mobile live shows). Exotic animals, including many of those kept at Reptilia, have unique social, environmental, psychological, and physical needs which cannot be met in captivity and during public exhibitions. Animal welfare groups and independent experts have repeatedly emphasized this concern - noting that issues relating to minimal space, appropriate thermal environments, and a lack of privacy and shelter can all lead to abnormal and stress-related behaviours. In December 2021, City of Toronto considered, and rejected, Reptilia's bid for an exemption to operate in the City and discussed these animal welfare concerns in detail. In a report prepared by the City's Municipal Licensing and Standards division, it was noted that "based on the information received, staff have significant concerns regarding the outcome of past investigations and inspections [at Reptilia] by [Provincial Animal Welfare Services]... there are concerns regarding the adequacy of care provided to the animals, as well as poor record keeping of critical information".

- Increased risk of zoonotic disease: Reptiles are a notorious source of salmonella and are being increasingly causally-tied to a number of other infections. According to Dr. Clifford Warwick, a biologist and medical scientist, "at least 40 pathogenic human infections are known to be associated with reptiles, and at least 70 are associated with exotic pets generally. Indeed, reptiles are known as 'Trojan horse' animals, because they are often invited into homes and schools on the basis of being presumed benign whereas, in fact, they may harbour a significant raft of pathogens, regardless of whether they are wild-caught or captive-bred". Given the enhanced awareness and concern about disease transmission in light of COVID-19, the recent proliferation of avian flu across Canada, and the emergence of various other epidemics of animal origin, live animal activities that create elevated disease risk to individuals, like those hosted by Reptilia, should not be encouraged.

- Public safety risks: Many of the exotic animals kept, exhibited, and transported for shows by Reptilia are capable of significantly injuring individuals due to their physical characteristics. Physical injuries caused by these animals can range from minor bites and scratches to deep wounds, crushing injuries (including broken bones), potentially lethal venomous injuries, and other major traumas. Zoo staff, emergency first responders, and the general public may all be exposed to these increased risks of serious injury with a facility like Reptilia allowed to operate in St. Catharines.

- Risks to native wildlife and ecosystems: Increasing the number of exotic animals in a given jurisdiction comes with an increased risk of animal escapes and/or owners releasing or abandoning these animals into the wild when they are no longer wanted. This can have serious negative impacts on native wildlife species who may be outcompeted by foreign animals, may catch diseases from these animals, or whose habitat may be altered or damaged by these animals.

- Creating a dangerous precedent: Granting an exemption for Reptilia to By-law 95-212 will set a standard that other

exotic animal businesses may try to exploit to gain access to the City of St. Catharines and the Niagara market. Ontario does not yet regulate exotic wildlife in captivity, so the City of St. Catharines would be required to shoulder the burden (financial and otherwise) of providing oversight, addressing emergency situations, and dealing with exotic animal complaints and issues as they arise at Reptilia and at any other prospective facility.

Public attitudes and perceptions are changing as we continue to learn about the complex needs of exotic animals and the risks associated with keeping them in captivity and exhibiting them for profit. A recent poll, conducted by Research Co., shows that 53% of Canadians now oppose zoos and aquariums. The City of St. Catharines should align itself with the majority of Canadians, scientists, medical professionals, and animal welfare groups and not allow new, and dangerous, zoos to establish themselves in the region.

I urge Council to consider the very real risks that Reptilia poses to both humans and animals alike in the City of St. Catharines and the Niagara Region. Please vote against the proposed exemption to By-Law 95-212 for Reptilia.

Yours truly,



**STATEMENT OF OBJECTION TO REPTILIA REQUEST FOR EXEMPTION  
FROM CITY OF ST. CATHARINES BY-LAW 95-212, BEING A BY-LAW TO  
REGULATE THE KEEPING OF ANIMALS**

**JANUARY 3, 2022**

**RECOMMENDATION:** Deny request for exemption to By-Law 95-212.

**TO:**

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

**FROM:**

Niagara Action for Animals (NAfA)  
Zoocheck Inc.  
World Animal Protection  
Animal Alliance of Canada  
Animal Justice  
Born Free USA  
Ontario Captive Animal Watch

## STATEMENT OF OBJECTION TO REPTILIA REQUEST FOR EXEMPTION TO CITY OF ST. CATHARINES BY-LAW 95-212, BEING A BY-LAW TO REGULATE THE KEEPING OF ANIMALS

### BACKGROUND AND SYNOPSIS:

This report is part of our formal request to City of St. Catharines Council to deny the Reptilia application for an exemption to By-Law 95-212 that would allow the keeping, display and use of currently prohibited, inappropriate, large, venomous and/or otherwise dangerous reptiles at a shopping mall location in the City of St. Catharines and any offsite locations within City limits for various activities, including transport of exotic animals to and from those activities. We have numerous concerns about animal welfare, human health, safety, environmental protection and other issues which are outlined in this submission.

Please note that the signatories to this report have worked for decades, both in Canada and around the world, in the scientific, legal, political and public arenas, to protect reptile populations in the wild, to reduce the global trade in reptiles and to improve protections for reptiles and other exotic animals. Collectively, we have been involved in hundreds of initiatives in Canada, including in the Niagara Region, regarding captive wildlife welfare, human health and safety and the development of regulations regarding the keeping of wildlife in captivity, including exotic pets.

Signatories to this report have also conducted an ongoing series of national exotic pet/wildlife in captivity workshops for animal cruelty enforcement officials, fish and wildlife personnel, public health workers, policymakers at all levels of government and animal welfare professionals..

Our request and recommendation to deny the Reptilia exemption request is based on, but not limited to, the following:

1. **No rationale for change:** No compelling case, substantive evidence or comprehensive analysis has been presented that would justify amendments to By-Law 95-212 which was developed primarily in the interest of public health and safety and was amended in 2013 by adding numerous high-risk reptiles known to pose public health and safety risks.
2. **Public safety risks:** The presence of venomous and/or otherwise dangerous reptiles generates an enhanced risk to public safety, including to animal care and other zoo staff,

- first responders attending at emergency situations (e.g., fire, flood) and members of the public.
3. **Zoonotic disease risk:** There will be an enhanced disease risk to members of the public, including children and other persons identified by public health authorities and agencies as being at high risk of infection, who come into contact with live reptiles during onsite and offsite programs that involve interactions with live reptiles or indirect contact with surfaces reptiles may have contaminated.
  4. **Animal welfare impacts:** There are significant animal welfare concerns associated with keeping large numbers of reptiles and other animals with challenging spatial, environmental, physical, psychological and social needs in indoor zoo settings, when transporting those animals to and from offsite commercial activities and when handling or otherwise using animals in presentations, shows or contact activities.
  5. **Creating a massive loophole:** The proposed amendment to allow *“any off-site educational project, training, or authorized special event activities”* could encompass almost any kind of offsite activity, is entirely unenforceable and would undermine the intent of By-Law 95-212. Similar provisions in other jurisdictions have resulted in commercial and entertainment uses (e.g., corporate events, parades) of exotic animals, some involving very high-risk animals, under the guise of education.
  6. **Creating a problematic precedent:** An exemption for Reptilia will set a precedent that may encourage other exotic animal businesses to also seek exemptions to operate with prohibited animals in the City.
  7. **Reptilia unanimously rejected by Toronto Economic Development Committee and City Council:** In December 2021, Toronto City Council and Toronto’s Economic and Community Development Committee both unanimously rejected Reptilia’s application for an exemption to the prohibited animal provisions in the City’s animal control bylaw and the comprehensive, thoroughly researched City staff report cited numerous public health and safety, animal welfare and other issues and concerns associated with Reptilia.
  8. **Increased offsite mobile live animal programs:** The Reptilia business model incorporates a significant program of offsite live animal activities, shows, exhibits and events, many that involve live animal interactions or contact; therefore, the number of these activities that take place in the City would increase, along with any human health, safety and animal welfare issues associated with them.



9. **Responsibility remains with the City:** Ontario does not yet regulate exotic wildlife in captivity, so the City of St. Catharines will be required to shoulder the burden (financial and otherwise) of providing oversight, addressing emergency situations and dealing with exotic animal complaints and issues as they arise.
10. **Accreditation doesn't replace need for oversight:** Canada's zoo association has limited financial and other resources, conducts accreditation inspections only once every 5 years, utilizes largely subjective performance-based standards (instead of prescriptive standards) and does not monitor the offsite mobile live animal activities of their members, so providing meaningful, consistent, ongoing oversight to protect public health and safety will remain the responsibility of the City of St. Catharines.
11. **Changing attitudes and values:** Societal attitudes, sensibilities and values about animal welfare and the captivity of wild animals has substantially shifted in recent years and an exemption would not recognize or be in line with those changes.
12. **Encouraging exotic pet ownership:** Commercial exotic animal businesses that present live animal shows, presentations and other activities to children and adults and who retail exotic reptile pet products may generate interest and growth in exotic pet ownership and undermine longstanding efforts to address exotic pet issues including human health and conservation concerns.
13. **Enhanced risk to native wildlife and environments.** Should the number of reptiles or other exotic animals in the City and Region grow, the potential number of animals that may be released, abandoned or that escape into local environments could increase, along with the risk of new diseases being introduced and/or foreign species establishing themselves and becoming invasive.

#### **1. No Rationale for Amending By-Law 95-212.**

No compelling case, substantive evidence or comprehensive analysis that would justify amending By-Law 95-212 has been presented. Animal control bylaws are typically intended to protect human health and safety, prevent nuisance issues and, in more recent years, to address animal welfare concerns. In 2013, numerous high-risk or problematic reptile species were prohibited in By-Law 95-212 specifically to further protect public safety.

Amending animal control bylaws to satisfy private commercial business interests undermines their public safety and other purposes and reverses municipal trends toward greater protections and control of animals, including exotic animals.

In reviewing the Economic Development and Tourism Services (ECTS 205-2021) report dated November 26, 2021 we were disappointed to see that the Reptilia application for a By-Law exemption was considered through a relatively narrow economic lens that has little to do with the By-Law itself which deals with the regulation of animals.

The report failed to provide any examination or analysis regarding the multitude of other pertinent issues associated with the keeping, display and use of challenging, venomous and/or otherwise dangerous reptiles and the use of exotic animals in events and commercial activities within City boundaries. There also appeared to be little or no meaningful consultation conducted with other relevant stakeholders, including animal welfare groups that had contacted staff in early 2021.

Relevant issues not addressed in the report include, but are not limited to:

- elevated risks to public health through exposure of exotic animals to children and others in onsite and offsite events and activities
- enhanced safety risks associated with the keeping of lethally venomous snakes including to zoo staff, emergency first responders (e.g., police, fire, ambulance) and others
- venomous animal management procedures, staff training and procedures, antivenom availability, storage and use, cooperation with local hospitals, etc.
- negative animal welfare impacts
- enhanced risks to local wildlife and environments
- creation of precedent that encourages additional exotic animal businesses to also seek exemptions to By-Law 95-212
- potential increase in number of exotic pets in the City
- ongoing costs to the City for oversight, responding to complaints, emergency situations, legal costs, etc.
- changing attitudes and values about wildlife in captivity.

The report erroneously suggests there are no financial implications and no environmental sustainability implications associated with it. As mentioned above, this is not the case and we have included commentary on those issues later in this communication.

These and other issues and concerns are germane to any discussion about exotic animal bylaws and should have been comprehensively researched and evaluated. We suggest that proper consideration of these issues would result in a recommendation that Reptilia's request for an exemption to By-Law 95-212 be denied.

## **2. Public Safety Risks**

Many exotic animals can pose substantive risk to members of the public due to their physical characteristics, including size, strength, speed, sharp teeth, claws, venom, aggression and other attributes. Physical injuries can range from relatively minor bites, scratches and bruises to severe puncture wounds, deep lacerations, crushing injuries including broken bones and other major trauma. The smaller stature of children and infants allows for animals to more easily cause injuries to their face and neck.

The largest snakes and lizards, crocodilians and many venomous snake species are, given the right circumstances, capable of causing permanent injury or death of an adult human and therefore require specialized housing, conditions and precautionary management regimes.

Large, physically dangerous reptiles and numerous venomous snake species pose a significant risk to human health and safety, including to first responders (e.g., police, fire, ambulance) in emergency situations and to any person responsible for their housing, management and care.

Venomous snake species are particularly problematic as envenomation (bites which result in injection of venom) will often require treatment in a hospital emergency department or intensive care unit and the administration of antivenin, either monovalent (snake-specific) or polyvalent (incorporating antibodies from several species). Antivenins for almost all snake species must be sourced from the United States and are subject to very specific shipping, handling, storage and other conditions and must be administered in the correct way (many hospitals do not deal with antivenins). Depending on the degree of envenomation, up to 10 – 20 vials of antivenin may be required. Upon envenomation, swelling, tissue

necrosis, blood-clotting issues, low blood pressure and shock, and neurological and other damage may commence and can result in death.

### 3. Zoonotic Disease Risks

***“...one or more of our friendly and outgoing Hosts will come to your venue with an assortment of scaly, fantastic creatures prepared to interact with your guests .... Your attendees will be able to interact and touch, should they wish to, with the reptiles, ...” and offers “live interactions for guests of all ages,”*** Reptilia website (2021)

The Ontario Ministry of Health and Long-Term Care, provincial and regional public health offices throughout Canada, the US-based Centers for Disease Control (CDC) and nearly all other public health agencies recognize zoonoses (diseases passed between animals and humans) as a risk to human health.

The zoonoses infection risk is enhanced through both direct and/or indirect contact with exotic animals, particularly reptiles, amphibians, birds and young ruminants, as they shed proportionately more potentially pathogenic organisms than other animals. A number of groups have been designated as being at high-risk for infection, including children (particularly under 5 years of age), anyone over 65 years of age, immuno-compromised persons, pregnant individuals and persons with cognitive challenges/intellectual delays.

According to the Ontario Ministry of Health and Long-Term Care *Guidance Document for the Management of Animals in Child Care Centers, 2016*:

- “Children are more vulnerable than adults to acquiring infections from animals...This is due to several factors such as a general lack of awareness of the risk of disease transmission, less than optimal hygiene practices, propensity to put their fingers in their mouths, increased risk of developing disease after exposure to a pathogen and their natural curiosity and attraction to animals.”
- “Exotic animals should not visit facilities with children under five years of age or groups at high risk for infection or child care centers that have shared staff or shared programming areas with children under five years of age or other groups at high risk for infection.”

According to City of Toronto Municipal Licensing and Standards report LS20.1 Prohibited Animals Review (May 31, 2017),

- “Many MLAPs [mobile live animal programs] provide an opportunity to interact, pet and handle animals both permitted and prohibited. This creates a risk for zoonotic disease transmission through direct (feeding, touching, handling of animals) and indirect contact (exposure to animal bedding, flooring, barriers, bowls/dishes and clothing/shoes that have been contaminated by the animal).”
- “Gastrointestinal infections are the most common infections resulting from animal contact and these include Salmonella and E. coli, causing diarrhea and/or vomiting and in some cases more serious illnesses.”

According to renowned reptilian biologist and medical scientist Dr. Clifford Warwick (2021),

- “...at least 40 pathogenic human infections are known to be associated with reptiles, and at least 70 are associated with exotic pets generally. Indeed, reptiles are known as ‘Trojan horse’ animals, because they are often invited into homes and schools on the basis of being presumed benign whereas, in fact, they may harbour a significant raft of pathogens, regardless of whether they are wild-caught or captive-bred.”

Given the enhanced awareness and concern about viral diseases due to the COVID-19 pandemic, the SARS emergency of 2003-4, and the emergence of various other epidemics of animal origin, including BSE, swine flu and others, live animal activities that could create elevated disease risks to children and other vulnerable persons should not be encouraged or facilitated.

#### **4. Animal Welfare Impacts**

Reptiles are a diverse group of very complex, largely ectothermic (cold-blooded) animals that typically require specialized conditions and care. They tend to be active and may require very large spaces measuring in the hundreds of square meters to thousands of square kilometers. They engage in a variety of movements on, below and above ground or in aquatic environments and express a very broad range of behaviours, many that are focused on major and minor adjustments to their own body temperatures. Reptiles possess advanced cognitive, emotional and social capabilities similar to those experienced by mammals and birds and can experience stress, discomfort, pain and suffering. In some cases, reptiles may suffer more than other species from the effects of catastrophic injury or debilitating disease as their

onset and progression may reside longer in reptiles due to their lower metabolic rates and may be less obvious to caregivers or onlookers.

Animal welfare groups and independent experts have expressed concerns about reptile exhibit design, minimal space allocation, especially for large, mobile and/or wide-ranging reptiles, provision of very basic thermal environments, lack of privacy and shelter, presence of abnormal behaviours, such as interaction with transparent boundaries, transport and handling of animals in mobile live animal programs (MLAPs), to name several.

Concerns were also expressed in the November 17, 2021 City of Toronto Municipal Licensing and Standards report, “Based on the information received, staff have significant concerns regarding the outcome of past investigation and inspections by PAWS [Provincial Animal Welfare Services]....there are concerns regarding the adequacy of care provided to the animals, as well as poor record keeping of critical information.”

#### **5. Creating a massive loophole:**

The proposed amendment to allow “any off-site educational project, training, or authorized special event activities” could encompass almost any kind of activity, is entirely unenforceable and would seriously undermine the intent of By-Law 95-212. Similar provisions in other jurisdictions have resulted in commercial and entertainment uses (e.g., corporate events, parades) of exotic animals, some involving very high-risk animals, under the guise of education.

It should also be noted that there are general concerns about mobile live animal programs and activities, no matter who is conducting them, regarding misrepresentation of animals, conveyance of misleading or inaccurate information and lack of educational value.

#### **6. Creating a Problematic Precedent**

Providing a Reptilia exemption to By-Law 95-212 will set a precedent that other types of exotic animal businesses may try to exploit to gain access to the City of St. Catharines and Niagara Region market. Animal welfare organizations have identified more than 70 mobile live animal program businesses in the province.

## 7. Reptilia Unanimously Rejected by Toronto Economic Development Committee and City Council

Reptilia requested a site-specific exemption to the City of Toronto's prohibited animal provisions contained in Toronto Municipal Code, Chapter 349, Animals. On December 1, 2021, the City's Economic and Community Development Committee unanimously voted against an exemption to Reptilia. On December 15, 2021, Toronto City Council voted unanimously (26 – 0) to deny the Reptilia exemption request.

The comprehensive November 17, 2021 Municipal Licensing and Standards report, written in consultation with Economic Development and Culture, Toronto Public Health and Corporate Real Estate Management, recommended that the Reptilia request be denied.

The report outlined a series of concerns about providing an exemption to Reptilia, including, but not limited to:

- Health and Safety considerations, including:
  - antivenin sourcing, cost, acquisition, transport, storage, oversight, partnering and education of external health service providers and use of antivenin for each of the proposed 23 species of venomous snakes Reptilia planned to keep
  - concerns with the handling of reptiles in general and the potential health risks associated with handling reptiles, including exposure to infectious diseases, injuries and allergies
  - if mobile activities were allowed, the need for strict documentation and trace-back protocols for public health officials to use in order to protect the public from outbreaks.
- Animal welfare considerations including:
  - Concerns regarding the outcome of past investigation and inspections by PAWS [Provincial Animal Welfare Services] and concerns regarding the adequacy of care provided to the animals, as well as poor record keeping of critical information,
  - Animal welfare expert stakeholder concerns about animal welfare.
- Creating a precedent that might encourage other businesses to seek exemptions,
- Exemption would be a departure from animal friendly direction the City is following,
- Potential threats to native wildlife.

## **8. Increased Offsite Mobile Live Animal Programs**

Offsite mobile live animal programs (often referred to as MLAPs) are a facet of the Reptilia business that they promote to businesses, institutions, organizations and individuals. MLAPs are featured online, in printed literature and are well documented on social media platforms. Tracking, assessing conditions and providing meaningful oversight of MLAPs taking place throughout the City of St. Catharines (as well as elsewhere in the Niagara Region) would be challenging, if not impossible, for a city department or contracted animal services provider to achieve.

The potential market for MLAPs is substantial. A 2018 Sales Representative job advertisement on Reptilia's Facebook page provides an idea about who they reach out to for offsite program sales. The ad said they were looking for talented sales people for the GTA and Durham regions with experience making grassroots connections with the public, attending conferences and trade shows, a proven track record of effectively selling to the public and a background, is preferred, in one or more of the following sectors:

- Auto Dealers
- Camps
- Child Care Centres
- Community Centres
- Events Planning
- Fairs, Festivals & Exhibitions
- First Responders
- Hospitals
- Hotels
- Libraries
- Museums
- Religious Organizations
- Retail, Malls & Shopping Centres
- Scouts, Guides, 4-H & Other Youth Groups
- Schools/Schoolboards: Elementary, Secondary & College/University
- Ticket & Corporate Admission Sales
- Wrangling/Film

The full or part-time jobs were commission based, with rates based on the volume of sales and type of programs sold.



According to the November 17, 2021 report *Request to Review Chapter 349, Animals Exception for Reptilia Zoo* from Toronto Municipal Licensing and Standards department, MLAPs are a concern, “Staff also note particular concern regarding mobile live animal programs and other activities that take place offsite....Bringing exotic and potentially dangerous animals offsite can pose significant health and safety risks...and a lack of oversight and other safety features that are contained in the facility itself.”

## **9. Responsibility Remains with the City**

While Ontario’s Provincial Animal Welfare Services inspectorate does address individual instances of animal abuse and neglect, typically after they have occurred, the Ontario government does not license exotic wild animal businesses, zoos, aquariums or exotic wild animals in captivity, nor do they maintain comprehensive standards of exotic animal housing, care, management or safety or provide consistent oversight of activities involving exotic animals.

Therefore, ongoing, meaningful oversight and control of exotic animals is largely the responsibility of the municipalities in which they reside. Unfortunately, few, if any, municipalities (or their animal service providers or local humane societies) have the internal expertise (e.g., biological/behavioural, husbandry, safety) required to provide meaningful oversight of large numbers of reptiles or other exotic animals, nor do they typically have the financial or other resources required to provide regular monitoring of exotic animals, particularly if dozens or hundreds of temporary mobile live animal program activities are being conducted within their boundaries.

## **10. Accreditation Doesn’t Replace Need for City Oversight and Control**

Reptilia frequently highlights the fact that it is an accredited member of Canada’s Accredited Zoos and Aquariums, a zoo industry association. While the peer-review inspection process and accreditation program may be useful as an internal industry performance metric, it should not be viewed as something that should qualify a member business for exemption from exotic animal by-laws or regulations.

Accreditation is not a guarantee that animal welfare or public safety is optimal. A number of accredited facilities in Canada, including Marineland in Niagara Falls, have been subject to complaints, official investigations and provincial animal cruelty charges.

CAZA's accreditation inspections are infrequent, normally occurring just once every five years, inspection results are entirely confidential and offsite live animal programs are not comprehensively examined. In addition, CAZA's standards tend toward being performance-based and subjective, unlike the prescriptive standards of other accrediting bodies, such as the US-based Association of Zoos and Aquariums (AZA) and the Global Federation of Animal Sanctuaries.

### **11. Changing Attitudes and Values About Animal Welfare**

For many decades, the Niagara Region was a hotbed for commercial animal businesses, animal shows, roadside zoos and private menageries. They included Ashley Shannon's controversial backyard zoo in St. Catharines, the Seaway Serpenterium and the Rice Road Greenhouse zoo in Welland, Dragon Farms in Port Colborne, the Endangered Animal Rescue Society in Thorold and the Skylon Tower dolphinarium, to name a few. Most of those commercial zoos and animal attractions are long gone, with only a few, such as the highly controversial Marineland, remaining.

Public attitudes and values about animal welfare and the keeping and use of wild animals in captivity have changed dramatically over the years. Today, commercial exotic animal businesses tend to be controversial and viewed as out of date. In recent years, entertainment-style whale and dolphin shows have been banned nationally, elephant rides prohibited, circus wild animal acts largely vanished in Canada and animal novelty acts that once toured the country have been relegated to the history books.

We are not aware of any exotic animal zoos operating within City of St. Catharines limits. Providing an exemption that would allow a new private commercial zoo business to keep, display and use prohibited exotic animals and that would allow a broad range of MLAPs and entertainment-type activities in the City would be a step backwards.

### **12. Encouraging Exotic Pet Ownership**

A St. Catharines Reptilia would likely include – as does Reptilia's other locations – ancillary activities, such as retail reptile pet supply and food sales, reptile boarding and other services, that support the keeping of reptiles and other exotic pets. On their website, Reptilia states that their reptile stores are, "... a paradise for the reptile enthusiast... with a wide selection of enclosures, lighting, décor, books and supplements for all reptile needs...." Promoting reptile pet product sales and services supports reptile pet keeping and encourages its expansion.

It should be noted that few, if any, other zoos in Canada sell exotic pet products, provide services that support the exotic pet trade or engage in an ongoing, broad range of offsite commercial activities that may help facilitate the normalization of wild animal pet keeping.

In addition, a broader concern exists about the use of exotic animals in entertainment-style activities, as well as online, commercial, television and feature film visual media as they may help normalize and popularize the keeping of exotic animals as pets. High profile examples of that phenomena include increased demand for saltwater clownfish due to the feature film Finding Nemo and increased pet trade demand for owls due to the Harry Potter films.

It should be noted that the exotic pet trade is widely accepted as being a threat to wild animal populations and the survival of many individual species, disruptive to natural ecosystems, a risk to native wildlife populations wherever non-native exotic pets are kept, an infectious disease threat that may impact human health and safety, and a cause of suffering and death to millions of animals annually. The exotic pet trade encompasses tens of millions of captive-bred and wild caught animals throughout the world and is now considered a major animal welfare and conservation issue. No one knows exactly how many exotic animals are currently in Canada or that are imported each year but evidence does indicate the number is substantial. Addressing the multi-faceted problems inherent in the exotic pet trade will require a broad range of actions at the individual, municipal, regional, provincial, national and international level.

### **13. Enhanced Risk to Native Wildlife and Local Environments**

With increasing numbers of exotic pets will come increasing risk of animal escapes and owners releasing or abandoning their pets into the wild when they no longer want them. This can have serious negative consequences for native wildlife species who may be outcompeted by foreign invaders, by habitat alterations or damage they can cause or when they introduce new disease organisms. The Niagara Region has already experienced foreign goldfish, koi and red-eared slider turtles establishing themselves in local waterways. In addition, close to 70 other invasive species of fish and numerous exotic snails, many thought to have come from the aquarium trade, have been found in the Great Lakes. Other non-native exotic animals are encountered from time to time across the province as well.

Here in Canada, several introduced diseases are already threatening native reptile and amphibian species, including Chytridiomycosis and Salamander Chytridiomycosis (caused by chytrid fungus), Snake

Fungal Disease and the viral disease Ranavirus. Chytridiomycosis has already destroyed millions of frogs around the world, wiped out entire populations and caused the extinction of numerous species. The pet trade is recognized as a factor in its spread. A single event, such as when a pet owner abandons their animal into a wild habitat, could result in the introduction of a disease.

Many exotic animal species have survived and established themselves in locations and climates where it was previously believed they could not. As well, with environmental conditions in a state of flux due to climate change, there may be many more exotic species, and new diseases, that will be able to survive in different conditions and environments. City staff should be looking to reduce the number of exotic animals as a way of enhancing the protection of the native plants and animals that already reside in the Region's precious green spaces and wildlife habitats.

**RECOMMENDATION:**

For the reasons stated in this report, we respectfully request that Reptilia's application for an exemption to By-Law 95-212 be denied.

**APPENDICES:**

1 - Request to review Chapter 349, Animals Exception for Reptilia Zoo, Municipal Licensing and Standards, City of Toronto, November 17, 2021

**SIGNED:**

Catherine Ens  
Director  
Niagara Action for Animals (NAfA)

Rob Laidlaw  
CBiol MRSB, Executive Director  
Zoocheck

Michele Hamers  
MSc, MRSB, EurProBiol  
Wildlife Campaign Manager  
World Animal Protection

Liz White  
Executive Director  
Animal Alliance of Canada

Camille Labchuk  
JD, Executive Director  
Animal Justice

Barry Kent MacKay  
Director of Canadian and Special Programs  
Born Free USA

Diane Fraleigh  
Coordinator  
Ontario Captive Animal Watch

Mayor and Members of Council  
City of St. Catharines  
50 Church Street  
PO Box 3012  
St. Catharines, ON, L2R 7C2



Dear Mayor and Members of Council

13 January 2022

**Reference: Application for Exemption to By-Law 95-212 – Reptilia**

On behalf of World Animal Protection and our more than 160,000 supporters in Ontario, I urge you to protect animal welfare and human health and safety by denying Reptilia's request for an exemption to By-law 95-212.

There's a large body of well-supported evidence which shows that the use of reptiles in entertainment settings can be detrimental to their physical and psychological health. The cognitive and social capabilities of reptiles, in combination with their complex behaviours and their need for specific environmental conditions make reptiles utterly unsuitable to be used in interactive programs, whether on-site or at off-site locations.

The health of reptiles may be comprised due to the stress of travelling and handling, which impacts their immune systems making them more prone to falling ill and more likely to shed pathogens that can cause illness in people. Reptile-related nationwide disease outbreaks have occurred in 2014 and 2021.<sup>1,2</sup> People most at risk of infection from reptiles include children younger than 5 years of age, people over 65 years of age, pregnant individuals or people with compromised immune systems. Hence the Ontario Ministry of Health and Long-Term Care advises people who fall in these categories to avoid keeping and/or interacting with reptiles and that these animals should not be allowed in facilities where people who are at risk convene.<sup>3,4</sup> Despite these public health warnings Reptilia brings their animals to said facilities and

<sup>1</sup> <https://www.canada.ca/en/public-health/services/public-health-notices/2019/outbreak-salmonella-infections-snakes-rodents.html>

<sup>2</sup> <https://www.canada.ca/en/public-health/services/food-safety/public-health-notice/2014/public-health-notice-outbreak-salmonella-infections-linked-contact-bearded-dragons.html>

<sup>3</sup> [https://www.health.gov.on.ca/en/public/publications/disease/salmonella\\_arfr.aspx](https://www.health.gov.on.ca/en/public/publications/disease/salmonella_arfr.aspx)

<sup>4</sup> [Management of Animals in Child Care Centers, 2016](#)

**worldanimalprotection.ca**

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World Animal Protection is the operating name of World Society for the Protection of Animals Canada.  
Charitable Registration # 12971 9076 RR0001

We were known as **WSPA**  
(World Society for the  
Protection of Animals)



markets their activities (e.g., Gecko Habitarium School Program<sup>5</sup>, Meet & Greets<sup>6</sup> and birthday parties<sup>7</sup>) to people who are at high risk of falling ill.

The use of dangerous animals like large constrictor snakes, venomous snakes and crocodilians can also pose a public health and safety risk since these animals are capable of severely injuring or killing a person. Crocodilians are known to have one of the strongest bite forces in the animal kingdom. Burmese pythons and other large constricting snakes have rows of needle-sharp recurved teeth and can exert enough pressure to eat prey like young deer and cattle. Thus, it is recommended to have at least two trained adults present when handling large snakes. Handling venomous snakes is extremely dangerous, these snakes are often very agile and can strike in a split second. As per the images below, Reptilia encourages young children being in close proximity or contacting these highly dangerous animals. Most zoos do not conduct interactive sessions with dangerous animals.

For more information about the zoonotic disease risk in reptiles please see the enclosed letter from highly renowned infectious disease expert Professor J. Scott Weese, who is also the Director for the Centre for Public Health and Zoonoses at the University of Guelph. Also attached are several images that show the interactions that occur with potentially dangerous animals during events organized by Reptilia.

While we have numerous other concerns with the Reptilia request, we are disconcerted about the exceptionally narrow focus of the Economic Development staff report EDTS 205-2021. On April 13<sup>th</sup>, 2021, World Animal Protection had a preliminary conversation with staff resulting from a news article<sup>8</sup> announcing a Reptilia zoo in the City. We indicated our desire to be consulted if this issue moved forward. In subsequent emails, staff indicated that the issue had not progressed. We were extremely surprised when EDTS 205-2021 was brought forward and that, despite our communications, no consultation occurred with our organization or with other members of the wildlife protection sector. We expect that if consultations occurred with the various relevant stakeholders, the recommendation brought forward would have been very different.

<sup>5</sup> <https://reptilia.org/gecko-habitarium-school-program/>

<sup>6</sup> <https://reptilia.org/meet-greet-appearances/>

<sup>7</sup> [https://reptilia.org/birthday-party/?\\_ga=2.181886574.855656833.1641912008-1360529121.1641912008](https://reptilia.org/birthday-party/?_ga=2.181886574.855656833.1641912008-1360529121.1641912008)

<sup>8</sup> <https://www.stcatharinesstandard.ca/local-st-catharines/news/2021/02/19/fairview-mall-in-st-catharines-continues-to-have-active-negotiations-with-potential-tenants.html>



In summary, World Animal Protection opposes the granting of an exemption to Reptilia due to the serious animal welfare and public health and safety issues associated with this kind of commercial zoo business.

If you have any questions about this submission, please reach out to 416-369-0044 x 115 or to [MicheleHamers@worldanimalprotection.ca](mailto:MicheleHamers@worldanimalprotection.ca).

Yours sincerely

*Michele Hamers*

Michèle Hamers  
MSc, MRSB, EurProBiol  
Wildlife Campaign Manager  
World Animal Protection

 A colorful brochure for Reptilia parties. The left side is titled "HAVE YOUR BIRTHDAY AT REPTILIA!" and lists party inclusions: a host, a live animal show, plates/cups/napkins/cutlery, a visit from the mascot Sir Chompsalot, a special gift, and unlimited free time in the zoo. It also mentions a Flashlight Zoo Tour. The right side is titled "OR WE CAN COME TO YOUR PLACE" and describes an interactive educational show at home or a chosen location, featuring snakes, lizards, and arachnids. It also mentions a camera for the event and mileage charges. A central section titled "PARTY UPGRADES" lists options like pizza, cake, loot bags, photo with a reptile, feeding a snake or lizard, behind-the-scenes tour, a REAL Alligator, and a supersize animal upgrade. The brochure features several photos of children interacting with reptiles and a cartoon mascot at the bottom.
 

**HAVE YOUR BIRTHDAY AT REPTILIA!**

Your party includes:

- Your own Birthday Party Host for the duration of the party
- A private live animal show that is both entertaining and educational
- Plates, cups, napkins, and cutlery
- A visit from Reptilia's mascot, Sir Chompsalot
- A special gift for the Birthday Star!
- Unlimited free time in the zoo following your party, where you can catch a public show or feeding

**Inquire about a Flashlight Zoo Tour for an exciting and unique party alternative!**

**OR WE CAN COME TO YOUR PLACE**

You can enjoy an interactive and educational show at in your own home or a location of your choice. The show is about an hour long and features incredible animals such as snakes, lizards, and arachnids.

Your Birthday guests will learn about these fascinating creatures and have an opportunity to touch them.

Be sure to have a camera ready to capture the event!

Mileage charges apply if you live more than 50 kms round trip from our Vaughan facility.

**PARTY UPGRADES**

- Pizza Packages, Including Drinks
- A Delicious Custom Made Cake
- Reptilia Loot Bags
- Photo with a Reptile
- Feed a Snake or a Lizard
- Behind the Scenes Zoo Tour
- Add a REAL Alligator
- Supersize Animal Upgrade

**For the the best selection and availability, book your party early**

Figure 1. Recent Reptilia Party Brochure





Figure 2. Advertisement targeting children from 18 months to 30 months old, this is contrary to public health advisory

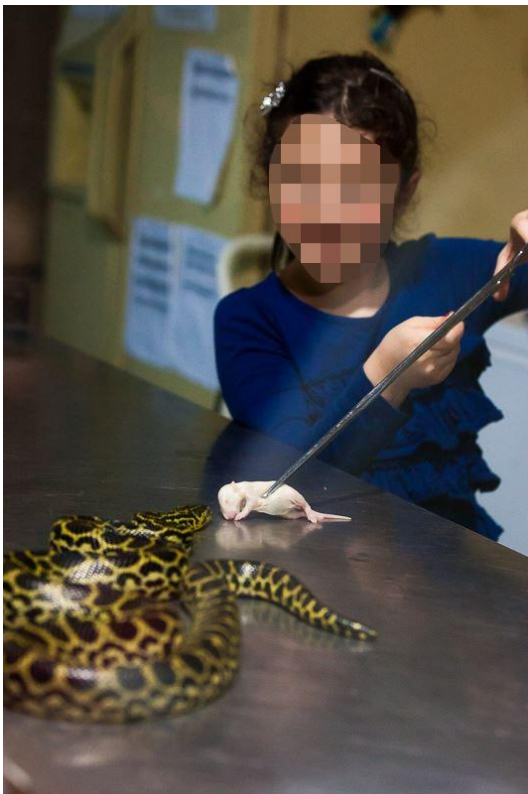


Figure 3. Children being encouraged to come close to and interact with a venomous snake





**Figure 4. Visitor interacting with a crocodilian at one of Reptilia's zoo locations**



**Figure 5. Child feeding snake by triggering striking behaviour**



**Figure 6. Interaction between toddler and crocodilian**

Niagara Region  
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T 905-688-5550 Ext 4369  
jsorenson@brocku.ca

January 10, 2022

To: Mayor; Council Members, St. Catharines

Re: Reptilia, Requested amendment of By-Law 95-212

As a Professor at Brock University, I am writing to urge you to reject the requested amendment to By-Law 95-212, made by Reptilia company so that they can open a commercial zoo at Fairview Mall. Such an amendment would run counter to virtually everything I encourage my students to consider in my courses on human relations with animals. Reptilia is part of the global wildlife trade, which has far-reaching negative effects on biodiversity and the environment. The proposed amendment would allow this company to traffic in dangerous, prohibited animals such as constricting and venomous snakes, large lizards and crocodilians, and to transport them for entertainment purposes at children's parties, corporate events and other commercial activities. By-law 95-212 was intended to protect public safety and to address animal welfare issues; removing these protections will put the public at risk and subject animals to stress and suffering from confinement and transport. As we experience the Covid-19 pandemic, we must be more aware of the dangers of zoonotic disease transmission. Reptiles are recognized as a source of infections such as salmonella, botulism, leptospirosis, E.coli, campylobacter and many other serious diseases. Closely confining large numbers of reptiles of various species together and then transporting them around the community is a spectacularly bad idea, threatening public health and is a particular risk for young children, seniors and immunosuppressed individuals. Many reptiles are carnivorous and are fed rodents or other prey animals, compounding zoonotic risks. Additional problems exist with contaminated waste. As well as being dangerous to the public, contamination, disease and escape threaten the environment and local wildlife. Amending this progressive by-law would set a bad precedent, encouraging others to seek similar exemptions, further promoting the exotic pet trade. As you know, Toronto City Council and its economic development committee recently rejected Reptilia's attempt to set up shop there. Reptilia is obviously hoping St. Catharines City Council will be less well-informed and less concerned about public safety and animal welfare. Once again, I urge you to reject their request. Thank you.

Sincerely,



---

John Sorenson, PhD  
Professor  
Department of Sociology



ONTARIO VETERINARY COLLEGE  
Department of Pathobiology

Jan 7, 2022

To Whom It May Concern:

This letter is to highlight concerns regarding public health risks associated with reptile contact events and a proposal to provide exemptions that would increase public contact with reptiles in various settings. While every human-animal encounter poses some risk of negative outcome (e.g. bite, zoonotic infection), it is well established that those risks are not homogenous across animal species. Further, it is well established that reptiles are important sources of *Salmonella* exposure in people, particularly children. *Salmonella* is a bacterium that is commonly found in healthy reptiles of various species, and which can cause serious disease in people. It is generally recommended to assume all reptiles are *Salmonella* carriers because of the high rates of *Salmonella* carriage and there are no methods to eliminate *Salmonella* carriage in reptiles.

Reptile contact is a clear risk factor for salmonellosis,<sup>1-4</sup> and this is particularly high for young children, which also have increased risk for severe disease (including death) from salmonellosis. The burden of disease is not well understood but a 2004 study estimated that reptile contact was associated with ~ 74,000 human infections annually in the US.<sup>5</sup> It is reasonable to assume that this has increased in the interim, as reptile ownership and contact has increased.

Overall, zoonotic disease risks are highest amongst children <5 years of age, the elderly, pregnant women and people with compromised immune systems. The US Centers for Disease Control and Prevention recommends “Children younger than 5 years of age, people with weak immune systems, and adults older than 65 years of age should not handle or touch amphibians or reptiles or their environment because they are at a higher risk for serious illness and hospitalization from *Salmonella*”. (<https://www.cdc.gov/healthypets/pets/reptiles.html>)

Guidelines from the UN National Association of State Public Health Veterinarians (<http://nasphv.org/Documents/AnimalContactCompendium2017.pdf>) highlight the risk to young children from contact with high risk species, which includes all reptiles. These guidelines also recommend that reptiles be prohibited from school or childcare settings. Similarly, Ontario Ministry of Health petting zoo guidelines ([https://www.health.gov.on.ca/en/pro/programs/publichealth/oph\\_standards/docs/reference/Petting\\_Zoos\\_2018\\_en.pdf](https://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/reference/Petting_Zoos_2018_en.pdf)) indicate that children < 5 years of age should not have contact with reptiles or their immediate environment and that reptiles should not be included in events in nursing homes, schools, daycares, or other situations where higher risk groups are expected to be present. Yet, within-facility or traveling reptile encounter events typically involve many people in those high risk groups, particularly young children. An outbreak of salmonellosis in people attending a reptile exhibit at a zoo affected 65 people, mainly children, as the median age of affected individuals was 7 years.<sup>6</sup>

Organized encounters in homes, schools, childcare facilities and other situations (e.g. longterm care facilities, libraries) create the potential for indirect exposure of many other (including high risk) individuals from contaminated surfaces. There are numerous reports of indirect exposure in households resulting in salmonellosis, sometimes with serious or fatal outcomes.<sup>7-9</sup>

Venomous snakes pose additional challenges and offer little benefit. Handling risks can be greatly reduced through proper training, housing and protocols; however, there is always some risk of accidental envenomation. This has occurred even in highly respective zoos, such as was seen in 2021 when an African bush viper bit an experienced handler at a zoo. (<https://www.usatoday.com/story/news/nation/2021/04/13/snake-bites-zoo-employee-san-diego/7202344002/>) The potential severity varies greatly amongst the proposed species. While antivenins are available, they may not be readily available when and where needed unless there is a plan to secure, maintain and provide antivenin in real time when needed. Escape of venomous snakes is unlikely with proper housing and management, but escapes have occurred, even from well run zoos (e.g. Bronx Zoo, 2019). The cost-benefit of maintaining venomous snakes must be considered. There is little benefit of displaying venomous species versus non-venomous species, yet there are inherent risks that cannot be avoided. While these risks are low, events have substantial impacts.

It is clear that reptiles pose an increased risk compared to most common domestic animals and that animal contact events pose a risk to public health. There is clear guidance from Ontario and beyond that supports restriction of reptiles from animal contact activities that involve high risk individuals, a group that is often a focus of these programs. Animal contact events can have useful educational, social and entertainment value; however, use of appropriate animal species is important to minimize the risks and maximize the benefits. Activities that increase contact of the general population, particularly high-risk groups, with reptiles create an unnecessary risk.

Sincerely,



J Scott Weese DVM DVSc DipACVIM FCAHS  
Professor, Dept of Pathobiology  
Director, Centre for Public Health and Zoonoses  
Ontario Veterinary College

## References

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 PGDip(MedSci) PhD CBiol CSci EurProBiol FRSB  
*Biologist & Medical Scientist*



**On the matter of:**

‘Reptilia’

### OPINION STATEMENT

**Submitted to:**

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

### **Remit and professional introduction**

At the request of Zoocheck Canada I have been asked to provide a brief commentary regarding certain activities associated with the operations of ‘Reptilia’, with a focus on general welfare issues and some of the zoonoses risks associated with onsite handling experiences and offsite mobile live animal programs (MLAPs).

By way of professional introduction, my relevant qualifications include Chartered Biologist (primarily reptile biology), Chartered Scientist (primarily reptile biology), Registered European Professional Biologist (primarily reptile biology), Fellow of the Royal Society of Biology (primarily reptile biology), and a doctorate (reptile welfare biology) (University of Portsmouth School of Pharmacy and Biomedical sciences). I also graduated from the University of Leeds Medical School, where I qualified in human primary healthcare and medical science, having specialised in zoonoses - diseases transmissible between animals and people. My research and publishing background extend to over 150 peer-reviewed papers, book chapters, books (including as contributing editor for the definitive scientific reference volume on reptile welfare), and other scientific publications in reptile biology, animal welfare, human medical science, and control of infectious diseases. Aside from scientific research, publication,



and education, I am also a regular lecturer on all related topics to the international community, and further, my work involves acting as a formal consultant on exotic animal welfare, public health and safety, and ecological issues to numerous governments.

### **Issues and statement**

#### **1. *Reptilia***

‘Reptilia’ is a commercial enterprise that, as examples of its operations, offers both onsite (zoo facilities, animal exhibitions, products) and offsite (mobile live animal programs [MLAPs], stage shows, animal rentals).

#### **2. *Joint letter***

3. At the request of Zoocheck Canada, I have read several reports by St. Catharines City officers (dated 27<sup>th</sup> August, 2013 [CSS-275-2013]; 10<sup>th</sup> September, 2013 [CSS-293-2013]; 26<sup>th</sup> December, 2021 [EDTS-205-2021]), as well as a joint NGO statement dated 3<sup>rd</sup> January, 2022, that was jointly provided to the City of St. Catharines by Niagara Action for Animals (NAfA), Zoocheck Inc., World Animal Protection, Animal Alliance of Canada, Animal Justice, Born Free USA, and Ontario Captive Animal Watch, which outlined numerous concerns regarding the activities of Reptilia. I considered the points raised in all reports and the NGO statement with regard to their objectivity and scientific robustness. In particular, the joint NGO statement sets out several concerns that expansion of certain of Reptilia’s activities would significantly increase animal welfare and public health and safety problems. I can confirm that in my professional opinion the contents of the joint NGO statement are strongly justified and supported by widely available robust scientific evidence, which demonstrates that both animal welfare and public health and safety problems are strongly endemic to captive animal welfare as well as animal interactions with the public, in particular regarding mobile activities, and moreover especially where children and other vulnerable groups are involved.

4. At the request of Zoocheck Canada, I also viewed numerous (246) still and moving images depicting husbandry and other conditions and practices at Reptilia zoo facilities. While a number of images showed vivaria conditions that are consistent with general zoo standards, there were also numerous examples that depicted problematic captive-stress-related behaviours and poor husbandry, including:



- a. perimeter tracking behaviour, assessed via occupancy evaluation showing particular activity routes recorded in the substrate;
- b. probable co-occupant harassment behaviour;
- c. stress-related interaction with transparent boundaries (ITB) behaviour;
- d. exploratory escape/ITB behaviour;
- e. spatially overly-restrictive conditions that do not permit snakes to fully stretch in all three dimensions (which is contrary to the latest scientific evidence-based recommendations) <sup>(1)</sup>;
- f. general spatial restrictions that do not permit essential normal behaviour such as swimming;
- g. lack of diversity of thermal zones;
- h. lack of habitat diversity;
- i. lack of suitable substrates.

The various issues listed above are well-established indicators of captivity-stress and poor husbandry, for which further general background information is provided below under '*Animal welfare*'.

#### 5. *Zoonoses, public health and safety, epidemics and control*

Reptiles are a notorious source of human salmonellosis and are also increasingly recognised as being causally-related to other infections <sup>(2,3)</sup>. Approximately 70,000 cases of pet reptile-associated human salmonellosis occur in the US annually, and around cases 6,000 in the UK annually - equal to approximately 6% of all salmonella infections <sup>(2,4)</sup>. Although it can be argued that certain human foods present a greater source of salmonella infection, reptiles constitute a disproportionately great source; for example, research shows that 27% of all children hospitalised with salmonellosis acquired their infections from pet reptiles <sup>(5)</sup>.

Moreover, at least 40 pathogenic human infections are known to be associated with reptiles, and at least 70 are associated with exotic pets generally <sup>(2)</sup>. Indeed, reptiles are known as 'Trojan horse' animals, because they are often invited into homes and schools on the basis of being presumed benign whereas, in fact, they may harbour a significant raft of pathogens, regardless of whether they are wild-caught or captive-bred. Furthermore, because the mechanisms of supply of exotic animals for display/pet purposes involves diverse sourcing and intermingling of animals at many hubs,

opportunities for cross-pollination of microbes is a major and growing concern <sup>(6)</sup>. The typical worrying presence of exotic pathogens in reptiles and other wild animals (whether wild-caught or captive-bred) is compounded by the common fact that animals in trade and keeping are frequently in poor or highly uncertain health states, and their origins become obscured by the intermingled supply process. Relatedly, zoonosis often superficially resemble everyday conditions such as fever, gastrointestinal disease, dermatitis, and influenza, thus their incidence and prevalence are likely relatively common and under ascertained.

These various factors result in significant unpredictability regarding what types of pathogens may be occupying any individual animal. Trace-back of pathogenic sources is also frequently thwarted by these supply hub obscurities. Consequently, epidemics or pandemics become extremely difficult to control.

#### 6. *Animal welfare*

Welfare science relevant to reptiles is a highly complex issue, and increasingly recognised as out of scope for those not fully qualified in both animal welfare and herpetological science. Frequently, many presumptions are made that imply that basic spatial, dietary, thermal, lighting, and humidity ranges are adequate, behavioural needs are simple, and that reptiles are easy to keep. All of those claims are entirely false, and promoted by commentators who lack appropriate scientific credibility. It has become clear during research over the past several years in particular that all provisions such as those mentioned above must be present in abundance - whether space, habitat diversity, temperature variation, and others, and that reptilian sentience and behaviour rivals if not exceeds that of many traditionally appreciated animals. In addition, reptiles are biologically highly innate, meaning that whether wild-caught or captive-bred, they have specific psychological and behavioural needs (such as space and constant habitat diversity) that are linked to ancestral biological traits <sup>(7,8)</sup>.

Accordingly, the needs of reptiles in captivity are rarely if ever fully met, and this phenomenon is known as 'controlled deprivation' <sup>(7)</sup>. Controlled deprivation is associated with the best zoological facilities; thus, it can be presumed that all sub-zoo standard settings (which includes all onsite handling experiences and offsite MLAPs) further and significantly degrade animal welfare.

