



**The Corporation of the City of St. Catharines  
CITY COUNCIL AGENDA  
Regular, Monday, February 13, 2023  
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, February 13, 2023, before 9:00 a.m. Those wishing to delegate through Zoom must attend a test session on Monday, February 13, 2023, 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, February 13, 2023, before Noon.*

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

- 1. Mayor's Report**
- 2. Adoption of the Agenda**
- 3. Adoption of the Minutes**
- 4. Declarations of Interest**
- 5. Motion to Move Consent Reports**

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

- 6. Consent Reports**

- 6.1 Chief Administrative Officer  
Future of the Garden City Arena Complex

Page

13 - 18      6.2      Engineering, Facilities and Environmental Services  
P18-062-1 Lake Street Road Improvements from Welland Avenue to  
Ontario Street - Award of Tender and Budget Reallocation

19 - 21      6.3      Legal and Clerks Services, Office of the City Clerk  
Consent and Discussion Reports

22 - 158      6.4      Legal and Clerks Services, Office of the City Clerk  
Council Correspondence

**7. Public Meetings**

159 - 163      7.1      Planning and Building Services  
Recommendation Report to amend the Vital Services By-law to clarify  
that transient hallways are excluded from the prescribed requirements

**8. Presentations**

**9. Discussion Reports**

164 - 291      9.1      Economic Development and Tourism Services  
Seasonal Temporary Commercial Patio Program Update & Future  
Recommendations  
(Staff presentation will precede discussion of the report)

**10. Motions**

**10.1 Support for Ukraine as First Anniversary of the War of Ukraine Approaches**

*Councillor Townsend will present the following motion:*

WHEREAS February 24, 2023, marks the first anniversary of the illegal and unprovoked invasion of Ukraine by Russia; and

WHEREAS Russia's actions are considered by many to have crossed the threshold of being war crimes, and include illegal actions such as the bombing hospitals, national historic sites, leveling cities and villages and raiding museums of cultural importance; and

WHEREAS St. Catharines has welcomed nearly 100 people displaced by this illegal war this year and is welcoming more every month; and

WHEREAS Ukrainians and Ukrainian diaspora have been an integral part of the diversity in St. Catharines for over 100 years; and

WHEREAS it is every citizen's and government's duty to stand for peace, freedom and democracy;



THEREFORE BE IT RESOLVED that the City of St. Catharines and Council show support and solidarity with Ukraine and the Ukrainian people in their time of hardship and suffering at the hands of Russia; and that Council recognize that all people of St. Catharines stand together with Ukraine until the end of the war; and

BE IT FURTHER RESOLVED that Council urges the Government of Canada to support Ukraine morally, economically, financially and militarily until the resolution of the war in a manner agreeable to Ukrainians.

**10.2 Raising of the Welland Canal Bridges**

*Councillor Phillips will present the following motion:*

WHEREAS the area known as Port Weller East has a population of approximately 700 residents; and

WHEREAS the Welland Canal separates Port Weller East from the rest of the City; and

WHEREAS the primary access to Port Weller East is crossing the Welland Canal via the bridge at Lock 1 (Lakeshore Rd.) or the bridge at Lock 2 (Carlton St.); and

WHEREAS during the shipping season both bridges are allowed to be raised at the same time to allow the passage of ships halting all vehicles from crossing at either of the two bridges; and

WHEREAS both bridges being raised at the same time creates a potentially dangerous situation given the fact that first responders could be significantly delayed in arriving at an emergency;

THEREFORE BE IT RESOLVED that staff be directed to arrange a meeting with senior staff of Transport Canada, senior staff of the St. Lawrence Seaway Authority, MP Chris Bittle, and MP Vance Badawey to discuss the urgency of not allowing both bridges to be raised at the same time.