There are now numerous high-level, peer-reviewed, scientific reports that confirm the sensitivity of reptiles to captivity-associated stressors (including handling) <sup>(9,10)</sup>. These reports make clear that many (at least 30) documented signs of stress are regularly observable in captive reptiles, but that often these signs are only readily recognised by specifically qualified and experienced reptile behaviourists. Therefore, it is likely that neither animal handlers nor local authority inspectors would possess the scientific knowhow to make objective informed assessments of the welfare states of reptiles at events where their welfare is likely to be at risk.

#### 7. *Static zoos versus onsite handling experiences and offsite MLAPs*

Static zoos are not free from criticism in terms of animal welfare. However, animals at static zoos are proportionately better insulated against human disturbances associated with sound, vibration, light, smell, and visual confrontation than animals at onsite handling experiences and offsite MLAPs - which are strongly exposed to all such disturbances. These disturbances are now well-known to impose significant stressors of reptiles and other animals <sup>(9,11,12,13)</sup>.

Although an animal may cope relatively well with a single stressor event (such as a single sound disturbance or movement), repeated or multiple stressor events (known as 'microstressors') may be considered harmful both in the short and long terms. These negative situations arise because microstressors probably do not allow animals to fully recover before the next stressor event, resulting in cumulative stress, maladaptation, and disease.

Furthermore, specific biological factors such as common nocturnalism mean that for many species, being moved or handled during their normal rest periods (our 'awake' periods) compounds disturbance issues. Also, welfare assessments cannot usually be well performed for nocturnal species (which includes many snakes) because their activity patterns and behaviours signalling health states are not observed due to the contrary diurnal behaviour patterns of humans.


Static zoos are known to be sources of zoonotic outbreaks involving reptiles and other animals, including some relatively large episodes involving hundreds of people from a

single reptile exhibit <sup>(2)</sup>. Nevertheless, infection risks at static zoos can be strongly mitigated in part due to the established architectural layout and thus the predictability of circumstances and events. In contrast, MLAPs manifest at highly diverse sites that are significantly beyond public health and safety managemental predictability, and therefore present a disproportionately great risk both of zoonotic disease and (where potentially dangerous animals such as large snakes, large lizards, large turtles, and crocodilians are involved) of human injury. Of note, contrary to common claims that certain large snake and large lizard species can be ‘tame’ or not aggressive, many incidences exist of highly injurious attacks and some deaths from perceived docile individuals.

Significantly, a new scientific and veterinary report by a panel of 22 experts for the International Association of Human Animal Interaction Organisations (IAHAIO) looking at diverse aspects (including animal welfare and zoonotic risk) associated with relevant events such as mobile handling experiences, concluded that: *“1.7 Wild animals and exotic species, including those kept as pets, must not be involved in AAI as their needs cannot be met. Their stress signals are poorly understood, they rarely remain in good health, usually have a shortened lifespan in captivity, and they pose a high zoonotic risk. There are also serious concerns about high mortality during transit, and ecological species depletion.”* <sup>(13)</sup>

### Summary conclusion

It is my view that while various activities within the Reptilia framework present constant risks to animal welfare and public health and safety, the issue of onsite handling experiences and offsite MLAPs present particular risks that are almost certain to result in many incidences of animal suffering and human illness, as well as numerous events that will culminate in highly tragic circumstances. These risks should, and can, be avoided. Accordingly, I share the recommendations of others, that responsible authorities should act decisively with interventions to cease any expansion of relevant Reptilia programs, and further seek to limit activities within existing Reptilia operations to safeguard animal welfare and public health and safety.



Dr C Warwick

11<sup>th</sup> January, 2022

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Ronald Orenstein, Ph.D., LL.B.



12 January 2022

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

Dear Mayor and Council Members:

Re: Application for Exemption to By-Law 95-212 – Reptilia - Council January 17, 2022

I am writing this letter to ask you to deny the request for an amendment to City of St. Catharines By-Law 95-212 in order to allow Reptilia to establish a facility for the public display of exotic animals in the City of St. Catharines and to transport reptiles elsewhere within the city.

I am a zoologist and lawyer with over thirty-five years' experience in issues surrounding the international trade in wildlife, including participation as a Registered Observer since 1987 at meetings of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). I am the author of twelve books on wildlife and wildlife conservation, including *Turtles, Tortoises and Terrapins: A Natural History* (2012, Firefly Books). I am also a member of three Species Specialist Groups of the Species Survival Commission of the International Union for the Conservation of Nature (IUCN), including the Tortoise and Freshwater Turtle Specialist Group.

My concern about the present application relates to two interrelated issues of increasing public interest and importance. The first is the role of exotic animals in the spread of communicable disease. Although reptiles have not as yet been identified as the source of epidemic-causing pathogens that can be transferred from person to person, exotic reptiles are well-known sources of salmonella and other diseases. Concern over such diseases is a major reason why juvenile turtles are no longer displayed for sale as pets in department stores and similar venues.

Today we are increasingly aware of the risks of disease transmission from animals to humans, including transmission by contact with exotic pets including reptiles. According to one recent review<sup>1</sup>, "Exotic pets (e.g., small mammals, reptiles, amphibians, fish, and birds) may be carriers of several zoonotic viruses (e.g., Crimean-Congo hemorrhagic fever virus, West Nile virus, arenaviruses), bacteria (e.g., *Salmonella* spp., *Yersinia pestis*), and parasites (e.g., *Giardia duodenalis*, *Cryptosporidium parvum*, *Toxoplasma gondii*, *B. procyonis*). For example, zoonotic

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<sup>1</sup> Bezerra-santos, M. A., Mendoza-Roldan, J. A., Thompson, R. C. A., Dantas-Torres, F., & Otranto, D. (2021). Illegal Wildlife Trade: A Gateway to Zoonotic Infectious Diseases. *Trends in Parasitology*, 37(3), 181–184. <https://doi.org/10.1016/j.pt.2020.12.005>

*Salmonella enterica* serotypes, previously associated with human outbreaks of reptile-related salmonellosis, were detected in tortoises (*Testudo graeca*) illegally imported from North Africa to Italy, bringing risks of human infection with pathogenic *Salmonella*.”

The second issue of concern, closely related to the first, is that the international trade in exotic pet animals, and particularly in reptiles and amphibians, presents a major threat to the survival of many rare species<sup>2</sup>. Much of this trade is known to be illegal and unsustainable, including trade in animals falsely claimed to have been bred in captivity but actually taken from the wild. Mortality in the course of capture and shipment is often high, and animals may arrive at their end markets already diseased.

The exotic pet trade is driven by demand. Buyers of exotic pet reptiles or amphibians are often unaware of the ultimate source of their animals. They may not know how to take care of them properly, especially when they grow large. This can lead to accidental or purposeful attempts to ‘dump’ unwanted animals into the wild. For hardier species such as some turtles, this could lead to the establishment of exotic populations that could potentially transmit diseases to native animal populations. Trade in exotic frogs has been identified as a major source of the spread of chytridiomycosis to native amphibians<sup>3</sup>. This and related diseases have already been blamed for the extinction of at least 200 amphibian species worldwide.

Steps to reduce the risk to both public health and species survival posed by the trade in exotic pets are being increasingly taken worldwide. By allowing the proposed exemption, and potentially increasing the possible risks of disease transmission to both people and native wildlife by promoting, directly or indirectly, the demand for exotic pet reptiles and amphibians, St. Catherine's would be moving in the opposite direction. I urge you to recommend against taking such a retrograde step.

I am aware that Reptilia does not offer live reptiles for sale. Nor do I mean to suggest that Reptilia is in any way directly associated with the illegal trade in live wildlife. However, by allowing the sale of pet supplies as part of its activities it may promote demand for the keeping of exotic reptiles as pets, including species that are prohibited under the existing bylaw and others that, although they are not currently prohibited, could pose a risk to public health. This risk may be of special concern under circumstances that allow (and even encourage) young children to come into physical contact with live reptiles.

In my view concerns such as these outweigh the arguments that have been presented in favour of granting the exemption requested by Reptilia.

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<sup>2</sup> Auliya, M., Altherr, S., Ariano-Sanchez, D., Baard, E. H., Brown, C., Brown, R. M., Cantu, J., Gentile, G., Gildenhuys, P., Henningheim, E., Hintzmann, J., Kanari, K., Krvavac, M., Lettink, M., Lippert, J., Luiselli, L., Nilson, G., Quang, T., Nijman, V., ... Ziegler, T. (2016). Trade in live reptiles, its impact on wild populations, and the role of the European market. *Biological Conservation*. <https://doi.org/10.1016/j.biocon.2016.05.017>

<sup>3</sup> Hanlon, S. J. O., Rieux, A., Farrer, R. A., Rosa, G. M., Waldman, B., Bataille, A., Kosch, T. A., Murray, K. A., Brankovics, B., Fumagalli, M., Martin, M. D., Wales, N., Alvarado-Rybak, M., Bates, K. A., Berger, L., Böll, S., Brookes, L., Clare, F., Courtois, E. A., ... Bosch, J. (2018). Recent Asian origin of chytrid fungi causing global amphibian declines. *Science*, 360(6389), 621–627. <https://doi.org/10.1126/science.aar1965>



I would be glad to provide you with further information on these issues, including further reference to recent scientific studies. I hope, however, that for the reasons expressed in this letter you will recommend against creating an amendment to By-Law 95-212 for Reptilia or, indeed, for any similar facility in future.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Orenstein", with a long horizontal flourish extending to the right.

Ronald Orenstein



January 27, 2022

The Animal Assistance Society of Niagara is a 100% volunteer based registered charity founded over 40 years ago to help the residents and animals in the Niagara Region.

Our volunteers are predominantly St. Catharines residents and St. Catharines is our main catchment area also. The AAS and other local animal welfare charities are stakeholders in your upcoming decision regarding the requested by-law exemption by Reptilia;

On behalf of The Animal Assistance Society of The Niagara Region, we would like to join the other welfare charities, such as Zoocheck, Animal Alliance, Niagara Action for Animals, etc in expressing our opposition to the proposed exemption to By-Law 95-212 to allow Reptilia to conduct business housing currently prohibited exotic animals.

The existing By-Law was put in place for very good reasons – To protect residents and animals alike;

Exotic reptiles displayed in a zoo / exhibition type setting, regardless of assurances of being provided the best possible care, are according to many experts subjected to inherent suffering and stress induced from living in an unnatural environment, being displayed, being touched by unfamiliar people, and/or travelling to exhibits.

Allowing such a business also indirectly encourages ownership of exotic reptiles as pets.

Exotic animals such as reptiles or snakes are exceedingly challenging to care for and often end up being neglected, abused, abandoned, surrendered to all ready over-whelmed local animal welfare charities, or if the reptile is illegal they can end up being euthanized.

Very sadly, there have even been cases of people sourcing free kittens and pet rabbits from places like Kijiji and using them to feed their reptiles.

According to many experts, close contact with exotics carries a risk of zoonotic disease transmission to segments of public that are particularly at risk, including young infant children, seniors and other compromised groups of individuals. Given that Reptilia appears to conduct children's birthday parties and services that can involve animal interactions, there is also an inherent risk to public health.

We believe the presence of a business such as Reptilia, will negatively impact the efforts of The Animal Assistance Society by directly or indirectly encouraging exotic reptile ownership resulting in the type of previously mentioned strains to our already overburdened services provided by local volunteers, such as increased calls for assistance.

In the interest of the animals and residents, we encourage that your vote will strongly echo the recent decision by Toronto City Council – by unanimously denying an exemption to By-Law 95-212 which would allow Reptilia to house currently prohibited exotic animals.

Sincerely,  
Brian Smale  
Director



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*The Animal Assistance Society of Niagara, founded over 40 years ago, is a 100% volunteer based registered charity that provides:*

- Veterinary care, spay/neuter procedures and shelter to stray companion animals
- Emergency veterinary assistance and spay/neuter assistance to companion animal guardians who are financially limited
- Foster, PetSmart & Pet Valu adoption programs to secure suitable permanent homes for unwanted or abandoned companion animals
- Where domestication is not possible, spay/neuter release programs for feral cat colonies combined with continued long-term veterinary care, shelter and food
- Public awareness/education of best practices in companion animal care; including a focus on the importance of spay/neutering and on the many outdoor dangers cats are needlessly subjected to whenever they are let outside to roam
- Advocacy of much needed improvements to existing Canadian animal cruelty legislation

**MISSION:**

Each year hundreds of healthy companion animals are “euthanized” at local Humane Societies, primarily due to a lack of funding and cages. The Animal Assistance Society believes that euthanizing healthy animals is neither a humane nor an effective form of controlling unwanted/abandoned animal populations.

Alternatively, we hold that spay/neuter programs and encouragement of pet guardians to employ an indoor lifestyle for their cat, is the answer.

The Animal Assistance Society has a “no kill” policy and helps to effectively reduce the burden on local Humane Societies through our Foster, PetSmart Adoption and Spay/Neuter initiatives.

**EFFICIENT AND EFFECTIVE:**

Salary and wage expenses can be a substantial diversion of funds away from the stated mandate of many registered charities.

Consisting entirely of volunteers, The Animal Assistance Society has only minimal administrative costs and is thus able to direct virtually every dollar raised toward helping animals.

Even a small donation can make a significant difference to the welfare of an animal - as little as \$100 can save an animal's life.



January 10, 2022

Mayor Walter Sendzik  
And Members of Council  
City of St. Catharines

Via Office of the City Clerk  
[clerks@stcatharines.ca](mailto:clerks@stcatharines.ca)

**SUBJECT:** Reptilia request to amend Exotic Animals By-Law 95-212 (Report EDTS 205-2021)

It has recently been brought to our attention that Reptilia, a heavily commercialized private reptile zoo, is seeking an exception to the City of St Catharines By-Law 95-212 in order to set up a private, commercial exotic zoo at Fairview Mall which would house and display a range of currently prohibited animals such as giant constricting snakes. Crocodilians, and venomous snakes and lizards. This proposal raises a number of serious animal welfare and human health and safety concerns, and **we urge you to deny Reptilia's request for an exception to By-Law 95-212.**

IFAW believes that wild animals belong in the wild and should not be kept as pets. We are in agreement with the concerns outlined by Niagara Action for Animals, Zoocheck Inc., World Animal Protection, and other organizations in their formal request on this matter to you, dated January 3, 2022

Given the heightened public awareness of viral transmission from animals to humans due to COVID-19, it seems rather unfitting for the City of St Catharines to be considering exceptions to By-Law 95-212 that would facilitate the expansion of activities involving hands-on interactions with exotic animals. Amending animal control bylaws to satisfy private commercial business interests undermines the purpose of such legislation, and poses a risk to public safety, an increased risk of zoonotic disease transmission, and creates a loophole and precedent for other exotic animal industries to follow suit. It also places increased demands on the city for oversight and monitoring of exotic animals

You are no doubt aware that Reptilia's recent request for exemption from the City of Toronto's prohibited animal provisions was unanimously voted against by both the City's Economic and Community Development Committee and Toronto City Council. The comprehensive Municipal Licencing and Standards report (which recommended that the exemption be denied) outlined many public health concerns, including the necessary sourcing, storing, and administration of antivenins, the documented health and disease concerns associated with handling reptiles, and the need for strict documentation and trace-back protocols for public health officials.

Reptilia is a private, commercial zoo business that profits from the display of wild animals in captivity, with ancillary activities including Mobile Live Animal Programs / “travelling zoos” that involve close interaction and handling of exotic animals (particularly aimed at children), as well as activities that encourage and promote the keeping of reptiles as pets, such as pet supplies and food sales, “rescue/adoption” and other services. Their business benefits financially if the number of reptiles kept as pets increases. Legitimate zoos and sanctuaries do not sell exotic pet products, do not provide services that support the exotic pet trade and do not engage in an ongoing, broad range of offsite commercial activities that facilitate the popularization and normalization of keeping wild animals as pets.

The exotic pet trade – which is directly and indirectly supported by commercial enterprises such as Reptilia – is widely accepted as being a threat to wild animal populations, disruptive to natural ecosystems, a risk to native wildlife populations wherever non-native exotic pets are kept, and poses an infectious disease threat to human health and safety. In addition, there are significant animal welfare concerns with private ownership of reptiles, including lack of space, inability to ensure appropriate environmental conditions such as space, temperature, humidity and diet, and stress due to transportation and public handling and display.

Undermining By-Law 95-212 because a commercial zoo business wants to display dangerous “attraction” animals in a shopping mall doesn’t make any sense, particularly during a pandemic when our public health systems are already strained. The normalization, popularization, and expansion of keeping exotic animals as pets, or displaying them for profit, is not a desirable path from a public health or regulatory perspective.

For the reasons outlined above, and on behalf of IFAW Canada and our 86,0000 supporters, I ask that you deny the request by Reptilia for exemption to By-Law 95-212.

Sincerely,



Sheryl Fink  
Director, Canadian Wildlife Campaigns  
IFAW

*The International Fund for Animal Welfare (IFAW) is a global non-profit helping animals and people thrive together. We are experts and everyday people, working across seas, oceans, and in more than 40 countries around the world. We rescue, rehabilitate, and release animals, and we restore and protect their natural habitats. The problems we’re up against are urgent and complicated. To solve them, we match fresh thinking with bold action. We partner with local communities, governments, non-governmental organizations, and businesses. Together, we pioneer new and innovative ways to help all species flourish.*



January 28, 2022

Mayor and Members of Council  
City of St. Catharines  
50 Church St., PO Box 3012,  
St. Catharines ON L2R 7C2

**Re: Release of Exotic Pet Species into the Wild**

The Canadian Wildlife Federation's mission is to conserve and inspire the conservation of Canada's wildlife and habitats for the use and enjoyment of all. The Canadian Wildlife Federation conducts its activities through a cooperative approach – working with people, business, non-government organizations, and government to inspire collaboration in achieving wildlife conservation. CWF uses the best available science-based information to develop policies, programs and communications. CWF has over 300,000 supporters and reaches over 2.5 million Canadians each year.

We are writing with regard to the need to protect the local environment from exotic pet species who escape captivity or are released into the wild. While many exotic animal species are often sold as small hatchlings or juveniles, they can grow to a relatively large and unmanageable size and live for decades. Many exotic animal species are difficult to maintain in captivity and, as a result, are commonly released into the wild. To date, exotic species have been found in the wild in all provinces, including Ontario, and they are reproducing in many areas. Consequently, many of these former "pets" are now considered among the top 100 most invasive species in the world.

Many exotic animal species pose a risk to native wildlife and their ongoing release into the wild also risks spreading exotic pathogens that may be lethal to wildlife. The sale and promotion of species that pose a risk to native wildlife should be halted to reduce these risks.

Other options to reduce the release of unwanted exotic animal species are unlikely to succeed. Education has not worked. Waterways and terrestrial areas can be posted with signs to tell people the release of unwanted pets is prohibited, but exotic species have been found in numerous sites with such signs. Clearly signage is not sufficient to deter people from releasing pets into the wild.

There is clear evidence that exotic species are commonly released into the wild in Canada. On iNaturalist, a citizen science platform led by the Canadian Wildlife Federation, there have been thousands of confirmed observations of exotic animal species in the wild in regions of Canada, including Ontario.

Yours sincerely,

Pierre Sadik  
Legal Director

cc: City Council Members



160 Fourth Avenue, St. Catharines, ON L2S 0B6  
**www.nras.ca**

December 17, 2021

The Corporation of the City of St. Catharines  
50 Church Street, P.O. Box 1531  
St. Catharines, ON L2R 7C2

Attention: Mrs. Bonnie Nistico-Dunk  
City Clerk

**RE: Report EDTS-205-2-21 Application for Exemption to By-Law 95-212**

Further to a request to provide feedback regarding the above application, we respectfully provide the following.

The current City of St. Catharines exotic by-law and many others in use today across Ontario municipalities were designed to protect citizens from the dangers of some exotic creatures, by removing or prohibiting them from being present in our communities.

On occasion, individuals chose to still own these animals and the Lincoln County Humane Society and Niagara Region Animal Services have had a number of occasions to obtain dangerous or illegal exotic animals. Once in our custody, or stemming from an investigation, we have reached out to our professional partners, one of them being Reptilia, for assistance.

Including Reptilia, these organizations have assisted us with removing, housing and adopting exotic animals, whether they are dangerous or not. These partnerships have provided us with exposure to educated and professional organizations who recognize the challenges individuals face when acquiring such animals. To this end, we support the work these organizations perform and support Reptilia in their efforts to educate the public about exotics, share knowledge, experience and expertise with everyone.

In our opinion, the inclusion of Reptilia in St. Catharines will be a positive addition to our community. The education component of the work they do will provide considerable insight to individuals who wish to learn about exotic creatures. We understand that animals will not be available for sale and we support this decision.

In closing, we thank you for the opportunity to provide comment on this report and we agree with its contents and the recommendation contained therein.

Regards,

Kevin Strooband, President





160 Fourth Avenue, St. Catharines, ON L2S 0B6  
[www.nras.ca](http://www.nras.ca)

January 27, 2022

The Corporation of the City of St. Catharines  
50 Church Street, P.O. Box 1531  
St. Catharines, ON L2R 7C2

Attention: Mrs. Bonnie Nistico-Dunk  
City Clerk

Dear Bonnie,

Based on further information that I have received regarding Reptilia, I am writing to modify my earlier position.

While we recognize that Reptilia has assisted the LCHS with the housing of exotic animals taken into our care, we feel that, from an animal welfare perspective, displaying some of these animals to educate the public, is generally not in the best interests of the animal's wellbeing.

From a review of Reptilia's website, they actively sell the Ultimate Birthday Party for kids, with additional options of using animals such as "Large Snakes", "Large Lizards", "Baby Alligators" and "Tarantula's", to enhance the experience. This exposure may also contribute to additional stress on the animals, along with a potentially increased risk for the safety of those handling or touching the animals. We encourage you to visit their website and specifically their event brochure for their Vaughan Facility: [https://reptilia.org/wp-content/uploads/2017/12/reptilia\\_venue\\_rental\\_brochure.pdf](https://reptilia.org/wp-content/uploads/2017/12/reptilia_venue_rental_brochure.pdf).

Most of the animals rehomed to exotic rescue organizations have been sent there due to the potential for harm. Specifically, we have taken in a Gaboon Viper, Moray Eel and a 10' Reticulated Python, all capable of causing harm or death to a human. Permitting these animals and others to reside in St. Catharines could be detrimental to the residents.

Our organization is tasked with providing animal control for St. Catharines and protecting the residents from animal related concerns and we also take the best interests of the animals into consideration.

Therefore, I respectfully amend our position and recommend that Reptilia not be permitted an exemption of the St. Catharines by-law 95-212 and its amendment.

Regards,

Kevin Strooband, President



ontariospca.ca

Charitable Registration #88969 1044 RR0002

January 28, 2022

The Corporation of the City of St. Catharines  
50 Church Street, P.O. Box 1531  
St. Catharines, Ontario, L2R 7C2  
**Attention:** Mrs. Bonnie Nistico-Dunk, City Clerk

**Via email:** [clerks@stcatharines.ca](mailto:clerks@stcatharines.ca)

Dear Bonnie:

**Re: Application for Exemption to By-law 95-212**

We are aware that Council will review staff report EDTS-205-2021, following input from the public meeting on January 17, 2022. Council is being asked to consider a request for an exemption to By-law 95-212 to allow the operation of a commercial exhibition and mobile live animal displays, including special events and educational tours. We strongly encourage Council deny the request for an exemption to By-law 95-212, as recommended by the Lincoln County Humane Society (Niagara Region Animal Services).

The mission of the Ontario SPCA and Humane Society is to ensure all animals are free from abuse and neglect. The Ontario SPCA has experience in municipal and provincial laws and regulations and believes the regulation of exotic animals is vital to animal well-being and community safety.

The keeping of exotic animals poses many serious threats to public safety, such as transmission of disease, risk of escape and injury to handlers or the public who interact with them. Exotic animals require specialized housing facilities, veterinary care, diet and knowledgeable and experienced handlers or care providers. Even with many safeguards in place, and where an exotic animal has no previous history of aggressive or erratic behaviour, there are countless examples of situations where these wild animals have escaped and/or caused injury to handlers and the public.

Staff reports prepared in 2013 during the development of By-law 95-212 included extensive consultation with interest groups, the public and bylaw enforcement agency. Those reports clearly outlined the risks that keeping exotics, including crocodilians and venomous snakes, posed to the health, safety and well-being of residents, the animals and the environment.

The limited economic benefit of travelling exotic shows, circuses and exhibitions has been well documented and should not outweigh the risk to public safety and animal well-being.

The Ontario SPCA and Humane Society urges Council to deny any exemption to By-law 95-212.

Sincerely,



Doug Brooks  
Chief Executive Officer  
Ontario SPCA and Humane Society

City of St. Catharines  
50 Church Street  
P.O. Box 3012  
St. Catherine ON L2R 7C2  
c/o: City Clerk

Via: email

Re: Reptilia Status in CAZA

To City of St. Catharines,

As some may be aware, a key purpose for the existence of Canada's Accredited Zoos and Aquariums (CAZA) is our accreditation program. Our Canadian program has been developed over the past 35 years and continues to evolve.

CAZA's mission is to inspire excellence in our members using science-based animal welfare, conservation, and education. We advocate for Canadian zoos, aquariums, museums, and science centers, speaking with one voice with stakeholders.

Our standards are recognized by municipal, provincial and a federal government agency. This largely explains why we take our brand, the accreditation program by extension, seriously.

Every five years each accredited facility is required to re-apply for accreditation; between those years they are required to submit an annual attestation to their compliance.

Our peer reviewed accreditation program is shaped in a way that it is outcome based requiring 100% compliance. If a facility is not 100% compliant, they will likely lose their accreditation status. Decisions are made on a case-by-case basis.

Reptilia is an accredited CAZA facility and like any other member is part of the 5-year cycle.

A copy of our standards and supporting guidance documents can be found on our website.

I hope this letter provides the necessary information for City Council and Reptilia's status in CAZA and their CAZA accreditation obligations.

Best Regards,



Jim Facette  
Executive Director & CEO

c.c. Mr. Brian Child, CEO, Reptilia Inc.



**Town of Whitby**  
**Office of the Chief Administrative Officer**  
575 Rossland Road East, Whitby, ON L1N 2M8  
[www.whitby.ca](http://www.whitby.ca)

November 15, 2021

**Re: Letter of Support for Reptilia**

To whom it may concern;

As Senior Manager of the Town of Whitby Economic Development Department, I am pleased to offer a letter of support for Reptilia. Since opening in 2018, Reptilia has made a very positive impact on our community. Reptilia is a great corporate citizen and would be a welcome addition to any community.

If you have any additional questions or concerns, please feel free to reach out.

*Paul Pirri*

**Paul Pirri,**  
Senior Manager, Economic Development  
**Strategic Initiatives Office of the CAO**  
T 905.430.4312  
C 905.424.9346  
[pirrip@whitby.ca](mailto:pirrip@whitby.ca)



March 15, 2022

Re: Reptilia

To Whom it May Concern,

Economic Development at the City of Vaughan is happy to attest to the high level of corporate citizenship demonstrated by Reptilia and its founder, Brian Childs, since its establishment in 1996. Since its founding, Reptilia has grown from a 4,000 square foot operation to one that features 25,000 square feet and employs 70 people. Its services include training first responders in responsible animal management, assisting with abandoned animals, and supporting education for the Canadian military.

Some highlights of Reptilia's corporate citizenship include:

- Taking in scores of animals from Vaughan and York Region which have been abandoned by their owners
- Holding annual special weekends for all employees and their families of Vaughan and York Region by waiving admission fees for guests who donate items to the Vaughan Food Bank
- Supported the Christmas drive and providing free shows for the Fire Department's activations
- Helped local Animal Services when called upon to manage reptile related issues while also training York Region First Responders

As Reptilia grows, Vaughan Economic Development is proud to help this local company as they give back to the community. I am happy to discuss Reptilia with any of my colleagues in other jurisdictions.

Regards,

A handwritten signature in black ink, appearing to read 'Raphael Costa', with a stylized flourish at the end.

Raphael Costa

Director, Economic Development

Office of the Chief Communications and Economic Development | City Manager's Office

905-832-8585 Ext. 8891

Raphael.Costa@Vaughan.ca



Creating thriving  
urban neighbourhoods

**First Capital Asset Management ULC**

85 Hanna Avenue, Suite 400, Toronto, ON, M6K 3S3  
T: 416.504.4114 F: 416.941.1655

**Date: December 10, 2021**

**To: Mayor and Council of the City of St. Catharines, Ontario**

**RE: Fairview Mall, St. Catharines - Reptilia**

I am writing to you as the owner for the above-mentioned property. First Capital's focus is on creating thriving urban neighbourhoods to generate value for businesses, residents, and communities. Fairview Mall is a strong regional mall in St. Catharines and has been a community hub in this community since 1961. Our commitment is to ensure that we continue this tradition and help to create an environment for families, businesses, tourists, and all other stakeholders to prosper.

As you may be aware, there have been challenges for quite some time as it relates to the future of the enclosed retail shopping mall experience. One of the reasons for this is due to the changes in how consumers prefer to shop in today's technological world. We have seen the demise of many large anchor tenants such as Target, Sears, Zellers, for example, that were not able to adapt effectively to these changes. These anchor tenants typically draw consumers to a mall and ultimately those consumers may shop at other retailers to create a hub of retail activity.

Owners of regional malls have been challenged for many years in trying to determine the future of the enclosed shopping experience. Retailers are continuing to adapt and create more experiential reasons for customers to visit their stores. Across North America, many owners are looking to add uses that cater to everyday needs, daycare, fitness, medical uses, and entertainment. The reason for this is that many of these experiences cannot be accomplished online and therefore bring the community together to create a thriving environment.

Adding to an already challenging situation is the current global pandemic. During this time the enclosed mall has been severely impacted as this environment is not conducive to social distancing. Many retailers are considering changing how they operate and are moving away from the enclosed mall and considering outdoor shopping centres or insisting on exterior access only. It is becoming extremely challenging to attract new retailers to the enclosed shopping centre. To create a thriving environment there must be many elements at play such as entertainment, culinary experiences, arts, education, interaction, etc.

Reptilia is one such use that we believe will be a draw for the community and tourists in search of an educational and exciting experience. Bringing more people to Fairview Mall will also benefit the other retailers. It is our belief that we can continue to improve the retail offering at Fairview Mall and ultimately contribute to this thriving hub within the City of St. Catharines.

Kind Regards,

A handwritten signature in black ink, appearing to read "Terry Ledamun".

Terry Ledamun  
Vice President, Leasing Central  
First Capital

Prof. Robert W. Murphy, Ph.D.  
GTA, Ontario

STATEMENT OF SUPPORT TO REPTILIA'S REQUEST  
FOR EXEMPTION FROM THE CITY OF ST.  
CATHARINES BY-LAW 95-212, WHICH REGULATES  
THE KEEPING OF ANIMALS

18 January 2022

**RECOMMENDATION:** Approve the request for exemption to By-Law 95-212

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TO:

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

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**Background and perspective:**

First, please allow me to briefly highlight my background because I am writing this letter of support for Reptilia's request for exemption to By-law 95-212, and as a private citizen only; I am not representing my employer. As a scientist, educator and student, I have worked with amphibians and reptiles since 1964. To date, I have authored or co-authored about 400 peer-reviewed science publications. As a professional educator, I taught The Biology of Amphibians and Reptiles at UCLA and the University of Toronto, among other courses, and have sponsored

many graduate students at the UofT and in China. I have served on graduate student committees in the University of Guelph, Mexico, Chinese Academy of Sciences and elsewhere. I am an elected member of the Executive Council of the World Congress of Herpetology (the study of amphibians and non-avian reptiles), serve on the Council of the Vertebrate Genomes Project as the coordinator for reptiles and hold various editorial positions. Some of my former students now hold faculty positions in Canadian, US and Chinese universities, and one former student is the Vice president for Protected Area Establishment and Conservation in Parks Canada. Three of my former students have worked at Reptilia, and I maintain a close friendship and professional association with two of them. This certifies that I am familiar with Reptilia's operations and educational goals.

My research mostly involves amphibians and non-avian reptiles, but also extends to virology, all other vertebrate groups, and invertebrates. Some publications center on conservation, biodiversity, methods of data gathering and analysis, and also other topics. I hold a faculty appointment in Canada and three appointments in China. As a field-based biologist, I have worked extensively in North America, including Mexico, as well as Australia and Southeast Asia. I am an Ontario Court-certified witness in cases involving amphibians and reptiles, and have worked with the IUCN. I am extremely familiar with CITES as I use their permits often multiple times each year. I have served as the Chair of an Animal Care Committee. On the academic website ResearchGate, I am normally the most frequently read member from the Department of Ecology and Evolutionary Biology at the University of Toronto.

This training and experience leads to my perspectives on Reptilia's application.

**Education value:** Like Reptilia, I do not support keeping large snakes, venomous reptiles\ and wild-caught animals as pets.

That said, Reptilia and zoos serve the public by maintaining and displaying these incredible animals, and Reptilia effectively delivers the critical message that such species should not be purchased and kept as pets. Given social media outlets such as YouTube, and many online sources to purchase animals, there is no hiding these animals from public view and access. Indeed, it is estimated that about 3% of 122.8M American households (ca. 3.7M households) keep amphibians and reptiles as pets. Knowledge allows for informed decision-making.

There is great educational and emotional value in touching a reptile. The eyes of a child's first touch of a snake open wide in amazement, and so do those of many adults. Touching builds empathy for the animals, which is invaluable in the current plight of all species. Reptiles are not cold and slimy. Such experience can eliminate fear and gain respect for wildlife, which can

preclude decapitating or stoning a garter snake to death. This is where local conservation begins. It's great to see pictures of animals in books, or videos on YouTube, but there's nothing quite like personalizing experiences. Public engagement and awareness are essential for local conservation initiatives, and this starts with hands-on experience. Reptilia's message of "leave it alone" provides one avenue for appreciating much-maligned species.

Reptilia is also involved in bio-survey monitoring in GTA, and at their own cost. They, and their volunteers, support the conservation by providing and monitoring cover for reptiles and amphibians. Other initiatives do the same.

**Previous feedback:** I have read the feedback and reports submitted to Toronto re. Reptilia's request for a similar exemption. I assume the same group of people will submit similar feedback to your Council as well, so I will offer my alternative perspective on two of the greatest concerns for which I have knowledge.

**Zoonotic disease:** Much ado has been made by those who do not support Reptilia about the potential for zoonotic disease associated with reptiles and amphibians, but this was not put into scientific perspective. The absence of perspective suggests biased, yellow journalism that relies on old data. Such is very unbecoming of "experts" because science should be objective.

Previous concerns about salmonella, a bacterial disease, provide an example of non-objective feedback. Consider only the following publically available data from USA's Center for Disease Control (CDC): "CDC estimates *Salmonella* bacteria cause about 1.35 million infections, 26,500 hospitalizations, and 420 deaths in the United States **every year** [emphasis added]. Food is the source for most of these illnesses" (<https://www.cdc.gov/salmonella/index.html>).

Taken alone, the numbers are quite alarming, but they pale when put it into perspective. Nowadays, annual infections from all sources including food involve about 0.4% of the US population. In comparison, guns (ca. 38k), automobile accidents (>38k) and drug overdoses (>70k) kill far more people. Nowadays, data reveal 44 cases linked to bearded dragons (lizards) and 87 cases to small turtles in total during the past 5 years, and only one other lizard and no snake has been linked to infections. In comparison, onions (892 cases) are a far greater source of infection than reptiles, as are backyard poultry (1135 cases). This occurs even though up to 90% of reptiles carry some form of *Salmonella*. (The infection rate in herbivorous lizards and terrapins will not change because babies must eat adult feces to inoculate themselves with the gut flora needed to digest plant materials—sorry). Thus, the number of cases in reptiles pales in the light of the danger posed by food.

Further to this, Reptilia estimates that almost 1M people have been involved in their educational initiatives involving controlled touching of reptiles and without a single linked



case of infection. Thus, Reptilia's scientifically protocols have successfully minimized the possibility of infection.

This unbiased perspective suggests that concerns about zoonotic occurrences via Reptilia constitute a red herring, perhaps put forth as a scare tactic designed to suppress the expansion of Reptilia and its concomitant education programmes. In fact, Reptilia emphasizes the need for cleanliness when handling animals. Their programmes are an effective form of educating the public on conservation, the keeping of pets and how to avoid a zoonotic infection.

**Animals care:** Reptilia has a staff veterinarian. In fact, Reptilia provides feedback and advice to Ontario's only veterinarian training centre at the University of Guelph. Here, again, Reptilia provides a public service. Note that CAZA has accredited Reptilia, and both CAZA and Provincial AWS inspectors provide welcomed feedback. Reptilia seeks this feedback and responds positively and rapidly to their suggestions.

Reptilia provides relatively large housing for their species, and this usually provides more space than similar housing at Toronto Zoo. Display animals are kept in simulated native habitats and attention is paid to the potential needs of species. For example, most snakes have sufficient space to stretch themselves. Nutrition is monitored closely and in a way that precludes growth abnormalities, such as "domed shells" in turtles. Caloric intake and water are designed to simulate each species' occurrence in nature. For example, desert species are not given open access to water, but rather water is offered to them occasionally (and most often they do not drink it).

Reptilia occasionally rehomes abandoned pets. The alternative is for the public to release them where they may compete with native species, or euthanize them, neither of which Reptilia supports. Venomous animals are never rehomed to the public, but rather only to CAZA accredited institutions. In such cases, the animals may be housed temporarily in restricted yet adequate caging while in quarantine.

In summary, Reptilia safely fills a curiosity-driven, educational niche. Its success attests to public interest in its services and overall support. I encourage you to be responsive to this need by granting the exemption to By-law 95-212.

Sincerely,





## Corporate Report City Council

**Report from:** Financial Management Services, Accounting and Payroll

**Report Date:** September 12, 2022

**Meeting Date:** November 28, 2022

**Report Number:** FMS-140-2022

**File:** 60.2.13 & 10.57.99

**Subject:** Amendment to Development Charges By-law No. 2021-140

### Strategic Pillar:

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



## Recommendation

That Report FMS-140-2022, regarding Amendment to Development Charges By-law No. 2021-140 be referred to City Council for consideration of the Staff Recommendation after the Public Meeting on December 12, 2022, for which notice will be duly given.

## Staff Recommendation

That Council approve amendments to the Development Charges By-law No. 2021-140, as attached in Appendix 1 with an effective date of January 1, 2023.

## Summary

This report provides information on a proposed amendment to the Development Charges By-law 2021-140 to remove Transit Services from the categories of services for which development charges are imposed, as per the recent consolidation of Municipal and Regional transit services within the Niagara Region into the Niagara Transit Commission (NTC). With the consolidation of transit services, the Niagara Region will take over the collection of development charges for the services of transit within the Regional Development Charges (RDCs) which will be effective as of January 1, 2023. This report acts as the background study as required by the Development Charges (DC) Act prior to passing of a by-law amendment. This report is administrative in nature providing accuracy and transparency for the DC By-law and process in accordance with the DC Act.

## Relationship to Strategic Plan

The continued collection of DCs will support, either directly or indirectly, each of the strategic plan pillars. The proposed amendment recommended in this report due to the changes of development charge eligible services at the Municipal and Regional level, reflect the City's commitment to accountability and transparency.

## Background

For the past 12 years, the City has not collected a City DC, and prior to that they were collected on an area-specific basis for many years, meaning that most growth-related infrastructure built in the last 20 plus years has been primarily funded from the tax levy and / or water and wastewater rates.

As part of the 2020 operating budget, Council approved funding the undertake of a Development Charges Background Study (DCBS), a Community Benefits Charge strategy (CBC), and an Inclusionary Zoning study. The City engaged Watson & Associates Economists Ltd. to undertake this work with staff. On October 5, 2020, Council approved forming a Development Studies Task Force composed of stakeholders and members of Council to review the work undertaken and make recommendations to Council.

On June 3, 2021 the DCBS was released to the public via the City's website. On July 12, 2021, a Public Meeting was held under the Development Charges Act to receive input from members of the public. [Report FMS-105-2021](#) focused on why DCs were being recommended and how they would benefit the City. [Report FMS-133-2021](#) presented to Council on September 13, 2021 outlined the administration of DCs and responses to the public consultation and feedback questions. At the September 13, 2021 Council meeting, the amended Development Charge Background Study and the Development Charges By-law No. 2021-140 were approved with an effective date of January 1, 2022.

Since the start of 2022, development charges have been enforced and collected according to By-law 2021-140, for any development of land, buildings, or structures which require the passing of a zoning by-law or amendment, the approval of a minor variance, a conveyance of land not subject to part-lot control, the approval of a plan of subdivision, a consent, the approval of a description for a condominium or the issuance of a building permit.

Schedule "B" of the Development Charges By-law No. 2021-140 outlined the residential and non-residential DC charges and noted the corresponding class of service for which the fees were collected for. Transit Services are classified as a municipal wide service in the Schedule of Development Charges within Schedule "B".

With the amalgamation of transit services and formation of the Niagara Transit Commission (NTC) effective January 1, 2023, the City can no longer collect development charges related to Transit Services including Transit Facilities, Transit vehicles and Growth Studies for Transit Services. The NTC will integrate the existing

local transit systems into a single organization that operates public transit across Niagara. The Niagara Region will, in turn, collect Transit Development Charges, according to their by-law on a regional basis.

## Report

The amendment to By-law no. 2021-140 to establish Development Charges for the City of St. Catharines has been completed according to the process as outlined in the *Development Charges Act 1997, S.O. 1997, c. 27 (DC Act) under section 19(1)*. Sections 10 to 18 from the DC Act would apply to the process before passing a by-law or by-law amendment and have been outlined in the balance of this report. This report acts as the new background study for passing of a by-law according to *section 19(1)* for by-law amendments.

## Background Study

The DC Act *section 10* requires that a DC Background Study (DCBS) be made available to the public for a minimum of two weeks prior to holding a public meeting, and 60 days prior to passing of a development charge by-law or amendment. These requirements have been met with this report acting as the updated background study published on October 3, 2022, over 60 days prior to the Public Meeting and Council Meeting to approve the proposed amended by-law. The original DCBS completed June of 2021 by Watson and Associates, is also available to the public through the City's website as of June 3, 2021 in addition to [Report FMS-133-2021](#).

The categories of services and classes of services that are addressed for eligibility in the DC calculations for which development charges can be imposed include: Services Related to a Highway; Public Works; Transit Services; Fire Protection Services; Parks and Recreation Services; Library Services; Stormwater Drainage and Control Services; Wastewater Services; Water Services; and Growth Studies.

Transit services were originally identified as a type of service component including transit vehicles and facilities and other transit infrastructure. With respect to growth studies, transit services growth studies were also identified as eligible for capital costs. Since Transit Services including transit facilities, transit vehicles and growth studies for Transit Services are a service to be removed from the City's By-law 2021-140, no further estimates or calculations are required. An examination of Transit Services in relation to long-term capital and operating costs for capital infrastructure are also no longer required. An asset management plan according to *section 10(3)* is also not required.

## By-law

Section 11 of the DC Act states that a development charge by-law may only be passed within the one-year period following the completion of the development charge background study. The DCBS was completed on June 2, 2021, and the By-law 2021-140 was passed on September 13, 2021, therefore requiring the City to complete all the steps outlined in this report, to pass this by-law amendment. This report acts as the new background study for passing of a by-law according to *section 19(1)* for by-law

amendments. The revisions to By-law 2021-140 have been noted in Appendix 2, Amendment to Development Charges By-law No. 2021-140, a separate amended by-law completed in the City's regular by-law template format and published two weeks prior to the public meeting. The amended by-law will be referred to when speaking to the Development Charges by-law 2021-140 as it provides updates and clarity to the original by-law. Appendix 2, Draft Consolidated DC By-law 2021-140 has been included for reference to reflect the changes noted in this report and the changes noted in Appendix item 1.

### **Revisions to By-law 2021-140**

The City will no longer be able to collect development charges related to Transit Services including Transit Facilities, Transit vehicles and Growth Studies for Transit Services after December 31, 2022. Four adjustments have been made to amend By-law 2021-140 to remove any transit related service as an eligible DC charge or service class. The amended by-law will note the items removed related to transit.

#### **Adjustment 1**

*Section 2.1* on page 14 of the by-law, with respect to categories for services and classes of services for which development charges are imposed, *item (c)* Transit Services has been removed.

#### **Adjustment 2**

Schedule "A" as part of the by-law on page 29, lists the components of services and classes of services designated in *subsection 2.1*, Development Charges- Eligible Services where item Transit Services including Transit Facilities and Transit Vehicles all have been removed.

#### **Adjustment 3**

Schedule "A" as part of the by-law on page 31, lists the components of services and classes of services designated in *subsection 2.1*, Development Charges- Eligible Services where Growth Studies relating to Transit Services has been removed

#### **Adjustment 4**

Lastly Schedule "B" as part of the by-law, Schedule of Development Charges, Transit Services has been removed under the Municipal wide services / class of service. Schedule B will be replaced to reflect the updated DC charges on a go forward basis.

### **Rates**

The Schedule of Development Charges on Schedule "B" has changed given the removal of Transit Services from the Development Charge rates for Municipal wide services which effects the rates for both rural and urban services. The removal of the Transit Services reduces the grand total rural area and grand total urban area Development Charges as of 2021 which was used as the base year rates. The DC rates are indexed each year on January 1 by the non-residential construction cost index. The updated Schedule B with the removal of the transit rate has been included in the updated draft by-law. This by-law amendment will be effective January 1, 2023, and the new rates with indexing will be reflected on the website and through the DC Pamphlet which will be updated and posted on the website.

## Public Meeting

The *DC Act section 12* requires that Notice of a Public Meeting be provided at least 20 days prior. These requirements have been met with a notice being placed in the St. Catharines Standard at least 20 days prior to the public meeting date set for December 12, 2022. Any person who wishes to attend the meeting can contact the Clerks Department to ensure access to the meeting and receive information on how to request to make a delegation before Council. Following the Public Meeting and Council's consideration of this report, the recommended amendments would be approved and final.

## Notice of Passage

In accordance with *subsection 13 of the DC Act*, upon passing the amended By-law, notice of the passing and the last day for any appeals must be provided in written form no later than 20 days after the day the By-law is passed. The notice will be given by publication in the newspaper providing sufficient circulation to the public.

## Appeal Period

In accordance with *subsections 14 through 18 of the DC Act*, any person or organization may appeal the Development Charges By-law to the Ontario Land Tribunal by filing a notice of appeal with the City Clerk stating the objection to the By-law and the reasons supporting the objecting. The last day to appeal the By-law is January 21, 2023, which is 40 days after the amended By-law is passed.

## Implementation of the amended By-law

If approved, the Development Charges By-law 2021-140 as amended comes into force and effect on January 1, 2023 applying to building permits issued on or after the day the by-law comes into force. In turn the City's website, DC pamphlet and internal systems will be updated to reflect the revised rates. The By-law 2021-140 as amended will expire December 31, 2026, five years after the day it came into force, which is originally noted as January 1, 2022.

## Financial Implications

The financial implications are noted in [Report FMS-105-2021](#) and [Report FMS-133-2021](#), Development Charges Strategy and By-law. The Niagara Region will be collecting DCs for transit services as part of their Regional DCs effective January 1, 2023.

The continuation of the Development Charges By-law as amended is a significant step towards fiscal responsibility and financial sustainability. It represents a shift from placing all growth-related infrastructure burden on the taxpayer to a more balanced approach where growth pays for growth. Development charge allocation will assist with capital budget forecasting and financing, strategic decision making, and investment back into the community.

## Conclusion

The City has undertaken a long, consultative process in order to have the Development Charges By-law approved and in place. With the consolidation of transit services at the

Regional level, the City can no longer collect development charges related to Transit Services including Transit Facilities, Transit Vehicles and Growth Studies for Transit Services, and must make amendments to the current by-law. An amendment is necessary to the integrity of the DC By-law 2021-140, providing accuracy and transparency in accordance with the process as outlined in the *DC Act section 19(1)* for by-law amendments.

**Prepared by**

Jenna Northcott  
Development Finance Specialist

**Submitted by**

Adam Smith  
Associate Director of Financial Management Services

**Approved by**

Kristine Douglas  
Director, Financial Management Services and City Treasurer

## **Appendices**

1. Appendix 1 – Amendment to Development Charges By-law No. 2021-140
2. Appendix 2 – Draft Consolidated DC By-law 2021-140

CITY OF ST. CATHARINES

BY-LAW NO. \_\_\_\_\_

A by-law to amend By-law No. 2021-140 entitled “A By-law to establish Development Charges for the City of St. Catharines.”

WHEREAS pursuant to the *Development Charges Act*, 1997, S.O. 1997, C. 27, (The "Act"), the Council of the Corporation of the City of St. Catharines passed the Development Charges By-law No. 2021-140, which came into force and effect on January 1, 2022;

AND WHEREAS Transit Services are classified as a municipal wide service in the Schedule “B” of the Development Charges By-law;

AND WHEREAS with the amalgamation of transit services and formation of the Niagara Transit Commission (NTC) effective January 1, 2023, development charges related to Transit Services including Transit Facilities, Transit vehicles and Growth Studies for Transit Services will be collected by The Regional Municipality of Niagara;

AND WHEREAS the Council has given notice of and held a public meeting on the 12th day of December, 2022 in accordance with the Act and the regulations thereto to amend By-law No. 2021-140 in order to remove references to Transit Services;

NOW THEREFORE the Council of the Corporation of the City of St. Catharines enacts as follows:

1. That By-law No. 2021-140 be and the same is hereby amended by deleting section 2.1 and replacing it with the following section 2.1:



2.1 Categories of services. The categories of services and classes of services for which development charges are imposed under this by-law are as follows:

- (a) Services Related to a Highway;
- (b) Public Works;
- (c) Fire Protection Services;
- (d) Parks and Recreation Services;
- (e) Library Services;
- (f) Stormwater Drainage and Control Services;
- (g) Wastewater Services;
- (h) Water Services; and
- (i) Growth Studies.

2. That By-law No. 2021-140 be and the same is hereby amended by deleting Schedule "A" therefrom and replacing it with Schedule "A" attached hereto.

3. That By-law No. 2021-140 be and the same is hereby amended by deleting Schedule "A" therefrom and replacing it with Schedule "A" attached hereto.

4. That By-law No. 2021-140 be and the same is hereby amended by deleting Schedule “B” therefrom and replacing it with Schedule “B” attached hereto.