**10.3 Hospital and Ambulance Patient Offload Times**

*Councillor Dodge will present the following motion:*

WHEREAS ambulances and paramedics are being tied up for too long waiting to hand over patients to medical staff at hospitals across the province, and this is causing a safety risk to the community; and

WHEREAS in December, Ontario paramedics warned that the spillover effects from overburdened hospitals could lead to a greater shortage of

ambulances in communities across the province, a chronic problem commonly referred to as a code zero; and

WHEREAS emergency call volumes have returned to pre-pandemic levels, driven by an aging and growing population and with absences due to illness and Workplace Safety and Insurance Board adding to staffing and system pressures, this situation is expected to continue impacting service delivery in 2023; and

WHEREAS some communities have declared a local emergency in response to persistent ambulance offload delays that are causing situations when there are no ambulances or only a limited number of ambulances available to respond to emergency calls; and

WHEREAS Emergency Medical Services is a responsibility of the Niagara Region, however the increase in offload times affects all residents and local hospitals;

THEREFORE BE IT RESOLVED that Council advocate to the Minister of Health expressing concerns over the Ambulance Offloading Delays at hospitals throughout the Province, and the need for more funding and solutions to alleviate the delays; and

AND BE IT FURTHER RESOLVED that the City of St. Catharines directs staff to submit this resolution to Niagara Regional Council, local provincial representatives, and the Ontario Minister of Health.

## **11. Call for Notices of Motion**

## **12. Report Requests**

## **13. Committee and Task Force Minutes**

### **13.1 Minutes to Receive**

- 2029 Historic Welland Canals Task Force, meeting of [August 9, 2022](#), [December 13, 2022](#) and [January 17, 2023](#) (draft).
- Social Sustainability Pillar Committee, meeting of [January 31, 2023](#) (draft).

### **13.2 Amendment to the Terms of Reference for the 2029 Welland Historic Canals Task Force:**

That the terms of reference for the 2029 Historic Welland Canals Task Force be amended to include the third Welland Canal.

Page

**14. Closed Session**

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

**15. Motion Arising from Closed Session**

**16. By-laws**

**17. Adjournment**



## Corporate Report City Council

**Report from:** Office of the Chief Administrative Officer

**Report Date:** February 1, 2023

**Meeting Date:** February 13, 2023

**Report Number:** CAO-012-2023

**File:** 68.32.101

**Subject:** Future of the Garden City Arena Complex

### Strategic Pillar:

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



## Recommendation

That Council receive Report CAO-012-2023 regarding Future of the Garden City Arena Complex, for information.

## Summary

The property is in a strategic gateway location with access to the downtown core. The site supports growth management policies through its location in the provincially designated Urban Growth Centre.

At the General Committee Meeting of [November 18, 2019](#), Council approved the decommissioning of the Garden City Arena Complex located at 8 Gale Crescent, once the City gained access to its replacement facility at the Canada Summer Games Sport and Ability Centre.

The purpose of this report is to respond to Council's request for information on the history of the site and the costs associated with the Garden City Arena and to introduce a concept opportunity for the potential redevelopment of the site.

## Relationship to Strategic Plan

This report addresses Economic Prosperity as future opportunities as 8 Gale Crescent have the potential to support the City's commitment to building a diverse and resilient economy through fiscal responsibility, urban regeneration, and collaborative partnerships.

This report also relates to the Social Well-Being Pillar of the City's Strategic Plan whereby it speaks to opportunities on expanding services to residents.

## Background

At the General Committee Meeting of [November 18, 2019](#), Council approved the following motion:

That Council approve the decommissioning of the Garden City Arena Complex upon gaining access to its replacement facility at the Canada Summer Games Sport and Ability Centre.

At the Council Meeting of [November 23, 2022](#), Council approved the following motion:

That staff prepare a report with respect to the costs, opportunity and history surrounding the Garden City Arena and Rex Stimers Arena.

That staff look at the feasibility of adding public skating on a regular weekly basis at Bill Burgoyne Arena.

This report provides information related to next steps following the decommissioning of the Garden City Arena Complex and information related to the opportunity, history, and former operating costs of the facilities on the site.

Community, Recreation, and Culture Services (CRCS) undertook an assessment of public skating at Bill Burgoyne Arena and increased public skating opportunities for the balance of the 2022-2023 season, with future costs to be included in the Multi-Year Budget for Council's consideration. Further information regarding public skating at Bill Burgoyne Arena was provided to Council in a memo dated [January 13, 2023](#).