5. This By-law shall come into force on the 1st day of January, 2023.

Read and passed this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

CLERK

MAYOR

## Schedule "A"

To By-law No. 2021-140

**Components of Services and Classes of Services Designated in Subsection 2.1****Development Charges - Eligible Services:**

- Services Related to a Highway
  - Roads and Related Infrastructure
- Fire Protection Services
  - Fire Facilities
  - Fire Vehicles
  - Fire Small Equipment and Gear
- Parks and Recreation Services
  - Parkland Development
  - Parkland Amenities
  - Park Trails
  - Parks and Recreation Vehicles and Equipment
  - Recreation Facilities
- Library Services
  - Library Facilities
  - Library Vehicles
  - Library Collection Materials
- Stormwater Services
  - Channels, Drainage and Ponds
- Wastewater Services
  - Distribution System
- Water Services
  - Collection System
- Public Works
  - Facilities
  - Vehicles and Equipment

- Growth Studies
  - Services Related to a Highway
  - Water Services
  - Wastewater Services
  - Stormwater Services
  - Fire Protection Services
  - Parks and Recreation Services
  - Library Services

Schedule “B”

To By-law No. 2021-140

Schedule of Development Charges

Service/Class of Service	Single and Semi-Detached Dwelling	RESIDENTIAL				NON-RESIDENTIAL	
		Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)	(per sq.m. of Gross Floor Area)
<b>Municipal Wide Services:</b>							
Services Related to a Highway	611	448	444	303	229	0.33	3.55
Public Works	2	1	1	1	1	0.00	0.00
Fire Protection Services	524	384	380	260	197	0.28	3.01
Parks and Recreation Services	6,682	4,902	4,852	3,316	2,507	0.41	4.36
Library Services	755	554	548	375	283	0.04	0.43
Growth Studies	608	446	441	302	228	0.35	3.77
<b>Total Municipal Wide Services/Class of Services</b>	<b>9,182</b>	<b>6,735</b>	<b>6,666</b>	<b>4,557</b>	<b>3,445</b>	<b>1.41</b>	<b>15.12</b>
<b>Urban Services</b>							
Stormwater Drainage and Control Services	109	80	79	54	41	0.15	1.61
Wastewater Services	132	97	96	66	50	0.07	0.75
Water Services	35	26	25	17	13	0.02	0.22
<b>Total Urban Services</b>	<b>276</b>	<b>203</b>	<b>200</b>	<b>137</b>	<b>104</b>	<b>0.24</b>	<b>2.58</b>
<b>GRAND TOTAL RURAL AREA</b>	<b>9,182</b>	<b>6,735</b>	<b>6,666</b>	<b>4,557</b>	<b>3,445</b>	<b>1.41</b>	<b>15.12</b>
<b>GRAND TOTAL URBAN AREA</b>	<b>9,458</b>	<b>6,938</b>	<b>6,866</b>	<b>4,694</b>	<b>3,549</b>	<b>1.65</b>	<b>17.71</b>

**FOREWARD**

Council passed this City of St. Catharines Development Charges By-law 2021-140 on September 13, 2021.

This consolidation of the Development Charges By-law incorporates all amendments made to it:

By-law No. [XYZ] passed on [XYZ]

DRAFT

CITY OF ST. CATHARINES  
BY-LAW NO. 2021-140

A by-law to establish Development Charges for the City of St. Catharines.

WHEREAS the *Development Charges Act*, 1997, S.O. 1997, c. 27, (the "Act") provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services;

AND WHEREAS a Development Charges Background Study has been completed in accordance with the Act;

AND WHEREAS Council has before it a report entitled "City of St. Catharines Development Charge Background Study" prepared by Watson & Associates Economists Ltd. dated June 2, 2021;

AND WHEREAS Council has a report entitled "Addendum #1 to the June 2, 2021 Development Charges Background Study" prepared by Watson & Associates Economists Ltd. dated September 3, 2021;

AND WHEREAS the Council of the Corporation of the City of St. Catharines has given notice of and held a public meeting on the 14th day of June, 2021 in accordance with the Act and the regulations thereto;

NOW THEREFORE the Council of the Corporation of the City of St. Catharines hereby enacts as follows:

**1.0 DEFINITIONS**

1.1 Meaning. In this by-law, the following definitions shall apply:

"**Act**" means the *Development Charges Act*, 1997, S.O. 1997, c. 27.

"**Accessory Use**" means where used to describe a use, building or structure, that the use, building, or structure is naturally and normally incidental, subordinate in purpose of floor area or both, and exclusively devoted to a principal use, building or structure, but is not an ancillary residential building.

"**Agricultural Farm**" means use or intended use for bona fide farming purpose:

- (a) including, the growing of crops, nursery, greenhouse, and horticultural crops; raising or stabling of livestock and other animals for food, fibre, fur, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; uses and practices necessary to support the day-to-day operation of the agriculture use and associated on farm buildings and

structures including accommodation for full time farm labour when the size and nature of the operation requires additional employment;

- (b) but excluding, retail sales activities; including but not limited to restaurants, banquet facilities, hospitality facilities and gift shops, services related to grooming, boarding, or breeding of household pets, and Cannabis Production Facilities.

**“Apartment Unit”** means any Residential Dwelling Unit within a building containing three or more Dwelling Units where access to each residential unit is obtained through a common entrance or entrances from the street level and the residential units are connected by an interior corridor and includes Stacked Townhouse Dwellings.

**“Back-to-Back Townhouse Dwelling”** means a building containing more than two Dwelling Units separated vertically by a common wall, including a rear common wall, that do not have rear yards.

**“Bedroom”** means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen.

**“Board of Education”** has the same meaning as that specified in the *Education Act*, R.S.O. 1990, c. E.2.

**“Brownfield”** means land located within the urban areas as defined in the Regional Official Plan, upon which there has been previous agricultural, industrial, institutional, or commercial or open lands use or other use as prescribed under the *Environmental Protection Act*, R.S.O. 1990, c.E.19 and Ontario Regulation 153/04 thereto, and for which site remediation is required in accordance with a Phase 2 Environmental Site Assessment, and for which a Record of Site Condition has been filed on the Province’s Brownfields Environmental Site Registry pursuant to the *Environmental Protection Act*, R.S.O. 1990, c.E.19 and Ontario Regulation 153/04 thereto.

**“Building Permit”** means a permit pursuant to the Building Code Act.

**“Building Code Act”** means the *Building Code Act*, 1992, S.O. 1992, c. 23.

**“Cannabis Production Facilities”** means a building, or part thereof, designed, used, or intended to be used for one or more of the following: cultivation, propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment or distribution of cannabis where a licence, permit or authorization has been issued under applicable federal law and does include, but is not limited to such buildings as a greenhouse and agricultural building associated with the use. It does not include a building or part thereof solely designed, used, or intended to be used for retail sales of cannabis.

**“Calculation Date”** means the date on which the first Building Permit is issued by the local municipality, unless otherwise stipulated in the Act.

**“Capital Cost”** means costs incurred or proposed to be incurred by the City or a Local Board thereof, directly or by others on behalf of and as authorized by the City or Local Board,

- (a) to acquire land or an interest in land, including a leasehold interest;
- (b) to improve land;
- (c) to acquire, lease, construct or improve buildings and structures;
- (d) to acquire, construct or improve facilities including:
  - i. furniture and equipment other than computer equipment;
  - ii. materials acquired for circulation, reference or information purposes by a library board as defined in the *Public Libraries Act*, R.S.O. 1990, c. P. 4; and
  - iii. rolling stock with an estimated useful life of seven years or more; or
- (e) to undertake studies in connection with any matter under the Act and any of the matters in clauses (a) to (d), including the Development Charges background study required for the provision of services designated in this by-law within or outside the City, including interest on borrowing for those expenditures under clauses (a), (b), (c) and (d) that are growth- related.

**“City”** means The Corporation of the City of St. Catharines.

**“Commercial Purpose”** means used, designed, or intended for use for or in connection with the purchase or sale or rental of commodities; the provision of services for a fee; or the operation of a business office, and includes hotels and motels.

**“Correctional Group Home”** means a residential building or the residential portion of a Mixed-use Building containing a single housekeeping unit supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by an government or its agency, or by public subscription or donation, or by any combination thereof, and licensed, approved or supervised by the Province of Ontario as a detention or correctional facility under any general or special act and amendments or replacement thereto. A correction group home may contain an office provided that the office is used only for the operation of the correctional group home in which it is located. A correctional group home shall not include any detention facility operated or supervised by the Federal Government nor any correctional



institution or secure custody and detention facility operated by the Province of Ontario.

**“Council”** means the Council of the City of St. Catharines.

**“Detached Accessory Dwelling Unit”** means a residential building that would be ancillary to a detached dwelling, Semi-detached Dwelling, or Row Dwelling.

**“Development”** means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof and includes Redevelopment. Notwithstanding the foregoing, development does not include Temporary Buildings or Structures permitted in accordance with the City’s Comprehensive Zoning By-law No. 2013-283, or permitted under a “temporary use by-law” pursuant to section 39 of the Planning Act.

**“Development Charge”** means a charge imposed with respect to this by-law.

**“Dwelling Room”** means either:

- (a) each Bedroom used, designed, or intended for use by one or more persons living together in a Lodging Home, Student Residence, or
- (b) in the case of a Special Care/Special Dwelling Unit/room, each individual room or suite of rooms used, designed, or intended for use by one or two persons with or without exclusive sanitary or culinary facilities.

**“Dwelling Unit”** means any part of a building or structure used, designed, or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities for their exclusive use.

**“Existing Industrial Building”** means a building or buildings existing on site in the City of St. Catharines on January 1, 2022 or the first building constructed and occupied on a vacant site pursuant to site plan approval under Section 41 of the Planning Act subsequent to this by-law coming to effect for which full Development Charges were paid, and is being used for or in conjunction with:

- (a) the production, compounding, processing, packaging, crating, bottling, packing, or assembling of raw or semi-processed goods or materials in not less than seventy-five percent of the total gross floor area of the building or buildings on a site (“manufacturing”) or warehousing related to the manufacturing use carried on in the building or buildings;
- (b) research or development in connection with manufacturing in not less than seventy-five percent of the total gross floor area of the building or buildings on a site;

- (c) retail sales by a manufacturer, if the retail sales are at the site where the manufacturing is carried out, such retail sales are restricted to goods manufactured at the site, and the building or part of a building where such retail sales are carried out does not constitute greater than twenty-five percent of the total gross floor area of the building or buildings on the site; or
- (d) Office or administrative purposes, if they are,
  - i. carried out with respect to manufacturing or warehousing; and
  - ii. in or attached to the building or structure used for such manufacturing or warehousing.

**“Farm Building”** means that part of a bona fide farming operation encompassing barns, silos, and other ancillary development to an agricultural farm, but excluding a residential use, greenhouses and other buildings and structures used as Cannabis Production Facilities and would include wholesale greenhouse facilities and structures.

**“Grade”** means the average level of finished ground adjoining a building or structure at all exterior walls.

**“Gross Floor Area”** means the total area of all floors above grade of a dwelling unit measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of party walls dividing the Dwelling Unit from other Dwelling Unit or other portion of a building;

In the case of a Non-residential Building or structure, or in the case of a Mixed-use Building in respect of the non-residential portion thereof, the total area of all building floors above or below Grade measured between the outside surfaces of the exterior walls, or between the outside surfaces of exterior walls and the centre line of party walls dividing a Non-Residential Use and a Residential Use, except for:

- (a) a room or enclosed area within the building or structure above or below Grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical or telecommunications equipment that service the building;
- (b) loading facilities above or below Grade; and
- (c) a part of the building or structure below Grade that is used for the parking of motor vehicles or for storage or other Accessory Use.

**“Group Home”** means a residential building or the residential portion of a Mixed-use Building containing a single housekeeping unit which may or may not be supervised on a 24-hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act and amendments or replacements thereto. A group home may contain an office provided that the office is used only for the operation of the group home in which it is located.

**“Hospice”** means a building or portion of a Mixed-use Building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active participants in care.

**“Industrial use”** means land, buildings or structures used for or in connection with:

- (a) manufacturing, producing, assembly, and processing goods for a commercial purpose, as well as storing or distribution of goods manufactured, produced, or processed on site;
- (b) research or development in connection with manufacturing, producing, assembling, or processing good for a commercial purpose;
- (c) retail sales by a manufacturer, producer, or processor of goods they manufactured, produced, assembled, or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;
- (d) office or administrative purposes if it is:
  - i. carried out with respect to manufacturing, producing, processing, assembly, storage or distributing of something; and
  - ii. in or attached to the building or structure used for that manufacturing, producing, processing, assembling, storage, or distribution.

**“Institutional”** means lands, buildings or structures used or designed or intended for use by an organized body, society, or religious group for promoting a public or non-profit purpose and offices where such uses are accessory to an Institutional use.

**“Live/work Unit”** means a unit which contains separate residential and non-residential areas intended for both residential and Non-Residential Uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas.

**“Local Board”** means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of one or more local municipalities or the Region, but excluding a Board of Education, a conservation authority, any municipal services corporation that is not deemed to be a Local Board under Ontario Regulation 599/06 made under the Municipal Act.

**“Local Services”** means those services, facilities or things which are under the jurisdiction of the City and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41, 51 or 53 of the Planning Act.

**“Lodging Home”** means a boarding, lodging, or rooming house in which lodging is provided for more than four persons in return for remuneration or for the provision of services, or for both, and in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.

**“Long Term Care Home”** means homes, nursing homes or homes for the aged where the Ministry of Health and Long-Term Care funds the care provided in such homes and application for accommodation is made through a Community Care Access Centre.

**“Mixed-Use Building”** means a building or structure used for two or more uses.

**“Mobile Home”** means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer.

**“Municipal Act”** means the Municipal Act, 2001, S.O. 2001, c. 25.

**“Non-industrial”** means all buildings or structures not defined as Industrial.

**“Non-Profit Housing Development”** means development of a building or structure intended for use as residential premises by:

- (a) a corporation without share capital to which the *Corporations Act*, R.S.O. 1990, c. C.38 applies, that is in good standing under that Act and whose primary object is to provide housing;
- (b) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* (S.C. 2009, c. 23) applies, that is in good standing under that act and whose primary object is to provide housing; or

(c) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, R.S.O. 1990, c. C.35.

**"Non-residential Building"** means a building or structure used exclusively for Non-Residential Use, including the non-residential component of a Live/Work unit.

**"Non-Residential Use"** means a building or structure of any kind whatsoever used, designed, or intended to be used for other than a Residential Use and includes all agricultural, commercial, industrial, and institutional uses.

**"Other Multiple"** means all residential units other than a single detached dwelling, Semi-detached Dwelling, Apartment Unit, or a Special Care/Special Dwelling Unit, including, but not limited to, Row Dwellings, Back-to-back Townhouse Dwelling, and the residential component of Live/work Units.

**"Official Plan"** means the official plan adopted for the City, and approved.

**"Owner"** means the owner of land or a person who has made application for an approval for the development of land upon which a Development Charge is imposed.

**"Redevelopment"** means the construction, erection or placing of one or more buildings on land where all or part of a building on such land has been previously demolished, or changing the use of all or part of a building from a residential purpose to a non-residential purpose or from a non-residential purpose to a residential purpose, or changing all or part of a building from one form of residential development to another form of residential development or from one form of non-residential development to another form of non-residential development.

**"Region"** means the Regional Municipality of Niagara.

**"Regulation"** means any regulation made pursuant to the Act.

**"Rental Housing"** means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises.

**"Residential Dwelling"** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more Dwelling Units but not including motels, hotels, tents, truck campers, tourist trailers, mobile camper trailers or boarding, lodging, or rooming houses.

**"Residential Use"** means land or buildings, or structures of any kind whatsoever used, designed, or intended to be used as living accommodations for one or more individuals.

**"Row Dwelling"** means a building containing three or more attached dwelling units in a single row, each of which dwelling units has an independent entrance from the outside and is vertically separated from any abutting dwelling unit.

**“Semi-detached Dwelling”** means a dwelling unit in a residential building consisting of two Dwelling Units having one vertical wall or one horizontal walls, but no other parts, attached or another Dwelling Unit where the residential units are not connected by an interior corridor.

**“Service”** means those services designated in Schedule "A" to this by- law.

**“Single Detached Dwelling Unit”** means a residential building consisting of one principle dwelling unit and not attached to another structure and includes Mobile Homes.

**“Special Care/Special Dwelling”** means a residence:

- (a) containing two or more Dwelling Rooms, which rooms have common entrance from street level;
- (b) where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room, and accessory buildings; and
- (c) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; and includes but is not limited to retirement homes or Lodging Homes, Long-term Care Homes, Student Residences, Group Homes, Student Residence, and Hospices.

**“Stacked Townhouse Dwelling”** means a building containing more than two dwelling units where each dwelling unit is separated horizontally or vertically from another Dwelling Unit by a common wall or floor.

**“Student Residence”** means a Residential Development that is solely owned by a University, college of applied arts and technology, or other accredited post-secondary institution, designated or intended to be used for sleeping and living accommodations by students of the university, college of applied arts and technology, or other accredited post-secondary institution that owns the Residential Development.

**“Temporary Building or Structure”** means a Non-residential Building or structure without a foundation which is constructed, erected, or placed on land for a continuous period of time not exceeding three (3) years, or a like addition or alteration to an existing building or an existing structure that has the effect of increasing the usability thereof for a continuous period not exceeding three (3) years.

“Use” means either residential use or non-residential use.

## **2.0 DESIGNATION OF SERVICES AND CLASSES**

2.1 Categories of services. The categories of services and classes of services for which development charges are imposed under this by-law are as follows:

- (a) Services Related to a Highway;
- (b) Public Works;
- (c) Fire Protection Services;
- (d) Parks and Recreation Services;
- (e) Library Services;
- (f) Stormwater Drainage and Control Services;
- (g) Wastewater Services;
- (h) Water Services; and
- (i) Growth Studies.

2.2 Services in Schedule “A”. The components of the services and classes designated in subsection 2.1 are described in Schedule A.

## **3.0 APPLICATION OF BY-LAW**

3.1 Applicable Charges. Development charges shall be payable in the amounts set out in this by-law where:

- (a) the lands are located in the area described in Section 3.2; and
- (b) the development of the lands requires any of the approvals set out in subsection 3.4(a).

3.2 Areas in which by-law applies. Subject to subsection 3.3, this by-law applies to all lands in the geographic area of the City of St. Catharines.

3.3 Non-application. This by-law shall not apply to lands that are owned by and used for the purposes of:

- (a) The City of St. Catharines or a local board thereof;
- (b) A board as defined in section 1(1) of the Education Act; or
- (c) The Region of Niagara or a local board thereof.

3.4 Approvals for development.

- (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
  - i. the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the Planning Act;
  - ii. the approval of a minor variance under section 45 of the Planning Act;
  - iii. a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
  - iv. the approval of a plan of subdivision under section 51 of the Planning Act;
  - v. a consent under section 53 of the Planning Act;
  - vi. the approval of a description under section 50 of the *Condominium Act*; or
  - vii. the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.
- (b) No more than one development charge for each service designated in subsection 2.1 shall be imposed upon any lands, buildings, or structures to which this by-law applies even though two or more of the actions described in subsection 3.4(a) are required before the lands, buildings or structures can be developed.
- (c) Despite subsection 3.4(b), if two or more of the actions described in subsection 3.4(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the size or use.

3.5 Exemptions – Rules with respect to exemptions for intensification of existing housing or new housing. Notwithstanding the provisions of this By-law,



development charges shall not be imposed with respect to developments or portions of developments as follows:

- (a) the enlargement to an existing residential dwelling unit;
- (b) the creation of one or two additional dwelling units in an existing single detached dwelling, each of which contains a single dwelling unit, that are not attached to other buildings, as long as the total gross floor area of the additional dwelling unit or units are less than or equal to the gross floor area of the dwelling unit already in the building;
- (c) the creation of one additional dwelling unit in an existing semi-detached dwelling or row dwelling, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings, as long as the total gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the dwelling unit already in the building;
- (d) the creation of additional dwelling units equal to the greater of one or 1% of the existing dwelling units in an existing residential rental building containing four or more dwelling units;
- (e) the creation of one additional dwelling unit in any other existing residential building not identified in b) to d) above, as long as the additional unit is less than or equal to the gross floor area of the smallest dwelling unit already in the building;
- (f) the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units.  The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.  The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.  The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

3.5.1 Notwithstanding subsection 3.5(b), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

3.5.2 Notwithstanding subsection 3.5(d), development charges shall be imposed if the additional unit has a gross floor area greater than:

(a) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and

(b) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the residential building.

### 3.6 Exemptions for industrial development.

3.6.1 For the purpose of sections 3.6.2 to 3.7.3 inclusive, the term “existing industrial building” shall have the same meaning as that term has in the Regulation and shall not include self-storage or mini-storage facilities.

3.6.2 Notwithstanding any other provision of this By-law, but subject to sections 3.7.2 and 3.7.3 below, no development charge is payable with respect to the enlargement of the total floor area of an existing industrial building where the total floor area is enlarged by 50 percent or less.

3.7 Total floor area. If the total floor area of an existing industrial building is enlarged by greater than 50 percent, the amount of the development charge payable in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:

- (a) determine the amount by which the enlargement exceeds 50 percent of the total floor area before the enlargement; and
- (b) divide the amount determined under subsection 3.7(a) by the amount of the enlargement.

3.7.1 For greater certainty in applying the exemption in this section, the total floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing industrial building, the enlarged area is attached to the existing industrial building, there is a direct means of ingress and egress from the existing industrial building to and from the enlarged area for persons, goods and equipment and the existing industrial building and the enlarged area are used for or in connection with an industrial purpose as set out in subsection 1(1) of the Regulation. Without limiting the generality of the foregoing, the exemption in this section shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor, or other passageway, or through a shared below-grade connection such as a service tunnel, foundation, footing or parking facility.

3.7.2 The exemption for an existing industrial building provided by this section shall be applied up to a maximum of 50 percent of the total floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to this By-law or any previous development charges by-law of the City made pursuant to the Act or its predecessor legislation. Development charges shall be imposed in accordance with Schedule B with respect to the amount of floor area of an enlargement that results in the total floor area of the industrial building being increased by greater than 50 percent of the total floor area of the existing industrial building.

3.7.3 For the purposes of this section, despite any new sites created which result in an existing industrial building being on a site separate from its enlargement or enlargements for which an exemption was granted under this section, further exemptions, if any, pertaining to the existing industrial building shall be calculated in accordance with section 3.7.2 on the basis of its site prior to any division.

3.8 Other exemptions or reductions. Notwithstanding the provisions of this by-law, Development Charges shall not be imposed with respect to:

- (a) Agricultural Farms and Farm Buildings;
- (b) Detached Accessory Dwelling Units are treated the same as attached accessory dwelling units, as long as the accessory dwelling unit is no larger than the smallest existing unit;

- (c) Entrance feature canopy, gas station canopy and drive-thru canopy; or
- (d) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Act, if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

3.9 Reduction of development charges with respect to redevelopment and conversion. Despite any other provision of this By-law, where, as a result of the redevelopment of land, a building or structure existing on the same land within 3 years prior to the date of payment of development charges in regard to such redevelopment was, or is to be demolished, in whole or in part, or converted from one principal use to another principal use on the same land, in order to facilitate the redevelopment, the development charges otherwise payable with respect to such redevelopment shall be reduced by the following amounts:

- (a) in the case of a residential building or structure, or in the case of a mixed-use building or structure, the residential uses in the mixed-use building or structure, an amount calculated by multiplying the applicable development charge under subsection 3.8 of this by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment;
- (b) in the case of a non-residential building or structure or, in the case of mixed-use building or structure, the non-residential uses in the mixed-use building or structure, an amount calculated by multiplying the greater of the applicable development charges under subsection 3.9 or the calculated rate within the City of St. Catharines Development Charges Background Study, December 21, 2020, by the gross floor area that has been or will be demolished or converted to another principal use; provided that such amounts shall not exceed, in total, the amount of the development charges otherwise payable with respect to the redevelopment.
- (c) where demolition takes place on a Brownfield, an application may be made to the City Treasurer for an extension of time for the redevelopment credit of up to five additional years if the redevelopment has not been able to proceed due to delays in completing the remediation works. This application must be received prior to the expiry of this By-law. This application will be considered by the City for approval.

(d) Where an existing Building is converted in whole or in part from one use (hereinafter referred to in this Section as the “First Use”) to another use:

- i. the amount of Development Charges payable shall be reduced by the amount, calculated pursuant to this By-law at the current Development Charges rates in respect of the First Use;
- ii. the First Use shall be the use as confirmed through the City’s Building Division and related permit records;
- iii. for greater certainty, and without limiting the generality of the foregoing, no credit shall be allowed where the converted Building or part thereof would have been exempt pursuant to this By-law; and
- iv. the amount of any credit pursuant to this Section shall not exceed, in total, the amount of the Development Charges otherwise payable pursuant to this By-law with respect to the Redevelopment.

Notwithstanding the above, for any demolition permit issued from January 1, 2010 to December 31, 2021. These shall be treated as if the demolition permit was issued on January 1, 2022 for the purpose of determining a demolition credit under the D.C. By-law.

- 3.10 Grant programs - Industrial Grant Program. Notwithstanding the Non-Residential Development Charges as outlined in Schedule B, for industrial development the City shall, during the life of this by-law, maintain a grant program that shall be used to provide a grant towards any non-residential charge payable in accordance with Development Charge grant programs approved by the City.
- 3.11 Grant programs - Affordable Housing Developments. Notwithstanding the Residential Development Charges as outlined in Schedule B, a grant program related to affordable housing development shall be maintained by the City to provide a grant towards any residential development charge payable, in accordance with Development Charge grant programs approved by the City.
- 3.12 Grant programs - Urban Growth Centre. Notwithstanding the development charges as outlined in Schedule B, a grant program applicable in the urban growth centre shall be maintained by the City to provide a grant towards the development charges payable in accordance with the Development Charge grant programs approved by the City.
- 3.13 Charge amount – Residential. The development charges set out in Schedule B to this By-law shall be imposed on residential uses of lands, buildings, or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed-use building or structure, on the residential uses in the mixed-use building

or structure, including the residential component of a live/work unit, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

- 3.14 Charge amount – Non-residential. The development charges described in Schedule B to this By-law shall be imposed on non-residential uses of lands, buildings, or structures, and, in the case of a mixed-use building or structure, on the non-residential uses in the mixed-use building or structure, including the non-residential component of a live/work unit, and calculated with respect to each of the services according to the total floor area of the non-residential use.
- 3.15 Calculation date. Development charges imposed under this By-law are calculated, payable, and collected upon issuance of the first building permit for the development.
- 3.16 Due and payable for rental housing and institutional developments. Notwithstanding subsections 3.15, development charges for rental housing and institutional developments are due and payable in 6 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the City's Council approved development charge interest policy, as may be revised from time to time.
- 3.17 Due and payable for non-profit housing developments. Notwithstanding subsections 3.15, development charges for non-profit housing developments are due and payable in 21 installments commencing with the first installment payable on the date of occupancy, and each subsequent installment, including interest as provided in the City's Council approved development charge interest policy, as may be revised from time to time.
- 3.18 Transition period - approvals. Where the development of land results from the approval of a site plan or zoning by-law amendment received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under subsections 3.13 and 3.14 shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply development charges under subsections 3.13 and 3.14 shall be calculated on the rates, including interest as provided in the City's Council approved development charge interest policy, as may be revised from time to time, payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest.
- 3.19 Transition period – applications. Notwithstanding section 3.18, any site plan or zoning by-law amendment application received between January 1, 2017 and December 31, 2019, shall be treated as if it was applied for on January 1, 2020, subject to building permit issuance being no later than January 1, 2023.

- 3.20 Agreements. Despite sections 3.15 to 3.19, and in accordance with section 27 of the Act, the City from time to time, and at any time, may enter into agreements providing for all or any part of a development charge to be paid before or after it would otherwise be payable.

#### **4.0 ALTERNATIVE PAYMENT AGREEMENTS**

- 4.1 Building permits. The Chief Building Official or his or her designate shall withhold the issuance of a building permit in relation to a building on land to which the development charge applies unless the development charge has been paid.
- 4.2 Occupancy permit. Notwithstanding section 4.1, in the case of installment payments for development charges related to rental housing, non-profit housing or institutional development, the Chief Building Official or his or her designate shall withhold the issuance of an occupancy permit in relation to a building on land to which the development charge applies unless the first installment of the development charge has been paid.
- 4.3 Agreements. Notwithstanding section 4.1 or 4.2, the City may enter into an agreement under section 27 of the Act, in a form and having content satisfactory to the City's solicitor and having content satisfactory to the Treasurer, with any person who is required to pay a development charge providing for all or any part of the development charge to be paid before or after it would otherwise be payable.

#### **5.0 PAYMENT BY SERVICES**

- 5.1 Method of payment. Payment of development charges shall be by cash, debit, bank draft or certified cheque or as otherwise approved at the sole discretion of the Treasurer.
- 5.2 Alternative payment. In the alternative to payment by the means provided in section 5.1 herein, the City may, by a written agreement entered into with the owner, accept the provision of services in full or partial satisfaction of the development charges otherwise payable.
- 5.3 Local services. Nothing in this By-law prevents the City from requiring, as a condition of any approval given under the Planning Act, that the owner, at the owner's expense, install such Local Services as the City may require or that local connections to storm drainage facilities be installed at the Owner's expense.
- 5.4 Refund or credit. Any refund or credit required to be given by the City to an owner shall be in relation to a service as per subsection 39(1) of the Act. The City may agree by agreement to provide a credit in relation to another service as per subsection 39(3) of the Act or may provide for another basis for recovery.

- 5.5 Debt owed to city. If development charges or any part thereof payable pursuant to this By-law remain unpaid after such charges are payable, the amount unpaid shall be added to the tax roll and shall be collected in the same manner as taxes.

## 6.0 **INDEXING**

- 6.1 Index. Development charges imposed pursuant to this by-law shall be adjusted annually on January 1st of each year, without amendment to this by-law in accordance with the Act, beginning on January 1, 2022, in accordance with the index prescribed in Ontario Regulation 82/98 made under the Act, as per the Statistics Canada's Non-Residential Building Construction Price Index for the City of Toronto, for the most recent available data for the preceding quarter.

## 7.0 **GENERAL**

- 7.1 Severability. If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 7.2 Singular and plural. In this by-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.
- 7.3 And/or. The word "and" is an inclusive conjunction, the use of which indicates that all items or phrases in that subsection, article, or list in which it appears are permitted or required as the case may be. The word "or" is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word "or" may also be an inclusive conjunction having the same meaning as the word "and".
- 7.4 Amendments and successors. Any reference to legislation in this by-law includes the legislation referred to and its amendments as well as any subsequent legislation which may replace the legislation referred to, and its amendments thereto.
- 7.5 Headings. Headings do not form a part of this by-law, they are included only for ease of reference and convenience.

## 8.0 **SCHEDULES**

- 8.1 The following schedules to this by-law form an integral part thereof:



- Schedule A - Components of Services Designated in subsection 2.1
- Schedule B - Residential and Non-Residential Development Charges
- Schedule C - Map Denoting Urban Serviced Boundary for which full Development Charges are imposed.

**9.0 DATE BY-LAW IN FORCE**

9.1 Effective date. This By-law shall come into force on the 1st day of January, 2022.

**10.0 DATE BY-LAW EXPIRES**

10.1 Expiration date. This By-law will expire on the 1st day of January, 2027 unless it is repealed at an earlier date.

**THE CORPORATION OF THE CITY OF ST. CATHARINES**

Read and passed this 13<sup>th</sup> Day of September day of, 2021.

**ORIGINAL SIGNED BY WALTER SENDZIK**

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Mayor, Walter Sendzik

**ORIGINAL SIGNED BY BONNIE NISTICO-DUNK**

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Clerk, Bonnie Nistico-Dunk

Schedule "A"  
To By-law 2021-140  
Components of Services and Classes of Services Designated in Subsection 2.1

**Development Charges - Eligible Services:**

Services Related to a Highway  
Roads and Related Infrastructure

Fire Protection Services  
Fire Facilities  
Fire Vehicles  
Fire Small Equipment and Gear

Parks and Recreation Services  
Parkland Development  
Parkland Amenities  
Park Trails  
Parks and Recreation Vehicles and Equipment  
Recreation Facilities

Library Services  
Library Facilities  
Library Vehicles  
Library Collection Materials

Stormwater Services  
Channels, Drainage and Ponds

Wastewater Services  
Distribution System

Water Services  
Collection System

Schedule "A"  
To By-law 2021-140  
Components of Services and Classes of Services Designated in Subsection 2.1

**Development Charges - Eligible Classes:**

Public Works

Facilities

Vehicles and Equipment

Growth Studies

Services Related to a Highway

Water Services

Wastewater Services

Stormwater Services

Fire Protection Services

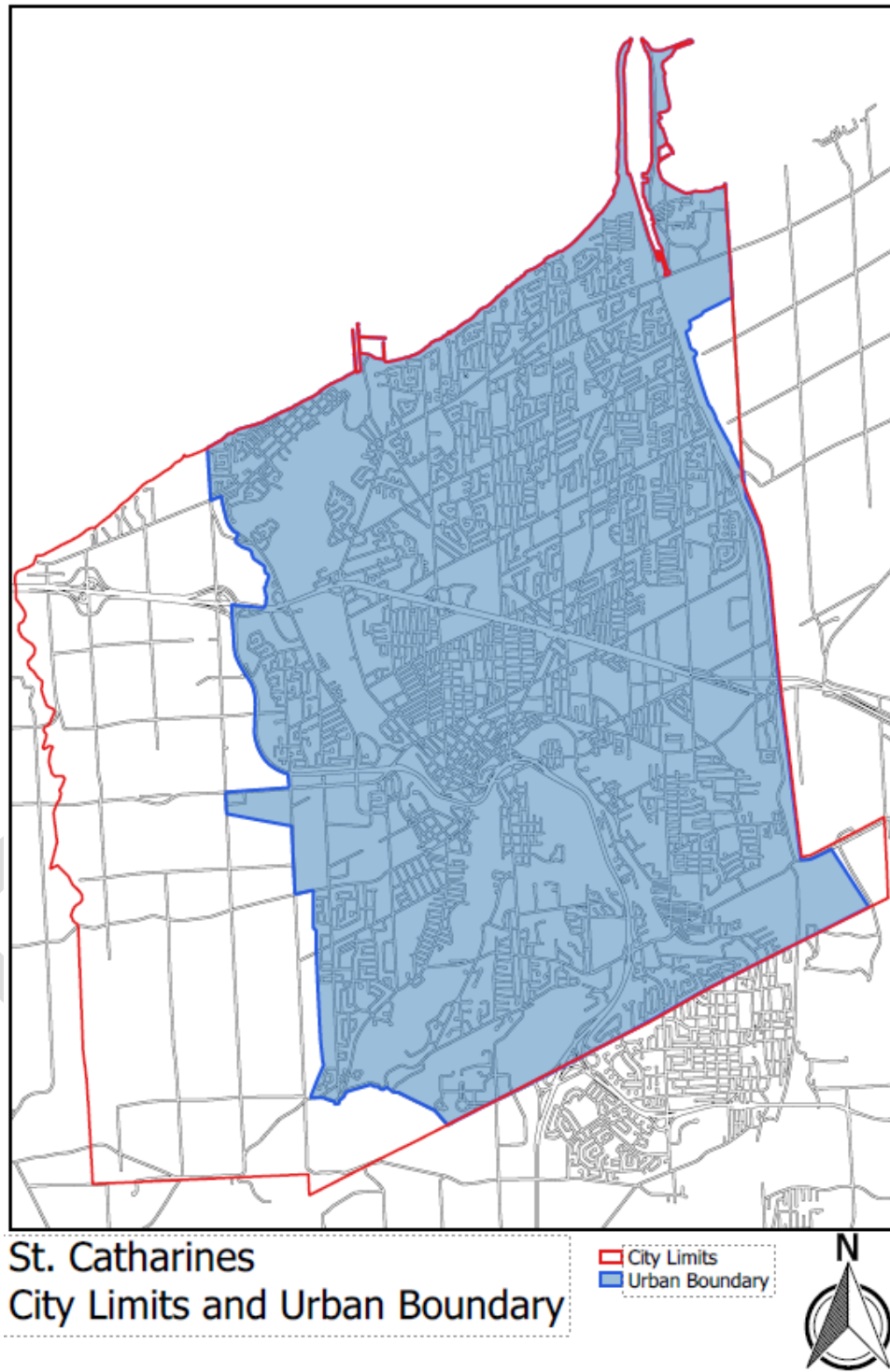
Parks and Recreation Services

Library Services

Schedule "B"  
To By-law 2021-140  
Schedule of Development Charges

Service/Class of Service	Single and Semi-Detached Dwelling	RESIDENTIAL				NON-RESIDENTIAL	
		Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)	(per sq.m. of Gross Floor Area)
<b>Municipal Wide Services:</b>							
Services Related to a Highway	611	448	444	303	229	0.33	3.55
Public Works	2	1	1	1	1	0.00	0.00
Fire Protection Services	524	384	380	260	197	0.28	3.01
Parks and Recreation Services	6,682	4,902	4,852	3,316	2,507	0.41	4.36
Library Services	755	554	548	375	283	0.04	0.43
Growth Studies	608	446	441	302	228	0.35	3.77
<b>Total Municipal Wide Services/Class of Services</b>	<b>9,182</b>	<b>6,735</b>	<b>6,666</b>	<b>4,557</b>	<b>3,445</b>	<b>1.41</b>	<b>15.12</b>
<b>Urban Services</b>							
Stormwater Drainage and Control Services	109	80	79	54	41	0.15	1.61
Wastewater Services	132	97	96	66	50	0.07	0.75
Water Services	35	26	25	17	13	0.02	0.22
<b>Total Urban Services</b>	<b>276</b>	<b>203</b>	<b>200</b>	<b>137</b>	<b>104</b>	<b>0.24</b>	<b>2.58</b>
<b>GRAND TOTAL RURAL AREA</b>	<b>9,182</b>	<b>6,735</b>	<b>6,666</b>	<b>4,557</b>	<b>3,445</b>	<b>1.41</b>	<b>15.12</b>
<b>GRAND TOTAL URBAN AREA</b>	<b>9,458</b>	<b>6,938</b>	<b>6,866</b>	<b>4,694</b>	<b>3,549</b>	<b>1.65</b>	<b>17.71</b>

Schedule "C"  
To By-law 2021-140  
Map Denoting Urban Serviced Boundary for which full Development Charges are  
Imposed





## Corporate Report City Council

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

**Report Date:** October 3, 2022

**Meeting Date:** November 28, 2022

**Report Number:** LCS-163-2022

**File:** 10.12.35

**Subject:** 2023 Schedule of Meetings for City Council and Budget Standing Committee

**Strategic Pillar:**

### Recommendation

That Council approve the 2023 schedule of meetings for City Council and Budget Standing Committee, as outlined in Appendix 1.

### Relationship to Strategic Plan

This report is administrative in nature and does not relate to the City's Strategic Plan.

### Report

City Council annually approves its meeting schedule and the meeting schedule for the Budget Standing Committee. Attached as Appendix 1 to this report is the proposed 2023 meeting schedule for City Council and Budget Standing Committee. Staff feel the business of the Corporation can be accomplished within the proposed format.

In addition to the meeting dates for City Council and Budget Standing Committee, the proposed 2023 schedule also includes five dates set aside for Council training sessions.

### 2023 Council Meeting Schedule

The proposed 2023 Council meeting schedule consists of 22 Regular Council meetings, which is in keeping with the typical number of annual Council meetings.

Staff intend for the 2023 operating and capital budgets to be discussed at either the meeting of January 16 or January 30, 2023. As such, both January 17 and January 31, 2023 are also being held for meeting dates should an extra meeting be required to complete the discussion. Staff intend to bring the 2024 operating and capital budgets to council on December 11, 2023, and for that reason, December 12, 2023 is also being held should an extra meeting be required.

Staff recommend that Council continue to meet bi-weekly - the same practice used for the previous two terms of council - with the following exceptions:

- February / March 2023 – due to scheduling conflicts with March Break, there will be back-to-back meetings on Monday, February 27 and Monday, March 6.
- July 2023 and August 2023 – one meeting will be held in July and one meeting will be held in August.
- October 2023 – due to scheduling conflicts with Thanksgiving, there will be a three-week gap between the meeting of September 25 and October 16.

## **2023 Budget Standing Committee Schedule**

The proposed 2023 Budget Standing Committee schedule consists of five meetings held between February and June 2023, with no meetings scheduled for July and August, as usual. Starting in September, Budget Standing Committee meetings will be expanded to include the whole of Council as meeting participants, with those meetings focused on the 2024 operating and capital budgets. All 2023 budget meetings are scheduled for Wednesdays, and when possible, on weeks opposite to City Council meetings.

## **Committee Training Sessions**

Five Council training dates are proposed for 2023. The dates are scheduled for non-Council weeks, and with the exception of one session, are scheduled for Monday evenings.

## **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**

Evan McGinty  
Deputy City Clerk

### **Submitted by**

Kristen Sullivan  
City Clerk

### **Approved by**

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

## **Appendices**

1. Schedule of 2023 meeting dates for City Council and Budget Standing Committee



# 2023 Schedule of Meetings for City Council and Budget Standing Committee

January 2023						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- Council Meeting
- Council Meeting being held in case a second night is needed for budget discussion
- Budget Standing Committee Meeting
- Council Meeting to discuss 2024 operating and capital budgets
- Council Training Session
- Holiday or Important Date



## Corporate Report City Council

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

**Report Date:** November 4, 2022

**Meeting Date:** November 28, 2022

**Report Number:** LCS-185-2022

**File:** 10.50.99

**Subject:** Post-Election Accessibility Report

**Strategic Pillar:**

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

### Recommendation

That Report LCS-185-2022, regarding Post-Election Accessibility Report, be received for information.

### Summary

In accordance with the *Municipal Elections Act, 1996*, and in compliance with *Ontarians with Disabilities Act, 2001* (ODA) and the *Accessibility for Ontarians with Disabilities Act, 2005*, (AODA) the City Clerk is authorized to establish procedures and provide appropriate measures to ensure that persons with disabilities have the opportunity to participate fully in the 2022 Municipal Elections.

### Relationship to Strategic Plan

This report does not relate directly to the Strategic Plan.

### Background

The *Municipal Elections Act, 1996*, provides the authority to the City Clerk to conduct municipal and school board elections and establish policies and procedures to ensure that all electors have the opportunity to participate fully in the election. The *Act* requires that the City Clerk have regard to the needs of electors and candidates with disabilities and ensure that all voting places are accessible to electors with disabilities.

The *MEA, 1996* also requires the City Clerk to prepare an [Accessibility Plan](#) specific to the election prior to voting day that identifies potential accessibility challenges for both electors and candidates. Further within 90 days after voting day, the Clerk is required to prepare a subsequent report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities.

In preparation for the 2022 Municipal and School Board election, staff reviewed the legislation to ensure compliance. Under the *MEA, 1996*, the Clerk is required to prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities. The proposed plan was reviewed by our Human Resources Consultant, Accessibility to ensure compliance with all applicable legislation prior to it being made available to the public on the City's website.

## Report

Although the Accessible Election Policies and Procedures document was completed in Q1 of 2022, the Clerk's Office continued to monitor applicable legislation and standards to ensure any new requirements were incorporated in the plan.

### **Actions Taken to Identify, Remove and Prevent Barriers Method of Voting**

Since 2006 the City has used vote tabulators at voting locations for the municipal and school board election. Utilizing tabulators provides the added benefit of offering fully accessible voting equipment for those requiring accommodation. The fully accessible voting equipment was available for nine days during the advance voting period at City Hall. The availability of this machine was noted on the municipal website, social media, on voter notification notices and in the water bill inserts.

On November 15, 2021, City Council approved the use of Vote-by-Mail as an alternative method of voting for this election. This provided electors with an option to vote from the comfort of their home. This also allowed for an increased right of privacy to electors with disabilities who may find voting at a traditional voting location more difficult or for individuals who were not comfortable visiting a voting location due to the ongoing pandemic.

Vote-by-mail also proved to be a successful alternative method in long-term care homes as some homes could not provide access due to an outbreak or other precautions they were taking at the time. The participating homes provided Clerk's staff with a list of residents and vote-by-mail kits were dropped off and then picked up a few weeks later for processing.

If for any reason an elector is unable to cast their own ballot at a voting location, they can appoint a proxy to vote on their behalf. The *MEA, 1996* provides for the process for proxy voting.

### **Staff Training**

Election Officials were required to attend a training session held at City Hall during the months of September / October. The sessions provided officials with the education that was required to successfully perform their duties on election day, and it also provided training on best practices to assist electors that may require special assistance.

At each voting location there was at least one City of St. Catharines employee who has been trained on the *Accessibility for Ontarians with Disabilities Act, 2005* and they could provide leadership at the poll. This formal training outlines the customer service standard and how to serve persons with disabilities.

## **Voting Locations**

The 2022 municipal and school board election offered multiple advance poll days along with four election day polls in each ward. Prior to confirming use of each location, staff conducted a site visit and completed an accessibility checklist, that was approved by Human Resources Consultant, Accessibility. This was critical in ensuring that each facility had barrier-free paths of travel, accessible doors or door operators, adequate lighting and adequate slope and surface.

Prior to the opening of all voting locations, Election Officials followed a prepared site map to set-up the voting location in an accessible manner. Accessible entrances were identified at each location and prominent signage was used to direct electors to an accessible entrance if it was different from the main entrance.

Support persons and service animals were welcome, and assistance was offered to electors through the voting process, including being greeted at the door, making any necessary amendments to the voters' list and providing for Oaths of Assistance. While forms and oaths were printed in larger font, magnifying sheets were also available to assist electors with low vision and Election Officials would read the oaths upon request.

## **Information and Communication**

Accessibility was considered in all information and communication strategies for the 2022 Municipal and School Board Election. When candidates were registering to run for office, each candidate was provided a document on how to run an Accessible Campaign. This document provided a variety of best practices to be used while campaigning. Beginning in August 2022, an election insert was included in each water bill that was mailed to residents. The selection of paper colour, content and readability were all carefully considered to ensure the brochure complied with AODA legislation.

The City's election page was designed to be both informative and accessible. All information for electors, candidates and third parties were placed in a distinct section on the website and all documents and forms provided on the website were accessible. The information available online used clear language and was continuously updated to reflect the most recent information and included a map identifying all voting locations.

Election information was communicated through various channels including social media, radio and newspaper advertisements. Voter Notification Letters were mailed out to all eligible electors on the voters' list indicating all accessible voting locations and dates / times. Clerk's staff attended the St. Catharines Farmers Market on five Saturdays to promote the election and answer any questions from electors.

## Financial Implications

There are no financial implications associated with this report.

## Environmental Sustainability Implications

There are no environmental sustainability implications associated with this report.

## Conclusion

In alignment with the principles of the *Municipal Elections Act, 1996*, the Clerk's Office goal was to ensure that electors within the municipality who required accessible services were provided the opportunity to vote as independently as possible. Clerk's staff feel that with the variety of accessible voting options available, accessibility standards were met. Feedback received throughout the election process will be considered as staff prepare for the next election.

### Prepared by

Donna Delvecchio  
Deputy Clerk

### Submitted by

Kristen Sullivan  
City Clerk

### Approved by

Sandor Csanyi  
Acting Director of Legal and Clerk Services / City Solicitor



## Corporate Report City Council

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

**Report Date:** November 22, 2022

**Meeting Date:** November 28, 2022

**Report Number:** LCS-190-2022

**File:** 10.12.1

**Subject:** Options for Deputy Mayor Appointment

### Strategic Pillar:

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

## Recommendation

That Council amend By-law 2021-124, being a by-law to regulate the proceedings of Council, to appoint the Deputy Mayor for the term of Council; and

That Council amend By-law 2021-124, being a by-law to regulate the proceedings of Council, to allow the appointment of an additional Deputy Mayor during absences; and

That the City Solicitor prepare the necessary by-law(s).

## Relationship to Strategic Plan

This report is administrative in nature and does not relate to the Strategic Plan.

## Background

By-law No. 2021-124 is a by-law that regulates the proceedings of Council. The by-law currently sets out that Deputy Mayors are to be appointed annually and that each councillor shall serve as Deputy Mayor for one month of each full calendar year, unless otherwise approved by resolution of Council. This is a newer provision within the procedures, and prior to 2019 Council appointed a Deputy Mayor annually to serve for the upcoming calendar year. At the meeting of November 16, 2022, Council requested that staff prepare a report with options to appoint a Deputy Mayor for either a two- or four-year term.

## Report

Although the duties of a Deputy Mayor are fairly consistent across Ontario, there are various methods for a person to be selected for the position, including through the results of a municipal election, length of time on Council, appointment by Council, or appointment by the Mayor. A Deputy Mayor can be appointed for the entire term or part of a term.

Staff have no concerns with changing the length of the Deputy Mayor's appointment. This report recommends that the Deputy Mayor be appointed for the entire term as this provide consistency over the four years. Staff also have no concerns if Council prefers to appoint a Deputy Mayor for two-years, or if Council decides to leave the procedure unchanged. Staff note that the latter, being a rotating monthly schedule, does require more staff time to arrange the schedule each year and to support councillors as they learn to fill the role for only one month at a time.

Due to the long-term nature of the proposed change, the Procedure By-law should be amended to reflect Council's decision should Council wish to move to appointing the Deputy Mayor for the entire term. The proposed amendment is included in Appendix 1 along with the applicable clauses currently in the by-law. In accordance with section A5.1 of Council's Procedure By-law, a two-thirds vote is required to amend the Procedure By-law.

### **New Provision to Appoint Deputy Mayor to Sign Documents**

Based on a review of procedures related to the Deputy Mayor position in other municipalities, staff also recommend including a clause in the procedures that would allow the Mayor to appoint any other councillor as a Deputy Mayor for the purpose of signing documents in accordance with article B5 of the procedures. This would ensure business continuity in the case of an absence of both the Mayor and Deputy Mayor.

### **Next Steps: Appointment of Deputy Mayor**

Staff will bring forward a report at the December 12, 2022 meeting to appoint a Deputy Mayor effective January 1, 2023. Any councillors interested in being considered for the position will be asked to submit their intent prior to the meeting.

### **Financial Implications**

There are no financial implications associated with this report.

### **Environmental Sustainability Implications**

There are no environmental implications associated with this report.

### **Operational Implications**

There are minimal operational implications associated with this report. A multi-year Deputy Mayor appointment will require less administrative time than a Deputy Mayor that changes monthly, however the overall administrative support is minimal.

#### **Prepared and Submitted by**

Kristen Sullivan, City Clerk

#### **Approved by**

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

## **Appendices**

1. By-law 2021-124, Article B3.1 and B3.2, current language and proposed amendments



## **By-law 2021-124 – Current Provisions**

### **B3 Deputy Mayors to be Appointed Annually**

B3.1 Each Member shall serve as Deputy Mayor for one month of each full calendar year, unless otherwise approved by resolution of Council.

B3.2 The process to set the schedule and appoint Deputy Mayors shall be as follows:

- 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;
- b) The Clerk will circulate the list to all Members and set a deadline by which any requests for changes must be submitted to the Clerk;
- c) At the first regular Meeting of each term of Council, and at a Meeting prior to the end of each calendar year thereafter, Council shall confirm the schedule and appoint the Members to be the Deputy Mayor.

## **Proposed Amendments**

### **Amendment 1: Change to Deputy Mayor Term**

#### **B3 Council to appoint a Deputy Mayor**

B3.1 Council shall appoint a Member to be the Deputy Mayor for the term of Council, unless otherwise approved by a resolution of Council.

### **Amendment 2: Adding Provision to Appoint Deputy Mayor to Sign Documents**

B3.2 In the absence of both the Mayor and the Deputy Mayor, or if a Deputy Mayor has not been appointed by Council, the Mayor, or Deputy Mayor, may appoint, in writing, any other Member to be authorized to sign documents in the absence of the Mayor and Deputy Mayor in accordance with article B5. The appointment of any other member must be filed with the City Clerk.



## Corporate Report City Council

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

**Report Date:** November 18, 2022

**Meeting Date:** November 28, 2022

**Report Number:** LCS-192-2022

**File:** 10.12.1

**Subject:** Council Correspondence

**Strategic Pillar:**

### Recommendation

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

That Council appoint the individuals outlined in the letter from the Executive Director of the St. Catharines Downtown Association to the Board of the St. Catharines Downtown Association; 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 October 29, 2022, to November 18, 2022.

The information regarding appointments for vacancies on the Board of the St. Catharines Downtown Association, is being provided through confidential letter as discussion of the merits of individual applicants could be considered a personal matter about identifiable individuals. The letter will be placed in Council's SugarSync folder prior to the Council meeting of November 28, 2022. The appointments approved by Council will be published in the meeting minutes.

### Resolutions

1. Municipality of Brighton - re. Ontario Physicians
2. Resolution from the Township of McGarry re. Removal of Councillors

### Correspondence

3. St. Catharines Downtown Association re. St. Catharines Downtown Association Board of Management Appointment
4. Correspondence from Niagara Region - Notice of Study Commencement - Municipal Class Environmental Assessment for Regional Road 56 (Burleigh Hill Drive)
5. AMO Watchfile – November 3, 2022

6. AMO Watchfile – November 10, 2022
7. AMO Watchfile – November 17, 2022

### **Response to Bill 23 (More Homes Build Faster Act)**

8. Resolution - Township of Puslinch - re. Bill 23 Proposed Changes
9. Correspondence from Watson and Assoc - November 11, 2022 re. Assessment of Bill 23 (More Homes Built Faster Act) – Development Charges.pdf
10. Correspondence from Watson and Assoc - November 14 2022 re. Assessment of Bill 23 (More Homes Built Faster Act) – Planning Matters
11. Correspondence from Watson and Assoc - November 14, 2022- re Assessment of Bill 23 (More Homes Built Faster Act) – Conservation Authorities Act
12. Correspondence from Watson and Assoc - November 16, 2022 re. Assessment of Bill 23 (More Homes Built Faster Act) - Community Benefits Charges
13. Correspondence from Watson and Assoc - November 16, 2022 re. Assessment of Bill 23 (More Homes Built Faster Act) - Parkland Dedication
14. Correspondence from Watson and Assoc to Standing Committee - November 17 2022 re. Bill 23, More Homes Built Faster Act, 2022
15. Presentation to Standing Committee from Watson and Assoc - November 17 2022 re. Infrastructure and Cultural Policy on Bill 23

### **Memorandums from Staff**

16. Memorandum from Director of Economic Development and Government Relations re. Provincial and Federal Fall 2022 Economic Statements
17. Memorandum from Director of Economic Development and Government Relations re. Provincial Legislation Better Municipal Governance Act 2022
18. Memorandum from the Deputy City Clerk re. Report Requests and the Outstanding Reports List

### **Reports Requested by Council**

19. Outstanding Reports List – updated November 18, 2022

#### **Prepared by**

Sarah McWilliams  
Council and Committee Coordinator

#### **Submitted and Approved by**

Kristen Sullivan  
City Clerk

## Sub-Item 1

**From:** Candice Doiron <[CDoiron@brighton.ca](mailto:CDoiron@brighton.ca)>

**Sent:** September 21, 2022 3:58 PM

**Subject:** Resolution for support regarding streamlining governing legislation for Physicians in Ontario

Please find below a resolution requesting support for streamlining governing legislation for Physicians in Ontario.

**Resolution No. COU-2022-346**

Moved by Councillor Ron Anderson

Seconded by Councillor Emily Rowley

Whereas attracting primary health care providers, including doctors, to Brighton and other small communities has been a difficult task;

And Whereas the Provincial Government announced a tuition program to attract nurses to underserved areas of Ontario;

Now be it resolved that the Municipality of Brighton Council requests that the Government of Ontario provide funding and change legislation to allow the College of Physicians & Surgeons of Ontario (CPSO) to implement the changes proposed in their letter to the Minister of Health on August 18, 2022. Which includes:

- Exempting IEP's from the regulatory requirement to have Canadian experience (re-do residency) where all other requirements are met; and
- Implementing Practice Ready Assessment programs similar to those already used in seven (7) other provinces.

And further that the Government of Ontario develop a similar tuition program to attract family doctors to underserved areas of Ontario;

And further that this motion is circulated to the Premier of Ontario, the Minister of Health, MPP David Piccini, and all municipalities across Ontario and the Association of the Municipalities of Ontario (AMO) for endorsement.

Kind Regards,

Candice Doiron

Municipal Clerk

Municipality of Brighton

35 Alice Street PO Box 189,

Brighton, ON K0K 1H0

[cdoiron@brighton.ca](mailto:cdoiron@brighton.ca)

Tel: 613-475-0670

Fax: 613-475-3453

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify the Municipality by return email or telephone at 613-475-0670.

## Sub-Item 2



September 13, 2022

Resolution No. 202/2022

**THE CORPORATION OF THE TOWNSHIP OF MCGARRY  
P.O. BOX 99  
VIRGINIATOWN, ON. P0K 1X0**

MOVED BY Bonita CulhaneSECONDED BY L. Caza

Whereas across municipal councils in Ontario there have been appalling instances of misogyny and hatred; and

Whereas the powers of the Office of the Integrity Commissioner do not include the ability to recommend expulsion of councillors;

Now Therefore Be It Resolved That the Council of Township of McGarry direct staff to send a letter to the Ministry of Municipal Affairs and Housing with copies being sent to the federal government, provincial government, Association of Municipalities, requesting the Ministry:

1. Study the merits of allowing the recall of municipal councillors under carefully prescribed circumstances, including displays of hatred, misogyny and all forms of discrimination; and
2. Facilitate strengthened and ongoing orientation and training sessions for Councils, local boards, and committees"

Defeated \_\_\_\_\_ / Carried Matt Reimer  
Mayor Mayor

Recorded Vote

Requested by \_\_\_\_\_

YES

NO

Mayor Matt Reimer  
Councillor Wendy K. Weller  
Councillor Louanne Caza  
Councillor Bonita Culhane  
Councillor Annie Toupin-Keft

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## Sub-Item 3



November 18<sup>th</sup>, 2022

Mayor and Councillors  
City of St. Catharines  
50 Church St., PO Box 3012  
St. Catharines ON  
L2R 7C2

Dear Mayor Siscoe and Councillors,

**RE: St Catharines Downtown Association Board of Management Appointment**

Per our bylaws "The Board shall conduct elections for Directors in a Council election year for the purpose of providing the incoming Council with a list of Members for consideration to appoint as Directors for the new term of the Board."<sup>1</sup> the St Catharines Downtown Association underwent an election on Monday November 14<sup>th</sup>, 2022.

The following candidates received the most votes and as such we are putting them forward to be appointed by Council to serve as the Board of Directors for the next 4-year term:

Name	Business	Location
Joshua Boycott	Ludology Inc	52 St Paul St
Amy Morrison	The Boot Shop	46 James St
Joe Critelli	Critelli Furniture, Critelli Modern, Critelli Rug Market	126-8 King St, 169 St Paul St
Byron Dodd	The Watering Can	18 James St
Jennifer McKenna	Little Chief and Co	152 St Paul St
Sarah Yurkiw	Ruby Red Beautiful	28 James St
Katie McCabe	Wandering Spirits	31 James St
David Cooperman	Cooperman Real Estate Inc	8 Church St
Stephen Bedford*	Appointed by Heelis, Little, Almas & Murray LLP	14 Church St
Orhan Kerim	Erroll's Shoe and Luggage Repair	60 St Paul St
Karen Orlandi*	Appointed by Pocket Change	393 St Paul St

We have detailed the process that we undertook to ensure this election was as inclusive and accessible as possible.

We notified members of this election via emails, mailouts, postcard drop offs, and through social media. We had 17 applicants apply before the deadline of October 22nd:

- |   |   |
|---|---|
| <input type="checkbox"/> Stefan Ali     | <input type="checkbox"/> Stephen Bedford* |
| <input type="checkbox"/> Mark Avedesian | <input type="checkbox"/> John Blanchard   |

**ST. CATHARINES DOWNTOWN ASSOCIATION**

80 King Street, Main Floor St. Catharines, Ontario Canada L2R 7G1 T (905) 685-8424

**MYDOWNTOWN.CA**



- ☐ Matthew Bodis
- ☐ Joshua Boycott
- ☐ David Cooperman
- ☐ Darryl Hanam
- ☐ Cheryl Howlett
- ☐ James Johnson
- ☐ Orhan Kerim

- ☐ Katie MacCabe
- ☐ Jennifer McKenna
- ☐ Britt Moran
- ☐ Karen Orlandi\*
- ☐ Aleksandar Rakocevic
- ☐ Sarah Yurkiw

In order to support our members to make an informed decision we made videos (Max 2 minutes in length) of each of the applicants and shared them with our members via email and on our website.

The Election was held on November 14<sup>th</sup> at 3pm as a hybrid model, both online and in person at the library. We had 45 people register for in person and 40 register for online. On the day of we have 50 eligible voters take part (14 online and 36 in person).

We had four members put their name forward on the floor at the meeting, per our bylaws: “nominations can be made at the meeting from the floor provided the nominee is present or has consented in writing to the nomination, but members are encouraged to present nominees to the Board in advance of the meeting”.<sup>2</sup> These four members were:

1. Joe Critelli
2. Brad Moore
3. Amy Morrison
4. Byron Dodd

Prior to the vote the pre-made videos of those who had registered before the deadline were shared and we allowed those running from the floor to share for up to 2 minutes.

The vote was opened at 3:40pm (immediately following the close of nominations) and closed at 4pm. The online vote was conducted by a poll with only those eligible to vote with their camera on able to access. The in-person vote was collected by secret ballots that had been handed out to eligible voting members upon entry.

“Each member of an improvement area has one vote regardless of the number of properties that the member may own or lease in the improvement area”<sup>3</sup>. “Members of an improvement area consist of persons who are assessed, on the last returned assessment role, with respect to rateable property in the area that is in a prescribed business property class and tenants of such property.”<sup>4</sup>

The ballots were counted by three independent scrutineers immediately following the close of voting. The 11<sup>th</sup> position was a three-way tie (Karen Orlandi, Matthew Bodis, Brad Moore) and per our bylaws a candidate (Karen Orlandi) was chosen by lot: “If two or more candidates receive the same number of votes and cannot both or all be declared elected, one scrutineer shall choose, in the presence of the Board Chair, the successful candidate or candidates by lot.”<sup>5</sup>

#### ST. CATHARINES DOWNTOWN ASSOCIATION

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**MYDOWNTOWN.CA**





For your information we have also attached an overview of vote counts per each person that ran.

Please do not hesitate to contact me if you need any further information.

Sincerely,

**Rachel Braithwaite**

Rachel Braithwaite  
Executive Director  
St Catharines Downtown Association

\*Non-Members that are representing a Corporation: “a person who is not an director/officer/employee of a corporation (i.e. outside affiliate), can be appointed by the corporation to be their Board Member Nominee (they would be acting as an agent of the corporation). The corporation has to ensure that there are no internal limitations on the power of it’s directors and officers to delegate that power (i.e. no limitations in the by-laws or articles). When they make that appointment, they must put it in writing, including any terms on the appointment (e.g. length of time of appointment). That person will then be acting on behalf of the corporation (i.e. the decisions/acts of the corporation flow through them).”

<sup>1</sup> City of St Catharines By-law No. 2016-210 Section 4.4 (1)

<sup>2</sup> City of St Catharines By-law No. 2016-210 Section 4.4 (3)

<sup>3</sup> Municipal Act, 2001, Section 204 (6)

<sup>4</sup> Municipal Act, 2001, Section 204 (4)

<sup>5</sup> City of St Catharines By-law No. 2016-210 Section 4.4 (4d)

ST. CATHARINES DOWNTOWN ASSOCIATION

80 King Street, Main Floor St. Catharines, Ontario Canada L2R 7G1 T (905) 685-8424

**MYDOWNTOWN.CA**

## Overview of November 14<sup>th</sup>, 2022 Election Votes

Name	Business	Location	Vote Count
Joshua Boycott	Ludology Inc	52 St Paul St	35
Amy Morrison	The Boot Shop	46 James St	26
Joe Critelli	Critelli Furniture, Critelli Modern, Critelli Rug Market	126-8 King St, 169 St Paul St	26
Byron Dodd	The Watering Can	18 James St	25
Jennifer McKenna	Little Chief and Co	152 St Paul St	25
Sarah Yurkiw	Ruby Red Beautiful	28 James St	24
Katie McCabe	Wandering Spirits	31 James St	24
David Cooperman	Cooperman Real Estate Inc	8 Church St	23
Stephen Bedford*	Appointed by Heelis, Little, Almas & Murray LLP	14 Church St	21
Orhan Kerim	Erroll's Shoe and Luggage Repair	60 St Paul St	21
Karen Orlandi*	Appointed by Pocket Change	393 St Paul St	20
Matthew Bodis	Frontier Barbers and Company	19 Ontario St	20
Brad Moore	Giant Shoe Creative Agency	45 James St	20
James Johnson	Property Manager	28-36 James St	18
Mark Avedesian	Century 21	12 Church St	17
John Blanchard	Hughson Business Space	80 King, 60 James, 45 King...	17
Cheryl Howlett	Smokes Poutinerie	10 Summer St	17
Aleksandar Rakocevic	ARC Consulting	110 James St	17
Stefan Ali	Hourglass Barbershop	5 James St	15
Darryl Hannam	Absolute Impact Marketing	25 Court St	15
Britt Moran	Adam's Floral	144 St Paul St	13



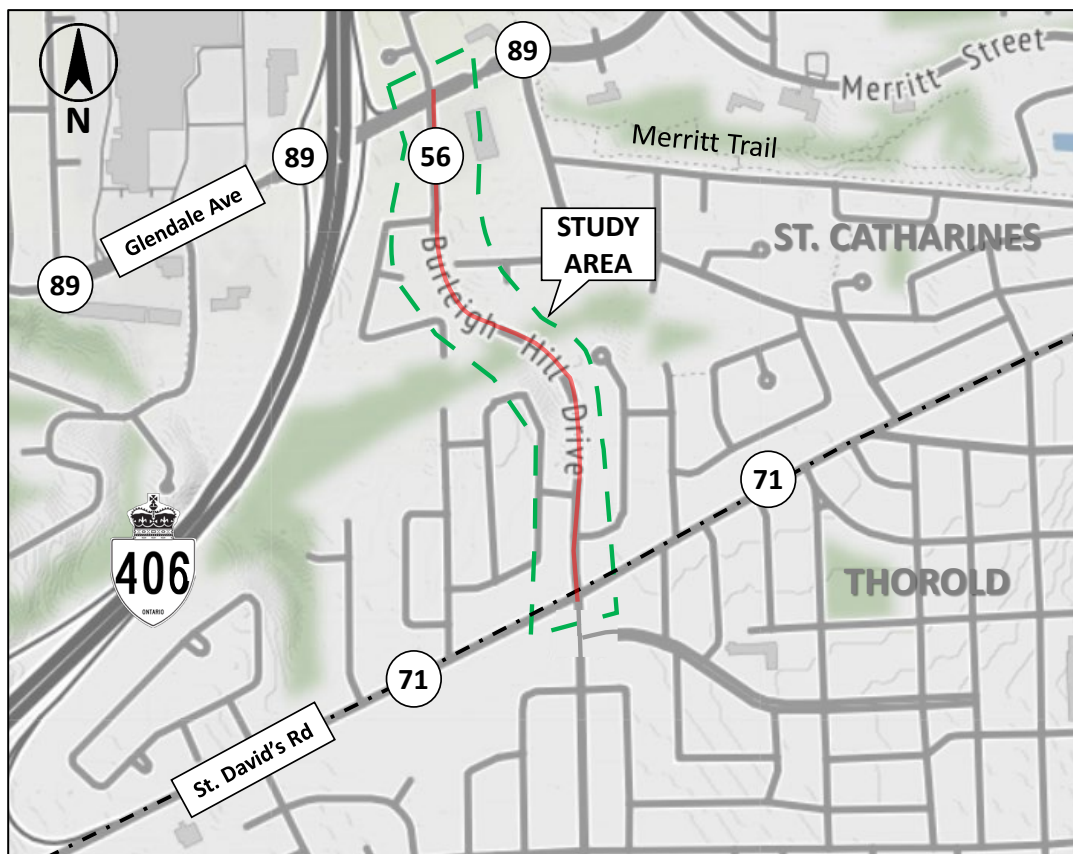
## Sub-Item 4

## Notice of Study Commencement

### Municipal Class Environmental Assessment for Regional Road 56 (Burleigh Hill Drive)

#### The Study

Regional Road 56 (Burleigh Hill Drive) is an arterial road connecting the City of St. Catharines to the City of Thorold. It is the only Regional Road crossing the Niagara Escarpment in the area between Highway 406 and the Welland Canal and serves as an important link between St. Catharines and Thorold. The study area includes the intersections at Regional Road 89 (Glendale Avenue) and Regional Road 71 (St. David's Road), as shown in the key plan below. Existing issues include inadequate active transportation facilities, speeding concerns, poor stormwater drainage and deteriorating pavement condition.



Niagara Region has initiated a Municipal Class Environmental Assessment (EA) for the reconstruction of Burleigh Hill Drive to address these existing issues and improve conditions for all modes of transportation. This study will evaluate the need to maintain the existing truck climbing lane, assess the feasibility of providing enhancement to active transportation through improved pedestrian and cyclist facilities, provide improved stormwater drainage and adapt a complete streets approach that caters to all road users.

## The Process

The study is being carried out as a Schedule 'B' project in accordance with the Municipal Class EA process (October 2000, as amended in 2007, 2011 and 2015) which is approved under the Ontario Environmental Assessment Act. The Schedule of the project may be subject to change as the project proceeds. The project team will examine a full range of alternatives and identify a preferred strategy for addressing the project needs. The project will include extensive public and agency consultation.

## You Are Invited To Participate!

Consultation with the public, Indigenous Nations, regulatory agencies and stakeholders is a key element of the Municipal Class EA process. To facilitate this, two (2) Public Information Centres (PIC) are planned during the study to gather input on potential solutions and designs and provide an opportunity to discuss opportunities and concerns with the project team.

The first PIC is anticipated to be scheduled in early 2023 to present the purpose and scope of this study, review alternative planning solutions to address the problems/opportunities, and identify a recommended planning solution. Advanced notification of the PIC will be advertised on the project webpage and in the local newspaper, in addition to being sent to those on the study mailing list.

## Stay Connected!

As the study progresses and more information becomes available, it will be posted on the project webpage: [niagararegion.ca/projects/burleigh-hill-drive/](https://niagararegion.ca/projects/burleigh-hill-drive/)

If you have any questions or concerns, or wish to be added to the study mailing list, please contact one of the project team members:

**Josh Wilson, M.Eng., P.Eng.**

Project Manager, Transportation Planning  
Regional Municipality of Niagara  
905-980-6000, ext. 3336

[Josh.Wilson@niagararegion.ca](mailto:Josh.Wilson@niagararegion.ca)

**Jeffrey Suggett, M. Sc.**

Senior Project Manager, Transportation  
CIMA+  
905-380-3601

[Jeffrey.Suggett@cima.ca](mailto:Jeffrey.Suggett@cima.ca)

Personal information collected or submitted in writing at public meetings will be collected, used, and disclosed by members of Regional Council and Regional staff in accordance with the **Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)**. The written submissions including names, contact information and reports of the public meeting will be made available. Questions should be referred to the Privacy Office at 905-980-6000, ext. 3779 or [FOI@niagararegion.ca](mailto:FOI@niagararegion.ca).

If you require any accommodations for a disability in order to attend and participate in meetings or events, please let us know in advance so that arrangements can be made in a timely manner. Please contact the **Accessibility Advisory Coordinator** at 905-980-6000 ext. 3252 or [accessibility@niagararegion.ca](mailto:accessibility@niagararegion.ca).

This notice was first issued on November 10, 2022.

## Sub-Item 5

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November 3, 2022

### In This Issue

- Call for nominations to the ROMA Board of Directors.
- MTO consultation on EV charging infrastructure.
- Ontario One Call Administrative Penalty Regime consultation.
- ROMA 2023 registration now open.
- ROMA 2023: Request ministerial delegation meetings.
- AMO's iconic New Head of Council Training & New Councillor Training is back.
- AMO's customized councillor training.
- AMO has your training needs covered.
- Webinar: A Risk & Claims Management System for municipalities.
- Pandemic recovery support for Municipal Health and Safety Programs.
- Canoe vendor spotlight: Laerdal Medical and Virage.
- LAS to present at upcoming Automated Speed Enforcement event.
- Fixed Income in a Rising Interest Rate Environment - ONE Investment webinar.
- Careers: Southwest Middlesex and Orillia.

### 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

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](mailto:events@ROMA.on.ca).

Delegates at *ROMA 2023: Breaking New Ground* can request to meet with provincial Ministers. Submit your request [here](#) by November 28, 2022. Register for the conference [here](#).

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](#).

Interested in how a risk and claims management system can work for your municipality? Join AMO and ClearRisk for a detailed demonstration of the offering including features and pricing of the system. For municipalities with populations over 70,000, [register here](#) and for those under 70,000, [register here](#).

#### **LAS**

Laerdal Medical supplies and Virage Simulation are now part of the [Canoe Procurement Group](#)! They are leading providers of both medical simulation equipment and education services such as CPR. [Contact Simon](#) to learn more.

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.

#### **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**

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](mailto:mhenry@thamescentre.on.ca) by November 25.

City Clerk - City of Orillia. Responsible for planning, directing and administering all activities of the Clerk's Division. Apply online by January 3, 2023.

#### 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](https://twitter.com/AMOPolicy) on Twitter!

#### AMO Contacts

AMO Watchfile Tel: 416.971.9856

Conferences/Events

Policy and Funding Programs

LAS Local Authority Services

MEPCO Municipal Employer Pension Centre of Ontario

ONE Investment

Media Inquiries

Municipal Wire, Career/Employment and Council Resolution Distributions

#### AMO's Partners



\*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.



## Sub-Item 6

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Add [Communicate@amo.on.ca](mailto:Communicate@amo.on.ca) to your safe list



November 10, 2022

### In This Issue

- Call for nominations to the ROMA Board of Directors.
- Ontario Municipal Partnership Fund allocations.
- EnAbling Change Funding applications now open.
- Update on IESO E-LT1 RFP procurement.
- ROMA 2023: Breaking New Ground: Program announcement.
- ROMA 2023 registration now open.
- ROMA 2023: Request ministerial delegation meetings.
- AMO's iconic New Head of Council Training & New Councillor Training is back.
- AMO's customized councillor training.
- AMO has your training needs covered.
- Webinar: A Risk & Claims Management System for municipalities.
- Cloudpermit webinar: An Electronic Permitting System for Municipalities.
- LAS presenting at speed enforcement event.
- Canoe vendor spotlight: NIU Toilet.
- Fixed Income in a Rising Interest Rate Environment - ONE Investment webinar.
- Register now - Rural transit workshops.
- Careers: Orillia, Loyalist, MOT, OMAA and Toronto.

### 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](#).

### Provincial Matters

The Ministry of Finance has issued allocation notices for the [2023 Ontario Municipal Partnership Fund \(OMPF\)](#). Through OMPF, \$500 are distributed amongst 389 municipal governments across the province and provide unconditional operating support for local frontline services.

The EnAbling Change program [provides grants](#) for projects that show the value and benefits of accessibility through tools and educational resources. Applications for funding are open now until December 8.



The IESO is extending the schedule for the Expedited Process (E-LT1 RFP). The final E-procurement materials will be published on December 6. Changes to the proposal submission date and contract award date of the E-LT1 procurement will be communicated shortly. For more information, visit the [LT RFP Community Engagement webpage](#).

#### **Eye on Events**

ROMA is pleased to announce nationally syndicated columnist, indigenous advocate and author, Jesse Wenthe as the 2023 Conference opening keynote speaker. Mr. Wenthe will take delegates through his acclaimed novel, *Unreconciled: Family Truth and Indigenous Resistance to Life*. Click [here](#) for more information.

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

Delegates at *ROMA 2023: Breaking New Ground* can request to meet with provincial Ministers. Submit your request [here](#) by November 28, 2022. Register for the conference [here](#).

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Interested in how a risk and claims management system can work for your municipality? Join AMO and ClearRisk for a detailed demonstration of the offering including features and pricing of the system. For municipalities with populations over 70,000, [register here](#) and for those under 70,000, [register here](#).

Interested in streamlining your building permit approvals process? Or maybe enhancing your approach to planning and by-law enforcement? On December 7, join AMO's electronic permitting partner, [Cloudpermit](#), for an overview of the partnership, a demonstration of the cloud based system in action, as well as an interactive Q&A

session with presenters. [Register today](#).

#### **LAS**

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

We're pleased to welcome NIU Toilet to the [Canoe Procurement Group](#). They offer mobile and permanent washroom solutions for your public community spaces and special events. [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](#).

#### **Municipal Wire\***

Later in November, the Ontario Public Transit Association is holding free in-person rural transit workshops in Ottawa and Waterloo. Find more details, including how to register, [here](#).

#### **Careers/RFP**

[Economic Development Coordinator - City of Orillia](#). Coordination of the Downtown Tomorrow Community Improvement Grant Program pre-consultations, presentations, public meetings, and marketing activities. [Apply online](#) by November 18.

[CAO - Loyalist Township](#). Seeking a dynamic CAO with a proven record of accomplishment in achieving administrative, financial, and strategic planning excellence. Apply to Kartik Kumar at [careers@lesp.ca](mailto:careers@lesp.ca) by December 3.

[ADM, Contract Management and Agency Oversight - Ministry of Transportation](#). The division will take a steadfast approach in delivering on the ministry's mandate to strengthen oversight and accountability with key agencies. [Apply online](#) by November 26.

[Executive Director - Ontario Municipal Administrators' Association \(OMAA\)](#). This is a newly defined role in that the position is evolving from part time to full time. Apply to [maureen@omaa.on.ca](mailto:maureen@omaa.on.ca) by December 1.

[Project Lead SWM - City of Toronto](#). Responsible for activities related to communications, engagement, consultation and outreach. [Apply online](#), quoting Job ID 32054, by December 6.

### 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!

### AMO Contacts

[AMO Watchfile](#) Tel: 416.971.9856

[Conferences/Events](#)

[Policy and Funding Programs](#)

[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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### AMO's Partners




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\*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.

## Sub-Item 7



November 17, 2022

### In This Issue

- 2022 Municipal Elections - post election analysis.
- Call for nominations to the ROMA Board of Directors.
- Ontario Municipal Partnership Fund allocations.
- EnAbling Change Funding applications now open.
- Don't miss ROMA Conference Keynote Dr. Thomas Homer-Dixon.
- Upcoming deadlines for ROMA 2023 Conference.
- AMO's iconic New Head of Council Training & New Councillor Training is back.
- AMO has your training needs covered.
- Webinar: A Risk & Claims Management System for municipalities.
- Cloudpermit webinar: An Electronic Permitting System for Municipalities.
- Canoe Vendor Spotlight: Gtechna.
- Careers: Kingston, MOT, ADSAB, Kitchener, Lambton County and Simcoe County.

### AMO Matters

AMO worked with Municipal Clerks from across Ontario to provide insights into the hundreds of municipal elections that were held across Ontario on October 24. Post election analysis is now available [here](#). As of publishing this information, the post-election data is not final.

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](#).

### Provincial Matters

The Ministry of Finance has issued allocation notices for the [2023 Ontario Municipal Partnership Fund \(OMPF\)](#). Through OMPF, \$500 are distributed amongst 389 municipal governments across the province and provide unconditional operating support for local frontline services.

The EnAbling Change program [provides grants](#) for projects that show the value and benefits of accessibility through tools and educational resources. Applications for funding are open now until December 8.

### Eye on Events

*ROMA 2023: Breaking New Ground* welcomes Dr. Thomas Homer-Dixon to address

delegates as the Closing Keynote speaker on "Commanding Hope: The Power We Have to Renew a World" in Peril. Full conference information is located [here](#).

Early Bird [registration](#) for *ROMA 2023: Breaking New Ground* deadline has been extended to **Friday, December 2**. The deadline to [request a delegation meeting](#) with provincial Ministers is **Monday, November 28**. Full conference information is located [here](#).

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.

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](#).

Interested in how a risk and claims management system can work for your municipality? Join AMO and ClearRisk for a detailed demonstration of the offering including features and pricing of the system. For municipalities with populations over 70,000, [register here](#) and for those under 70,000, [register here](#).

Interested in streamlining your building permit approvals process? Or maybe enhancing your approach to planning and by-law enforcement? On December 7, join AMO's electronic permitting partner, [Cloudpermit](#), for an overview of the partnership, a demonstration of the cloud based system in action, as well as an interactive Q&A session with presenters. [Register today](#).

## LAS

We're pleased to welcome Gtechna to the [Canoe Procurement Group](#). Gtechna provides solutions for parking enforcement, license plate recognition, and ticket management. [Contact Simon](#) to learn more.

## Careers/RFP

[Manager, Accounting Services - City of Kingston](#). Provides leadership and accountability in financial management. [Apply online](#) by December 9.

[Senior Issues Advisor - Ministry of Transportation](#). The ideal candidate will have experience developing issues products, a solid understanding of government issues, and sharp political acuity. [Apply online](#) by November 24.

[Manager of Finance - Algoma District Services Administration Board \(ADSAB\)](#). Seeking a strong communicator with excellent interpersonal skills, who can work effectively with all levels of staff, auditors, and external agencies. Apply

to [hrdepartment@adsab.on.ca](mailto:hrdepartment@adsab.on.ca) by November 28.

Director, Parks and Cemeteries - City of Kitchener. Responsible for planning, design, operations, maintenance and rehabilitation of parks, playgrounds and amenities, trails, horticulture, sports fields, forestry and cemeteries to ensure the safe, efficient and effective delivery of core services. Apply online by December 9.

Communications Officer - Lambton County. Responsible for the development and implementation of external communication materials that promote the programs and services offered by the County Library system. Apply online by November 20.

Technical Compliance Supervisor - County of Simcoe. Responsible for coordinating environmental monitoring programs, managing projects and contracts, and following through with related issues. Apply online by December 5.

Special Projects Supervisor - County of Simcoe. Responsible for implementing and updating the Solid Waste Management Strategy, supervising special projects and managing processing and transfer contracts. Apply online by December 5.

#### About AMO

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#### AMO's Partners



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## Sub-Item 8



The Honourable Doug Ford  
Premier of Ontario  
Legislative Building, Queen's  
Park  
Toronto, ON M7A 1A1  
VIA EMAIL:  
[premier@ontario.ca](mailto:premier@ontario.ca)

Township of Puslinch  
7404 Wellington Road 34  
Puslinch, ON N0B 2J0  
[www.puslinch.ca](http://www.puslinch.ca)

November 17, 2022

RE: 9.3.3 Report ADM-2022-065 Bill 23 Proposed Changes

Please be advised that Township of Puslinch Council, at its meeting held on November 9, 2022 considered the aforementioned topic and subsequent to discussion, the following was resolved:

**Resolution No. 2022-366:**      **Moved by Councillor Sepulis and  
Seconded by Councillor Bailey**

That Report ADM-2022-065 entitled Bill 23 Proposed Changes and Consent items 6.6 and 6.15 and Correspondence Item 10.4 be received; and

Whereas the Township of Puslinch has received correspondence dated Oct. 25, 2022 from Minister Clark regarding the More Homes Built Faster Act, 2022 (Bill 23); and

Whereas the Township of Puslinch Council recognizes that there is a housing affordability concern in Ontario;

Be it resolved that the Township of Puslinch Council advise the Province that it has significant concerns about the actions contained therein to:

1. Essentially remove meaningful public participation from the land use planning process;
2. Reduce the protection of natural heritage features/natural hazards, and the resulting impact on public health, public safety, and climate change objectives;
3. Reduce the important role of Conservation Authorities in the review of development applications (a loss of technical expertise critical to rural municipalities);



4. Eliminate the long-established regional planning framework in the Province;
5. Streamlining aggregate applications by permitting Ministry staff to make decisions until such time that more information is provided;
6. Financial implications of all of the impacts of Bill 23, by eliminating the long accepted concept of growth paying for growth, and shifting that burden to the tax payer through property taxes;
7. Proposed Heritage Act changes related to timelines to designate properties listed on the Registry with undesignated status undermines the ability of the community to save these structures through community engagement and goodwill; and

Whereas the Township of Puslinch received the presentation from the Mill Creek Stewards;

Be it Resolved, that Puslinch Council request that the Ministry review the presentation by the Mill Creek Stewards; and

Whereas the Township of Puslinch received the Hamilton Conservation Authority Board Resolution and the Halton Conservation Authority correspondence addressed to the Province;

Be it Resolved, that Puslinch Council supports the comments contained therein; and

That the presentation and the Council Resolution be forwarded to Premier Ford, Minister Clark, Speaker Arnott, County of Wellington, AMO, ROMA, Grand River Conservation Authority, Conservation Halton, Hamilton Conservation Authority and all Ontario municipalities.

**CARRIED**





As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,  
Courtenay Hoytfox  
Municipal Clerk

CC:

The Honourable Steve Clark, Minister of Municipal Affairs and Housing [steve.clark@pc.ola.org](mailto:steve.clark@pc.ola.org)

The Honourable Ted Arnott, MPP Wellington-Halton Hills [ted.arnottco@pc.ola.org](mailto:ted.arnottco@pc.ola.org)

The County of Wellington [donnab@wellington.ca](mailto:donnab@wellington.ca)

Association of Municipalities of Ontario (AMO) [amo@amo.on.ca](mailto:amo@amo.on.ca)

Rural Ontario Municipal Association (ROMA) [romachair@roma.on.ca](mailto:romachair@roma.on.ca)

Grand River Conservation Authority [planning@grandriver.ca](mailto:planning@grandriver.ca)

Conservation Halton [cpriddle@hrca.on.ca](mailto:cpriddle@hrca.on.ca)

Hamilton Conservation Authority [ereimer@conservationhamilton.ca](mailto:ereimer@conservationhamilton.ca)

All Ontario Municipalities

Mill Creek Steward's Comments On

# Bill 23

## Building Homes Faster Action Plan



Mr Mayor, Councillors

May we begin with our deepest sympathies, no I'm kidding, congratulations to you all on your recent election/acclamation. The Mill Creek Stewards believe you're going to have an especially significant and challenging term in office as municipalities try to define their role in the provincial-municipal relationship.

That relationship brings us to the "More Homes Built Faster Action Plan" proposed by the Ontario government and presented to you as Item 6.6 on today's Agenda.

The provincial government is trying to sell this Plan as a means of building homes faster and cheaper by empowering municipalities.

**It does neither. This bill is a wolf in a sheepskin.**

If we start with those innocent looking sheepskins. This plan supports:

- 1) Eliminating/reducing regional planning to allow more local input.
- 2) Streamlining and reducing the costs of development applications.
- 3) "As of right" Additional Residential Units ARUs
- 4) Building more homes near transit corridors.
- 5) Housing targets and helping homebuyers
- 6) Improving the Ontario Land Tribunal.

At least some are creditable goals!

We can't argue with those goals but if we look underneath we see wolves.

- 1) Eliminating regional planning. Does allow more local input but at significantly more local costs. At the same time, by stripping input from Conservation Authorities, the result is no cross-jurisdictional planning, a critical aspect of water, land and environment planning recognized and instituted decades ago and applauded internationally. To add insult to injury this plan requires CAs to define CA land suitable for housing development and removes barriers to their sale.
- 2) Streamlining and reducing application costs. Does allow for faster application approvals but is that the problem? The provincial government's own Housing Task Force in the spring of 2022 identified land availability and development applications as non-issues. Their maps showed the lands adjacent to communities, and still available for development, serve the province's needs for the next 30 years with minimal new lands and no greenbelt land. As well, lands proposed for removal from the greenbelt are farther from infrastructure and would cost municipalities significantly more to develop. It should be noted that there is a shortage associated with housing but its not land. The average house and lot size has doubled in the last twenty years, doubling resource consumption and creating a resource not housing shortage, which explains why so much approved-land sits undeveloped. While reducing application and development costs compromises the generation of critical municipal revenue necessary for essential housing infrastructure development, especially extended development. The province offers no offsets to cover municipality's significant losses in revenue, while at the same time downsizing CAs and regional governments, further increasing the administration costs of local municipalities.
- 3) "As of right" ARUs. A true sheep with no wolf but unnecessary as municipalities like Puslinch have already implemented this aspect in everything but name.
- 4) Building near transit corridors. Again a true sheep but very small compared to the wolves.
- 5) Housing targets and assisting homebuyers. Does help homebuyers through attainable housing targets and development fee exemptions but leaves large loopholes in who can buy attainable housing and especially resell, while fee exemptions include no provincial offsets, once again leaving the tax base of local municipalities to bear the costs.
- 6) Improving the OLT. Does sound positive but it's limited to eliminating third party i.e. community groups like ours from appealing any Official Plan or Zoning bylaw amendments while permitting industry to appeal. This is at the same time as the province has removed regional planning and the right of appeal from regional governments and right of input from CAs.

And sadly the province already has specific targets for these wolves:

Pitting its wolves against two Greenland agreements covering the Golden Horseshoe. The province seeks to reverse both agreements. In the case of both agreements, the means for amendments already exist. Its just criteria that protect critical aspects of the broader community need to be met first. The province claims these criteria that protect the environment, natural features and farmland are too slow but slower is not slow and slower is the way that democracy, government by the people, works to balance risk for the broad community.

Pitting wolves against the Greenbelt itself, where the province is seeking to remove large swaths of protected land, while promising to offset it with land elsewhere. No belt can do its job if its chewed in pieces and the Greenbelt is no different, especially when the offset lands are distant, less than presented and being recycled as they were trumpeted months ago. As stated previously, these lands are not even needed and the province was very clear prior to the election that the no land would be removed from the Greenbelt. At the same time the substitute restricted development lands are being passed to distant municipalities like Puslinch at no gain.

Pitting its wolves against two specific higher tier municipalities, Hamilton and Kitchener-Waterloo, whose land planning guided by referendums met provincial targets but ran counter to provincial wishes. In this case the province promises low tier municipalities the power to ignore higher tier planning. One of the most significant problems resulting from this Bill is the elimination of cross-jurisdictional planning associated with regional governments (higher tier) and our unique conservation authorities (watersheds).

Pitting its wolves against wetlands, farmland and natural heritage features is of particular concern to our group. The province has supplied little wolf detail in its Action Plan except in the case of wetlands through its "Proposed Changes to OWES". These changes are a preview of what we can expect with respect to all other areas of planning. The core of this proposal is reducing bureaucracy and its costs by eliminating provincial oversight. I refer you to the paper appendix where original text is in black and removed or added text is blue. Removed text has a line through it, which is most of the text. In essence little has been added and much taken away in the name of streamlining. This reduction doesn't empower municipalities. It is a crass means of cutting provincial costs, downloading research on municipalities and minimizing the effectiveness of land planning oversight: all while appearing to substitute municipal oversight, i.e. empowerment. Municipalities will either face significant additional planning staff costs or face approving by default, all applications for development.

Specifically the province proposes to almost totally eradicate Ministry input into land planning when it comes to evaluating farmland, water courses, natural heritage features, wetlands and endangered species. Unfortunately as a replacement it only offers municipalities one option: subjective evaluations done without the benefit of objective report frameworks (page 1), significantly reduced detail including references (page 2,3), potentially done by unskilled workers supervised at a distance, done without the benefit of experienced Conservation Authority and Ministry personnel and considered complete when presented to the appropriate planner regardless of comprehensiveness (page 4).

**This is not municipal empowerment**, just a means to chaos, chaos that disempowers municipalities in every case where the municipalities and province disagree.

Finally in finishing our review, we must comment on the cynical use throughout both Bill 23 and the OWES Plan, of the "offsets" concept. This offset concept sounds innocent but in effect it eliminates any protection municipalities may have still hoped to extend to their water sources, farmlands, wetlands, natural heritage

features, species habitats and greenlands. Worst is the offset fund aspect, which allows developers to circumvent substitution and simply pay for destruction. When destruction engenders millions of dollars, a few thousand dollars is a small price for developers to pay.

**Bill 23 is not municipal empowerment but nuclear disempowerment. It won't build homes faster or cheaper but will have catastrophic effects on our environment including our Mill Creek.**

We have no doubt the Township's staff have prepared a comprehensive review of this Plan but we felt given this Action Plan's massive and immediate impact even as far as the Provincial Policy Statement, required we add our voice in person.

We are especially concerned by its plan to deny community groups like ours the right to participate in planning decisions and further the right to appeal planning decisions if we somehow manage to learn about them.

Please consider a strong response to the province's request for input on this proposed Plan. Thank you for your time and attention.

Note this legislation while eliminating the right of community groups like ours to appeal municipal decisions, doesn't eliminate the right of industry (aggregate, housing etc.)

Note this legislation tries to distract from municipalities that are already resolving housing shortages with densification at much lower cost and speedier resolution.

Note the extremely short timeline for comment on this Bill as well as the shortened timelines on all ERO comment periods, reflects a provincial agenda while significantly stressing our municipal staff.

Note greenbelt lands and wetlands have already been bought cheaply by speculators anticipating government proposed changes, meaning the whole concept of greenbelt, i.e. its permanency, is being destabilized.

Note this legislation not only eliminates the requirement for CA input for development applications but forbids it, i.e. a gag order. "Required to look at watershed protection only without reference to development".

Note this legislation put the existence of the Provincial Policy Statement, the foundation of lower tier government planning, in question, as it over-rides the PPS on farmland, wetlands, natural heritage sites, species protection etc.



Via Email: [gschwendinger@puslinch.ca](mailto:gschwendinger@puslinch.ca)

November 7, 2022

Glenn Schwendinger, CAO/Clerk  
Office of the CAO/Clerk  
Township of Puslinch Office  
7404 Wellington Road 34  
Puslinch, Ontario  
N0B 2J0

**Re: Hamilton Conservation Authority Board Resolution re. Ministry of Natural Resources and Forestry proposals in support of Bill 23 More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-23**

---

Dear Mr. Schwendinger,

On November 3, 2022, the Hamilton Conservation Authority (HCA) Board of Directors passed the following unanimous resolution:

**BD12, 3113**

**MOVED BY: Jim Cimba  
SECONDED BY: Brad Clark**

**THAT the following key points regarding the Ministry of Natural Resources and Forestry proposals in support of Bill 23 More Homes Built Faster: Ontario's Housing Supply Action Plan 2022-23 be sent to HCA's member municipalities:**

- **Proposed changes should take into account a watershed-based approach to balance growth with the environment and public health and safety.**
- **CAs should continue with the ability to review and comment on natural heritage in permitting and planning applications and retain responsibility for**

Natural Hazard approvals to ensure safe development.

- We request continued collaboration with the Province in regard to the proposed changes and support Conservation Ontario's call to engage with the established multi-stakeholder Conservation Authorities Working Group (CAWG) that helped guide the Province in its implementation of the last round of changes to the CA Act.
- Municipalities should retain the option to enter into MOUs with CAs for municipally requested advisory services.
- Permit CAs to work towards cost recovery targets so that development pays for development.
- The Province should recognize the importance of CA lands and ensure clear policies to protect them.

**CARRIED**

Sincerely,

A handwritten signature in black ink that reads "Lisa Burnside". The signature is written in a cursive, flowing style.

Lisa Burnside  
CAO, Hamilton Conservation Authority



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Fax: 905.336.7014  
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Burlington, Ontario L7P 0G3  
[conservationhalton.ca](http://conservationhalton.ca)

Protecting the Natural  
Environment from  
Lake to Escarpment

The Honourable Doug Ford  
Premier of Ontario  
Legislative Building, Queen's Park  
Toronto, ON, M7A 1A1  
[premier@ontario.ca](mailto:premier@ontario.ca)

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
College Park 17th Floor, 777 Bay St,  
Toronto, ON M7A 2J3  
[steve.clark@pc.ola.org](mailto:steve.clark@pc.ola.org)

The Honourable Graydon Smith  
Minister of Natural Resources and Forestry  
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The Honourable David Piccini  
Minister of the Environment, Conservation and Parks  
College Park 5th Floor, 777 Bay St,  
Toronto, ON M7A 2J3  
[david.piccinico@pc.ola.org](mailto:david.piccinico@pc.ola.org)

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.

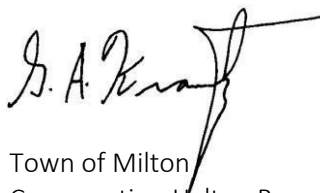
Sincerely,

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



# COUNTY OF WELLINGTON

## COMMITTEE REPORT

**To:** Chair and Members of the Planning Committee  
**From:** Sarah Wilhelm, Manager of Policy Planning  
 Jameson Pickard, Senior Policy Planner  
**Date:** Thursday, November 10, 2022  
**Subject:** **Bill 23 – More Homes Built Faster Act, 2022**

### 1.0 Purpose

The purpose of this report is to provide an overview of proposed changes recently introduced by the Minister of Municipal Affairs and Housing through the “More Homes Built Faster Act, 2022” (Bill 23) aimed at increasing housing supply in Ontario.

This report comments on parts of the amendments related to the land use planning and development approvals process and also highlights other changes under consideration that have impacts across County Departments, Member Municipalities and Conservation Authorities. The Treasury Department will report separately to the Administration, Finance and Human Resources Committee on the potential impacts related to development charges.

### 2.0 Background

The Provincial Government has proposed sweeping changes to multiple statutes, regulations, policies and other matters to help achieve the goal of building 1.5 million homes in Ontario over the next 10 years. Bill 23 impacts nine statutes, including major changes to the Planning Act, Development Charges Act and Conservation Authorities Act. The Government is moving fast and the changes are far reaching.

### 3.0 Major Themes

The proposed changes focus on the following major themes:

- building more homes;
- streamlining processes; and
- reducing costs and fees to build houses.

The Government has posted material for comment on the Environment Registry of Ontario and the Ontario Regulatory Registry about the proposed legislative and regulatory changes (see Appendix A for list). Planning staff have reviewed and summarized information to assist the County and Member Municipalities in their review of the material (Appendix B) but encourage those interested to review the proposed changes in their entirety.

Key changes are listed below.

### 3.1 Building More Homes

In an effort to build more homes, the Province has proposed the following changes:

<b>Additional Residential Units (ARUs)</b>	<ul style="list-style-type: none"> <li>allow landowners to have up to 3 residential units per lot without the need for a zoning by-law amendment in municipally-serviced urban residential areas</li> <li>would permit 3 units in the main dwelling (including 2 ARUs) or a combination of 2 units in the main dwelling (including 1 ARU) and another ARU in an ancillary building</li> <li>zoning by-laws cannot set a minimum unit size or require more than one parking space per unit, but other zoning rules would apply</li> </ul>
<b>Housing targets to 2031</b>	<ul style="list-style-type: none"> <li>set housing targets to 2031 for 29 “large and fast-growing” municipalities in Southern Ontario (not applicable to Wellington County)</li> </ul>
<b>Major transit stations</b>	<ul style="list-style-type: none"> <li>build more homes near major transit stations (not applicable to Wellington County)</li> </ul>
<b>Conservation Authorities</b>	<ul style="list-style-type: none"> <li>identification of Conservation Authority lands suitable for housing</li> </ul>

### 3.2 Streamlining

The Provincial Government is looking to streamline a wide range of policies and procedures to reduce the time it takes for new housing to be built.

<b>Public Involvement</b>	<ul style="list-style-type: none"> <li>remove “third party” appeal rights for all planning applications (this would include appeals by the public)</li> <li>remove the public meeting requirement for draft plan of subdivision approvals</li> </ul>
<b>Conservation Authorities (CAs)</b>	<ul style="list-style-type: none"> <li>remove Conservation Authority appeal rights for planning applications, except where the appeal would relate to natural hazards policies</li> <li>limit Conservation Authority responsibilities to review and comment on planning applications (either on behalf of a municipality or on their own) to focus on natural hazards and flooding</li> <li>change the Provincial wetland evaluation system, including shifting responsibility for wetland evaluation to local municipalities</li> <li>establish one regulation for all 36 CAs in Ontario</li> </ul>

<b>New Provincial Planning Document</b>	<ul style="list-style-type: none"> <li>eliminate duplication between the Provincial Policy Statement (PPS) and A Place to Grow (Growth Plan), by combining them into one document and providing a more flexible approach to growth management</li> </ul>
<b>Planning Responsibilities</b>	<ul style="list-style-type: none"> <li>shift planning responsibilities from some upper-tier municipalities to lower-tier municipalities (not applicable to Wellington County)</li> </ul>
<b>Site Plans</b>	<ul style="list-style-type: none"> <li>exclude projects with 10 or fewer residential units from site plan control</li> <li>exclude exterior design of buildings from site plan control</li> </ul>
<b>Heritage</b>	<ul style="list-style-type: none"> <li>add more stringent requirements related to municipal heritage registers and timing of designation</li> </ul>
<b>Rental Unit Demolition and Conversion</b>	<ul style="list-style-type: none"> <li>impose limits and conditions on the powers of a local municipality to prohibit and regulate the demolition and conversion of residential rental properties</li> </ul>

### 3.3 Reducing Costs and Fees

Reductions in costs and fees are mainly focused in the following areas:

<b>Development Charges and Parkland Dedication</b>	<ul style="list-style-type: none"> <li>exempt non-profit housing developments, inclusionary zoning residential units (not applicable to Wellington County), and affordable, additional and attainable housing units from development charges and parkland dedication</li> <li>discount development charges for purpose-built rentals</li> <li>remove costs of certain studies from development charges</li> <li>reduce alternative parkland dedication requirements</li> </ul>
<b>Conservation Authorities</b>	<ul style="list-style-type: none"> <li>a temporary freeze on CA fees for development permits and proposals</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>review of other fees charged by Provincial ministries, boards, agencies and commissions</li> </ul>

### 3.4 Additional Matters

Beyond the proposed land use planning changes, other key changes include to:

- enable the Ontario Land Tribunal (OLT) to speed up processing of appeals
- provide the OLT with discretionary power to order the unsuccessful party at a hearing to pay the successful party's costs

- provide a potential rent-to-own financing model
- increase penalties under the New Homes Construction Licensing Act of up to \$50,000

#### **4.0 Conclusion**

Ontario is in the midst of a housing crisis. While there are no simple solutions to the problem, action is required. Several of the Government's initiatives support recommendations of the County's Attainable Housing Strategy such as:

- streamlining the land use planning approval process;
- reducing/exempting certain development charges and parkland dedication requirements;
- introducing an attainable housing category; and
- considering a potential rent-to-own financing model.

While the above proposals will likely increase the supply of housing, more information is needed to better understand how related cost reductions will be passed on to potential home buyers.

The County has previously commented to the Province about duplication between the Provincial Policy Statement and the Provincial Growth Plan for the Greater Golden Horseshoe Area and welcome the creation of one streamlined Provincial Planning document and a simplified process for comprehensive growth reviews. Planning staff do, however, have concerns about how this might impact the municipal comprehensive review (MCR) work completed to date.

We have significant concerns about actions to:

- essentially remove meaningful public participation from the land use planning process;
- reduce the protection of natural heritage features/natural hazards, and the resulting impact on public health, public safety, and climate change objectives;
- reduce the important role of Conservation Authorities in the review of development applications (a loss of technical expertise critical to rural municipalities); and
- eliminate the long-established regional planning framework in the Province.

Staff note that there is a substantial amount of material posted for consultation and little time to respond (most comments are due late November or early December). Unfortunately, this timeframe does not allow for many newly elected Councils (including Wellington County) to meet and discuss their comments. We understand that more information is to follow as Bill 23 also introduces the potential for additional policies and regulations. Therefore, the full impact of the proposed amendments is unknown.

#### **5.0 Next Steps**

At the time of writing this report, the Bill has passed second reading and is at the Committee stage in the Legislature. Staff will continue to monitor the proposed legislation as it moves through the legislative process. Staff will engage with AMO and other organizations to provide input and will report at a later date when the legislation comes into effect and/or additional policies and regulations are made available.

## **Recommendations**

That the report “Bill 23 – More Homes Built Faster Act, 2022” be received for information.

That this report be forwarded to the Ministry of Municipal Affairs and Housing on behalf of the County of Wellington and circulated to member municipalities for their consideration prior to Environmental and Regulatory Registry Provincial comment deadlines.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sarah Wilhelm'.

Sarah Wilhelm, BES, MCIP, RPP  
Manager of Policy Planning

A handwritten signature in black ink, appearing to read 'Jameson Pickard'.

Jameson Pickard, B. URPL, RPP, MCIP  
Senior Policy Planner

November 11, 2022

## Sub-Item 9

To Our Development Charge Clients:

Re: Assessment of Bill 23 (*More Homes Built Faster Act*) – Development Charges

On behalf of our many municipal clients, we are continuing to provide the most up-to-date information on the proposed changes to the *Development Charges Act* (D.C.A.) as proposed by Bill 23 (*More Homes Built Faster Act*). As identified in our October 31, 2022 letter to you, our firm is providing an evaluation of the proposed changes to the D.C.A. along with potential impacts arising from these changes. The following comments will be included in our formal response to the Province, which we anticipate presenting to the Standing Committee on Heritage, Infrastructure and Cultural Policy next week.

### 1. Overview Commentary

The Province has introduced Bill 23 with the following objective: *“This plan is part of a long-term strategy to increase housing supply and provide attainable housing options for hardworking Ontarians and their families.”* The Province’s plan is to address the housing crisis by targeting the creation of 1.5 million homes over the next 10 years. To implement this plan, Bill 23 introduces a number of changes to the D.C.A., along with nine other Acts including the *Planning Act*, which seek to increase the supply of housing.

As discussed later in this letter, there are proposed changes to the D.C.A. which we would anticipate may limit the future supply of housing units. For urban growth to occur, water and wastewater services must be in place before building permits can be issued for housing. Most municipalities assume the risk of constructing this infrastructure and wait for development to occur. Currently, 26% of municipalities providing water/wastewater services are carrying negative development charge (D.C.) reserve fund balances for these services<sup>1</sup> and many others are carrying significant growth-related debt. In addition to the current burdens, Bill 23 proposes to:

- Phase in any new by-laws over five years which, on average, would reduce D.C. revenues by approximately 10%;
- Introduce new exemptions which would provide a potential loss of 10-15% of the D.C. funding;

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<sup>1</sup> Based on 2020 Financial Information Return data.





- Remove funding of water/wastewater master plans and environmental assessments which provide for specific planning and approval of infrastructure; and
- Make changes to the *Planning Act* that would minimize upper-tier planning in two-tier systems where the upper-tier municipality provides water/wastewater servicing. This disjointing between planning approvals and timing/location of infrastructure construction may result in inefficient servicing, further limiting the supply of serviced land.

The loss in funding noted above must then be passed on to existing rate payers. This comes at a time when municipalities must implement asset management plans under the *Infrastructure for Jobs and Prosperity Act* to maintain existing infrastructure. Significant annual rate increases may then limit funding to the capital budget and hence delay construction of growth-related infrastructure needed to expand the supply of serviced land.

The above-noted D.C.A. changes will also impact other services in a similar manner.

The removal of municipal housing as an eligible service will reduce municipalities' participation in creating assisted/affordable housing units. Based on present D.C. by-laws in place, over \$2.2 billion in net growth-related expenditures providing for over 47,000 units (or 3.1% of the Province's 1.5 million housing target) would be impacted by this change.

The proposed changes to the D.C.A. result in a subsidization of growth by the existing rate/taxpayer by reducing the D.C.s payable. Over the past 33 years, there have been changes made to the D.C.A. which have similarly reduced the D.C.s payable by development. These historical reductions have not resulted in a decrease in housing prices; hence, it is difficult to relate the loss of needed infrastructure funding to affordable housing. The increases in water/wastewater rates and property taxes would directly impact housing affordability for the existing rate/taxpayer.

While the merits of affordable housing initiatives are not in question, they may be best achieved by participation at local, provincial, and federal levels. Should the reduction in D.C.s be determined to be a positive contributor to increasing the amount of affordable housing, then grants and subsidies should be provided to municipalities to fund the growth-related infrastructure and thereby reduce the D.C. In this way, the required funding is in place to create the land supply. Alternatively, other funding options could be made available to municipalities as an offset (e.g., the Association of Municipalities of Ontario (AMO) has suggested municipalities have access to 1% of HST, consideration of a special Land Transfer Tax, etc.).

A summary of the proposed D.C.A. changes, along with our firm's commentary, is provided below.



## 2. Changes to the D.C.A.

**2.1 Additional Residential Unit Exemption:** The rules for these exemptions are now provided in the D.C.A., rather than the regulations and are summarized as follows:

- Exemption for residential units in existing rental residential buildings – For rental residential buildings with four or more residential units, the greater of one unit or 1% of the existing residential units will be exempt from D.C.
- Exemption for additional residential units in existing and new residential buildings – The following developments will be exempt from a D.C.:
  - A second unit in a detached, semi-detached, or rowhouse if all buildings and ancillary structures cumulatively contain no more than one residential unit;
  - A third unit in a detached, semi-detached, or rowhouse if no buildings or ancillary structures contain any residential units; and
  - One residential unit in a building or structure ancillary to a detached, semi-detached, or rowhouse on a parcel of urban land, if the detached, semi-detached, or rowhouse contains no more than two residential units and no other buildings or ancillary structures contain any residential units.

### Analysis/Commentary

- For existing single-family homes, this change will not have an impact. For other existing low/medium-density units and for all new units, however, this allowance of a third additional unit that will be exempt from D.C.s adds a further revenue loss burden to municipalities to finance infrastructure. This is of greatest concern for water and wastewater services where each additional unit will require additional capacity in water and wastewater treatment plants. This additional exemption will cause a reduction in D.C.s and hence will require funding by water and wastewater rates.
- Other services, such as transit and active transportation, will also be impacted as increased density will create a greater need for these services, and without an offsetting revenue to fund the capital needs, service levels provided may be reduced in the future.

**2.2 Removal of Housing as an Eligible D.C. Service:** Housing services would be removed as an eligible service. Municipalities with by-laws that include a charge for housing services can no longer collect for this service once subsection 2 (2) of Schedule 3 of the Bill comes into force.

### Analysis/Commentary

- The removal of housing services will reduce municipalities' participation in creating assisted/affordable housing units and/or put further burden on municipal



taxpayers. This service seeks to construct municipal affordable housing for growing communities. The removal of this service could reduce the number of affordable units being constructed over the next ten years, if the municipalities can no longer afford the construction. Based on present D.C. by-laws in place, over \$2.2 billion in net growth-related expenditures providing for over 47,000 additional units (or 3.1% of the Province's 1.5 million housing target) would be impacted by this change.

**2.3 New Statutory Exemptions:** Affordable units, attainable units, inclusionary zoning units and non-profit housing developments will be exempt from the payment of D.C.s, as follows:

- Affordable Rental Units: Where rent is no more than 80% of the average market rent as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Affordable Owned Units: Where the price of the unit is no more than 80% of the average purchase price as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Attainable Units: Excludes affordable units and rental units; will be defined as prescribed development or class of development and sold to a person who is at “arm’s length” from the seller.
  - Note: for affordable and attainable units, the municipality shall enter into an agreement that ensures the unit remains affordable or attainable for 25 years.
- Inclusionary Zoning Units: Affordable housing units required under inclusionary zoning by-laws will be exempt from a D.C.
- Non-Profit Housing: Non-profit housing units are exempt from D.C. instalment payments due after this section comes into force.

### Analysis/Commentary

- While this is an admirable goal to create additional affordable housing units, further D.C. exemptions will continue to provide additional financial burdens on municipalities to fund these exemptions without the financial participation of senior levels of government.
- The definition of “attainable” is unclear, as this has not yet been defined in the regulations.
- Municipalities will have to enter into agreements to ensure these units remain affordable and attainable over a period of time which will increase the administrative burden (and costs) on municipalities. These administrative burdens will be cumbersome and will need to be monitored by both the upper-tier and lower-tier municipalities.
- It is unclear whether the bulletin provided by the Province will be specific to each municipality, each County/Region, or Province-wide. Due to the disparity in



incomes across Ontario, affordability will vary significantly across these jurisdictions. Even within an individual municipality, there can be disparity in the average market rents and average market purchase prices.

**2.4 Historical Level of Service:** Currently, the increase in need for service is limited by the average historical level of service calculated over the ten year period preceding the preparation of the D.C. background study. This average will be extended to the historical 15-year period.

#### Analysis/Commentary

- For municipalities experiencing significant growth in recent years, this may reduce the level of service cap, and the correspondingly D.C. recovery. For many other municipalities seeking to save for new facilities, this may reduce their overall recoveries and potentially delay construction.
- This further limits municipalities in their ability to finance growth-related capital expenditures where debt funding was recently issued. Given that municipalities are also legislated to address asset management requirements, their ability to incur further debt may be constrained.

**2.5 Capital Costs:** The definition of capital costs may be revised to prescribe services for which land or an interest in land will be restricted. Additionally, costs of studies, including the preparation of the D.C. background study, will no longer be an eligible capital cost for D.C. funding.

#### Analysis/Commentary

- Land
  - Land costs are proposed to be removed from the list of eligible costs for certain services (to be prescribed later). Land represents a significant cost for some municipalities in the purchase of property to provide services to new residents. This is a cost required due to growth and should be funded by new development, if not dedicated by development directly.
- Studies
  - Studies, such as Official Plans and Secondary Plans, are required to establish when, where, and how a municipality will grow. These growth-related studies should remain funded by growth.
  - Master Plans and environmental assessments are required to understand the servicing needs development will place on hard infrastructure such as water, wastewater, stormwater, and roads. These studies are necessary to inform the servicing required to establish the supply of lands for development; without these servicing studies, additional development cannot proceed. This would restrict the supply of serviced land and would be counter to the Province's intent to create additional housing units.



**2.6 Mandatory Phase-in of a D.C.:** For all D.C. by-laws passed after June 1, 2022, the charge must be phased-in annually over the first five years the by-law is in force, as follows:

- Year 1 – 80% of the maximum charge;
- Year 2 – 85% of the maximum charge;
- Year 3 – 90% of the maximum charge;
- Year 4 – 95% of the maximum charge; and
- Year 5 to expiry – 100% of the maximum charge.

Note: for a D.C. by-law passed on or after June 1, 2022, the phase-in provisions would only apply to D.C.s payable on or after the day subsection 5 (7) of Schedule 3 of the Bill comes into force (i.e., no refunds are required for a D.C. payable between June 1, 2022 and the day the Bill receives Royal Assent). The phased-in charges also apply with respect to the determination of the charges under section 26.2 of the Act (i.e., eligible site plan and zoning by-law amendment applications).

### Analysis/Commentary

- Water, wastewater, stormwater, and roads are essential services for creating land supply for new homes. These expenditures are significant and must be made in advance of growth. As a result, the municipality assumes the investment in the infrastructure and then assumes risk that the economy will remain buoyant enough to allow for the recovery of these costs in a timely manner. Otherwise, these growth-related costs will directly impact the existing rate payer.
- The mandatory phase-in will result in municipalities losing approximately 10% to 15% of revenues over the five-year phase-in period. For services such as water, wastewater, stormwater, and to some extent roads, this will result in the municipality having to fund this shortfall from other sources (i.e., taxes and rates). This may result in: 1) the delay of construction of infrastructure that is required to service new homes; and 2) a negative impact on the tax/rate payer who will have to fund these D.C. revenue losses.
- Growth has increased in communities outside the Greater Toronto Area (G.T.A.) (e.g. municipalities in the outer rim), requiring significant investments in water and wastewater treatment services. Currently, there are several municipalities in the process of negotiating with developing landowners to provide these treatment services. For example, there are two municipalities within the outer rim (one is 10 km from the G.T.A. while the other is 50 km from the G.T.A.) imminently about to enter into developer agreements and award tenders for the servicing of the equivalent of 8,000 single detached units (or up to 20,000 high-density units). This proposed change to the D.C.A. alone will stop the creation of those units due to debt capacity issues and the significant financial impact placed on



ratepayers due to the D.C. funding loss. Given our work throughout the Province, it is expected that there will be many municipalities in similar situations.

- Based on 2020 Financial Information Return (F.I.R.) data, there are 214 municipalities with D.C. reserve funds. Of those, 130 provide water and wastewater services and of those, 34 municipalities (or 26%) are carrying negative water and wastewater reserve fund balances. As a result, it appears many municipalities are already carrying significant burdens in investing in water/wastewater infrastructure to create additional development lands. This proposed change will worsen the problem and, in many cases, significantly delay or inhibit the creation of serviced lands in the future.
- Note that it is unclear how the phase-in provisions will affect amendments to existing D.C. by-laws.

**2.7 D.C. By-law Expiry:** A D.C. by-law would expire ten years after the day it comes into force. This extends the by-law's life from five years, currently. D.C. by-laws that expire prior to subsection 6 (1) of the Bill coming into force would not be allowed to extend the life of the by-law.

#### Analysis/Commentary

- The extension of the life of the D.C. by-law would appear to not have an immediate financial impact on municipalities. Due to the recent increases in actual construction costs experienced by municipalities, however, the index used to adjust the D.C. for inflation is not keeping adequate pace (e.g., the most recent D.C. index has increased at 15% over the past year; however, municipalities are experiencing 40%-60% increases in tender prices). As a result, amending the present by-laws to update cost estimates for planned infrastructure would place municipalities in a better financial position.
- As a result of the above, delaying the updating of current D.C. by-laws for five more years would reduce actual D.C. recoveries and place the municipalities at risk of underfunding growth-related expenditures.

**2.8 Instalment Payments:** Non-profit housing development has been removed from the instalment payment section of the Act (section 26.1), as these units are now exempt from the payment of a D.C.

#### Analysis/Commentary

- This change is more administrative in nature due to the additional exemption for non-profit housing units.

**2.9 Rental Housing Discount:** The D.C. payable for rental housing development will be reduced based on the number of bedrooms in each unit as follows:

- Three or more bedrooms – 25% reduction;





- Two bedrooms – 20% reduction; and
- All other bedroom quantities – 15% reduction.

### Analysis/Commentary

- Further discounts to D.C.s will place an additional financial burden on municipalities to fund these reductions.
- The discount for rental housing does not appear to have the same requirements as the affordable and attainable exemptions to enter into an agreement for a specified length of time. This means a developer may build a rental development and convert the development (say to a condominium) in the future hence avoiding the full D.C. payment for its increase in need for service.

**2.10 Maximum Interest Rate for Instalments and Determination of Charge for Eligible Site Plan and Zoning By-law Amendment Applications:** No maximum interest rate was previously prescribed. Under the proposed changes, the maximum interest rate would be set at the average prime rate plus 1%. How the average prime rate is determined is further defined under section 9 of Schedule 3 of the Bill. This maximum interest rate provision would apply to all instalment payments and eligible site plan and zoning by-law amendment applications occurring after section 9 of Schedule 3 of the Bill comes into force.

### Analysis/Commentary

- Setting the maximum interest rate at 1%+ the average prime rate appears consistent with the current approach for some municipalities but is a potential reduction for others.
- It appears a municipality can select the adjustment date for which the average prime rate would be calculated.
- The proposed change will require municipalities to change their interest rate policies, or amend their by-laws, as well as increase the administrative burden on municipalities.

**2.11 Requirement to Allocate Funds Received:** Similar to the requirements for community benefits charges, annually, beginning in 2023, municipalities will be required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year for water, wastewater, and services related to a highway. Other services may be prescribed by the regulation.

### Analysis/Commentary

- This proposed change appears largely administrative and would not have a financial impact on municipalities. This can be achieved as a schedule as part of the annual capital budget process or can be included as one of the schedules



with the annual D.C. Treasurer Statement. This, however, will increase the administrative burden on municipalities.

**2.12 Amendments to Section 44 (Front-ending):** This section has been updated to include the new mandatory exemptions for affordable, attainable, and non-profit housing, along with required affordable residential units under inclusionary zoning by-laws.

#### **Analysis/Commentary**

- This change is administrative to align with the additional statutory exemptions.

**2.13 Amendments to Section 60:** Various amendments to this section were required to align the earlier described changes.

#### **Analysis/Commentary**

- These changes are administrative in nature.

We will continue to monitor the legislative changes and advise as the Bill proceeds.

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

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## Sub-Item 10

November 14, 2022

Dear Clients:

Re: Assessment of Bill 23 (*More Homes Built Faster Act*) – Planning Matters

On behalf of our many municipal clients, we are continuing to provide the most up to date information on the proposed changes to housing and planning related legislation as proposed by Bill 23 (*More Homes Built Faster Act*). As identified in our October 31, 2022 letter to you, our firm is providing an evaluation of the proposed changes along with potential impacts arising from these changes. The following comments will be included in our formal response to the Province which we anticipate presenting to the Standing Committee on Heritage, Infrastructure and Cultural Policy this week.

### Overview Commentary

The Province has introduced Bill 23 with the following objective: “This plan is part of a long-term strategy to increase housing supply and provide attainable housing options for hardworking Ontarians and their families.” The Province’s plan is to address the housing crisis by targeting the creation of 1.5 million homes over the next 10 years. To implement this, Bill 23 introduces a number of changes which seek to increase the supply of housing. The following summary of proposed key housing and planning related changes, along with our firm’s commentary, is provided below. It is noted that this letter specifically focuses on the impacts of Bill 23 regarding long-range planning and growth management initiatives at the municipal level.

### Streamlining Municipal Planning Responsibilities

Schedule 9 of the Bill proposes a number of amendments to the *Planning Act*. Subsection 1 (1) of the Act is proposed to be amended to provide for two different classes of upper-tier municipalities; those that have planning responsibilities and those that do not. Changes are proposed to remove the planning policy and approval responsibilities from the following upper-tier municipalities: Regions of Durham, Halton, Niagara, Peel, Waterloo, and York, as well as the County of Simcoe. In addition, the proposed changes could potentially be applied to additional upper-tier municipalities in the future via regulation.

The proposed amendments under Schedule 9 of the Bill introduce numerous questions related to the approach to ensuring effective leadership, management and integration of regional and local land use planning across the affected jurisdictions. In addition to providing a broad vision and planning direction with respect to the long-term management of urban, rural and natural systems, upper-tier municipal planning authorities also play a critical role regarding the coordination, phasing, and delivery of



water, wastewater and transportation infrastructure as well as other municipal services. The Provincial Policy Statement, 2020 (P.P.S.), sets out specific responsibilities for upper-tier municipalities, in consultation with lower-tier municipalities, related to planning coordination, housing, economic development, natural environment and municipal infrastructure. Furthermore, the P.P.S. directs upper-tier municipal planning authorities to provide policy direction to lower-tier municipalities on matters that cross municipal boundaries.

While the proposed amendment to the Bill aims to streamline the land use planning process across the affected municipalities, it risks increasing complexity and miscommunication while adding to the technical and administrative efforts of both lower-tier and upper-tier municipalities, as well as the Province.

Furthermore, it would remove critical planning resources and knowledge at the upper-tier level which are required when addressing matters that cross technical disciplines and municipal jurisdictions. This would potentially result in disjointed efforts and outcomes with respect to local planning approvals and regional municipal service delivery.

### **Review of the Potential Integration of A Place to Grow and the Provincial Policy Statement (P.P.S.)**

The Ministry of Municipal Affairs and Housing is undertaking a housing-focused policy review of A Place to Grow: the Growth Plan for the Greater Golden Horseshoe (G.G.H.), 2019, as amended, hereinafter referred to as the Growth Plan, and the P.P.S. The Province is reviewing the potential integration of the P.P.S. and the Growth Plan into a new Province-wide planning policy framework that is intended to:

- Leverage housing-supportive policies of both policy documents, while removing or streamlining policies that result in duplication, delays or burden the development of housing;
- Ensure key growth management and planning tools are available to increase housing supply and support a range and mix of housing options;
- Continue to protect the environment, cultural heritage, and public health and safety; and
- Ensure that growth is supported with the appropriate amount and type of community infrastructure.

Since the release of the Growth Plan in 2006 under the *Places to Grow Act, 2005*, G.G.H. municipalities have been in a continuous cycle of developing and defending growth management processes and Official Plan updates. Over the past several years, all G.G.H. upper-tier, single-tier, and most lower-tier municipalities have initiated the process of updating their respective Official Plans to bring these documents into conformity with the Growth Plan. Within the G.G.H., this process is referred to as a Municipal Comprehensive Review (M.C.R.). Many of these municipalities have



completed their draft M.C.R. analyses and draft Official Plan updates for provincial approval, while several others are approaching completion.

The required technical analysis associated with the growth analysis and urban land needs assessment component of the M.C.R. process is set out in the Provincial Land Needs Assessment (L.N.A.) methodology, which is specific to G.G.H. municipalities.<sup>[1]</sup> The M.C.R. process has required tremendous time and effort on behalf of municipalities, consulting agencies, stakeholder groups and involved residents. The results of these efforts represent a key planning milestone for all G.G.H. municipalities and provide a solid foundation to build on as it relates to future growth management implementation, monitoring and benchmarking.

Ontario municipalities located outside the G.G.H. are also now in the process of updating their respective Official Plans in accordance with the P.P.S. For municipalities in these jurisdictions, this process is referred to as a Comprehensive Review (C.R.). While there are potential benefits regarding the consolidation of the P.P.S. and the Growth Plan, as it relates to the M.C.R. and C.R. process, there are a number of issues that should be considered regarding this effort, particularly as they relate to long-term growth management and urban land needs, discussed below.

#### Long-Term Population and Employment Forecasts

Schedule 3 of the Growth Plan establishes minimum long-term population and employment forecasts for upper-tier and single-tier municipalities in the G.G.H. to the year 2051. The Ministry of Finance (M.O.F.) also establishes long-term population forecasts for all Ontario Census Divisions (C.D.s), which typically represent upper-tier municipalities, separated municipalities, and single-tier municipalities. The M.O.F. forecasts are not recognized as official forecasts for planning purposes in Ontario; however, they are updated annually and can be used to inform population forecasts in Official Plans. Under a consolidated Growth Plan and P.P.S., consideration would need to be given to the role and source of growth forecasts established by the Province for all Ontario municipalities.

#### Provincial Land Needs Assessment Methodology Guidelines

As previously noted, the L.N.A. methodology for G.G.H. municipalities was updated by the Province in 2020. In accordance with the Growth Plan, the L.N.A. methodology provides a step-by-step approach to conducting growth forecasts and urban land need assessments for upper-tier and single-tier municipalities for both Community Areas (i.e., living areas) and Employment Areas. All other Ontario municipalities rely on the 1995 Provincial Projection Methodology Guidelines (P.P.M.G.) for guidance regarding the technical approach to growth forecasts and urban land need assessments. It is noted

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<sup>[1]</sup> A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Land Needs Assessment Methodology for the Greater Golden Horseshoe. August 2020.



that the 1995 P.P.M.G. suggests that a simplified methodology can be used for smaller or low-growth municipalities. It is further noted that the P.P.M.G. is meant to be used as “best practices” and the guidelines are not mandatory. Under a consolidated Growth Plan and P.P.S., consideration is required regarding the application of a standardized L.N.A. methodology for all Ontario municipalities.

### Addressing Urban Land Needs for Urban Settlement Areas

An important term used in the P.P.S. in the context of both urban land needs and housing affordability is the *Regional Market Area (R.M.A.)*. The R.M.A. is defined in the P.P.S. and Growth Plan (with modifications) as follows:

“an area that has a high degree of social and economic interaction. The upper- or single-tier municipality, or planning area, will normally serve as the regional market area. However, where a regional market area extends significantly beyond these boundaries, then the regional market area may be based on the larger market area. Where regional market areas are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.”

With respect to urban residential land needs assessments, the broad objective of this policy is to ensure the efficient and wise use of all designated urban lands, both occupied and vacant, within the R.M.A. before expanding Urban Settlement Area boundaries. Across southern Ontario municipalities, a key challenge with the application of this policy is the mismatch of urban residential land needs at the urban settlement area level within the defined R.M.A. geography.

If the R.M.A. definition is interpreted too rigidly, it can constrain urban residential development within Urban Settlement Areas, and more broadly across entire municipalities, where identified urban land surpluses have been determined elsewhere within the R.M.A. Neither the P.P.S. nor the Growth Plan provide adequate direction for addressing residential urban land supply and demand mismatches within the R.M.A. Subsection 2.2.1.6 of the Growth Plan provides policy direction regarding *Excess Lands*, which applies exclusively to Outer Ring G.G.H. municipalities. Under a consolidated Growth Plan and P.P.S., a review of the R.M.A. and Excess Lands policies would be required to determine an appropriate and standardized approach to addressing localized urban residential land needs for Urban Settlement Areas and local municipalities.

### Residential Intensification Targets and Minimum Density Requirements

Subsection 2.2.7.2 of the Growth Plan provides direction with respect to minimum greenfield density targets for G.G.H. upper-tier and single-tier municipalities. These densities range between 40 and 50 people and jobs per gross hectare (ha). Minimum density requirements are also prescribed in the Growth Plan for Strategic Growth Areas,



such as Urban Growth Centres and Major Transit Station Areas (M.T.S.A.s). The P.P.S. does not prescribe minimum density targets for Ontario municipalities but does require municipalities to establish density targets for areas adjacent, or in proximity, to M.T.S.A.s and corridors.

Subsection 2.2.2.1 of the Growth Plan requires upper-tier and single-tier G.G.H. municipalities to establish minimum intensification targets within delineated built-up areas (B.U.A.s). These were established under the Growth Plan, 2006. The delineated B.U.A.s within G.G.H. municipalities have remained unchanged since the Growth Plan was established in 2006. The P.P.S. also requires municipalities to establish residential intensification targets but does not prescribe minimum density targets for Ontario municipalities. Furthermore, the P.P.S. does not require municipalities to delineate built area boundaries in Official Plans; however, some Ontario municipalities outside the G.G.H. have delineated built area boundaries for planning purposes. It is noted that the delineation of built area boundaries may be subject to change or update for municipalities outside the G.G.H., while B.U.A.s within the G.G.H. will remain fixed as of 2006. Under a consolidated Growth Plan and P.P.S., a standardized approach to minimum density requirements and residential intensification targets would be required for all Ontario municipalities.

### Rural Housing

An identified area of the Growth Plan and P.P.S. review is to provide policy direction to enable more residential development in Rural Areas. Rural Settlement Areas include existing hamlets or similar existing small settlement areas that are established in Official Plans. These communities are typically serviced by individual, private, on-site water and/or private wastewater systems. Rural Settlement Areas provide clusters of business operations that are essential to future economic growth. Infilling and minor rounding out of existing residential and non-residential development within Rural Settlement Areas is important to ensure that these areas remain vibrant, sustainable and complete communities. Under a consolidated Growth Plan and P.P.S., enabling more residential development in Rural Settlement Areas, and Rural Areas more broadly, would need to be considered within the context of the existing provincial and local policy frameworks, the land use hierarchy identified in Official Plans, the provision of servicing, as well as the protection of natural heritage and agricultural lands.

### Employment Area Conversion

An identified area of the Growth Plan and P.P.S. review is to provide policy direction to streamline and simplify the conversion of Employment Areas to new residential and mixed-use development, where appropriate. Employment Areas form a vital component of a municipality's land use structure and represent an integral part of the local economic development potential and competitiveness of municipalities. If not carefully evaluated, the conversion of Employment Areas to non-employment uses can potentially lead to negative impacts on the local economy in several ways. First,





Employment Area conversions can reduce employment opportunities, particularly in export-based sectors, creating local imbalances between population and employment. Second, Employment Area conversions can potentially erode employment land supply and lead to further conversion pressure as a result of encroachment of non-employment uses within, or adjacent to, Employment Areas. Finally, Employment Area conversions can potentially fragment existing Employment Areas, undermining their functionality and competitive position. Under a consolidated Growth Plan and P.P.S., policy direction regarding the conversion of Employment Areas should emphasize principles and criteria that examine both the quantity and quality of Employment Areas within the context of the local and regional market attributes, as well as the planned urban function of the subject conversion sites.

### **2031 Municipal Housing Targets**

The Province has identified that an additional 1.5 million new housing units are required to be built over the next decade to meet Ontario's current and forecast housing needs. Furthermore, the Province has assigned municipal housing targets, identifying the number of new housing units needed by 2031, impacting 29 of Ontario's largest and many of the fastest growing single/lower tier municipalities. Key observations on the Province's plan are as follows:

- The municipal housing targets for 2031 collectively account for 1,229,000 units, representing about 82% of Ontario's overall 1.5 million new homes target.
- Of the 29 municipalities with housing targets identified, 25 are within the G.G.H. and four are located in other areas of southwestern and southeastern Ontario.
- Within the G.G.H. municipalities, the municipal housing targets are generally higher than approved housing forecasts. In non-G.G.H. municipalities, there is generally less discrepancy between the approved housing forecasts and the Province's targets. Having said that, the Municipal Housing Pledges are not intended to replace current municipal Official Plans.
- The municipal housing targets are based on current and future housing needs. A share of the overall housing need is attributed to a structural deficit in existing housing inventories, while a portion of the housing need is linked to anticipated population growth over the next decade.
- The housing targets are adapted from the housing needs assessment provided in the "Ontario's Need for 1.5 Million More Homes" report, prepared by Smart Prosperity Institute, dated August 2022.
- The impacted municipalities are being asked to prepare Municipal Housing Pledges to meet these housing targets. These pledges must include details on how the municipality will enable/support housing development through a range of planning, development approvals and infrastructure related initiatives.
- These housing pledges are not intended to replace current municipal Official Plans and are not expected to impact adopted municipal population or employment projections.



- While the municipal housing targets do not specify housing form, density, or geographic location (e.g., greenfield, intensification), it is anticipated that any needs beyond adopted housing forecasts will largely comprise rental and affordable housing units primarily located within B.U.A.s, and to a lesser extent, designated greenfield areas (D.G.A.s).
- To develop effective local policies and programs to support the achievement of the housing targets, it is recommended that municipalities assess their existing and future housing needs through a local lens, building on the high-level assessment provided by the Province.
- Local housing needs should be considered within a broader growth management framework, reflecting population, labour and employment/economic growth potential, and addressed through a planning, economic, fiscal and housing affordability lens.

### **Potential Changes to Inclusionary Zoning**

Inclusionary zoning is a tool that can be used by municipalities to ensure the provision of affordable housing. Ontario Regulation (O. Reg.) 232/18 implements inclusionary zoning in Ontario. The proposed amendments to O. Reg 232/18 would:

- Establish 5% as the upper limit on the number of affordable housing units; the 5% limit would be based on either the number of units or percentage share of gross floor area of the total residential units; and
- Establish a maximum period of twenty-five (25) years over which the affordable housing units would be required to remain affordable.

While the proposed changes provide certainty with respect to affordable housing to be provided under inclusionary zoning, they greatly limit a municipality's ability to tailor the provision for affordable housing to the local market and for development feasibility considerations identified through the required Inclusionary Zoning Assessment Report.

We will continue to monitor the legislative changes and advise as the Bill proceeds.

Yours very truly,

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## Sub-Item 11

November 14, 2022

To Our Conservation Authority and Municipal Clients:

Re: Assessment of Bill 23 (*More Homes Built Faster Act*) – Conservation Authorities Act

On behalf of our many conservation authority and municipal clients, we are continuing to provide the most up-to-date information on the proposed changes to the *Conservation Authorities Act* (C.A. Act) as proposed by Bill 23 (*More Homes Built Faster Act*). As identified in our October 31, 2022 letter to you, our firm is providing an evaluation of the proposed changes to the C.A. Act along with potential impacts arising from these changes. The following comments will be included in our formal response to the Province.

### 1. Overview Commentary

The Province has introduced Bill 23 with the following objective: *“This plan is part of a long-term strategy to increase housing supply and provide attainable housing options for hardworking Ontarians and their families.”* The Province’s plan is to address the housing crisis by targeting the creation of 1.5 million homes over the next 10 years. To implement this plan, Bill 23 introduces a number of changes to the C.A. Act., along with nine other Acts including the *Development Charges Act* and the *Planning Act*, which seek to increase the supply of housing.

One of the proposed amendments to the C.A. Act is that the Minister of Natural Resources and Forestry would have the authority to prevent a conservation authority from increasing their fees and charges. Providing the Minister with this power is proposed to limit the financial burden of any fee increases on developers and landowners in an attempt to accelerate housing in Ontario and make housing more affordable. The proposed limitation would result in a cross-subsidization of the costs of plan review and permitting for development to existing taxpayers. This is a result of these costs having to be offset by the municipal levy charged by conservation authorities.

If these costs cannot be recovered from the municipal levy, then conservation authorities would be under pressure to provide the intended level of service for development approvals with less funding. When considered in combination with the other changes proposed that would limit the scope of conservation authority involvement in the development approvals process, this may impact the quality and efficiency of the approvals process, and potentially impair the Province’s goal of accelerating an increase in housing development.





Over the past 33 years, there have been other changes to legislation, such as the *Development Charges Act*, that have reduced the costs payable by development. These historical reductions have not resulted in a decrease in housing prices; hence, it is difficult to relate how further limiting funding for municipal and conservation authority services will increase the supply of affordable housing. Moreover, conservation authority fees for plan review and permitting in the Greater Toronto Area and outer rim typically comprise less than 0.1% of the cost of a new home. This further illustrates the limited impact this proposal would have on making housing more affordable. The potential increase on the municipal levy, however, would add to the burden of housing affordability for the existing taxpayer, particularly when coupled with the other legislative changes proposed by Bill 23.

## 2. Changes to the C.A. Act

### 2.1 Changes to conservation authority involvement in the development approvals process

- Programs and services that are prohibited within municipal and other programs and services:
  - Authorities would no longer be permitted to review and comment on a proposal, application, or other matter made under a prescribed Act (if not related to their mandatory programs and services under O. Reg. 686/21). The Province proposes that a new regulation would prescribe the following Acts in this regard:
    - The *Aggregate Resources Act*
    - The *Condominium Act*
    - The *Drainage Act*
    - The *Endangered Species Act*
    - The *Environmental Assessment Act*
    - The *Environmental Protection Act*
    - The *Niagara Escarpment Planning and Development Act*
    - The *Ontario Heritage Act*
    - The *Ontario Water Resources Act*
    - The *Planning Act*.
- Exemptions to requiring a permit under section 28 of the *Conservation Authorities Act*
  - Where development has been authorized under the *Planning Act* it will be exempt from required permits to authorize the development under section 28 of the *Conservation Authorities Act*. Exemptions to permits would also be granted where prescribed conditions are met.
  - Regulation making authority would be provided to govern the exceptions to section 28 permits, including prescribing municipalities to which the exception applies, and any other conditions or restrictions that must be satisfied.



- Shortened timeframe for decisions
  - Applicants may appeal the failure of the authority to issue a permit to the Ontario Land Tribunal within 90 days (shortened from 120 days currently).

### Analysis/Commentary

- These changes would focus an authority's role in plan review and commenting on applications made under the above Acts (including the *Planning Act*) to the risks of natural hazards only, limit the developments in which permits under section 28 of the C.A Act would be required, and shorten timeframes for issuing permits. Authorities would no longer be able to review applications with respect to the natural heritage impacts.
- With respect to natural heritage review requirements, the Province is proposing to integrate the Provincial Policy Statement, 2020 (P.P.S.) and A Place To Grow: Growth Plan for the Greater Golden Horseshoe into a new Province-wide planning policy instrument. It is proposed that this new instrument could include changes to natural heritage policy direction.
- Recent amendments to the C.A. Act have already been implemented to limit a conservation authority to programs and services within their core mandate unless they have entered into an agreement with a municipal partner. Conservation authorities are able to efficiently provide services, such as natural heritage review required under the P.P.S., to municipalities across their watershed. Removing this ability from conservation authorities may result in municipalities having to find other external sources with the expertise to undertake this review, adding to the cost and timeframes for development approvals and negatively impacting the Province's goal of creating more housing.

## 2.2 Minister's ability to freeze fees

- The Minister would have the ability to direct an authority to not change the amount of any fee it charges (including for mandatory programs and services) for a specified period of time.

### Analysis/Commentary

- Limiting the ability of conservation authorities to recover the costs of plan review and permitting from benefiting developers and landowners will place additional financial burdens on conservation authorities and municipalities to fund these activities.
- As the goal of the Province is to create more housing, it is suggested that any limitations to conservation authority fees that are implemented should only apply to plan review and permitting fees related to the construction of new homes.



We will continue to monitor the legislative changes and advise as the Bill proceeds.

Yours very truly,

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## Sub-Item 12

November 16, 2022

To Our Municipal Clients:

Re: Assessment of Bill 23 (*More Homes Built Faster Act*) – Community Benefits Charges

On behalf of our many municipal clients, we are continuing to provide the most up-to-date information on the proposed changes to the *Planning Act* related to community benefits charges (C.B.C.s), as proposed by Bill 23 (*More Homes Built Faster Act*). As identified in our October 31, 2022 letter to you, our firm is providing an evaluation of the proposed changes to C.B.C.s along with potential impacts arising from these changes. The following comments will be included in our formal response to the Province, which we anticipate presenting to the Standing Committee on Heritage, Infrastructure and Cultural Policy later this week.

### 1. Overview Commentary

The Province has introduced Bill 23 with the following objective: *“This plan is part of a long-term strategy to increase housing supply and provide attainable housing options for hardworking Ontarians and their families.”* The Province’s plan is to address the housing crisis by targeting the creation of 1.5 million homes over the next 10 years. To implement this plan, Bill 23 introduces several changes to the *Planning Act*, along with nine other Acts including the *Development Charges Act* (D.C.A.) and the *Conservation Authorities Act*, which seek to increase the supply of housing.

One of the proposed amendments to the *Planning Act* seeks to exempt affordable housing units (ownership and rental) and attainable housing units from C.B.C.s. While the creation of affordable housing units is an admirable goal, there is a lack of robust empirical evidence to suggest that reducing development-related fees improves housing affordability. Municipalities rely on C.B.C. funding to emplace the critical infrastructure needed to maintain livable, sustainable communities as development occurs. Introducing additional exemptions from the payment of these charges results in further revenue losses to municipalities. The resultant shortfalls in capital funding then need to be addressed by delaying growth-related infrastructure projects and/or increasing the burden on existing taxpayers through higher property taxes (which itself reduces housing affordability). If the additional exemptions from C.B.C.s are deemed to be an important element of increasing the affordable housing supply, then adequate transfers from the provincial and federal governments should be provided to municipalities to offset the revenue losses resulting from these policies.



A summary of the proposed C.B.C. changes, along with our firm's commentary, is provided below.

## 2. Changes to the *Planning Act* – C.B.C.s

**2.1 New Statutory Exemptions:** Affordable residential units, attainable residential units, and inclusionary zoning residential units will be exempt from the payment of C.B.C.s., with definitions provided as follows:

- Affordable Residential Units (Rented): Where rent is no more than 80% of the average market rent as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Affordable Residential Units (Ownership): Where the price of the unit is no more than 80% of the average purchase price as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Attainable Residential Units: Excludes affordable units and rental units; will be defined as prescribed development or class of development and sold to a person who is at "arm's length" from the seller.
- Inclusionary Zoning Units: Affordable housing units required under inclusionary zoning by-laws.

The exemption is proposed to be implemented by applying a discount to the maximum amount of the C.B.C. that can be imposed (i.e., 4% of land value, as specified in section 37 of the *Planning Act*). For example, if the affordable, attainable, and/or inclusionary zoning residential units represent 25% of the total building floor area, then the maximum C.B.C. that could be imposed on the development would be 3% of total land value (i.e., a reduction of 25% from the maximum C.B.C. of 4% of land value).

### Analysis/Commentary

- While this is an admirable goal to create additional affordable housing units, further C.B.C. exemptions will continue to provide additional financial burdens on municipalities to fund these exemptions without the financial participation of senior levels of government.
- The definition of "attainable" is unclear, as this has not yet been defined in the regulations.
- Under the proposed changes to the D.C.A, municipalities will have to enter into agreements to ensure that affordable units remain affordable for 25 years and that attainable units are attainable at the time they are sold. An agreement does not appear to be required for affordable/attainable residential units exempt from payment of a C.B.C. Assuming, however, that most developments required to pay a C.B.C. would also be paying development charges, the units will be covered by the agreements required under the D.C.A. These agreements should be allowed to include the C.B.C. so that if a municipality needs to enforce the



provisions of an agreement, both development charges and C.B.C.s could be collected accordingly.

- These agreements will increase the administrative burden (and costs) on municipalities. Furthermore, the administration of these agreements will be cumbersome and will need to be monitored by both the upper-tier and lower-tier municipalities.
- It is unclear whether the bulletin provided by the Province will be specific to each municipality, each County/Region, or Province-wide. Due to the disparity in incomes across Ontario, affordability will vary significantly across these jurisdictions. Even within an individual municipality, there can be disparity in the average market rents and average market purchase prices.
- Where municipalities are imposing the C.B.C. on a per dwelling unit basis, they will need to ensure that the total C.B.C. being imposed for all eligible units is not in excess of the incremental development calculation (e.g., as per the example above, not greater than 3% of the total land value).

## **2.2 Limiting the Maximum C.B.C. in Proportion to Incremental Development:**

Where development or redevelopment is occurring on a parcel of land with an existing building or structure, the maximum C.B.C. that could be imposed would be calculated based on the incremental development only. For example, if a building is being expanded by 150,000 sq.ft. on a parcel of land with an existing 50,000 sq.ft. building, then the maximum C.B.C. that could be imposed on the development would be 3% of total land value (i.e.,  $150,000 \text{ sq.ft.} / 200,000 \text{ sq.ft.} = 75\% \times 4\%$  maximum prescribed rate = 3% of total land value).

### **Analysis/Commentary**

- With municipal C.B.C. by-laws imposing the C.B.C. based on the land total land value or testing the C.B.C. payable relative to total land value, there will be a reduction in revenues currently anticipated. At present, some municipal C.B.C. by-laws have provisions excluding existing buildings from the land valuation used to calculate the C.B.C. payable or to test the maximum charge that can be imposed. As such, this proposal largely seeks to clarify the administration of the charge.



We will continue to monitor the legislative changes and will keep you informed as the Bill proceeds.

Yours very truly,

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## Sub-Item 13

November 16, 2022

To Our Parkland Dedication By-Law Clients:

Re: Assessment of Bill 23 (*More Homes Built Faster Act*)

On behalf of our many municipal clients, we are continuing to provide the most up-to-date information on the proposed changes to the parkland dedication requirements of the *Planning Act*, as proposed by Bill 23 (*More Homes Built Faster Act*). As identified in our October 31, 2022 letter to you, our firm is providing an evaluation of the proposed changes to section 42 of the *Planning Act*, along with potential impacts arising from these changes. The following comments will be included in our formal response to the Province, which we anticipate presenting to the Standing Committee on Heritage, Infrastructure and Cultural Policy later this week.

### 1. Overview Commentary

The Province has introduced Bill 23 with the following objective: *“This plan is part of a long-term strategy to increase housing supply and provide attainable housing options for hardworking Ontarians and their families.”* The Province’s plan is to address the housing crisis by targeting the creation of 1.5 million homes over the next 10 years. To implement this plan, Bill 23 introduces a number of changes to the *Planning Act* (along with nine other Acts, including the *Development Charges Act* (D.C.A.)), which seek to increase the supply of housing.

As discussed later in this letter, the proposed changes to parkland dedication would significantly reduce the amount of parkland conveyance and payments-in-lieu (P.I.L.) of parkland to municipalities. The proposed changes under Bill 23 would impact municipalities by:

- Reducing the amount of development subject to parkland dedication by exempting affordable, attainable, non-profit and additional residential dwelling units;
- Reducing P.I.L. revenues for some developments by grandfathering in charges by up to 2 years, reflecting land values at the time of Site Plan and Zoning By-law Amendment applications;
- Reducing and capping the alternative requirements for parkland dedication, which results in significant reductions in parkland conveyance and P.I.L. revenues, particularly for high-density developments;
- Increasing the administrative burden on municipalities by requiring the preparation of and consultation on a parks plan with the passage of a parkland





dedication by-law, whether utilizing the standard or alternative requirements, and by requiring the allocation and reporting on funds annually; and

- Limiting local decision-making by allowing the Province to prescribe criteria for municipal acceptance of incumbered lands and privately owned public space (POPs) for parks purposes.

It is anticipated that the resultant loss in parkland dedication from development will result in either a cross-subsidization from existing taxpayers having to provide increased funding for parks services to maintain planned levels of service in their community, or an erosion of service levels over time. The timing of these changes, and others proposed in Bill 23 to limit funding from development, is occurring at a time when municipalities are faced with increased funding challenges associated with cost inflation and the implementation of asset management plans under the *Infrastructure for Jobs and Prosperity Act*.

A summary of the proposed parkland dedication changes under section 42 of the *Planning Act*, along with our firm's commentary, is provided below.

## 2. Changes to Section 42 of the *Planning Act*

**2.1 New Statutory Exemptions:** Affordable residential units, attainable residential units, inclusionary zoning residential units, non-profit housing and additional residential unit developments will be exempt from parkland dedication requirements. For affordable, attainable, and inclusionary zoning residential units, the exemption is proposed to be implemented by:

- discounting the standard parkland dedication requirements (i.e., 5% of land) based on the proportion of development excluding affordable, attainable and inclusionary zoning residential units relative to the total residential units for the development; or
- where the alternative requirement is imposed, the affordable, attainable and inclusionary zoning residential units would be excluded from the calculation.

For non-profit housing and additional residential units, a parkland dedication by-law (i.e., a by-law passed under section 42 of the *Planning Act*) will not apply to these types of development:

- Affordable Rental Unit: as defined under subsection 4.1 (2) of the D.C.A., where rent is no more than 80% of the average market rent as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Affordable Owned Unit: as defined under subsection 4.1 (3) of the D.C.A., where the price of the unit is no more than 80% of the average purchase price as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.



- Attainable Unit: as defined under subsection 4.1 (4) of the D.C.A., excludes affordable units and rental units, will be defined as prescribed development or class of development and sold to a person who is at “arm’s length” from the seller.
- Inclusionary Zoning Units: as described under subsection 4.3 (2) of the D.C.A.
- Non-Profit Housing: as defined under subsection 4.2 (1) of the D.C.A.
- Additional Residential Units, including:
  - A second unit in a detached, semi-detached, or rowhouse if all buildings and ancillary structures cumulatively contain no more than one residential unit;
  - A third unit in a detached, semi-detached, or rowhouse if no buildings or ancillary structures contain any residential units; and
  - One residential unit in a building or structure ancillary to a detached, semi-detached, or rowhouse on a parcel of urban land, if the detached, semi-detached, or rowhouse contains no more than two residential units and no other buildings or ancillary structures contain any residential units.

### Analysis/Commentary

- While reducing municipal requirements for the conveyance of land or P.I.L. of parkland may provide a further margin for builders to create additional affordable housing units, the proposed parkland dedication exemptions will increase the financial burdens on municipalities to fund these exemptions from property tax sources (in the absence of any financial participation by senior levels of government) or erode municipalities’ planned level of parks service.
- The definition of “attainable” is unclear, as this has not yet been defined in the regulations to the D.C.A.
- Under the proposed changes to the D.C.A, municipalities will have to enter into agreements to ensure these units remain affordable and attainable over a period of time, which will increase the administrative burden (and costs) on municipalities. An agreement does not appear to be required for affordable/attainable units exempt from parkland dedication. Assuming, however, that most developments required to convey land or provide P.I.L. of parkland would also be required to pay development charges, the units will be covered by the agreements required under the D.C.A. As such, the *Planning Act* changes should provide for P.I.L. requirements if the status of the development changes during the period.
- It is unclear whether the bulletin provided by the Province to determine if a development is affordable will be specific to each municipality or aggregated by County/Region or Province. Due to the disparity in incomes across Ontario, affordability will vary significantly across these jurisdictions. Even within an individual municipality there can be disparity in the average market rents and average market purchase prices.



- While the proposed exemptions for non-profit housing and additional residential units may be easily applied for municipalities imposing the alternative requirement, as these requirements are imposed on a per residential unit basis, it is unclear at this time how a by-law requiring the standard provision of 5% of residential land would be applied.

**2.2 Determination of Parkland Dedication:** Similar to the rules under the D.C.A., the determination of parkland dedication for a building permit issued within two years of a Site Plan and/or Zoning By-law Amendment approval would be subject to the requirements in the by-law as at the date of planning application submission.

### Analysis/Commentary

- If passed as currently drafted, these changes would not apply to site plan or zoning by-law applications made before subsection 12 (6) of Schedule 9 of the *More Homes Built Faster Act* comes into force.
- For applications made after the in-force date, this would represent a lag in P.I.L. value provided to municipalities, as it would represent the respective land value up to two years prior vs. current value at building permit issuance. For municipalities having to purchase parkland, this will put additional funding pressure on property tax funding sources to make up the difference, or further erode the municipality's planned level of parks service.

**2.3 Alternative Parkland Dedication Requirement:** The following amendments are proposed for the imposition of the alternative parkland dedication requirements:

- The alternative requirement of 1 hectare (ha) per 300 dwelling units would be reduced to 1 ha per 600 dwelling units where land is being conveyed. Where the municipality imposes P.I.L. requirements, the amendments would reduce the amount from 1 ha per 500 dwelling units to 1 ha per 1,000 net residential units.
- Proposed amendments clarify that the alternative requirement would only be calculated on the incremental units of development/redevelopment.
- The alternative requirement would be capped at 10% of the land area or land value where the land proposed for development or redevelopment is 5 ha or less; and 15% of the land area or land value where the land proposed for development or redevelopment is greater than 5 ha.

### Analysis/Commentary

- If passed as currently drafted, the decrease in the alternative requirements for land conveyed and P.I.L. would not apply to building permits issued before subsection 12 (8) of Schedule 9 of the *More Homes Built Faster Act* comes into force.
- Most municipal parkland dedication by-laws only imposed the alternative requirements on incremental development. As such, the proposed amendments



for net residential units seek to clarify the matter where parkland dedication by-laws are unclear.

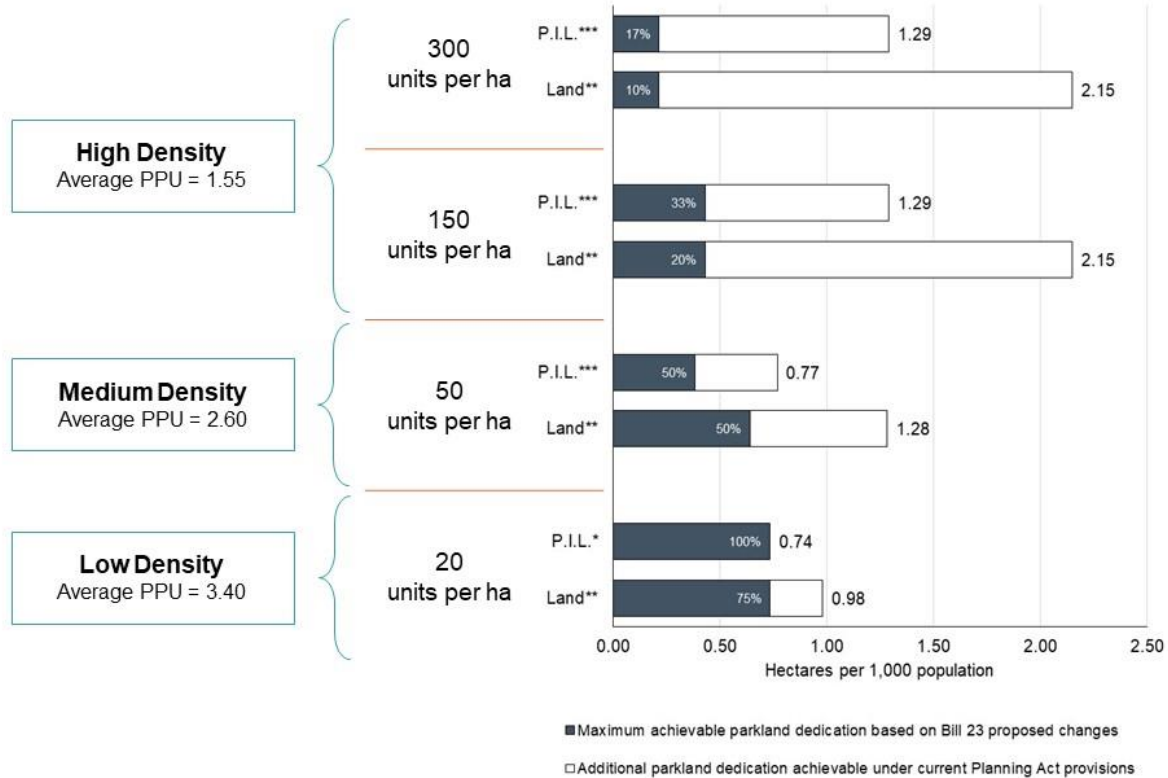
- Section 42 previously imposed the alternative requirement caps of 10% and 15% of land area or value, depending on the respective developable land area, for developments only within designated transit-oriented communities. By repealing subsection 42 (3.2) of the *Planning Act*, these caps would apply to all developable lands under the by-law.
- As illustrated in the figure below, lowering the alternative parkland dedication requirement and imposing caps based on the developable land area will place significant downward pressure on the amount of parkland dedication provided to municipalities, particularly those municipalities with significant amounts of high-density development. For example:
  - Low-density development of 20 units per net ha (uph), with a person per unit (P.P.U.) occupancy of 3.4, would have produced a land conveyance of 0.98 ha per 1,000 population. The proposed change would reduce this to 0.74 ha, approximately 75% of current levels.
  - Medium-density development of 50 uph, with a P.P.U. of 2.6 would produce land conveyance at 50% of current levels (0.64 vs. 1.28 ha/1,000 population).
  - Low-rise development of 150 uph, with a P.P.U. of 2.6 would produce land conveyance at 20% of current levels (0.43 vs. 2.15 ha/1,000 population). P.I.L. would be approximately 1/3 of current levels.
  - High-rise development of 300 uph, with a P.P.U. of 2.6 would produce land conveyance at 10% of current levels (0.22 vs. 2.15 ha/1,000 population). P.I.L. would be approximately 17% of current levels.<sup>[1]</sup>

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<sup>[1]</sup> Low-rise and high-rise developments with sites larger than 5 ha would only be marginally better under the proposed changes, at 30% and 15% of land conveyance and 50% and 25% P.I.L., respectively.



## Maximum Achievable Parkland Dedication (hectares per 1,000 population) Development Sites ≤ 5 hectares



\* Using standard requirement (5% of land area or land value)

\*\* Using alternative requirement of 1 hectare of land per 300 units.

\*\*\* Using alternative P.I.L. requirement of 1 hectare per 500 units.



- Based on the proposed alternative requirement rates and land area caps, municipalities would be better off:
  - For land conveyance, imposing the alternative requirement for densities greater than 30 units per ha.
    - Sites of 5 ha or less, land conveyance would be capped at 10% of land area at densities greater than 60 units per ha.
    - Sites greater than 5 ha, land conveyance would be capped at 15% of land area at densities greater than 90 units per ha.
  - For P.I.L. of parkland, imposing the alternative requirement for densities greater than 50 units per ha.
    - Sites of 5 ha or less, land conveyance would be capped at 10% of land area at densities greater than 100 units per ha.
    - Sites greater than 5 ha, land conveyance would be capped at 15% of land area at densities greater than 150 units per ha.
  - For densities less than 30 units per ha, imposing the standard requirement of 5% of land area for land conveyance and P.I.L. of parkland.

**2.4 Parks Plan:** The preparation of a publicly available parks plan as part of enabling an Official Plan will be required at the time of passing a parkland dedication by-law under section 42 of the *Planning Act*.

### Analysis/Commentary

- The proposed change will still require municipal Official Plans to contain specific policies dealing with the provision of land for parks or other public recreational purposes where the alternative requirement is used.
- The requirement to prepare and consult on a parks plan prior to passing a by-law under section 42 would now appear to equally apply to a by-law including the standard parkland dedication requirements, as well as the alternative parkland dedication requirements. This will result in an increase in the administrative burden (and cost) for municipalities using the standard parkland dedication requirements.
- Municipalities imposing the alternative requirement in a parkland dedication by-law on September 18, 2020 had their by-law expire on September 18, 2022 as a result of the *COVID-19 Economic Recovery Act* amendments. Many municipalities recently undertook to pass a new parkland dedication by-law, examining their needs for parkland and other recreational assets. Similar transitional provisions for existing parkland dedication by-laws should be provided with sufficient time granted to allow municipalities to prepare and consult on the required parks plan.

**2.5 Identification of Lands for Conveyance:** Owners will be allowed to identify lands to meet parkland conveyance requirements, within regulatory criteria. These lands may include encumbered lands and privately owned public space (POPs).





Municipalities may enter into agreements with the owners of the land regarding POPs to enforce conditions, and these agreements may be registered on title. The suitability of land for parks and recreational purposes will be appealable to the Ontario Land Tribunal (OLT).

### Analysis/Commentary

- The proposed changes allow the owner of land to identify encumbered lands for parkland dedication consistent with the provisions available to the Minister of Infrastructure to order such lands within transit-oriented communities. Similar to the expansion of parkland dedication caps, these changes would allow this to occur for all developable lands under the by-law. The proposed changes go further to allow for an interest in land, or POPs.
- The municipality may refuse the land identified for conveyance, providing notice to the owner with such requirements as prescribed. The owner, however, may appeal the decision to the OLT. The hearing would result in the Tribunal determining if the lands identified are in accordance with the criteria prescribed. These “criteria” are unclear, as they have not yet been defined in the regulations.
- Many municipal parkland dedication by-laws do not except encumber lands or POPs as suitable lands for parkland dedication. This is due, in part, to municipalities’ inability to control the lands being dedicated or that they are not suitable to meet service levels for parks services. Municipalities that do accept these types of lands for parkland or other recreational purposes have clearly expressed such in their parkland dedication by-laws. The proposed changes would appear to allow the developers of the land, and the Province within prescribed criteria, to determine future parks service levels in municipalities in place of municipal council intent.

**2.6 Requirement to Allocate Funds Received:** Similar to the requirements for C.B.C.s, and proposed for the D.C.A. under Bill 23, annually beginning in 2023, municipalities will be required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year.

### Analysis/Commentary

- This proposed change appears largely administrative, increasing the burden on municipalities. This change would not have a fiscal impact and could be achieved as a schedule to annual capital budget. Moreover, as the Province may prescribe annual reporting, similar to the requirements under the D.C.A. and for a C.B.C under the *Planning Act*.



We will continue to monitor the legislative changes and will keep you informed as the Bill proceeds.

Yours very truly,

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## Sub-Item 14

November 16, 2022

To Laurie Scott, MPP, Chair of the Standing Committee on Heritage, Infrastructure, and Cultural Policy:

Re: Bill 23, *More Homes Built Faster Act*, 2022

Firstly, on behalf of Watson & Associates Economists Ltd. (Watson), we would like to thank you for receiving our comments on the Province's proposed changes to the *Development Charges Act* (D.C.A.), *Planning Act*, and *Conservation Authorities Act*, by way of Bill 23, *More Homes Built Faster Act*. The following letter is submitted to the Standing Committee on Heritage, Infrastructure, and Cultural Policy (the "Standing Committee") to supplement the presentation by Gary Scandlan, Managing Partner, on November 17, 2022.

Watson is one of Canada's leading economic consulting firms, comprising municipal economists, planners, accountants, and support staff. The firm has been in operation since 1982. Our work has involved many aspects of municipal finance and economics, including assisting municipalities across the Province with development charges (D.C.s) studies, community benefits charges (C.B.C.) studies, parkland dedication studies, fiscal impact assessments, full cost user fee pricing models, demographic forecasts, growth management studies, and more.

Watson appreciates that the lack of attainable housing is an important issue facing the Province today. This letter, however, provides some commentary on how the Bill may negatively impact the Province's goal to "increase housing supply and provide attainable housing options for hardworking Ontarians and their families," along with the financial burden this legislation will have on municipalities and existing homeowners.

### 1. Impact on Housing Supply

As stated by the Province, the goal is to create an additional 1.5 million new homes over the next 10 years; however, the changes proposed in Bill 23 may actually limit the supply of housing. For urban growth to occur, water and wastewater services must be in place before building permits can be issued for housing. Most municipalities assume the risk of constructing this infrastructure and wait for development to occur. Currently, 26% of municipalities providing water/wastewater services are carrying negative D.C. reserve fund balances for these services<sup>[1]</sup> and many others are carrying significant

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<sup>[1]</sup> Based on 2020 Financial Information Return data.



growth-related debt. The following provides a list of the changes to the various pieces of legislation and how they would negatively impact the supply of housing.

### Development Charges Act

- **Mandatory Phase-in:** The Bill proposes to phase-in the D.C. over the first five-years of being in force. A review of various municipal D.C. by-laws indicates this proposed phase-in will cause a reduction in the amount of D.C. revenue collected by approximately 10% over the phase-in period. This loss in revenue will need to be funded by existing taxpayers, thus subsidizing growth. With respect to water, wastewater, and roads services, if the municipality does not have the ability to fund this lost revenue, it may delay the timing of capital projects, which in turn, will delay the availability of land for the construction of new homes. Additionally, this phase-in would apply to non-residential development. It is unclear how this would increase the housing supply. This matter is further compounded by the loss of revenue due to the additional statutory exemptions discussed in section 2 of this letter.
- **Removal of Housing Services:** Upper-tier and single-tier municipalities across the Province utilize D.C.s to help fund the construction of new affordable housing units with the goal of providing affordable housing to those in need. The removal of housing services as a D.C.-eligible service will reduce municipalities' participation in creating assisted/affordable housing units. Based on present D.C. by-laws, over \$2.2 billion in net growth-related expenditures providing for over 47,000 affordable housing units (*or 3.1% of the Province's 1.5 million housing target*) would be impacted by this proposed change.
- **Removal of Studies from the Definition of Capital Costs:** Studies, such as Official Plans and Secondary Plans, are required to establish when, where, and how a municipality will grow. Master Plans, environmental assessments and other studies are required to understand the servicing needs development will place on infrastructure such as water, wastewater, stormwater, and roads. These studies are necessary to inform the servicing required to establish the supply of lands for development; without these servicing studies, additional development cannot proceed. Removing direct funding for these studies would restrict/delay the supply of serviced land and would be counter to the Province's intent to create additional housing units.

### Planning Act

- **Removal of Planning Policy and Approval Responsibilities:** Removal of these policies and responsibilities from the Regions of Durham, Halton, Niagara, Peel, Waterloo, and York, as well as the County of Simcoe (and potentially others in the future) may result in disjointed planning policies and a lack of coordination of Regional water and wastewater infrastructure. Lower-tier municipalities may have significantly different goals which may lead to inefficient



phasing/staging of development lands, less coordination of servicing plans, and an increased administrative burden for both lower-tier and upper-tier municipalities, as well as the Province.

## 2. Additional Financial Burden on Municipalities and Taxpayers

The proposed changes to the various Acts will have significant financial impacts on Ontario's municipalities along with their respective taxpayers. It is anticipated that these changes are in direct conflict with the principle that "growth pays for growth" and will put additional pressure on property taxes and water and wastewater rates. This increase in funding of growth-related needs from existing taxpayers and ratepayers will create affordability issues for existing homeowners, thus transferring the financial burden of home ownership, not reducing it. The following provides a summary of the proposed changes and how they would increase the financial burden on municipalities and existing taxpayers.

### Development Charges Act

- **Additional Statutory Exemptions (also applies to C.B.C.s and Parkland Dedication) and Discounts:** The Bill provides for a number of statutory exemptions for additional residential units, affordable housing, attainable housing, non-profit housing, and affordable units through inclusionary zoning. In addition, discounts for rental housing will be required.
  - The definition of "affordable" is based on 80% of the market value, whereas municipalities define "affordable" relative to income levels. This broader definition will result in more housing units being eligible for D.C. exemptions which do not meet municipal definitions of "affordable."
  - The definition of "attainable" appears to be even more broad; however, no details are provided on the proposed regulatory definition.
  - These exemptions will result in a loss of D.C. revenue of approximately 10-15% that the municipalities will have to fund from other sources (i.e., property taxes or water/wastewater rates).
- **Mandatory Phase-in:** As noted in section 1 above, this may result in a loss of 10% in D.C. revenues to municipalities.
- **Removal of Housing Services:** As noted in section 1 above, based on present D.C. by-laws in place, over \$2.2 billion in net growth-related expenditures providing for over 47,000 units (*or 3.1% of the Province's 1.5 million housing target*) would be impacted by this change.
- **Revised Definition of Capital Costs:** The Bill proposes to remove the cost of land for certain services (yet to be defined) and studies from the definition of costs eligible for D.C.s.
  - Land – Land represents a significant cost for some municipalities in the purchase of property to provide services to new residents (e.g., water



- plants, new roads, etc.). This is a cost required due to growth and should be funded by new development, if not dedicated by development directly.
- Studies – Master planning and Environmental Assessments are integral to construction of hard infrastructure required to service new development. Removing these costs from being D.C. eligible will shift the burden of these growth-related costs to existing taxpayers and ratepayers.

### Planning Act – Parkland Dedication

- **Reduction in Alternative Parkland Dedication Requirements:** The alternative dedication requirement where land is being conveyed of 1 hectare (ha) per 300 dwelling units would be reduced to 1 ha per 600 dwelling units. Where the municipality imposes payment in lieu (P.I.L.) alternative requirements, the amendments would reduce the amount from 1 ha per 500 dwelling units to 1 ha per 1,000 net residential units. Municipalities already face challenges with the supply of adequate parkland due to the rising cost of land and current limitations under the *Planning Act* relative to municipal parkland standards. By cutting the parkland dedication requirements in half, this will further reduce the municipalities' ability to purchase parkland and will result in additional burden on taxpayers to maintain municipal parkland standards or result in a reduction in the level of parks service over time.
- **10-15% Cap on Land Area for Alternative Rate:** The alternative requirement would be capped at 10% of the land area or land value where the land proposed for development or redevelopment is 5 ha or less; and 15% of the land area or land value where the land proposed for development or redevelopment is greater than 5 ha. These caps would significantly reduce parkland dedication, particularly for high-density residential development and place the maximum dedication levels equivalent to medium-density developments. Given that high-density developments provide limited parklands on site, the contribution made towards creating more land to service the land needs generated is significantly under contributed. Again, these shortfalls will have to be funded by property taxes if Council wishes to maintain municipal parkland standards for existing and future residents.

### 3. Summary Commentary

The above summarizes our concerns with the proposed legislative changes and their impact on the housing supply as well as their financial impact to municipalities and their taxpayers. There are a number of other concerns with the proposed legislation that we have outlined in our detailed responses provided in the attachments. These are as appended as follows:

- Attachment 1 – Changes to the D.C.A.
- Attachment 2 – Changes to the *Planning Act*



- Attachment 3 – Changes to the *Planning Act* – Parkland Dedication
- Attachment 4 – Changes to the *Planning Act* – Community Benefits Charges
- Attachment 5 – Changes to the *Conservation Authorities Act*.

To conclude, while the goal of these proposed changes is to reduce the upfront cost to a new home purchaser, the funding loss for this will come from the existing taxpayer, i.e., existing residents and businesses subsidizing new home purchasers, hence increasing housing affordability concerns.

Over the past 40 years, our firm has undertaken numerous fiscal impact studies of residential development and, as a whole, the new taxes and fees generated by residential growth do not equal the new operating costs required to support these developments. As well, based on past changes to the D.C.A., historical reductions have not resulted in a decrease in the price of housing, hence it is difficult to relate the loss of needed infrastructure funding to affordable housing.

As a result, we would provide the following considerations for the Standing Committee:

1. From the proposed legislation, phase-in charges and exemptions for services essential to creating developable land supply (water, wastewater, stormwater and roads) should be removed...or funded by grants from senior levels of government.
2. Reduction in parkland contributions, caps for high-density development and developer ability to provide encumbered lands/POPS should be removed from parkland dedication legislation to continue to allow municipalities to determine the appropriate level of service for parks.
3. Alternatively, to minimize the overall impact on the taxpayer and ratepayer, provide access to other revenue sources (e.g., HST, land transfer tax) to fund all D.C., parkland dedication, and C.B.C. revenue losses.
4. Municipal housing should continue as an eligible D.C. service.



We again want to thank the Standing Committee for receiving our presentation and correspondence and would appreciate the Committee's consideration of our concerns.

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

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# Appendices



## Attachment 1 - Changes to the D.C.A.

**1. Additional Residential Unit Exemption:** The rules for these exemptions are now provided in the D.C.A., rather than the regulations and are summarized as follows:

- Exemption for residential units in existing rental residential buildings – For rental residential buildings with four or more residential units, the greater of one unit or 1% of the existing residential units will be exempt from D.C.
- Exemption for additional residential units in existing and new residential buildings – The following developments will be exempt from a D.C.:
  - A second unit in a detached, semi-detached, or rowhouse if all buildings and ancillary structures cumulatively contain no more than one residential unit;
  - A third unit in a detached, semi-detached, or rowhouse if no buildings or ancillary structures contain any residential units; and
  - One residential unit in a building or structure ancillary to a detached, semi-detached, or rowhouse on a parcel of urban land, if the detached, semi-detached, or rowhouse contains no more than two residential units and no other buildings or ancillary structures contain any residential units.

### Analysis/Commentary

- For existing single-family homes, this change will not have an impact. For other existing low/medium-density units and for all new units, however, this allowance of a third additional unit that will be exempt from D.C.s adds a further revenue loss burden to municipalities to finance infrastructure. This is of greatest concern for water and wastewater services where each additional unit will require additional capacity in water and wastewater treatment plants. This additional exemption will cause a reduction in D.C.s and hence will require funding by water and wastewater rates.
- Other services, such as transit and active transportation, will also be impacted as increased density will create a greater need for these services, and without an offsetting revenue to fund the capital needs, service levels provided may be reduced in the future.

**2. Removal of Housing as an Eligible D.C. Service:** Housing services would be removed as an eligible service. Municipalities with by-laws that include a charge for housing services can no longer collect for this service once subsection 2 (2) of Schedule 3 of the Bill comes into force.

### Analysis/Commentary

- The removal of housing services will reduce municipalities' participation in creating assisted/affordable housing units and/or put further burden on municipal





taxpayers. This service seeks to construct municipal affordable housing for growing communities. The removal of this service could reduce the number of affordable units being constructed over the next ten years, if the municipalities can no longer afford the construction. Based on present D.C. by-laws in place, over \$2.2 billion in net growth-related expenditures providing for over 47,000 additional units (or 3.1% of the Province's 1.5 million housing target) would be impacted by this change.

**3. New Statutory Exemptions:** Affordable units, attainable units, inclusionary zoning units and non-profit housing developments will be exempt from the payment of D.C.s, as follows:

- Affordable Rental Units: Where rent is no more than 80% of the average market rent as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Affordable Owned Units: Where the price of the unit is no more than 80% of the average purchase price as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Attainable Units: Excludes affordable units and rental units; will be defined as prescribed development or class of development and sold to a person who is at “arm’s length” from the seller.
  - Note: for affordable and attainable units, the municipality shall enter into an agreement that ensures the unit remains affordable or attainable for 25 years.
- Inclusionary Zoning Units: Affordable housing units required under inclusionary zoning by-laws will be exempt from a D.C.
- Non-Profit Housing: Non-profit housing units are exempt from D.C. instalment payments due after this section comes into force.

### Analysis/Commentary

- While this is an admirable goal to create additional affordable housing units, further D.C. exemptions will continue to provide additional financial burdens on municipalities to fund these exemptions without the financial participation of senior levels of government.
- The definition of “attainable” is unclear, as this has not yet been defined in the regulations.
- Municipalities will have to enter into agreements to ensure these units remain affordable and attainable over a period of time which will increase the administrative burden (and costs) on municipalities. These administrative burdens will be cumbersome and will need to be monitored by both the upper-tier and lower-tier municipalities.
- It is unclear whether the bulletin provided by the Province will be specific to each municipality, each County/Region, or Province-wide. Due to the disparity in



incomes across Ontario, affordability will vary significantly across these jurisdictions. Even within an individual municipality, there can be disparity in the average market rents and average market purchase prices.

- 4. Historical Level of Service:** Currently, the increase in need for service is limited by the average historical level of service calculated over the ten year period preceding the preparation of the D.C. background study. This average will be extended to the historical 15-year period.

#### Analysis/Commentary

- For municipalities experiencing significant growth in recent years, this may reduce the level of service cap, and the correspondingly D.C. recovery. For many other municipalities seeking to save for new facilities, this may reduce their overall recoveries and potentially delay construction.
- This further limits municipalities in their ability to finance growth-related capital expenditures where debt funding was recently issued. Given that municipalities are also legislated to address asset management requirements, their ability to incur further debt may be constrained.

- 5. Capital Costs:** The definition of capital costs may be revised to prescribe services for which land or an interest in land will be restricted. Additionally, costs of studies, including the preparation of the D.C. background study, will no longer be an eligible capital cost for D.C. funding.

#### Analysis/Commentary

- Land
  - Land costs are proposed to be removed from the list of eligible costs for certain services (to be prescribed later). Land represents a significant cost for some municipalities in the purchase of property to provide services to new residents. This is a cost required due to growth and should be funded by new development, if not dedicated by development directly.
- Studies
  - Studies, such as Official Plans and Secondary Plans, are required to establish when, where, and how a municipality will grow. These growth-related studies should remain funded by growth.
  - Master Plans and environmental assessments are required to understand the servicing needs development will place on hard infrastructure such as water, wastewater, stormwater, and roads. These studies are necessary to inform the servicing required to establish the supply of lands for development; without these servicing studies, additional development cannot proceed. This would restrict the supply of serviced land and would be counter to the Province's intent to create additional housing units.



**6. Mandatory Phase-in of a D.C.:** For all D.C. by-laws passed after June 1, 2022, the charge must be phased-in annually over the first five years the by-law is in force, as follows:

- Year 1 – 80% of the maximum charge;
- Year 2 – 85% of the maximum charge;
- Year 3 – 90% of the maximum charge;
- Year 4 – 95% of the maximum charge; and
- Year 5 to expiry – 100% of the maximum charge.

Note: for a D.C. by-law passed on or after June 1, 2022, the phase-in provisions would only apply to D.C.s payable on or after the day subsection 5 (7) of Schedule 3 of the Bill comes into force (i.e., no refunds are required for a D.C. payable between June 1, 2022 and the day the Bill receives Royal Assent). The phased-in charges also apply with respect to the determination of the charges under section 26.2 of the Act (i.e., eligible site plan and zoning by-law amendment applications).

### **Analysis/Commentary**

- Water, wastewater, stormwater, and roads are essential services for creating land supply for new homes. These expenditures are significant and must be made in advance of growth. As a result, the municipality assumes the investment in the infrastructure and then assumes risk that the economy will remain buoyant enough to allow for the recovery of these costs in a timely manner. Otherwise, these growth-related costs will directly impact the existing rate payer.
- The mandatory phase-in will result in municipalities losing approximately 10% to 15% of revenues over the five-year phase-in period. For services such as water, wastewater, stormwater, and to some extent roads, this will result in the municipality having to fund this shortfall from other sources (i.e., taxes and rates). This may result in: 1) the delay of construction of infrastructure that is required to service new homes; and 2) a negative impact on the tax/rate payer who will have to fund these D.C. revenue losses.
- Growth has increased in communities outside the Greater Toronto Area (G.T.A.) (e.g. municipalities in the outer rim), requiring significant investments in water and wastewater treatment services. Currently, there are several municipalities in the process of negotiating with developing landowners to provide these treatment services. For example, there are two municipalities within the outer rim (one is 10 km from the G.T.A. while the other is 50 km from the G.T.A.) imminently about to enter into developer agreements and award tenders for the servicing of the equivalent of 8,000 single detached units (or up to 20,000 high-density units). This proposed change to the D.C.A. alone will stop the creation of those units due to debt capacity issues and the significant financial impact placed on



ratepayers due to the D.C. funding loss. Given our work throughout the Province, it is expected that there will be many municipalities in similar situations.

- Based on 2020 Financial Information Return (F.I.R.) data, there are 214 municipalities with D.C. reserve funds. Of those, 130 provide water and wastewater services and of those, 34 municipalities (or 26%) are carrying negative water and wastewater reserve fund balances. As a result, it appears many municipalities are already carrying significant burdens in investing in water/wastewater infrastructure to create additional development lands. This proposed change will worsen the problem and, in many cases, significantly delay or inhibit the creation of serviced lands in the future.
- Note that it is unclear how the phase-in provisions will affect amendments to existing D.C. by-laws.

**7. D.C. By-law Expiry:** A D.C. by-law would expire ten years after the day it comes into force. This extends the by-law's life from five years, currently. D.C. by-laws that expire prior to subsection 6 (1) of the Bill coming into force would not be allowed to extend the life of the by-law.

#### Analysis/Commentary

- The extension of the life of the D.C. by-law would appear to not have an immediate financial impact on municipalities. Due to the recent increases in actual construction costs experienced by municipalities, however, the index used to adjust the D.C. for inflation is not keeping adequate pace (e.g., the most recent D.C. index has increased at 15% over the past year; however, municipalities are experiencing 40%-60% increases in tender prices). As a result, amending the present by-laws to update cost estimates for planned infrastructure would place municipalities in a better financial position.
- As a result of the above, delaying the updating of current D.C. by-laws for five more years would reduce actual D.C. recoveries and place the municipalities at risk of underfunding growth-related expenditures.

**8. Instalment Payments:** Non-profit housing development has been removed from the instalment payment section of the Act (section 26.1), as these units are now exempt from the payment of a D.C.

#### Analysis/Commentary

- This change is more administrative in nature due to the additional exemption for non-profit housing units.

**9. Rental Housing Discount:** The D.C. payable for rental housing development will be reduced based on the number of bedrooms in each unit as follows:

- Three or more bedrooms – 25% reduction;



- Two bedrooms – 20% reduction; and
- All other bedroom quantities – 15% reduction.

### Analysis/Commentary

- Further discounts to D.C.s will place an additional financial burden on municipalities to fund these reductions.
- The discount for rental housing does not appear to have the same requirements as the affordable and attainable exemptions to enter into an agreement for a specified length of time. This means a developer may build a rental development and convert the development (say to a condominium) in the future hence avoiding the full D.C. payment for its increase in need for service.

**10. Maximum Interest Rate for Instalments and Determination of Charge for Eligible Site Plan and Zoning By-law Amendment Applications:** No maximum interest rate was previously prescribed. Under the proposed changes, the maximum interest rate would be set at the average prime rate plus 1%. How the average prime rate is determined is further defined under section 9 of Schedule 3 of the Bill. This maximum interest rate provision would apply to all instalment payments and eligible site plan and zoning by-law amendment applications occurring after section 9 of Schedule 3 of the Bill comes into force.

### Analysis/Commentary

- Setting the maximum interest rate at 1%+ the average prime rate appears consistent with the current approach for some municipalities but is a potential reduction for others.
- It appears a municipality can select the adjustment date for which the average prime rate would be calculated.
- The proposed change will require municipalities to change their interest rate policies, or amend their by-laws, as well as increase the administrative burden on municipalities.

**11. Requirement to Allocate Funds Received:** Similar to the requirements for community benefits charges, annually, beginning in 2023, municipalities will be required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year for water, wastewater, and services related to a highway. Other services may be prescribed by the regulation.

### Analysis/Commentary

- This proposed change appears largely administrative and would not have a financial impact on municipalities. This can be achieved as a schedule as part of the annual capital budget process or can be included as one of the schedules



with the annual D.C. Treasurer Statement. This, however, will increase the administrative burden on municipalities.

**12. Amendments to Section 44 (Front-ending):** This section has been updated to include the new mandatory exemptions for affordable, attainable, and non-profit housing, along with required affordable residential units under inclusionary zoning by-laws.

**Analysis/Commentary**

- This change is administrative to align with the additional statutory exemptions.

**13. Amendments to Section 60:** Various amendments to this section were required to align the earlier described changes.

**Analysis/Commentary**

- These changes are administrative in nature.



## Attachment 2 - Changes to the *Planning Act*

The following summary of proposed key housing and planning related changes, along with our firm's commentary, is provided below. It is noted that this commentary specifically focuses on the impacts of Bill 23 regarding long-range planning and growth management initiatives at the municipal level.

### 1. Streamlining Municipal Planning Responsibilities

Schedule 9 of the Bill proposes a number of amendments to the *Planning Act*. Subsection 1 (1) of the Act is proposed to be amended to provide for two different classes of upper-tier municipalities; those that have planning responsibilities and those that do not. Changes are proposed to remove the planning policy and approval responsibilities from the following upper-tier municipalities: Regions of Durham, Halton, Niagara, Peel, Waterloo, and York, as well as the County of Simcoe. In addition, the proposed changes could potentially be applied to additional upper-tier municipalities in the future via regulation.

The proposed amendments under Schedule 9 of the Bill introduce numerous questions related to the approach to ensuring effective leadership, management and integration of regional and local land use planning across the affected jurisdictions. In addition to providing a broad vision and planning direction with respect to the long-term management of urban, rural and natural systems, upper-tier municipal planning authorities also play a critical role regarding the coordination, phasing, and delivery of water, wastewater and transportation infrastructure as well as other municipal services. The Provincial Policy Statement, 2020 (P.P.S.) sets out specific responsibilities for upper-tier municipalities, in consultation with lower-tier municipalities, related to planning coordination, housing, economic development, natural environment and municipal infrastructure. Furthermore, the P.P.S. directs upper-tier municipal planning authorities to provide policy direction to lower-tier municipalities on matters that cross municipal boundaries.

While the proposed amendment to the Bill aims to streamline the land use planning process across the affected municipalities, it risks increasing complexity and miscommunication while adding to the technical and administrative efforts of both lower-tier and upper-tier municipalities, as well as the Province.

Furthermore, it would remove critical planning resources and knowledge at the upper-tier level which are required when addressing matters that cross technical disciplines and municipal jurisdictions. This would potentially result in disjointed efforts and outcomes with respect to local planning approvals and regional municipal service delivery.





## 2. Review of the Potential Integration of A Place to Grow and the Provincial Policy Statement (P.P.S.)

The Ministry of Municipal Affairs and Housing is undertaking a housing-focused policy review of A Place to Grow: the Growth Plan for the Greater Golden Horseshoe (G.G.H.), 2019, as amended, hereinafter referred to as the Growth Plan, and the P.P.S. The Province is reviewing the potential integration of the P.P.S. and the Growth Plan into a new Province-wide planning policy framework that is intended to:

- Leverage housing-supportive policies of both policy documents, while removing or streamlining policies that result in duplication, delays or burden the development of housing;
- Ensure key growth management and planning tools are available to increase housing supply and support a range and mix of housing options;
- Continue to protect the environment, cultural heritage, and public health and safety; and
- Ensure that growth is supported with the appropriate amount and type of community infrastructure.

Since the release of the Growth Plan in 2006 under the *Places to Grow Act, 2005*, G.G.H. municipalities have been in a continuous cycle of developing and defending growth management processes and Official Plan updates. Over the past several years, all G.G.H. upper-tier, single-tier, and most lower-tier municipalities have initiated the process of updating their respective Official Plans to bring these documents into conformity with the Growth Plan. Within the G.G.H., this process is referred to as a Municipal Comprehensive Review (M.C.R.). Many of these municipalities have completed their draft M.C.R. analyses and draft Official Plan updates for provincial approval, while several others are approaching completion.

The required technical analysis associated with the growth analysis and urban land needs assessment component of the M.C.R. process is set out in the Provincial Land Needs Assessment (L.N.A.) methodology, which is specific to G.G.H. municipalities.<sup>[1]</sup> The M.C.R. process has required tremendous time and effort on behalf of municipalities, consulting agencies, stakeholder groups and involved residents. The results of these efforts represent a key planning milestone for all G.G.H. municipalities and provide a solid foundation to build on as it relates to future growth management implementation, monitoring and benchmarking.

Ontario municipalities located outside the G.G.H. are also now in the process of updating their respective Official Plans in accordance with the P.P.S. For municipalities in these jurisdictions, this process is referred to as a Comprehensive Review (C.R.). While there are potential benefits regarding the consolidation of the

<sup>[1]</sup> A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Land Needs Assessment Methodology for the Greater Golden Horseshoe. August 2020.





P.P.S. and the Growth Plan, as it relates to the M.C.R. and C.R. process, there are a number of issues that should be considered regarding this effort, particularly as they relate to long-term growth management and urban land needs, discussed below.

### Long-Term Population and Employment Forecasts

Schedule 3 of the Growth Plan establishes minimum long-term population and employment forecasts for upper-tier and single-tier municipalities in the G.G.H. to the year 2051. The Ministry of Finance (M.O.F.) also establishes long-term population forecasts for all Ontario Census Divisions (C.D.s), which typically represent upper-tier municipalities, separated municipalities, and single-tier municipalities. The M.O.F. forecasts are not recognized as official forecasts for planning purposes in Ontario; however, they are updated annually and can be used to inform population forecasts in Official Plans. Under a consolidated Growth Plan and P.P.S., consideration would need to be given to the role and source of growth forecasts established by the Province for all Ontario municipalities.

### Provincial Land Needs Assessment Methodology Guidelines

As previously noted, the L.N.A. methodology for G.G.H. municipalities was updated by the Province in 2020. In accordance with the Growth Plan, the L.N.A. methodology provides a step-by-step approach to conducting growth forecasts and urban land need assessments for upper-tier and single-tier municipalities for both Community Areas (i.e., living areas) and Employment Areas. All other Ontario municipalities rely on the 1995 Provincial Projection Methodology Guidelines (P.P.M.G.) for guidance regarding the technical approach to growth forecasts and urban land need assessments. It is noted that the 1995 P.P.M.G. suggests that a simplified methodology can be used for smaller or low-growth municipalities. It is further noted that the P.P.M.G. is meant to be used as “best practices” and the guidelines are not mandatory. Under a consolidated Growth Plan and P.P.S., consideration is required regarding the application of a standardized L.N.A. methodology for all Ontario municipalities.

### Addressing Urban Land Needs for Urban Settlement Areas

An important term used in the P.P.S. in the context of both urban land needs and housing affordability is the *Regional Market Area (R.M.A.)*. The R.M.A. is defined in the P.P.S. and Growth Plan (with modifications) as follows:

“an area that has a high degree of social and economic interaction. The upper- or single-tier municipality, or planning area, will normally serve as the regional market area. However, where a regional market area extends significantly beyond these boundaries, then the regional market area may be based on the larger market area. Where regional market areas are



very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.”

With respect to urban residential land needs assessments, the broad objective of this policy is to ensure the efficient and wise use of all designated urban lands, both occupied and vacant, within the R.M.A. before expanding Urban Settlement Area boundaries. Across southern Ontario municipalities, a key challenge with the application of this policy is the mismatch of urban residential land needs at the urban settlement area level within the defined R.M.A. geography.

If the R.M.A. definition is interpreted too rigidly, it can constrain urban residential development within Urban Settlement Areas, and more broadly across entire municipalities, where identified urban land surpluses have been determined elsewhere within the R.M.A. Neither the P.P.S. nor the Growth Plan provide adequate direction for addressing residential urban land supply and demand mismatches within the R.M.A. Subsection 2.2.1.6 of the Growth Plan provides policy direction regarding *Excess Lands*, which applies exclusively to Outer Ring G.G.H. municipalities. Under a consolidated Growth Plan and P.P.S., a review of the R.M.A. and Excess Lands policies would be required to determine an appropriate and standardized approach to addressing localized urban residential land needs for Urban Settlement Areas and local municipalities.

#### Residential Intensification Targets and Minimum Density Requirements

Subsection 2.2.7.2 of the Growth Plan provides direction with respect to minimum greenfield density targets for G.G.H. upper-tier and single-tier municipalities. These densities range between 40 and 50 people and jobs per gross hectare (ha). Minimum density requirements are also prescribed in the Growth Plan for Strategic Growth Areas, such as Urban Growth Centres and Major Transit Station Areas (M.T.S.A.s). The P.P.S. does not prescribe minimum density targets for Ontario municipalities but does require municipalities to establish density targets for areas adjacent, or in proximity, to M.T.S.A.s and corridors.

Subsection 2.2.2.1 of the Growth Plan requires upper-tier and single-tier G.G.H. municipalities to establish minimum intensification targets within delineated built-up areas (B.U.A.s). These were established under the Growth Plan, 2006. The delineated B.U.A.s within G.G.H. municipalities have remained unchanged since the Growth Plan was established in 2006. The P.P.S. also requires municipalities to establish residential intensification targets but does not prescribe minimum density targets for Ontario municipalities. Furthermore, the P.P.S. does not require municipalities to delineate built area boundaries in Official Plans; however, some Ontario municipalities outside the G.G.H. have delineated built area boundaries for planning purposes. It is noted that the delineation of built area boundaries may be subject to change or update for municipalities outside the G.G.H., while B.U.A.s within the G.G.H. will remain fixed as of 2006. Under a consolidated Growth Plan



and P.P.S., a standardized approach to minimum density requirements and residential intensification targets would be required for all Ontario municipalities.

### Rural Housing

An identified area of the Growth Plan and P.P.S. review is to provide policy direction to enable more residential development in Rural Areas. Rural Settlement Areas include existing hamlets or similar existing small settlement areas that are established in Official Plans. These communities are typically serviced by individual, private, on-site water and/or private wastewater systems. Rural Settlement Areas provide clusters of business operations that are essential to future economic growth. Infilling and minor rounding out of existing residential and non-residential development within Rural Settlement Areas is important to ensure that these areas remain vibrant, sustainable and complete communities. Under a consolidated Growth Plan and P.P.S., enabling more residential development in Rural Settlement Areas, and Rural Areas more broadly, would need to be considered within the context of the existing provincial and local policy frameworks, the land use hierarchy identified in Official Plans, the provision of servicing, as well as the protection of natural heritage and agricultural lands.

### Employment Area Conversion

An identified area of the Growth Plan and P.P.S. review is to provide policy direction to streamline and simplify the conversion of Employment Areas to new residential and mixed-use development, where appropriate. Employment Areas form a vital component of a municipality's land use structure and represent an integral part of the local economic development potential and competitiveness of municipalities. If not carefully evaluated, the conversion of Employment Areas to non-employment uses can potentially lead to negative impacts on the local economy in several ways. First, Employment Area conversions can reduce employment opportunities, particularly in export-based sectors, creating local imbalances between population and employment. Second, Employment Area conversions can potentially erode employment land supply and lead to further conversion pressure as a result of encroachment of non-employment uses within, or adjacent to, Employment Areas. Finally, Employment Area conversions can potentially fragment existing Employment Areas, undermining their functionality and competitive position. Under a consolidated Growth Plan and P.P.S., policy direction regarding the conversion of Employment Areas should emphasize principles and criteria that examine both the quantity and quality of Employment Areas within the context of the local and regional market attributes, as well as the planned urban function of the subject conversion sites.

## **3. 2031 Municipal Housing Targets**

The Province has identified that an additional 1.5 million new housing units are required to be built over the next decade to meet Ontario's current and forecast



housing needs. Furthermore, the Province has assigned municipal housing targets, identifying the number of new housing units needed by 2031, impacting 29 of Ontario's largest and many of the fastest growing single/lower tier municipalities. Key observations on the Province's plan are as follows:

- The municipal housing targets for 2031 collectively account for 1,229,000 units, representing about 82% of Ontario's overall 1.5 million new homes target.
- Of the 29 municipalities with housing targets identified, 25 are within the G.G.H. and four are located in other areas of southwestern and southeastern Ontario.
- Within the G.G.H. municipalities, the municipal housing targets are generally higher than approved housing forecasts. In non-G.G.H. municipalities, there is generally less discrepancy between the approved housing forecasts and the Province's targets. Having said that, the Municipal Housing Pledges are not intended to replace current municipal Official Plans.
- The municipal housing targets are based on current and future housing needs. A share of the overall housing need is attributed to a structural deficit in existing housing inventories, while a portion of the housing need is linked to anticipated population growth over the next decade.
- The housing targets are adapted from the housing needs assessment provided in the "Ontario's Need for 1.5 Million More Homes" report, prepared by Smart Prosperity Institute, dated August 2022.
- The impacted municipalities are being asked to prepare Municipal Housing Pledges to meet these housing targets. These pledges must include details on how the municipality will enable/support housing development through a range of planning, development approvals and infrastructure related initiatives.
- These housing pledges are not intended to replace current municipal Official Plans and are not expected to impact adopted municipal population or employment projections.
- While the municipal housing targets do not specify housing form, density, or geographic location (e.g., greenfield, intensification), it is anticipated that any needs beyond adopted housing forecasts will largely comprise rental and affordable housing units primarily located within B.U.A.s, and to a lesser extent, designated greenfield areas (D.G.A.s).
- To develop effective local policies and programs to support the achievement of the housing targets, it is recommended that municipalities assess their existing and future housing needs through a local lens, building on the high-level assessment provided by the Province.
- Local housing needs should be considered within a broader growth management framework, reflecting population, labour and employment/economic growth potential, and addressed through a planning, economic, fiscal and housing affordability lens.



#### 4. Potential Changes to Inclusionary Zoning

Inclusionary zoning is a tool that can be used by municipalities to ensure the provision of affordable housing. Ontario Regulation (O. Reg.) 232/18 implements inclusionary zoning in Ontario. The proposed amendments to O. Reg 232/18 would:

- Establish 5% as the upper limit on the number of affordable housing units; the 5% limit would be based on either the number of units or percentage share of gross floor area of the total residential units; and
- Establish a maximum period of twenty-five (25) years over which the affordable housing units would be required to remain affordable.

While the proposed changes provide certainty with respect to affordable housing to be provided under inclusionary zoning, they greatly limit a municipality's ability to tailor the provision for affordable housing to the local market and for development feasibility considerations identified through the required Inclusionary Zoning Assessment Report.



## Attachment 3 - Changes to the *Planning Act* – Parkland Dedication

1. **New Statutory Exemptions:** Affordable residential units, attainable residential units, inclusionary zoning residential units, non-profit housing and additional residential unit developments will be exempt from parkland dedication requirements. For affordable, attainable, and inclusionary zoning residential units, the exemption is proposed to be implemented by:

- discounting the standard parkland dedication requirements (i.e., 5% of land) based on the proportion of development excluding affordable, attainable and inclusionary zoning residential units relative to the total residential units for the development; or
- where the alternative requirement is imposed, the affordable, attainable and inclusionary zoning residential units would be excluded from the calculation.

For non-profit housing and additional residential units, a parkland dedication by-law (i.e., a by-law passed under section 42 of the *Planning Act*) will not apply to these types of development:

- Affordable Rental Unit: as defined under subsection 4.1 (2) of the D.C.A., where rent is no more than 80% of the average market rent as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Affordable Owned Unit: as defined under subsection 4.1 (3) of the D.C.A., where the price of the unit is no more than 80% of the average purchase price as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Attainable Unit: as defined under subsection 4.1 (4) of the D.C.A., excludes affordable units and rental units, will be defined as prescribed development or class of development and sold to a person who is at “arm’s length” from the seller.
- Inclusionary Zoning Units: as described under subsection 4.3 (2) of the D.C.A.
- Non-Profit Housing: as defined under subsection 4.2 (1) of the D.C.A.
- Additional Residential Units, including:
  - A second unit in a detached, semi-detached, or rowhouse if all buildings and ancillary structures cumulatively contain no more than one residential unit;
  - A third unit in a detached, semi-detached, or rowhouse if no buildings or ancillary structures contain any residential units; and
  - One residential unit in a building or structure ancillary to a detached, semi-detached, or rowhouse on a parcel of urban land, if the detached, semi-detached, or rowhouse contains no more than two residential units and no other buildings or ancillary structures contain any residential units.





## Analysis/Commentary

- While reducing municipal requirements for the conveyance of land or P.I.L. of parkland may provide a further margin for builders to create additional affordable housing units, the proposed parkland dedication exemptions will increase the financial burdens on municipalities to fund these exemptions from property tax sources (in the absence of any financial participation by senior levels of government) or erode municipalities' planned level of parks service.
- The definition of "attainable" is unclear, as this has not yet been defined in the regulations to the D.C.A.
- Under the proposed changes to the D.C.A, municipalities will have to enter into agreements to ensure these units remain affordable and attainable over a period of time, which will increase the administrative burden (and costs) on municipalities. An agreement does not appear to be required for affordable/attainable units exempt from parkland dedication. Assuming, however, that most developments required to convey land or provide P.I.L. of parkland would also be required to pay development charges, the units will be covered by the agreements required under the D.C.A. As such, the *Planning Act* changes should provide for P.I.L. requirements if the status of the development changes during the period.
- It is unclear whether the bulletin provided by the Province to determine if a development is affordable will be specific to each municipality or aggregated by County/Region or Province. Due to the disparity in incomes across Ontario, affordability will vary significantly across these jurisdictions. Even within an individual municipality there can be disparity in the average market rents and average market purchase prices.
- While the proposed exemptions for non-profit housing and additional residential units may be easily applied for municipalities imposing the alternative requirement, as these requirements are imposed on a per residential unit basis, it is unclear at this time how a by-law requiring the standard provision of 5% of residential land would be applied.

**2. Determination of Parkland Dedication:** Similar to the rules under the D.C.A., the determination of parkland dedication for a building permit issued within two years of a Site Plan and/or Zoning By-law Amendment approval would be subject to the requirements in the by-law as at the date of planning application submission.

## Analysis/Commentary

- If passed as currently drafted, these changes would not apply to site plan or zoning by-law applications made before subsection 12 (6) of Schedule 9 of the *More Homes Built Faster Act* comes into force.
- For applications made after the in-force date, this would represent a lag in P.I.L. value provided to municipalities, as it would represent the respective land value



up to two years prior vs. current value at building permit issuance. For municipalities having to purchase parkland, this will put additional funding pressure on property tax funding sources to make up the difference, or further erode the municipality's planned level of parks service.

**3. Alternative Parkland Dedication Requirement:** The following amendments are proposed for the imposition of the alternative parkland dedication requirements:

- The alternative requirement of 1 hectare (ha) per 300 dwelling units would be reduced to 1 ha per 600 dwelling units where land is being conveyed. Where the municipality imposes P.I.L. requirements, the amendments would reduce the amount from 1 ha per 500 dwelling units to 1 ha per 1,000 net residential units.
- Proposed amendments clarify that the alternative requirement would only be calculated on the incremental units of development/redevelopment.
- The alternative requirement would be capped at 10% of the land area or land value where the land proposed for development or redevelopment is 5 ha or less; and 15% of the land area or land value where the land proposed for development or redevelopment is greater than 5 ha.

**Analysis/Commentary**

- If passed as currently drafted, the decrease in the alternative requirements for land conveyed and P.I.L. would not apply to building permits issued before subsection 12 (8) of Schedule 9 of the *More Homes Built Faster Act* comes into force.
- Most municipal parkland dedication by-laws only imposed the alternative requirements on incremental development. As such, the proposed amendments for net residential units seek to clarify the matter where parkland dedication by-laws are unclear.
- Section 42 previously imposed the alternative requirement caps of 10% and 15% of land area or value, depending on the respective developable land area, for developments only within designated transit-oriented communities. By repealing subsection 42 (3.2) of the *Planning Act*, these caps would apply to all developable lands under the by-law.
- As illustrated in the figure below, lowering the alternative parkland dedication requirement and imposing caps based on the developable land area will place significant downward pressure on the amount of parkland dedication provided to municipalities, particularly those municipalities with significant amounts of high-density development. For example:
  - Low-density development of 20 units per net ha (uph), with a person per unit (P.P.U.) occupancy of 3.4, would have produced a land conveyance of 0.98 ha per 1,000 population. The proposed change would reduce this to 0.74 ha, approximately 75% of current levels.





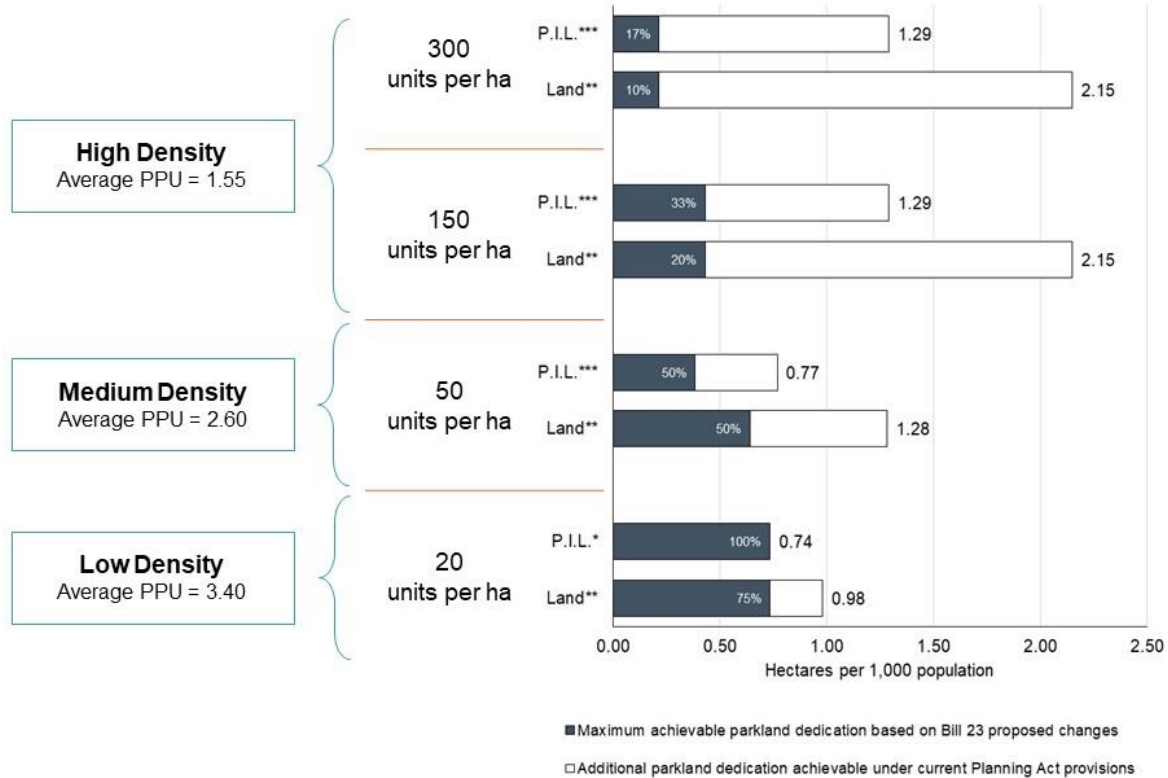
- Medium-density development of 50 uph, with a P.P.U. of 2.6 would produce land conveyance at 50% of current levels (0.64 vs. 1.28 ha/1,000 population).
- Low-rise development of 150 uph, with a P.P.U. of 2.6 would produce land conveyance at 20% of current levels (0.43 vs. 2.15 ha/1,000 population). P.I.L. would be approximately 1/3 of current levels.
- High-rise development of 300 uph, with a P.P.U. of 2.6 would produce land conveyance at 10% of current levels (0.22 vs. 2.15 ha/1,000 population). P.I.L. would be approximately 17% of current levels.<sup>[1]</sup>
- Based on the proposed alternative requirement rates and land area caps, municipalities would be better off:
  - For land conveyance, imposing the alternative requirement for densities greater than 30 units per ha.
    - Sites of 5 ha or less, land conveyance would be capped at 10% of land area at densities greater than 60 units per ha.
    - Sites greater than 5 ha, land conveyance would be capped at 15% of land area at densities greater than 90 units per ha.
  - For P.I.L. of parkland, imposing the alternative requirement for densities greater than 50 units per ha.
    - Sites of 5 ha or less, land conveyance would be capped at 10% of land area at densities greater than 100 units per ha.
    - Sites greater than 5 ha, land conveyance would be capped at 15% of land area at densities greater than 150 units per ha.
  - For densities less than 30 units per ha, imposing the standard requirement of 5% of land area for land conveyance and P.I.L. of parkland.

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<sup>[1]</sup> Low-rise and high-rise developments with sites larger than 5 ha would only be marginally better under the proposed changes, at 30% and 15% of land conveyance and 50% and 25% P.I.L., respectively.



## Maximum Achievable Parkland Dedication (hectares per 1,000 population) Development Sites ≤ 5 hectares



\* Using standard requirement (5% of land area or land value)

\*\* Using alternative requirement of 1 hectare of land per 300 units.

\*\*\* Using alternative P.I.L. requirement of 1 hectare per 500 units.



- 4. Parks Plan:** The preparation of a publicly available parks plan as part of enabling an Official Plan will be required at the time of passing a parkland dedication by-law under section 42 of the *Planning Act*.

#### Analysis/Commentary

- The proposed change will still require municipal Official Plans to contain specific policies dealing with the provision of land for parks or other public recreational purposes where the alternative requirement is used.
- The requirement to prepare and consult on a parks plan prior to passing a by-law under section 42 would now appear to equally apply to a by-law including the standard parkland dedication requirements, as well as the alternative parkland dedication requirements. This will result in an increase in the administrative burden (and cost) for municipalities using the standard parkland dedication requirements.
- Municipalities imposing the alternative requirement in a parkland dedication by-law on September 18, 2020 had their by-law expire on September 18, 2022 as a result of the *COVID-19 Economic Recovery Act* amendments. Many municipalities recently undertook to pass a new parkland dedication by-law, examining their needs for parkland and other recreational assets. Similar transitional provisions for existing parkland dedication by-laws should be provided with sufficient time granted to allow municipalities to prepare and consult on the required parks plan.

- 5. Identification of Lands for Conveyance:** Owners will be allowed to identify lands to meet parkland conveyance requirements, within regulatory criteria. These lands may include encumbered lands and privately owned public space (POPs). Municipalities may enter into agreements with the owners of the land regarding POPs to enforce conditions, and these agreements may be registered on title. The suitability of land for parks and recreational purposes will be appealable to the Ontario Land Tribunal (OLT).

#### Analysis/Commentary

- The proposed changes allow the owner of land to identify encumbered lands for parkland dedication consistent with the provisions available to the Minister of Infrastructure to order such lands within transit-oriented communities. Similar to the expansion of parkland dedication caps, these changes would allow this to occur for all developable lands under the by-law. The proposed changes go further to allow for an interest in land, or POPs.
- The municipality may refuse the land identified for conveyance, providing notice to the owner with such requirements as prescribed. The owner, however, may appeal the decision to the OLT. The hearing would result in the Tribunal determining if the lands identified are in accordance with the criteria prescribed. These “criteria” are unclear, as they have not yet been defined in the regulations.



- Many municipal parkland dedication by-laws do not except encumber lands or POPs as suitable lands for parkland dedication. This is due, in part, to municipalities' inability to control the lands being dedicated or that they are not suitable to meet service levels for parks services. Municipalities that do accept these types of lands for parkland or other recreational purposes have clearly expressed such in their parkland dedication by-laws. The proposed changes would appear to allow the developers of the land, and the Province within prescribed criteria, to determine future parks service levels in municipalities in place of municipal council intent.

**6. Requirement to Allocate Funds Received:** Similar to the requirements for C.B.C.s, and proposed for the D.C.A. under Bill 23, annually beginning in 2023, municipalities will be required to spend or allocate at least 60% of the monies in a reserve fund at the beginning of the year.

### **Analysis/Commentary**

- This proposed change appears largely administrative, increasing the burden on municipalities. This change would not have a fiscal impact and could be achieved as a schedule to annual capital budget. Moreover, as the Province may prescribe annual reporting, similar to the requirements under the D.C.A. and for a C.B.C under the *Planning Act*.



## Attachment 4 - Changes to the *Planning Act* – Community Benefits Charges

**1. New Statutory Exemptions:** Affordable residential units, attainable residential units, and inclusionary zoning residential units will be exempt from the payment of C.B.C.s., with definitions provided as follows:

- Affordable Residential Units (Rented): Where rent is no more than 80% of the average market rent as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Affordable Residential Units (Ownership): Where the price of the unit is no more than 80% of the average purchase price as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
- Attainable Residential Units: Excludes affordable units and rental units; will be defined as prescribed development or class of development and sold to a person who is at “arm’s length” from the seller.
- Inclusionary Zoning Units: Affordable housing units required under inclusionary zoning by-laws.

The exemption is proposed to be implemented by applying a discount to the maximum amount of the C.B.C. that can be imposed (i.e., 4% of land value, as specified in section 37 of the *Planning Act*). For example, if the affordable, attainable, and/or inclusionary zoning residential units represent 25% of the total building floor area, then the maximum C.B.C. that could be imposed on the development would be 3% of total land value (i.e., a reduction of 25% from the maximum C.B.C. of 4% of land value).

### Analysis/Commentary

- While this is an admirable goal to create additional affordable housing units, further C.B.C. exemptions will continue to provide additional financial burdens on municipalities to fund these exemptions without the financial participation of senior levels of government.
- The definition of “attainable” is unclear, as this has not yet been defined in the regulations.
- Under the proposed changes to the D.C.A, municipalities will have to enter into agreements to ensure that affordable units remain affordable for 25 years and that attainable units are attainable at the time they are sold. An agreement does not appear to be required for affordable/attainable residential units exempt from payment of a C.B.C. Assuming, however, that most developments required to pay a C.B.C. would also be paying development charges, the units will be covered by the agreements required under the D.C.A. These agreements should be allowed to include the C.B.C. so that if a municipality needs to enforce the



provisions of an agreement, both development charges and C.B.C.s could be collected accordingly.

- These agreements will increase the administrative burden (and costs) on municipalities. Furthermore, the administration of these agreements will be cumbersome and will need to be monitored by both the upper-tier and lower-tier municipalities.
- It is unclear whether the bulletin provided by the Province will be specific to each municipality, each County/Region, or Province-wide. Due to the disparity in incomes across Ontario, affordability will vary significantly across these jurisdictions. Even within an individual municipality, there can be disparity in the average market rents and average market purchase prices.
- Where municipalities are imposing the C.B.C. on a per dwelling unit basis, they will need to ensure that the total C.B.C. being imposed for all eligible units is not in excess of the incremental development calculation (e.g., as per the example above, not greater than 3% of the total land value).

**2. Limiting the Maximum C.B.C. in Proportion to Incremental Development:** Where development or redevelopment is occurring on a parcel of land with an existing building or structure, the maximum C.B.C. that could be imposed would be calculated based on the incremental development only. For example, if a building is being expanded by 150,000 sq.ft. on a parcel of land with an existing 50,000 sq.ft. building, then the maximum C.B.C. that could be imposed on the development would be 3% of total land value (i.e.,  $150,000 \text{ sq.ft.} / 200,000 \text{ sq.ft.} = 75\% \times 4\%$  maximum prescribed rate = 3% of total land value).

### Analysis/Commentary

- With municipal C.B.C. by-laws imposing the C.B.C. based on the land total land value or testing the C.B.C. payable relative to total land value, there will be a reduction in revenues currently anticipated. At present, some municipal C.B.C. by-laws have provisions excluding existing buildings from the land valuation used to calculate the C.B.C. payable or to test the maximum charge that can be imposed. As such, this proposal largely seeks to clarify the administration of the charge.



## Attachment 5 - Changes to the *Conservation Authorities Act*

### 1. Changes to conservation authority involvement in the development approvals process

- **Programs and services that are prohibited within municipal and other programs and services:**
  - Authorities would no longer be permitted to review and comment on a proposal, application, or other matter made under a prescribed Act (if not related to their mandatory programs and services under O. Reg. 686/21). The Province proposes that a new regulation would prescribe the following Acts in this regard:
    - The *Aggregate Resources Act*
    - The *Condominium Act*
    - The *Drainage Act*
    - The *Endangered Species Act*
    - The *Environmental Assessment Act*
    - The *Environmental Protection Act*
    - The *Niagara Escarpment Planning and Development Act*
    - The *Ontario Heritage Act*
    - The *Ontario Water Resources Act*
    - The *Planning Act*
- **Exemptions to requiring a permit under section 28 of the *Conservation Authorities Act***
  - Where development has been authorized under the *Planning Act* it will be exempt from required permits to authorize the development under section 28 of the *Conservation Authorities Act*. Exemptions to permits would also be granted where prescribed conditions are met.
  - Regulation making authority would be provided to govern the exceptions to section 28 permits, including prescribing municipalities to which the exception applies, and any other conditions or restrictions that must be satisfied.
- **Shortened timeframe for decisions**
  - Applicants may appeal the failure of the authority to issue a permit to the Ontario Land Tribunal within 90 days (shortened from 120 days currently).

### Analysis/Commentary

- These changes would focus an authority's role in plan review and commenting on applications made under the above Acts (including the *Planning Act*) to the risks of natural hazards only, limit the developments in which permits under section 28 of the *Conservation Authorities Act* would be required, and shorten timeframes for issuing permits. Authorities would no longer be able to review applications with respect to the natural heritage impacts.





- With respect to natural heritage review requirements, the Province is proposing to integrate the Provincial Policy Statement, 2020 (P.P.S.) and A Place To Grow: Growth Plan for the Greater Golden Horseshoe into a new Province-wide planning policy instrument. It is proposed that this new instrument could include changes to natural heritage policy direction.
- Recent amendments to the *Conservation Authorities Act* have already been implemented to limit a conservation authority to programs and services within their core mandate unless they have entered into an agreement with a municipal partner. Conservation authorities are able to efficiently provide services, such as natural heritage review required under the P.P.S., to municipalities across their watershed. Removing this ability from conservation authorities may result in municipalities having to find other external sources with the expertise to undertake this review, adding to the cost and timeframes for development approvals and negatively impacting the Province's goal of creating more housing.

## 2. Minister's ability to freeze fees

- The Minister would have the ability to direct an authority to not change the amount of any fee it charges (including for mandatory programs and services) for a specified period of time.

### Analysis/Commentary

- Limiting the ability of conservation authorities to recover the costs of plan review and permitting from benefiting developers and landowners will place additional financial burdens on conservation authorities and municipalities to fund these activities.
- As the goal of the Province is to create more housing, it is suggested that any limitations to conservation authority fees that are implemented should only apply to plan review and permitting fees related to the construction of new homes.





## Presentation to the Standing Committee on Heritage, Infrastructure and Cultural Policy on Bill 23

Gary Scandlan, Managing Partner

November 17, 2022

# Introduction



- At the outset, we would like to thank the Committee for inviting us to speak.
- We are providing a high-level summary PowerPoint presentation along with a detailed letter submission re Bill 23 as it relates to:
  - Development Charges (D.C.s)
  - Planning
  - Parkland Dedication (P.L.D.)
  - Community Benefits Charges (C.B.C.s)
  - Conservation Authorities (cost recovery and input to the planning process).
- This presentation will provide certain highlights for the Committee's consideration.



# Background on Watson & Associates Economists Ltd.

- Watson & Associates Economists Ltd. is a firm of municipal economists, planners and accountants which has been in operation since 1982. With a municipal client base of more than 250 Ontario municipalities and utility commissions, the firm is recognized as a leader in the municipal finance/local government and land economics field.
- Our background is unprecedented including:
  - Having undertaken over one-half of the consulting work completed in Ontario in the D.C. field during the past decade;
  - Provided submissions and undertook discussions with the Province when the *Development Charges Act* (D.C.A.) was first introduced in 1989 and with each subsequent amendment undertaken in 1997, 2015 and 2019 (including being a member of the Provincial Technical Working Group on the 2020 D.C. and C.B.C. regulations;
  - Undertaken numerous studies that focus on growth management, population and employment forecasting, urban land needs, municipal competitiveness, land use planning policy and financial/economic impact analysis;
  - Our work also includes the preparation of asset management plans, P.L.D. reviews, C.B.C.s and conservation authority fees and charges.

# 1. Proposed Changes Which May Restrict/Inhibit the Future Supply of Developable Lands



## Present Situation

- For urban growth to occur, water and wastewater services must be in place before building permits can be issued for housing.
- Most municipalities assume the risk of constructing this infrastructure and wait for development to occur.
- Currently, 26% of municipalities providing water/wastewater services are carrying negative D.C. reserve fund balances for these services and many others are carrying significant growth-related debt.
- Where the total cost of infrastructure is unaffordable, or will cause municipalities to exceed their debt capacity limit, many municipalities enter into front-ending and pre-payment agreements to share the cashflow and risk with developers.

# 1. Proposed Changes Which May Restrict/Inhibit the Future Supply of Developable Lands (Cont'd)



## Bill 23 Impacts

- In addition to the present situation, Bill 23 proposes to:
  - Phase-in any new by-laws over five years which, on average, would reduce D.C. revenues by approximately 10%.
  - Introduce new exemptions which would provide a potential loss of 10-15% of the D.C. funding.
  - Remove funding of water/wastewater master plans and environmental assessments which provide for specific planning and approval of infrastructure.
  - Unclear whether land costs for treatment facilities and/or for the purchase of land for linear infrastructure will continue to be an eligible capital cost.

# 1. Proposed Changes Which May Restrict/Inhibit the Future Supply of Developable Lands (Cont'd)



## Bill 23 Impacts (Cont'd)

- Make changes to the *Planning Act* that would minimize upper-tier planning in two-tier systems where the upper-tier municipality provides water/ wastewater servicing. This disjointing between planning approvals and timing/location of infrastructure construction may result in inefficient servicing, further limiting the supply of serviced land.
- ***The loss in funding noted above must then be passed on to existing rate payers. This comes at a time when municipalities must implement asset management plans under the Infrastructure for Jobs and Prosperity Act to maintain existing infrastructure. Significant annual rate increases may then limit funding to the capital budget and hence delay servicing of additional developable lands for housing.***
- ***Note that Stormwater and Roads are needed at a similar time to support the creation of developable lands.***





## 2. Proposed Changes which will Impact the Provision of Municipal Housing

- The removal of housing service as an eligible service will reduce municipalities' participation in creating assisted/affordable housing units.
- Based on present and in-place D.C. by-laws, over \$2.2 billion in net growth-related expenditures providing for over 47,000 units (or 3.1% of the Province's 1.5 million housing target) would be impacted by this change.
- Note that several municipalities who are not collecting for the housing service are considering this service for their updated background studies



## 2. Proposed Changes which will Impact the Provision of Municipal Housing (Cont'd)

**Housing Services For Region and Single Tier Municipalities**

Municipality	Year of Bylaw	DC for Single Detached Unit - As per By-law Adoption (\$)	Net DC Recoverable Amount Included - As per DC Background Study (\$millions)	Net DC Recoverable - Indexed to 2022 (\$millions)	Number of New Housing Units
Barrie	2019	626	10.3	13.3	539
Brantford	2021	6,665	37.2	42.6	476
Durham	2018	387	31.2	41.7	416
Guelph	2019	-	-	-	-
Halton	2021	986	50.1	57.3	400
Hamilton	2019	648	18.8	25.1	423
London	2019	-	-	-	-
Niagara	2022	2,039	60.0	60.0	372
Ottawa	2019	179	11.6	14.9	1,190
Peel	2019	3,265	200.5	258.1	521
Simcoe	2022	3,153	67.6	67.6	263
Toronto*	2022	8,603	1,477.0	1,477.0	40,000
Waterloo	2019	-	-	-	-
Windsor	2020	-	-	-	-
York	2022	1,608	181.2	181.2	2,569
<b>Totals</b>				<b>2,239</b>	<b>47,200</b>

\*Total number of units - the net DC amount is after BTE





### 3. Proposed Changes – Affordable Housing vs. Housing Affordability

There are numerous changes which would reduce municipal revenue recovery and shift the financial burden from development to the existing taxpayer and ratepayer, as follows:

- Added exemptions for affordable rental/owned residential units, attainable residential units, inclusionary zoning residential units, non-profit housing and additional units in existing homes provide a loss of funding for all D.C. services as well as C.B.C.s and P.L.D. services.
- D.C. phase-in, loss of study and land costs for new infrastructure, municipal housing as an ineligible D.C. service, loss of C.B.C. revenue and parkland contributions reduced by 50% or more (with 10-15% caps) for higher-density developments.
- Minister freeze on conservation authority fees: lowers funding for the authority which increases costs passed on to existing taxpayers for funding.



### 3. Proposed Changes – Affordable Housing vs. Housing Affordability (Cont'd)

- While the goal of these proposed changes is to reduce the upfront cost to a new home purchaser, the funding for this will come from the existing taxpayer, i.e., existing residents and businesses subsidizing new home purchasers, hence increasing housing affordability concerns.
- Over the past 40 years, our firm has undertaken numerous fiscal impact studies of residential development – as a whole, the new taxes and fees generated by residential growth do not equal the new operating cost required to support these developments.
- Based on past changes to the D.C.A., historical reductions have not resulted in a decrease in the price of housing; hence, it is difficult to relate the loss of needed infrastructure funding to affordable housing.

## 4. Considerations for the Standing Committee



- From the proposed legislation, phase-in charges and exemptions for services essential to creating developable land supply (water, wastewater, stormwater and roads) should be removed...or funded by grants from senior levels of government.
- Reductions in parkland contributions, caps for high-density development and developer ability to provide encumbered lands/POPS should be removed from P.L.D. legislation to continue to allow municipalities to determine appropriate levels of service for parks.
- Alternatively, to minimize the overall impact on the taxpayer and ratepayer, provide access to other revenue sources (e.g., HST, land transfer tax) to fund all D.C./P.L.D./C.B.C. revenue losses.
- Municipal housing should continue as an eligible D.C. service.



Thank you.

Questions

## Memorandum

### Sub-Item 16

**To: Mayor & Council**

**Cc: Senior Leadership Team**

**From: Brian York, Director of Economic Development and Government Relations  
Melissa Wenzler, Government Relations Advisor**

**Date: November 14, 2022**

**Subject: Provincial and Federal Fall 2022 Economic Statements**

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#### **Provincial Update**

Today, Minister of Finance Peter Bethlenfalvy released the 2022 Ontario Economic Outlook and Fiscal Review – Ontario's Plan to Build: A Progress Update. It includes the government's progress report on its plan to build Ontario, as well as new targeted measures to build the economy, address the province's labour shortage and help families and businesses keep costs down.

#### **Highlights of targeted measures that advance the government's plan include:**

- Launching a voluntary clean energy credit registry to boost competitiveness, attract jobs and provide businesses with more choice in how they pursue their environmental and sustainability goals, as enabled by proposed legislation.
- Providing Ontario's small businesses with \$185 million in income tax relief over the next three years, benefiting about 5,500 small businesses through the proposed extension of the phase-out of the small business tax rate.
- Automatically matching property tax reductions for small businesses within all municipalities that adopt the small business property subclass.
- Making changes that would allow a person with a disability on the Ontario Disability Support Program (ODSP) to keep more of the money they earn by increasing the monthly earnings exemption from \$200 to \$1,000 per month. This would allow the approximately 25,000 individuals currently in the workforce to keep more of their earnings and could encourage as many as 25,000 more to participate in the workforce.
- Planning to adjust the maximum monthly amount for the Assistance for Children with Severe Disabilities program annually to inflation, beginning in July 2023.
- Helping to manage rising costs for low-income people with disabilities by planning to adjust core allowances under the ODSP to inflation annually, beginning in July 2023.

- Investing an additional \$40 million in 2022–23, for a total of \$145 million for the latest round of funding in the Skills Development Fund, which has already helped over 393,000 people take the next step in their careers in in-demand industries.
- Investing an additional \$4.8 million over two years, beginning in 2023–24, to expand the Dual Credit program, encouraging more secondary school students to enter a career in the skilled trades or in early childhood education.
- Proposing to extend the cuts to the gas tax and fuel tax rates so that the rate of tax on gasoline and fuel (diesel) would remain at 9 cents per litre until December 31, 2023.
- Helping to manage costs for about 200,000 of Ontario's lowest-income seniors by proposing to double the Guaranteed Annual Income System payment for all recipients for 12 months starting January 2023, a maximum increase of almost \$1,000 per person in 2023.
- Proposing to expand eligible expenditures for the Ontario Production Services Tax Credit to include location fees to help attract domestic and foreign film and television production to the province and incentivize more on-location filming in communities across Ontario.

#### **Highlights of the government's Building Ontario Progress Report:**

- Attracted \$16 billion in transformative automotive investments in Ontario by global automakers and suppliers of electric vehicle batteries and battery materials over the last two years.
- Attracted \$2.5 billion in investments over the past year that will support transformation in the steel sector and help make the province a world-leading producer of low-carbon steel.
- Supporting an estimated \$8.7 billion in cost savings and support for Ontario businesses in 2022, with \$4.0 billion going to small businesses, through actions such as lowering payroll costs and providing electricity price relief.
- Unleashing the economic potential of critical minerals, including those in the Ring of Fire, with Ontario's first-ever Critical Minerals Strategy and a commitment of close to \$1 billion to support critical legacy infrastructure such as all-season roads to the Ring of Fire.
- Continuing to support the skilled trades, with Ontario seeing over 71,700 new registrations in apprenticeship programs, more than 25,000 Certificates of Apprenticeship and 5,600 Certificates of Qualification between 2018 and 2020.
- Adding over 11,700 health care workers, including nurses and personal support workers, since 2020; as well as over 800 internationally educated nurses who have become licensed nurses in Ontario through government-funded programming.
- Approximately \$25.1 billion in highway expansion and rehabilitation over the next 10 years to connect communities, fight gridlock and keep goods and people moving across the province, including building Highway 413 and the Bradford Bypass, and expanding Highway 401.

The government is now projecting a \$12.9 billion deficit in 2022–23, nearly \$7 billion lower than the outlook published in the *2022 Budget*. Over the medium term, the government projects declining deficits of \$8.1 billion in 2023–24 and \$0.7 billion in 2024–25. Including 2022–23, this represents a cumulative improvement of \$18.1 billion in the deficit outlook and a cumulative \$26.1 billion reduction in borrowing needs compared to the *2022 Budget*.

To read the full document, please see: [2022 Fall Statement | Table of Contents \(ontario.ca\)](#)

### **Federal Update**

Earlier this month, the federal government also released its Fall Economic Statement.

Key announcements include federal student and apprenticeship loan interest forgiveness, a doubling of the GST rebate, and new housing measures related to market speculation and retrofits to help aging, or disabled, Canadians in multigenerational households. The government also took an interest in a key pocketbook issue, pledging to help Canadians and small businesses tackle rising credit card fees.

One of the headlining measures was a new share buyback tax that will take effect in fiscal year 2023-24. The tax is expected to generate \$2.1 billion in new revenue over five years. A key policy announcement was the Canada Growth Fund with a focus on productivity, technological development, and capital investment. The Fund was initially announced in Budget 2022, but the FES offers more details: an arms-length governance structure, a clear focus on natural resources and supply chains, and a target date for its launch.

To read the full document, please see: [Fall Economic Statement 2022 \(budget.gc.ca\)](#)

Staff will continue to review the updates and supporting documents on a more granular level in the coming days.

## Memorandum

## Sub-Item 17

**To: Mayor & Council**

**Cc: Senior Leadership Team**

**From: Brian York, Director of Economic Development & Government Relations  
Melissa Wenzler, GR Advisor**

**Date: November 16<sup>th</sup>, 2022**

**Subject: Provincial Legislation: *Better Municipal Governance Act, 2022***

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Today, the provincial government introduced the *Better Municipal Governance Act, 2022*. The proposed legislation would allow the Minister of Municipal Affairs and Housing to appoint the Regional Chairs of Niagara, Peel and York regions for the current term of council. If these proposals are passed, the Minister intends to re-appoint the existing regional chairs – Jim Bradley in Niagara, Nando Iannicca in Peel, and Wayne Emerson in York.

The province will appoint facilitators to assess the regional governments in Durham, Halton, Niagara, Peel, Waterloo and York. These facilitators will work with local governments to evaluate the best mix of roles and responsibilities between upper and lower-tier municipalities to deliver on the government's commitment to tackle the housing supply crisis.

The legislation also gives additional tools to the Mayors of Toronto and Ottawa to propose certain municipal by-laws related to provincial priorities and enable council to pass these by-laws if more than one-third of council members vote in favour. Provincial priorities include building more homes, which could, for example, involve expanding the footprint of transit-oriented communities.

To read the full news release and review previous releases related to the province's housing action plan, please visit the following link: [Ontario Taking Next Steps to Expand Strong Mayor Powers and Tackle the Housing Supply Crisis | Ontario Newsroom](#)

Please note that this bill has just passed first reading and has yet to receive Royal Assent. Staff will continue to monitor and examine the bill further to assess the affects it will have on the City of St. Catharines and the Niagara Region.



## Memorandum

## Sub-Item 18

**To:** Mayor and Council

**Cc:** Senior Leadership Team; Kristen Sullivan, City Clerk; Donna Delvecchio, Deputy City Clerk

**From:** Evan McGinty, Deputy City Clerk

**Date:** November 17, 2022

**Subject:** Report Requests and the Outstanding Reports List

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The Outstanding Reports List (ORL) is a list of reports requested by Council, which may or may not be related to an item that is already part of staff's regular work or on staff's annual work plan. The ORL does not include staff-initiated reports to Council which may be to meet legislated requirements for reporting, to create or change service levels, to set priorities, to receive direction (e.g. policy approval) or to receive authorization from Council.

Staff's work emanates from a variety of sources, including the Strategic Plan, City master plan documents, operating and capital budgets, legislative requirements, operating and service standards and work plans. Report writing for items requested by City Council is done in addition to the legislated and strategic plan work also being completed by staff.

At the end of the 2018 to 2022 Term of Council, the Outstanding Reports List included 26 requests for reports. Addressing this backlog would require significant staff resources and time. Per Council's procedure by-law, with the start of the new term of Council, all reports remaining on the ORL are withdrawn. Reports that relate to staff's workplan or other strategic initiatives will still come forward without being on the ORL, for example, a report on improving accessibility of the Carousel to make it more inclusive and a follow-up report on beach operations in 2022.

Any other previous report requests which Council would like to remain on the ORL can be brought forward to this term of Council for consideration following the standard report request process.



City Council Outstanding Reports List

Sub-Item 19

Reports by Strategic Pillar  
Cultural 0 Economic 0  
Environmental 0 Social 0  
Reports Related to Strategic Plan 0  
Reports Unrelated to Strategic Plan 0

Updated: November 22, 2022

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
	2022-01	16-Nov-22	McPherson	That staff prepare a report that outlines the options of a Deputy Mayor schedule to a two and four year appointment.	LCS	2022	
	2022-02	16-Nov-22	Harris	That staff prepare a report that outlines options to restructure the committee system.	LCS	2022	



## Corporate Report City Council

**Report from:** Financial Management Services

**Report Date:** November 3, 2022

**Meeting Date:** November 28, 2022

**Report Number:** FMS-188-2022

**File:** 10.57.25

**Subject:** Audit Planning Report for the Year Ended December 31, 2022

### Strategic Pillar:

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



## Recommendation

That Council receive report FMS-188-2022, regarding the Audit Planning Report for the year ended December 31, 2022, for information.

## Summary

All municipalities are required to complete an annual audit of their financial statements and have them approved by their Audit Committee and / or Municipal Council. The Audit Planning Report, attached as Appendix 1, summarizes KPMG's approach for the December 31, 2022 year-end audit.

## Relationship to Strategic Plan

Reporting annual financial statements is a statutory requirement as mandated by *Section 294.1 of the Municipal Act, 2001*. Providing the Audit Planning Report ensures the City is following the guiding principle of demonstrating accountability and transparency.

## Background

*Section 294.1 of the Municipal Act, 2001* requires all municipalities to prepare annual financial statements in accordance with the generally accepted accounting principles as recommended by the *Canadian Public Sector Accounting Board*. *Section 296(1) of the Municipal Act, 2001* requires that the municipality also appoint an auditor licensed under the *Public Accounting Act, 2004* to audit the accounts and transactions of the

municipality and its local boards and express an opinion on the financial statements based on the audit.

The primary purpose of an audit is for an independent auditor (“Auditors”) to form an opinion on whether the City’s annual financial statements are prepared in accordance with Canadian Public Sector Accounting Standards and are presented fairly without material misstatements.

For the December 31, 2022 year-end, KPMG will be performing the independent audit of the City’s annual financial statements and it is the last year under KPMG’s contract. KPMG will be completing most of their testing during the months of March and April with the goal of providing their audit findings report in summer of 2023.

The audit will be performed on the financial statements of the following:

- The Corporation of the City of St. Catharines (Consolidated)
- St. Catharines Hydro Inc.
- St. Catharines Hydro Generation Inc.
- St. Catharines Transit Commission
- St. Catharines Public Library
- St. Catharines Downtown Association
- FirstOntario St. Catharines Performing Arts Centre Board

## **Report**

The purposes of this report:

1. To inform Council on the plan for the 2022 year-end audit.

## **Financial Implications**

There are no financial implications associated with this report as it is historical in nature.

## **Environmental Sustainability Implications**

While there are no direct environmental implications associated with this report, Appendix E of the Audit Planning Report addresses the importance of Environmental, Social and Governance (ESG) strategy and also notes KPMG’s global strategy.

### **Prepared by**

Alex Berkhout

Accounting Supervisor, Financial Management Services

### **Submitted by**

Adam Smith

Associate Director, Financial Management Services / Deputy City Treasurer

### **Approved by**

Kristine Douglas

Chief Financial Officer / Director, Financial Management Services / City Treasurer

## **Appendices**

1. KPMG Audit Planning Report for the year ended December 31, 2022



# The Corporation of the City of St. Catharines

**Audit Planning Report  
for the year ended  
December 31, 2022**

*KPMG LLP*

Prepared October 24, 2022

[Kpmg.ca/audit](https://kpmg.ca/audit)



# KPMG contacts

Key contacts in connection with this engagement and additional municipal thought leadership are:



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## Digital use information

This Audit Planning Report is also available as a “hyper-linked” PDF document.

If you are reading in electronic form (e.g. In “Adobe Reader” or “Board Books”), clicking on the home symbol on the top right corner will bring you back to this page.



Click on any item in the table of contents to navigate to that section.

4	Audit quality	5	KPMG Clara	6	Audit Plan
9	Group Audit plan-Scoping	10	Audit risks	14	Key milestones and deliverables
15	Independence	16	Appendices		

This report to the Audit Committee is intended solely for the information and use of management, the Audit Committee, and the board of directors and should not be used for any other purpose or any other party. KPMG shall have no responsibility or liability for loss or damages or claims, if any, to or by any third party as this report to the Audit Committee has not been prepared for, and is not intended for, and should not be used by, any third party or for any other purpose.







# Audit Quality: How do we deliver audit quality?

**Quality** essentially means doing the right thing and remains our highest priority. Our **Global Quality Framework** outlines how we deliver quality and how every partner and staff member contribute to its delivery.

**'Perform quality engagements'** sits at the core along with our commitment to continually monitor and remediate to fulfil on our quality drivers.

Our **quality value drivers** are the cornerstones to our approach underpinned by the **supporting drivers** and give clear direction to encourage the right behaviours in delivering audit quality.

We define **'audit quality'** as being the outcome when:

- audits are **executed consistently**, in line with the requirements and intent of **applicable professional standards** within a strong **system of quality controls**; and
- all of our related activities are undertaken in an environment of the utmost level of **objectivity, independence, ethics** and **integrity**.



**Doing the right thing. Always.**

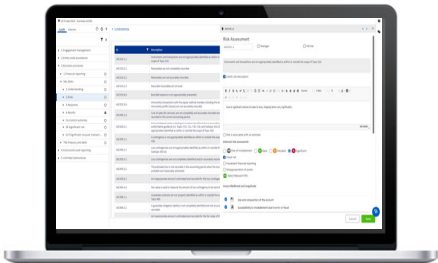




# Our audit platform - KPMG Clara

Building upon our sound audit quality foundations, we are making significant investments to drive consistency and quality across our global audit practices. We've committed to an ongoing investment in innovative technologies and tools for engagement teams, such as KPMG Clara, our smart audit platform.

## KPMG Clara workflow



### Globally consistent execution

A modern, intuitively written, highly applicable audit methodology that allows us to deliver globally consistent engagements.

[Learn more](#)

## KPMG Clara for clients



### Real-time collaboration and transparency

Allows the client team to see the real-time status of the engagement and who from our KPMG team is leading on a deliverable.

[Learn more](#)

## KPMG Clara analytics



### Insights-driven efficient operations

Using the latest technologies to analyze data, KPMG Clara allows us to visualise the flow of transactions through the system, identify risks in your financial data and perform more specific audit procedures.

[Learn more](#)

## Advanced Technologies

To ensure quick and efficient access to data, we use one of our available data extractions tools such as **DataShare**. DataShare is a data extraction tool that enables easy and reliable data extraction from compatible accounting systems to support our audit work by fully automating the extraction process.

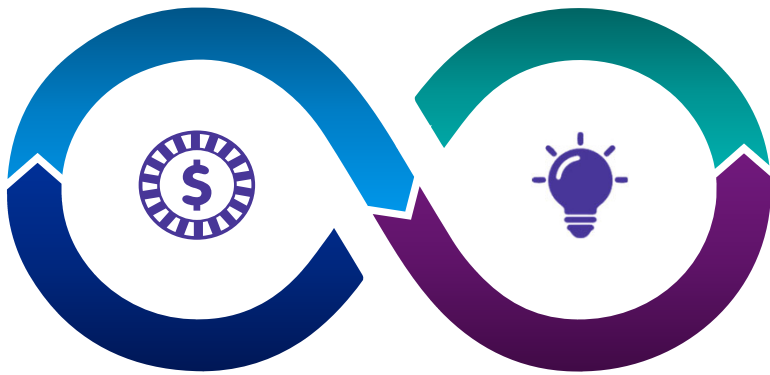


[Click to learn more](#)





# Audit Plan- Materiality



We **initially determine materiality** at a level at which we consider that misstatements could reasonably be expected to influence the economic decisions of users. Determining materiality is a matter of **professional judgement**, considering both quantitative and qualitative factors, and is affected by our perception of the common financial information needs of users of the financial statements as a group. We do not consider the possible effect of misstatements on specific individual users, whose needs may vary widely.

We **reassess materiality** throughout the audit and revise materiality if we become aware of information that would have caused us to determine a different materiality level initially.

## Plan and perform the audit

We **initially determine materiality** to provide a basis for:

- Determining the nature, timing and extent of risk assessment procedures;
- Identifying and assessing the risks of material misstatement; and
- Determining the nature, timing, and extent of further audit procedures.

We design our procedures to detect misstatements at a level less than materiality in individual accounts and disclosures, to reduce to an appropriately low level the probability that the aggregate of uncorrected and undetected misstatements exceeds materiality for the financial statements as a whole.

## Evaluate the effect of misstatements

We also use materiality to evaluate the effect of:

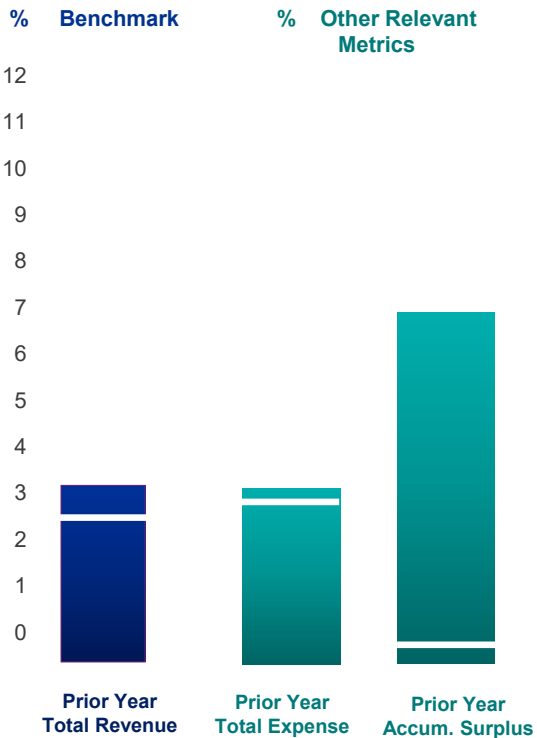
- Identified misstatements on our audit; and
- Uncorrected misstatements, if any, on the financial statements and in forming our opinion.



# Audit Plan- Materiality

**Group Materiality**  
\$6.5 million  
(2021: \$5.9 million)

Current year



## Prior Year Total Revenue

\$256,327,00

This benchmark is consistent with the prior year.

## Prior Year Total Expense

\$212,075,000

This benchmark is consistent with the prior year.

## Prior Year Accumulated Surplus

\$836,676,000

This benchmark is consistent with the prior year.





# Audit Plan- Updates to our prior year audit plan

## New significant risks



### New significant risks



No new significant risks have been identified in the current year.

## Other significant changes



### Other significant changes



**Government Assistance** - Consistent with our approach from the prior year, we will substantively test material amounts of COVID-related funding provided from other levels of government, if applicable.  
**Going Concern** - Based on the nature of the City we have not identified going concern as a risk area for the audit.



### Newly effective auditing standards



- CAS 315 (Revised) *Identifying and Assessing the Risks of Material Misstatement*. See Appendix D.



### Newly effective accounting standards



- No newly effective accounting standards for fiscal 2022. See Appendix C for current developments specifically the new ARO standard effective for the City in 2023.

MYO



# Group audit Plan – Scoping : Significant Components

**Nature of the planned involvement in the work of component auditors (all of which are audited by KPMG) of significant components:**

Individually financially significant components	Materiality
The Corporation of the City of St. Catharines (“The City”) - Statutory audit of component financial information for consolidation	\$5,500,000
St. Catharines Hydro Inc. (“Hydro”) - Statutory audit of component financial statements	\$2,200,000
St. Catharines Hydro Generation Inc. (“Hydro”) - Statutory audit of component financial statements	\$1,075,000
St. Catharines Transit Commission (“Transit”) - Statutory audit of component financial statements	\$1,575,000
St. Catharines Public Library (“The Library”) - Statutory audit of component financial statements	\$575,000
St. Catharines Downtown Association BIA - Statutory audit of component financial statements	\$375,000
FirstOntario St. Catharines Performing Arts Centre Board - Statutory audit of component financial statements	\$1,075,000





# Audit Risks- Significant risks



## Presumption of risk of fraud involving improper revenue recognition

RISK OF  
   
 ERROR FRAUD

### Estimate?

No

### Significant risk

Under Canadian Auditing Standards (CAS) there are presumed fraud risks for revenue recognition. This is a presumed risk of material misstatement due to fraud. We have not identified any risk of material misstatement resulting from fraudulent revenue recognition.

### New or changed?

No

### Relevant inherent risk factors affecting our risk assessment

Our audit methodology incorporates the required procedures in professional standards to address the risk.

### Our audit approach

Fraud risk from revenue recognition is rebutted for financial statement purposes. The majority of revenue is driven directly from levying of taxation dollars and user charges with little judgement over timing of revenue recognition

While we will not design procedures to address a fraud risk, nevertheless revenues represent a significant account in your financial statements. Our approach will consist of performing substantive procedures over revenue as well as incorporating an element within journal entry testing specifically designed to identify any unusual entries with respect to revenue.





# Audit Risks- Significant risks (continued)



## Presumption of the risk of fraud resulting from management override of controls

RISK OF  
   
 ERROR FRAUD

### Estimate?

No

### Significant risk

Under Canadian Auditing Standards (CAS) there are presumed fraud risks for management override of controls.

Management is in a unique position to perpetrate fraud because of its ability to manipulate accounting records and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively. Although the level of risk of management override of controls will vary from entity to entity, the risk nevertheless is present in all entities

### New or changed?

No

### Relevant inherent risk factors affecting our risk assessment

Our audit methodology incorporates the required procedures in professional standards to address the risk

### Our audit approach

As this presumed risk of material misstatement due to fraud is not rebuttable, our audit methodology incorporates the required procedures in professional standards to address this risk. These procedures include:

- Evaluating the design and implementation of relevant controls around the recording of journal entries including those over revenue
- Utilizing KPMG application software (IDEA) to evaluate the completeness of the journal entry populations through a roll-forward of 100% of the accounts
- Utilizing computer-assisted audit techniques (CAATs) to analyze journal entries and apply certain criteria to identify potential high risk journal entries for further testing
- Performing a retrospective review of estimates and evaluating the business rationale of significant unusual transactions.

### Technologies

Our **KPMG Clara Journal Entry Analysis Tool** assists in the performance of detailed journal entry testing based on engagement-specific risk identification and circumstances. Our tool provides auto-generated journal entry population statistics and focusses our audit effort on journal entries that are riskier in nature.







# Audit Risks- Other areas of focus

Areas	Risk due to error	Audit approach
<b>Government grants, users charges and fees and related deferrals (including obligatory)</b>	Risk of material misstatement related to the completeness, existence and accuracy of grant and obligatory deferred revenue	<ul style="list-style-type: none"> <li>- We will perform substantive procedures over government grants and development charges to address the relevant assertions and ensure appropriate deferral at December 31, 2022</li> <li>-</li> </ul>
<b>Tangible capital assets</b>	Risk of material misstatements related to the classification, completeness and accuracy of tangible capital assets	<ul style="list-style-type: none"> <li>- We will perform substantive procedures to address the relevant assertions including testing of significant additions and disposals and assessing the status of any capital projects identified as work-in-process.</li> <li>- We will perform procedures over the fair value of contributed assets and recognition as revenue</li> <li>- We will agree fair value estimates of contributed tangible capital assets to supporting third party documentation or estimated by the City.</li> </ul>
<b>Post-employment benefit liability</b>	Risk of material misstatement related to the completeness and accuracy of the liability and related expenses.	<ul style="list-style-type: none"> <li>- We will perform substantive procedures to address the relevant assertions including a review of the actuarial valuation and applicable assumptions and assessing the use of management's expert as audit evidence.</li> <li>- We will ensure appropriate disclosures are made within the City's financial statements.</li> <li>- Communicate with actuaries and test HR data provided to the actuaries, if applicable.</li> </ul>

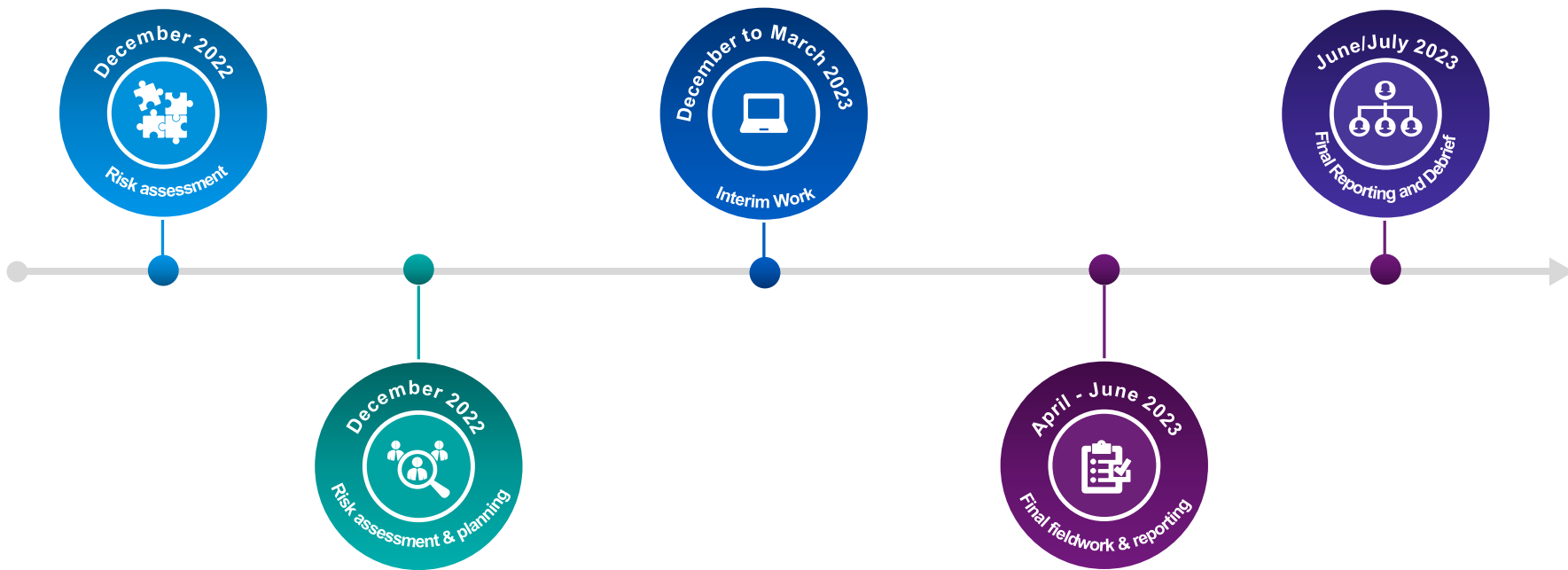


# Audit Risks- Other areas of focus

Areas	Risk due to error	Audit approach
<b>Contaminated sites liability and post closure solid waste landfills</b>	Risk of material misstatement related to the completeness and accuracy of the liability and related expenses	<ul style="list-style-type: none"> <li>- We will perform substantive procedures to address the relevant assertions including a review of the methodology, assumptions and actual monitoring costs incurred during the year.</li> <li>- We will ensure appropriate disclosures are made within the City's financial statements.</li> </ul>
<b>Operating expenditures including payroll</b>	Risk of material misstatement related to the completeness and accuracy of the liability and related expenditures	<ul style="list-style-type: none"> <li>- We will perform substantive procedures to address the relevant assertions including the use of Data &amp; Analytical procedures.</li> </ul>
<b>Investment in St. Catharines Hydro Inc.</b>	Significant given the size of and nature of the investment held	<ul style="list-style-type: none"> <li>- As required by the Ontario Energy Board, an audit is completed over St. Catharines Hydro Inc. ("Hydro"), for which Carlos Alvarez is also the Lead Audit Engagement Partner. We complete an audit of Hydro as well as St. Catharines Hydro Generation Inc.. For purposes of the City's audit, we rely on the audit performed at the component level for reporting in the City's financial statements.</li> <li>- We maintain regular contact with the Hydro engagement team</li> <li>- We will ensure appropriate disclosures are made within the City's financial statements</li> </ul>



# Key milestones and deliverables





# Independence: Proposed Services



We will provide management and the City with a new engagement letter for signing which includes all services and related fees as well as impacts of the new auditing standard CAS 315.

To the extent any new services are requested of us, all new services will require new engagement letters and go through appropriate approvals and independence checks. We remain independent of the City and its components throughout the period under audit.





# Appendices



Engagement letter



Current developments



ESG Insights



Other required communications



New audit standard - CAS 315



Audit and Assurance Insights



# Appendix A: Engagement letter

Annual engagement letter will be provided to and be accessed by management.





# Appendix B: Other required communications



## CPAB communication protocol

The reports available through the following links were published by the Canadian Public Accountability Board to inform Audit Committees and other stakeholders about the results of quality inspections conducted over the past year:

- [CPAB Audit Quality Insights Report: 2021 Annual Inspections Results](#)
- [CPAB Audit Quality Insights Report: 2020 Annual Audit Quality Assessments](#)



# Appendix C: Current Development

Standard	Summary and implications
<b>Asset Retirement Obligations</b>	<ul style="list-style-type: none"> <li>The new standard is effective for fiscal years beginning on or after April 1, 2022 (the City's 2023 year end).</li> <li>The new standard addresses the recognition, measurement, presentation and disclosure of legal obligations associated with retirement of tangible capital assets in productive use. Retirement costs will be recognized as an integral cost of owning and operating tangible capital assets. PSAB currently contains no specific guidance in this area.</li> <li>The ARO standard will require the public sector entity to record a liability related to future costs of any legal obligations to be incurred upon retirement of any controlled tangible capital assets ("TCA"). The amount of the initial liability will be added to the historical cost of the asset and amortized over its useful life.</li> <li>As a result of the new standard, the public sector entity will have to:</li> <li>Consider how the additional liability will impact net debt, as a new liability will be recognized with no corresponding increase in a financial asset;</li> <li>Carefully review legal agreements, senior government directives and legislation in relation to all controlled TCA to determine if any legal obligations exist with respect to asset retirements;</li> <li>Begin considering the potential effects on the organization as soon as possible to coordinate with resources outside the finance department to identify AROs and obtain information to estimate the value of potential AROs to avoid unexpected issues.</li> <li>We have <b>three</b> options in providing varying levels of support to clients led by <b>Bailey Church</b> who leads our ARO standard implementation services in the municipal space.</li> </ul>
<b>Revenue</b>	<ul style="list-style-type: none"> <li>The new standard is effective for fiscal years beginning on or after April 1, 2023 (the City's 2024 year end). The effective date was deferred by one year due to COVID-19.</li> <li>The new standard establishes a single framework to categorize revenues to enhance the consistency of revenue recognition and its measurement. The standard notes that in the case of revenues arising from an exchange transaction, a public sector entity must ensure the recognition of revenue aligns with the satisfaction of related performance obligations.</li> <li>The standard notes that unilateral revenues arise when no performance obligations are present, and recognition occurs when there is authority to record the revenue and an event has happened that gives the public sector entity the right to the revenue.</li> </ul>

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# Appendix C: Current Development (Continued)

Standard	Summary and implications
<b>Financial Instruments and Foreign Currency Translation</b>	<ul style="list-style-type: none"> <li>The accounting standards, PS3450 <i>Financial Instruments</i>, PS2601 <i>Foreign Currency Translation</i>, PS1201 <i>Financial Statement Presentation</i> and PS3041 <i>Portfolio Investments</i> are effective for fiscal years commencing on or after April 1, 2022 (the City's 2023 year end). The effective date was deferred by one year due to COVID-19.</li> <li>Equity instruments quoted in an active market and free-standing derivatives are to be carried at fair value. All other financial instruments, including bonds, can be carried at cost or fair value depending on the public sector entity's choice and this choice must be made on initial recognition of the financial instrument and is irrevocable.</li> <li>Hedge accounting is not permitted.</li> <li>A new statement, the Statement of Remeasurement Gains and Losses, will be included in the financial statements. Unrealized gains and losses incurred on fair value accounted financial instruments will be presented in this statement. Realized gains and losses will continue to be presented in the statement of operations.</li> <li>In July 2020, PSAB approved federal government narrow-scope amendments to PS3450 <i>Financial Instruments</i> which will be included in the Handbook in the fall of 2020. Based on stakeholder feedback, PSAB is considering other narrow-scope amendments related to the presentation and foreign currency requirements in PS3450 <i>Financial Instruments</i>. The exposure drafts were released in summer 2020 with a 90-day comment period.</li> </ul>



# Appendix C: Current Development (Continued)

Standard	Summary and implications
<b>Employee Future Benefit Obligation</b>	<ul style="list-style-type: none"> <li>PSAB has initiated a review of sections PS3250 <i>Retirement Benefits</i> and PS3255 <i>Post-Employment Benefits, Compensated Absences and Termination Benefits</i>. In July 2020, PSAB approved a revised project plan.</li> <li>PSAB intends to use principles from International Public Sector Accounting Standard 39 <i>Employee Benefits</i> as a starting point to develop the Canadian standard.</li> <li>Given the complexity of issues involved and potential implications of any changes that may arise from the review of the existing guidance, PSAB will implement a multi-release strategy for the new standards. The first standard will provide foundational guidance. Subsequent standards will provide additional guidance on current and emerging issues.</li> <li>PSAB released an exposure draft on proposed section PS3251, <i>Employee Benefits</i> in July 2021. Comments to PSAB on the proposed section are due by November 25, 2021. Proposed Section PS 3251 would apply to fiscal years beginning on or after April 1, 2026 and should be applied retroactively. Earlier adoption is permitted. The proposed PS3251 would replace existing Section PS 3250 and Section PS 3255. This proposed section would result in organizations recognizing the impact of revaluations of the net defined benefit liability (asset) immediately on the statement of financial position. Organizations would also assess the funding status of their post-employment benefit plans to determine the appropriate rate for discounting post-employment benefit obligations.</li> </ul>



# Appendix C: Current Development (Continued)

Standard	Summary and implications
<b>Public Private Partnerships (“P3”)</b>	<ul style="list-style-type: none"> <li>• PSAB has introduced Section PS3160, which includes new requirements for the recognition, measurement and classification of infrastructure procured through a public private partnership. The standard has an effective date of April 1, 2023 (the City's 2024 year end), and may be applied retroactively or prospectively.</li> <li>• The standard notes that recognition of infrastructure by the public sector entity would occur when it controls the purpose and use of the infrastructure, when it controls access and the price, if any, charged for use, and it controls any significant interest accumulated in the infrastructure when the P3 ends.</li> <li>• The public sector entity recognizes a liability when it needs to pay cash or non-cash consideration to the private sector partner for the infrastructure.</li> <li>• The infrastructure would be valued at cost, which represents fair value at the date of recognition with a liability of the same amount if one exists. Cost would be measured in reference to the public private partnership process and agreement, or by discounting the expected cash flows by a discount rate that reflects the time value of money and risks specific to the project.</li> <li>• Subsequently, the infrastructure asset is amortized in a rational and systematic manner over its useful life.</li> <li>• Subsequent measurement of the financial liability would reflect the payments made by the public sector entity to settle the liability as well as the finance charge passed on to the public sector entity through the public private partnership agreement.</li> <li>• Subsequent measurement of the performance obligation: revenues are recognized and the liability reduced in accordance with the substance of the public private partnership agreement.</li> </ul>



# Appendix C: Current Development (Continued)

Standard	Summary and implications
<b>Concepts Underlying Financial Performance</b>	<ul style="list-style-type: none"> <li>PSAB is in the process of reviewing the conceptual framework that provides the core concepts and objectives underlying Canadian public sector accounting standards.</li> <li>PSAB released four exposure drafts in early 2021 for the proposed conceptual framework and proposed revised reporting model, and their related consequential amendments. The Board is in the process of considering stakeholder comments received.</li> <li>PSAB is proposing a revised, ten chapter conceptual framework intended to replace PS 1000 <i>Financial Statement Concepts</i> and PS 1100 <i>Financial Statement Objectives</i>. The revised conceptual framework would be defined and elaborate on the characteristics of public sector entities and their financial reporting objectives. Additional information would be provided about financial statement objectives, qualitative characteristics and elements. General recognition and measurement criteria, and presentation concepts would be introduced.</li> <li>In addition, PSAB is proposing: <ul style="list-style-type: none"> <li>Relocation of the net debt indicator to its own statement and the statement of net financial assets/liabilities, with the calculation of net debt refined to ensure its original meaning is retained.</li> <li>Separating liabilities into financial liabilities and non-financial liabilities.</li> <li>Restructuring the statement of financial position to present non-financial assets before liabilities.</li> <li>Changes to common terminology used in the financial statements, including re-naming accumulated surplus (deficit) to net assets (liabilities).</li> <li>Removal of the statement of rereasurement gains (losses) with the information instead included on a new statement called the statement of changes in net assets (liabilities). This new statement would present the changes in each component of net assets (liabilities), including a new component called "accumulated other".</li> <li>A new provision whereby an entity can use an amended budget in certain circumstances.</li> <li>Inclusion of disclosures related to risks and uncertainties that could affect the entity's financial position.</li> </ul> </li> </ul>



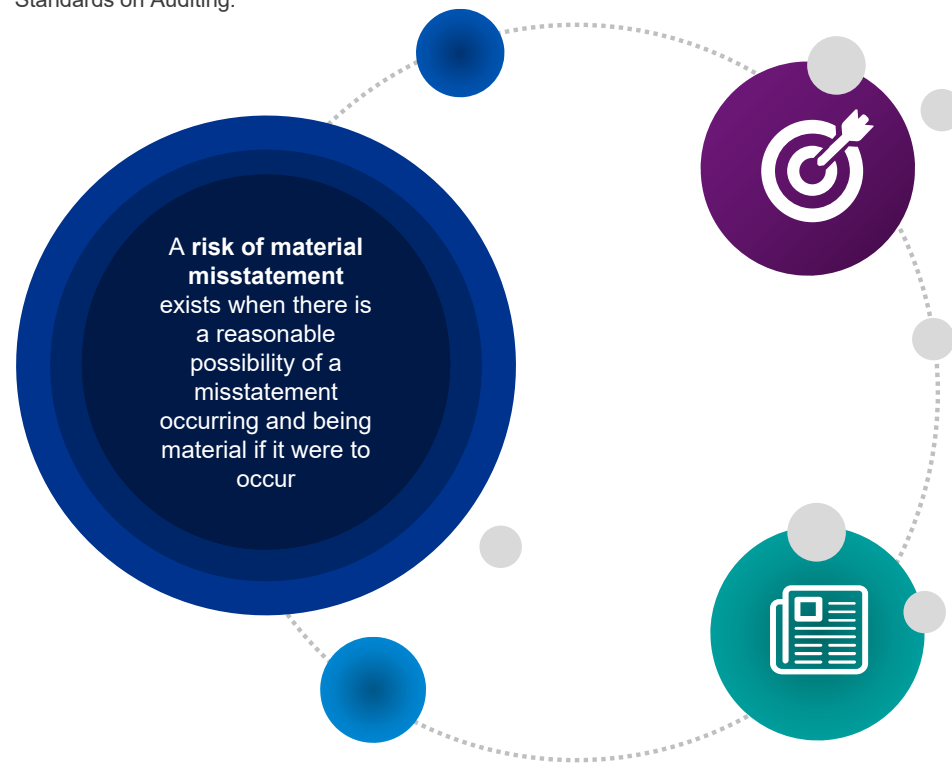
# Appendix C: Current Development (Continued)

Standard	Summary and implications
<b>Purchased Intangibles</b>	<ul style="list-style-type: none"> <li>In October 2019, PSAB approved a proposal to allow public sector entities to recognize intangibles purchased through an exchange transaction. Practitioners are expected to use the definition of an asset, the general recognition criteria and the GAAP hierarchy to account for purchased intangibles.</li> <li>PSAB has approved Public Sector Guideline 8 which allows recognition of intangibles purchased through an exchange transaction. Narrow-scope amendments were made to Section PS 1000 Financial statement concepts to remove prohibition on recognition of intangibles purchased through exchange transactions and PS 1201 Financial statement presentation to remove the requirement to disclose that purchased intangibles are not recognized.</li> <li>The effective date is April 1, 2023 with early adoption permitted. Application may be retroactive or prospective.</li> </ul>
<b>2022 – 2027 Strategic Plan</b>	<ul style="list-style-type: none"> <li>PSAB's Draft 2022 – 2027 Strategic Plan was issued for public comment in May 2021. Comments were requested for October 6, 2021.</li> <li>The Strategic Plan sets out broad strategic objectives that help guide PSAB in achieving its public interest mandate over a multi-year period, and determining standard-setting priorities</li> <li>The Strategic Plan emphasizes four key priorities: <ul style="list-style-type: none"> <li>Develop relevant and high-quality accounting standards - Continue to develop relevant and high-quality accounting standards in line with PSAB's due process, including implementation of the international strategy (focused on adapting International Public Sector Accounting Standards for new standards) and completion of the Conceptual Framework and Reporting Model project.</li> <li>Enhance and strengthen relationships with stakeholders - Includes increased engagement with Indigenous Governments and exploring the use of customized reporting.</li> <li>Enhance and strengthen relationships with other standard setters – In addition to continued collaboration with other standard setters, this emphasizes strengthened relationship with the IPSASB.</li> <li>Support forward-looking accounting and reporting initiatives – Supporting and encouraging ESG reporting, and consideration of the development of ESG reporting guidance for the Canadian public sector.</li> </ul> </li> </ul>



# Appendix D: Newly effective auditing standards

**CAS 315 (Revised) Identifying and Assessing the Risks of Material Misstatement** has been revised, reorganized and modernized in response to challenges and issues with the previous standard. It aims to promote consistency in application, improve scalability, reduce complexity, support a more robust risk assessment and incorporate enhanced guidance material to respond to the evolving environment, including in relation to information technology. Conforming and consequential amendments have been made to other International Standards on Auditing.



Affects both preparers of financial statements and auditors

Applies to audits of financial statements for periods beginning on or after 15 December 2021

See here for more information from CPA Canada



**We design and perform risk assessment procedures to obtain an understanding of the:**

- entity and its environment;
- applicable financial reporting framework; and
- entity's system of internal control.

**The audit evidence obtained from this understanding provides a basis for:**

- identifying and assessing the risks of material misstatement, whether due to fraud or error; and
- the design of audit procedures that are responsive to the assessed risks of material misstatement.



# Appendix E: Environmental, Social and Governance (ESG)

## The time is now to accelerate the ESG journey.

Environmental, Social and Governance (ESG) has revolutionized how organizations in all sectors and markets are delivering their services. ESG refers to a framework to integrate environmental, social, governance risks and opportunities into an entity's strategy to build long-term sustainability and value creation. KPMG's 2021 CEO Outlook highlighted that 30% of CEO's are planning to invest more than 10% of their revenues towards becoming more sustainable. Stakeholder expectations have changed significantly — ESG is no longer a nice-to-have, or an initiative that can be pursued independent of an entity's other objectives.

To be successful, ESG needs to become an integral component of an entity's strategy, and all facets of its operations. Entities need to transform how performance is measured. ESG is also shaping financial reporting requirements. In addition to substantial investments to support sustainability and climate change, the Government of Canada's Budget 2021 announced a commitment to engage with the provinces and territories on adoption of climate disclosures consistent with the Task Force on Climate-related Financial Disclosures (TCFD). Canada's Crown corporations are presently working to adopt the TCFD standards. Leading not-for-profit organizations are also looking at adopting the TCFD requirements on a voluntary basis.

KPMG shares your passion for ESG. Recently, KPMG launched a transformative ESG global strategy to embed ESG in every one of the services we provide, the learning and development of our professionals, and commits the firm to achieve net-zero carbon emissions by 2030. Globally, KPMG is investing over \$1.5 billion over the next three years to accelerate global solutions for environmental, social and governance issues. Our sustainability and impact service offerings cover the full range of requirements, from strategy setting, to impact measurement, decarbonization, reporting and assurance. The time is now to begin a discussion on your entity's ESG journey.

Contact us to discuss how KPMG can support you on your ESG journey!



**Bailey Church, CPA, CA**  
**Partner, Accounting Advisory Services**  
613-212-3698 | bchurch@kpmg.ca





# Appendix F: Audit and assurance insights

Our latest thinking on the issues that matter most to Audit Committees, board of directors and management.

## KPMG Audit & Assurance Insights

Curated research and insights for Audit Committees and boards.

## Board Leadership Centre

Leading insights to help board members maximize boardroom opportunities.

## Current Developments

Series of quarterly publications for Canadian businesses including Spotlight on IFRS, Canadian Securities & Auditing Matters and US Outlook reports.

## Audit Committee Guide – Canadian Edition

A practical guide providing insight into current challenges and leading practices shaping Audit Committee effectiveness in Canada

## KPMG Learning Academy

Technical accounting and finance courses designed to arm you with leading-edge skills needed in today's disruptive environment.

## KPMG Climate Change Financial Reporting Resource Centre

Our climate change resource centre provides insights to help you identify the potential financial statement impacts to your business.

## Momentum

A quarterly newsletter providing curated insights for management, boards and Audit Committees.

## Uncertain Times Financial Reporting Resource Centre

Uncertain times resource center provides insights to support clients facing challenges relating to COVID-19, natural disasters and geopolitical events.

## Environmental, social and governance (ESG)

Building a sustainable, resilient and purpose-led organization

## Accelerate 2022

The key issues driving the Audit Committee agenda in 2022







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KPMG member firms around the world have 227,000 professionals, in 145 countries.





## Corporate Report City Council

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

**Report Date:** November 8, 2022

**Meeting Date:** November 28, 2022

**Report Number:** LCS-182-2022

**File:** 35.60.1

**Subject:** Councillor Appointments to Associations, Boards, Commissions and Task Forces

**Strategic Pillar:**

### Recommendation

#### Task Forces

That the following **two** Councillors be appointed to the Fallen Firefighters Memorial Task Force: Councillors \_\_\_\_\_ and \_\_\_\_\_ (Mayor appointed directly through Terms of Reference); and

That the following **two** Councillors be appointed to the Neil Peart Commemorative Task Force: Councillors \_\_\_\_\_ and \_\_\_\_\_ (Mayor appointed directly through Terms of Reference); and

That the following **two** Councillors be appointed to the 2029 Welland Canals Project Task Force: Councillors \_\_\_\_\_ and \_\_\_\_\_ (Merritton ward councillors appointed directly through Terms of Reference); and

That the following **four** Councillors be appointed to the Surplus Lands Development Task Force: Councillors \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ (Mayor appointed directly through Terms of Reference); and

That the Terms of Reference for the Development Studies Task Force be amended to include one member of Council plus the Chair and Vice-Chair of the Budget Standing Committee; and

That the following **one** Councillor be appointed to the Development Studies Task Force: Councillor \_\_\_\_\_; and

That the Organizational Development Task Force be disbanded; and

## Committees of Council

That the following **five** Councillors be appointed to the Budget Standing Committee: Councillors \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ (Mayor appointed directly through Terms of Reference); and

That the following **three** Councillors be appointed to the Canine Control Hearing Committee: Councillors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_; and

## Regional Boards

That the following **three** Elected Officials be nominated for the Niagara Transit Commission Board: Councillors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_; and

## Boards and Commissions

That the following **two** Councillors be appointed to the FirstOntario Performing Arts Centre Board: Councillors \_\_\_\_\_ and \_\_\_\_\_; and

That the following **one** Councillor be appointed to the Niagara Airport Commission: Councillor \_\_\_\_\_; and

That the following **two** Councillors be appointed to the St. Catharines Public Library Board: Councillors \_\_\_\_\_ and \_\_\_\_\_; and

That the following **one** Councillor be appointed to the Tourism St. Catharines Municipal Service Corporation: Councillor \_\_\_\_\_; and

That the Corporation of the City of St. Catharines, as shareholder of St. Catharines Hydro Inc., appoint the following **three** Councillors as Directors of St. Catharines Hydro Inc. and St. Catharines Hydro Generation Inc.: Councillors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_; and

## Other Organizations

That the following **one** Councillor be appointed to the Niagara Symphony Orchestra Board of Directors: Councillor \_\_\_\_\_; and

That the following **one** Councillor be appointed to the Niagara Wine Festival Board of Directors: Councillor \_\_\_\_\_; and

That the following **one** Councillor be appointed to the Board of Management for the Downtown Business Improvement Area: Councillor \_\_\_\_\_.

## Summary

This report provides an overview of the appointments required for Council representatives on a number of associations, boards, committees and task forces, and outlines the selection process and the process by which councillors are to express their interest in the various appointments.

## Relationship to Strategic Plan

This report is administrative in nature and does not relate to Council's strategic plan.

## Background

This report is brought forward at the start of each term of council to appoint councillors to the various task forces, committees, boards, commissions and organizations that require a representative from City Council. The composition of each body is different, and may include a mixture of elected officials, representatives from organizations and local residents.

## Report

### Councillor Appointments to Task Forces, Committees, Boards, Commissions and Organizations

Listed below are the task forces, committees, boards, commissions and organizations which require councillor appointments. The number of councillors required for appointment is noted in parenthesis.

### Task Force Appointments

The following City task forces require Council representatives. Appointment for each task force is for the term of Council or the duration of the task force, whichever comes first.

- Fallen Firefighters Memorial Task Force (2 councillors, plus the Mayor)
- Neil Peart Commemorative Task Force (2 councillors, plus the Mayor)
- 2029 Welland Canals Project Task Force (2 councillors, plus 2 Merritton Councillors)
- Surplus Lands Development Task Force (4 councillors, plus the Mayor)
- Development Studies Task Force (1 councillor, plus Budget Standing Committee Chair and Vice-Chair)

### Committees of Council

The following City committees require Council representatives. Appointment for each committee is for the term of Council.

- Budget Standing Committee (5 councillors, plus the Mayor)
- Canine Control Hearing Committee (3 councillors)

### Regional Committee

The following Regional Board requires three elected officials representing St. Catharines (representatives can be from either City Council or Regional Council). Appointment is for the term of Council. More information on the Niagara Transit Commission Board is available in Appendix 1.

- Niagara Transit Commission Board (3 St. Catharines elected officials)

### Boards and Commissions

The following boards and commissions require Council representatives. Appointment for each board and commission is for the term of Council.

- FirstOntario Performing Arts Centre Board (2 councillors)

- Niagara Airport Commission (1 councillor)
- St. Catharines Public Library Board (2 councillors)
- St. Catharines Hydro Inc. and St. Catharines Hydro Generation Inc. (3 councillors)
- Tourism St. Catharines Municipal Service Corporation (1 councillor)

### **New - Tourism St. Catharines Municipal Service Corporation**

A Council representative is required for the Tourism St. Catharines Municipal Service Corporation. The Tourism St. Catharines Municipal Service Corporation is a new municipal service corporation established to facilitate the distribution of funds collected through the City's Municipal Accommodation Tax. Information on the Tourism St. Catharines Municipal Service Corporation and the Municipal Accommodation Tax is available in [Report EDTS-121-2022](#) and [Report EDGR-082-2022](#).

### **Eligibility Requirements**

Some Boards and Commissions have eligibility requirements beyond the requirement of being an elected member of Council. See Appendix 2 for the eligibility requirements.

### **Changes to Task Forces**

As part of this report, staff are recommending that the Terms of Reference for the Development Studies Task Force be amended to include one member of Council, plus the Chair and Vice-Chair of the Budget Standing Committee. Currently the task force includes three members of Council, plus the Chair and Vice-Chair of the Budget Standing Committee. The amendment is being recommended so that the membership of the task force is weighted more towards representatives from the public and the construction / housing sector. As part of this report, staff are also recommending that the Organizational Development Task Force be disbanded as the task force has not met since February 10, 2020, and the terms of reference are no longer relevant.

### **Other Organizations**

The following organizations require Council representatives. Appointments for each are for the term of Council, unless otherwise noted.

- Niagara Symphony Orchestra Board of Directors (1 councillor – for the duration of the Line of Credit, anticipated 2025)
- Niagara Wine Festival Board of Directors (1 councillor)
- Board of Management for the Downtown Business Improvement Area (also known as the St. Catharines Downtown Association) (1 councillor)

### **Board of Management for the Downtown Business Improvement Area**

The councillor appointment to the Board of Management for the Downtown Business Improvement Area was previously performed on an annual basis. However, in consultation with the St. Catharines Downtown Association, there is no requirement from the Association to have an annual appointment rather than an appointment for the term of council, and the Association is in support of moving to a term-of-council appointment. Through this report, staff recommend moving to a term-of-council appointment for the Board of Management for the Downtown Business Improvement

Area, as doing so will create a consistent appointment schedule for the appointment of councillors to task forces, committees, boards, commissions, and organizations.

## Appointment Process

### Statements of Interest by Councillors

At its meeting of August 8, 2022, City Council approved a new appointment process whereby councillors are to submit a statement outlining why they wish to be appointed to agencies and boards.

Based on this, the appointment process for Council representatives on agencies and boards will proceed as follows:

1. Councillors who wish to be considered for the agency and board appointment opportunities noted below shall submit their name to the Clerk along with a written statement of interest (maximum 500 words per appointment opportunity) prior to **4 p.m. on Thursday, November 24, 2022.**
  - a. The Office of the City Clerk will provide specific submission information to the members of Council.
  - b. All written statements of interest are public documents available upon request.
2. The written statements of interest will be circulated by the City Clerk to the members of Council prior to the Council Meeting of November 28, 2022.

### Agency and Board Appointments Requiring Statements of Interest

- Niagara Transit Commission Board
- FirstOntario Performing Arts Centre Board
- Niagara Airport Commission
- St. Catharines Public Library Board
- Tourism St. Catharines Municipal Service Corporation
- St. Catharines Hydro Inc.

### Voting to fill the Appointments

At its meeting of November 28, 2022, the members of Council will vote to fill the appointments noted in this report. For appointments requiring a written statement of interest, Councillors cannot be nominated for appointment during the Council meeting **unless** there is an insufficient number of nominees for the position(s) available, in which case a Councillor may put their name forward for consideration of appointment. For all appointments, if more than the allotted number of Councillors is interested in serving for an appointment, a vote by ballot will be taken to determine which Councillor(s) are to be appointed. The results of the ballots will also be included in the minutes.

### Appointments to Advisory Committees and Task Forces

Recruitment of public members for some boards and commissions have started, and recommendations for appointment will be provided to Council when they are available from the applicable nominating committee. At its meeting of November 16, 2022, Council provided direction to staff to review the City's advisory committee and task force

structure. Based on this direction, public recruitment and appointments to advisory committees and task forces will proceed in 2023 following Council's approval of the terms of reference and structure for the City's committees and task forces.

## **Financial Implications**

There are no financial implications associated with this report.

## **Environmental Sustainability Implications**

There are no environmental sustainability implications associated with this report.

## **Operational Implications**

There are no operational implications associated with this report.

## **Conclusion**

At its meeting of November 28, 2022, Council will vote to fill the appointments noted in this report. For all appointments, if more than the allotted number of Councillors is interested in serving for an appointment, a vote by ballot will be taken to determine which Councillor(s) are to be appointed.

## **Notifications**

The Office of the City Clerk will provide notice to the organizations identified in this report informing them of the councillors who have been appointed or nominated for appointment.

### **Prepared by**

Evan McGinty  
Deputy City Clerk

### **Submitted by**

Kristen Sullivan  
City Clerk

### **Approved by**

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

## **Appendices**

- Appendix 1 - Niagara Region Report CLK-C 2022-144 - Appointments to Niagara Transit Commission Board
- Appendix 2 – Eligibility requirements for select Boards and Commissions



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

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November 11, 2022

**LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY****Re: Appointments to Niagara Transit Commission Board**

In accordance with Regional By-law 2022-38, being a By-law to Establish the Niagara Transit Commission as a Municipal Service Board, it is requested your Council recommend a nominee(s) for appointment by Regional Council to the Niagara Transit Commission Board for the 2022-2026 term of Council.

In keeping with the Governance Strategy developed through the triple-majority process, please consider the following:

- Nominees must be an elected official, either a local or Regional Councillor; and
- Each municipally should forward the appropriate number of nominees in accordance with the 15 member board composition outlined in Report PW 55-2021 as follows:
  - (3) St. Catharines
  - (2) Niagara Falls
  - (1) All Other Municipalities

In selecting nominees, local area Councils may wish to consider candidates with particular expertise or background in areas such as business, finance, strategic planning, or transit operations. Meetings are typically being held once a month on a Tuesday afternoon.

All Commission Board Members will undergo mandatory orientation following appointment and prior to commencing their duties. The Orientation will include topics such as the role of Board and its relationship to the Region, diversity and equity, fiduciary duty, Code of Conduct, open meetings and other legislative requirements.

If you require additional information, please feel free to contact me.

Yours truly,



Ann-Marie Norio

Regional Clerk

CLK-C 2022-144



# Eligibility Requirements for Appointment to Boards

## FirstOntario Performing Arts Centre Board

Section 5.4 of By-law 2018-177, as amended, being a by-law to establish a Municipal Service Board that will promote, develop and encourage the performing arts in the City of St. Catharines, operate the FirstOntario Performing Arts Centre and associated business, and provide related services for the benefit of the City of St. Catharines, states that:

“Member Qualifications. To be eligible for appointment or re-appointment and to maintain eligibility as a Member, a person must meet the following minimum qualifications:

- i. be an individual of at least 18 years of age;
- ii. not have the status of a bankrupt;
- iii. be eligible to be elected as a member of Council;
- iv. not be currently employed in the performing arts industry by any corporation, municipality or other legal entity, including the Board;
- v. not be currently appointed as a board member of, or be a majority shareholder of, a corporation or other legal entity that provides services similar to those of the Business;
- vi. not be currently appointed as a member of a municipal council or local board for any municipality (other than the City) that provides services similar to those of the Business; and
- vii. not be consistently prevented from participating in the business of the Board as a result of direct or indirect pecuniary interests.”

## St. Catharines Hydro Generation Inc.

Section 5.02 of St. Catharines Hydro Generation Inc. By-Law No. 1, a by-law relating generally to the transaction of the business and affairs of St. Catharines Hydro Generation Inc., states that:

“Qualification: Unless otherwise provided by the Act, the directors shall be members of Council of the City of St. Catharines. A majority of the directors shall be resident Canadians; if the Corporation has only one or two directors, that director or one of the two directors, as the case may be, shall be a resident Canadian. No person shall be qualified for appointment as a director if he is less than 18 years of age; if he is of unsound mind and has been so found by a court in Canada or elsewhere; if he is not an individual; or if he has the status of a bankrupt. A director need not be a shareholder.”

## St. Catharines Hydro Inc.

Section 5.02 of St. Catharines Hydro Inc. By-Law No. 1, a by-law relating generally to the transaction of the business and affairs of St. Catharines Hydro Inc., states that:

“Qualification. Unless otherwise provided by the Act, the directors shall be members of Council of the City of St. Catharines. A majority of the directors shall be resident Canadians; if the Corporation has only one or two directors, that director or one of the two directors, as the case may be, shall be a resident Canadian. No person shall be qualified for appointment as a director if he is less than 18 years of age; if he is of unsound mind and has been so found by a court in Canada or elsewhere; if he is not an individual; or if he has the status of a bankrupt. A director need not be a shareholder.”

## Tourism St. Catharines Municipal Service Corporation

Section 5.2 of the Sole Member Direction and Sole Member Declaration of the Tourism St. Catharines Municipal Service Corporation states that:

“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.”

The *Not-for-Profit Corporations Act* states that the following persons are disqualified from being a director of a corporation:

1. A person who is not an individual.
2. A person who is under 18 years old.
3. A person who has been found under the Substitute Decisions Act, 1992 or under the Mental Health Act to be incapable of managing property.
4. A person who has been found to be incapable by any court in Canada or elsewhere.
5. A person who has the status of bankrupt.



## Corporate Report City Council

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

**Report Date:** November 25, 2022

**Meeting Date:** November 28, 2022

**Report Number:** LCS-198-2022

**File:** 10.12.1

**Subject:** Filling a Vacancy on Regional Council – Jim Bradley

### **Strategic Pillar:**

This report does not align with the St. Catharines Strategic Plan pillars.

## **Recommendation**

That Council appoint Brian Heit to fill the vacancy on Regional Council, representing the City of St. Catharines; and

That the Clerk notify the Regional Municipality of Niagara of this decision.

## **Background**

On May 12, 2014, St. Catharines City Council adopted policy LCS 2015-9 which provides for the Filling a Vacancy on Council (see Appendix 1). On December 13, 2021, Council requested that staff update the Council Vacancy Appointment Policy, in consultation with the City's equity seeking committees, this review is ongoing and a future report to Council will be presented.

In accordance with the present policy, if a vacancy occurs on Council within the first three years the next place finisher may be appointed if this individual received 70% of the voters there were achieved by the sixth-place finisher (which would be in the case of a Regional Councillor).

On November 24, 2022, the Regional Municipality of Niagara appointed Jim Bradley as the Regional Chair for the 2022-2026 term of Regional Council, this leaves a vacancy on Regional Council for the City of St. Catharines. This decision was communicated with the City via correspondence from the Regional Clerk received on November 25, 2022 (attached as Appendix 2).

## **Report**

Staff reviewed the election results to confirm that Brian Heit received 70% of the votes as identified within the policy. Mr. Heit finished in 7<sup>th</sup> place and received 91.8% of the votes of the sixth-place finisher.

The City Clerk contacted Mr. Heit and asked if he would be willing to fill this vacancy on Regional Council. Mr. Heit confirmed he is willing to be appointed to serve as a Regional Councillor for the 2022-2026 term.

## **Financial Implications**

There are no financial implications associated with this report.

## **Environmental Sustainability Implications**

There are no environmental sustainability implications associated with this report.

## **Notifications**

It is appropriate to notify the Regional Municipality of Niagara of this decision.

### **Prepared by**

Donna Delvecchio, Deputy Clerk

### **Submitted by**

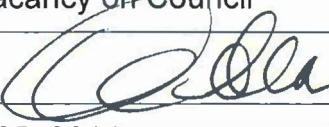
Kristen Sullivan, City Clerk

### **Approved by**

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

## **Appendices**

1. Policy LCS 2015-9
2. Correspondence from Regional Clerk - Declaration of Vacant Regional Council Seat

 CITY OF ST. CATHARINES	<b>Legal and Clerks Services - Office of the City Clerk Division</b>		
	<b>Subject:</b>	Filling a Vacancy on Council	<b>Policy #:</b> LCS 2015-9
	<b>Approved by L.C.S:</b>		
	<b>Issue Date:</b>	April 25, 2014	<b>Revision Date:</b> July 4, 2018
	<b>Review Date:</b>	July 4, 2018	<b>Page:</b> 1 of 2

## Policy:

The Corporation of the City of St. Catharines must comply with the provisions within the *Municipal Act, 2001*, Section 263, Filling Vacancies, when a vacancy occurs on City or Regional Council.

## Purpose:

To provide Council with options that may be followed when a vacancy occurs.

## Scope:

This policy shall apply to members of Council for the purpose of filling vacancies on Regional and City Council.

## Procedures

### Application:

#### Within the first three years:


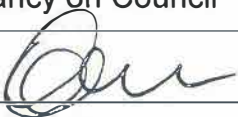
If a vacancy occurs within the first three years of a new Regional and City Council's term, the next place finisher may be appointed if this individual received 70% percent of the votes that were achieved by the sixth place finisher in the case of Regional Council; and the second place finisher in the case of City Council.

#### Within the last year:

If a vacancy occurs within the last year of a new Regional and City Council's term, the next place finisher shall be appointed if this individual received 70% percent of the votes that were achieved by the sixth place finisher in the case of Regional Council; and the second place finisher in the case of City Council.

#### If the next place finisher does not receive 70% of the votes:

Council may hold a by-election or commence the appointment process to fill the vacancy. If the vacancy occurs after March 31<sup>st</sup> of a regular election, Section 65(2) of the *Municipal Election Act, 1996* does not allow a by-election to be held. The next place finisher may submit an application for appointment.

 CITY OF ST. CATHARINES	<b>Legal and Clerks Services - Office of the City Clerk Division</b>				
	<b>Subject:</b>	Filling a Vacancy on Council		<b>Policy #:</b>	LCS 2015-9
	<b>Approved by L.C.S:</b>				
	<b>Issue Date:</b>	April 25, 2014	<b>Revision Date:</b>	July 4, 2018	
	<b>Review Date:</b>	July 4, 2018	<b>Page:</b>	2 of 2	

**Appointment process:**

1. Advertisements to be placed in at least (2) two local newspapers and on the City of St. Catharines web site.
2. The advertisements will request that qualified individuals interested in sitting on Council submit an application and résumé to the Office of the City Clerk within a prescribed time.

*Qualified individuals:* for the purpose of this policy, *qualified* will mean as it is prescribed by the *Municipal Election Act, 1996*.

3. An interview committee will be struck by Council and will include the Mayor, two Councillors, and the one remaining Councillor in the Ward with the Vacancy.
4. The interview committee will develop, in consultation with Human Resources, the criteria and questions for the interview.
5. The interview committee will establish the shortlist of candidates.
6. The shortlisted candidates may make a presentation before Council.
7. Once the interviews and presentations are done, the interview committee will report back to Council in a confidential manner on each candidate and Council will recommend a candidate for appointment.

**Administration**

Office of the Regional Clerk

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November 25, 2022

**Council Session CL 21-2022, November 24, 2022**

Ms. Kristen Sullivan  
 City Clerk  
 City of St. Catharines  
 PO Box 3012  
 St. Catharines, Ontario  
 L2R 7C2

***SENT ELECTRONICALLY*****RE: Declaration of Vacant Regional Council Seat**

Regional Council, at its meeting held on November 24, 2022, passed the following resolution:

Whereas on November 24, 2022, Regional Councillor Jim Bradley has been appointed as Regional Chair of The Regional Municipality of Niagara; and

Whereas Regional Council must declare his seat vacant.

NOW THEREFORE BE IT RESOLVED:

That, pursuant to Section 262(1) of the Municipal Act, 2001, the seat held by Jim Bradley, Regional Councillor for the City of St. Catharines, **BE DECLARED** vacant; and

That Regional Council **REQUESTS** the City of St. Catharines advise of its preferred method of filling the vacancy on Regional Council by January 19, 2023.

Yours truly,

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

Ann-Marie Norio  
 Regional Clerk

CLK-C 2022-151

## 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 that the community be consulted to determine what, if any, 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 A. 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 A attached hereto.



# Appendix A





## 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

**From:** Stephanie Tripp, Manager, Realty and Insurance Services  
Margaret Josipovic, Manager, Planning Services

**Date:** July 18, 2022

**Subject:** Agenda Item 10.1 - Request to Purchase City owned Land  
Adjacent 66A, 66B and 66C Marsdale Drive

---

Staff are in receipt of an unsolicited request to purchase City owned lands (the “lands”) behind the residential properties municipally known as 66A, 66B and 66C Marsdale Drive. The Lands are shown shaded in blue in Appendix 1 attached to this memorandum.

### Background

The City owned lands behind these residential properties were acquired by the City in 1993 to be incorporated into Town and Country Park. At the time of acquisition, the Lands were zoned Residential; however, when Council passed the City of St. Catharines Comprehensive Zoning By-law 2013-284 on December 13, 2013, the lands were zoned as G1- Conservation/Natural Area. The Lands are also located within a significant woodland as established by the Niagara Region's Woodland Conservation By-law No. 2020-79.

In 2018, consents to sever were obtained for 66 Marsdale Drive for approval for the construction of three new townhouse dwellings.

One of the conditions of approval was that the owner be required to install a 1.8 metre high black vinyl chain link fence along the rear property line, providing a physical barrier to the City's property (i.e. on Town and Country Park lands). The fence was installed, the conditions cleared and the construction of the three townhouse dwellings was completed (66A, 66B and 66C Marsdale).

### Report

On May 16, 2022, staff received a request from the owners of 66A, 66B and 66C Marsdale Drive to purchase a portion of the Lands behind their properties. The request

is to acquire an additional 9.14m of lot depth to be consolidated with their existing lands. Staff would note that the lot configuration in this area is irregular and that similar parcels to the south of 66 Marsdale Drive are in private ownership while similar parcels to the north of 66 Marsdale Drive (excluding 62 Marsdale Drive) are owned by the City and form part of Town and Country Park. The privately owned lands are outlined in brown and the City owned lands outlined in green on Appendix A. The approximate dimensions of the individual acquisition requests are as follows:

66A Marsdale Drive (Owners Tamara Morris and Lorne Smith)  
3.64 metres wide by 9.14 metres depth (33 square metres)

66B Marsdale Drive (Owners Richard and Brenda Audette)  
11.4 metres wide by 9.14 metres depth (104 square metres)

66C Marsdale Drive (Owners Wesley and Diane Turner)  
12.6 metres wide by 9.14 metres depth (115.2 square metres)

There is a current related planning application for 66A Marsdale Drive for a severance of a portion of 62 Marsdale Drive which would facilitate the conveyance of part of 62 Marsdale Drive to be consolidated with 66A Marsdale Drive to create a more regular lot line. This application has been deferred pending the outcome of these requests.

Acquisition of the lands only provides additional amenity area to the adjacent owners and the value would be minimal due to its limited use or development potential.

The request to purchase the City lands was circulated to the City's Property Coordinating Committee made up of staff from the Planning, Community, Recreation and Culture, Legal, Engineering and Municipal Works Departments. Staff are not supportive of this request as the City's Official Plan encourages the **acquisition** of parkland - therefore the sale of existing public parkland to a private landowner would be contrary to this policy statement. Additionally, there is a stand of trees on the City parcel that form part of a larger woodlot in the park and the Official Plan also provides that Natural Heritage Features are best held in public ownership to ensure their continued stewardship and protection.

Staff do not support the sale of any City land behind 66A, 66B and 66C Marsdale (or behind any of the other homes that back onto the park).

It was also noted that the black chain link fence behind the properties that was installed as a condition of the 2018 consent has since been removed and that there are encroachments into the park for private use, including privacy screens and decks. The Official Plan also 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.

## **Conclusion**

Staff do not recommend the sale of the lands as they form part of Town and Country Park and are also located within a significant woodland. The unsolicited request to purchase City parkland for private amenity space is directly contrary to Regional and City policy and as such, staff do not support the request.

If Council chooses to sell the City owned Lands, the following would be required in accordance with the City's Sale and Disposition of Land by-law:

- The Lands would need to be declared surplus by by-law or resolution passed at a meeting open to the public;
- Sale would be at market value and all costs to convey the lands including appraisal, legal and reference plan costs will be the responsibility of the purchasers;
- Sale may be subject to additional conditions as determined by staff.

The following resolution would need to be approved to declare the lands as surplus if Council chooses to sell the land:

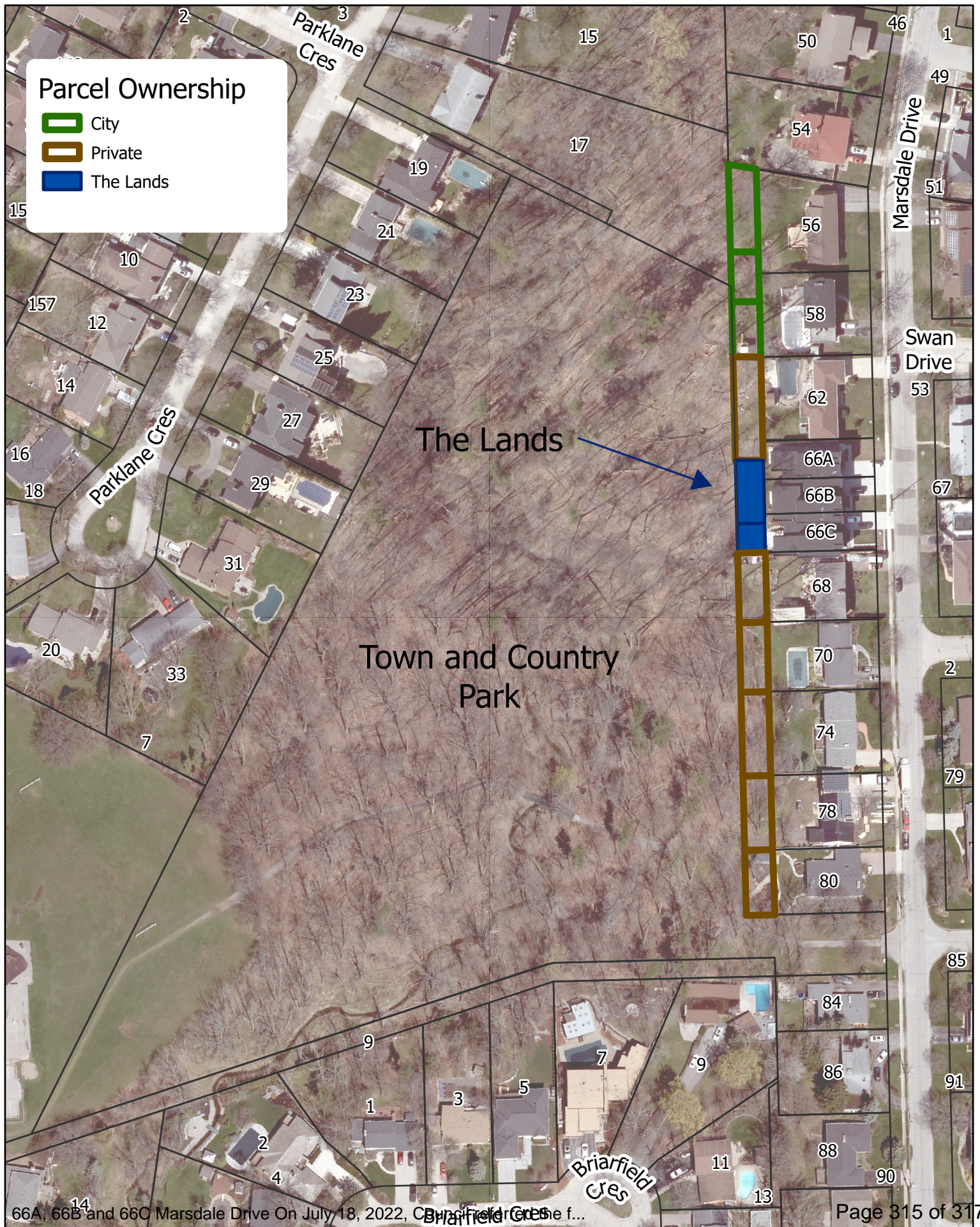
That Council declare City owned land adjacent 66A, 66B and 66C Marsdale Drive surplus and dispose of it to the adjacent property owners.

Should Council not support the sale of the subject lands, the owners should then be required to re-install the 1.8 m high black chain link fence that had been removed on the property line and remove any existing encroachments at their expense within 90 days of Council's decision.

## **Appendices**

1. Map of the The Lands









## By-laws to be considered Monday, November 28, 2022

- (a) A By-law to amend By-law No. 2002-81 entitled "A By-law to appoint certain employees of the Canadian Corps of Commissioners (Hamilton) as municipal law enforcement officers". (One reading – with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (b) A By-law to amend By-law No. 2014-253 entitled "A By-law to appoint Deputy Clerks for the purpose of the Commissioners for Taking Affidavits Act." (One reading – with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (c) A By-law to amend By-law No. 2021-108 entitled "A By-law to appoint certain employees of 2467562 Ontario Inc. DBA Signal 88 Security of Ottawa as municipal by-law enforcement officers." (One reading – with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (d) A By-law to amend By-law No. 89-304 entitled "A By-law to designate private roadways as fire routes along which no parking of vehicles is permitted." (One reading – with respect to the proposed new building at 401 Ontario Street and Pendale Plaza at 210 Glendale Ave. Delegation of Powers and Duties By-law No. 2020-156.)
- (e) 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 Heavy Vehicle Prohibitions at Avalon Place and Bernhardt Street. Delegation of Powers and Duties By-law No. 2020-156.)
- (f) A By-law to deem part of a certain registered plan of subdivision not to be a registered plan of subdivision for the purposes of Section 50, subsection 3 of the Planning Act, R.S.O. 1990. (One reading – with respect to 38 Neptune Drive. Delegation of Powers and Duties By-law No. 2020-156.)
- (g) A By-law to amend By-law No. 2022-128 entitled "A By-law to impose certain rates and fees charged by The Corporation of the City of St. Catharines with respect to certain administrative matters." (One reading - with respect to amendments to 2023 Rates and Fees By-law. Council, November 7, 2022, Item No. 7.3.)
- (h) A By-law to amend By-law No. 2022-128 entitled "A By-law to impose certain rates and fees charged by The Corporation of the City of St. Catharines with respect to certain administrative matters." (One reading - with respect to amendments to 2023 Rates and Fees By-law based on comprehensive fee review study for development related fees. Council, November 7, 2022, Item No. 7.4.)
- (i) A By-law to authorize an Agreement with 77 Yates Inc. (One reading – with respect to the Tax Based Incentive Grant Program under the City's 2004 Community Improvement Plan. General Committee, July 7, 2014, Item No. 3.2.)





- (j) A By-law to amend By-law No. 2021-124, entitled "A By-law to regulate the proceedings of Council". (One reading – with respect to appointing a Deputy Mayor for the term of Council and to allow the appointment of an additional Deputy Mayor during absences. To be considered by Council, November 28, 2022.)
  
- (k) A By-law to confirm the proceedings of council at its meetings held on the 21<sup>st</sup> day of November and on the 28<sup>th</sup> day of November 2022. (One reading - with respect to confirming the proceedings of the meetings held on November 21 and November 28, 2022.)