## Report

### History and Operating Costs Associated with the Garden City Arena Complex

The Garden City Arena was built in 1938, where it expanded through the years until its decommissioning in 2022. Through its 84 years, the arena has hosted many memorable events and was home to both the St. Catharines Junior B Falcons and the Niagara IceDogs.

A chronology of the history of the Garden City Arena is provided in Appendix 1.

The average annual cost to operate the Garden City Arena Complex was \$823,000, this was based on a five-year average from 2015 - 2019.

As identified in Council [Report CAO-216-2019](#) on November 18, 2019, the facility is no longer operational and rehabilitating the facility would be difficult and costly.

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA), requires municipalities to remove all barriers within municipal facilities by 2025. The Garden City Arena offers some accessibility features but is not fully barrier-free.

As arenas advance well into or beyond their typical lifecycles, greater maintenance costs can be expected year after year. Many of the building components and systems in the Garden City Arena have exceeded their useful life. This is presently the case with the multi-million-dollar renewal cost for Rex Stimers Arena's refrigeration plant, floor, and boards.

As outlined in the [City of St. Catharines Arena Strategy](#) the City estimates that up to \$15.8 million will be required to address long-term capital requirements (anticipated over the next 15 years) for its existing facilities for various structural, mechanical, functional, and aesthetic renewal activities; nearly 45% of that renewal cost is attributable to the Garden City Arena Complex (both Jack Gatecliff (JGA) and Rex Stimers Arenas).

Additionally, the [City of St. Catharines Arena Strategy](#), identified the costs to build a comparable facility in 2019 were estimated at \$40 million. However, with the City's partnership and access to the newly opened Canada Summer Games Park, the City now enjoys adequate ice facilities. The [City of St. Catharines Arena Strategy](#) recommends the City provide seven ice pads, plus the Meridian Centre, until the population reaches 145,000 persons (expected after the year 2028) resulting in a service level of approximately one ice pad per 760 participants or one ice pad per 20,000 population at that time – this recommendation is currently being met.

In 2022, staff begun decommissioning efforts at the Garden City Arena Complex, including the removal of ammonia, equipment, and seats to prepare for the community seat sale.

## **Future Opportunity for the Garden City Arena Site**

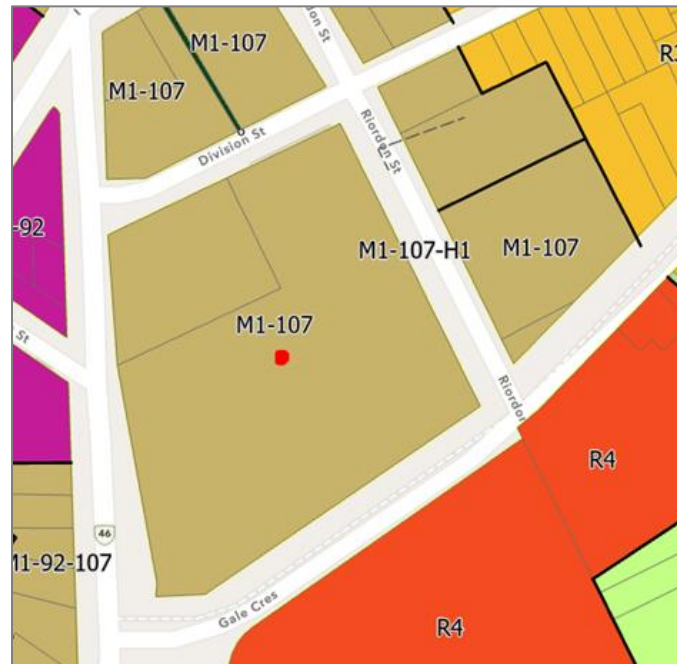
The Garden City Complex, located on 8 Gale Crescent, enjoys a prominent location in the City's downtown.

At this time staff, are exploring future opportunities for the site that could advance two City priorities: high density residential development in the Urban Growth Centre and replacement of the Fire Station 1 Headquarters Facility.

The City's Downtown is one of only twenty-five Provincially designated Urban Growth Centres (UGC) in the Greater Golden Horseshoe and the only designated UGC in Niagara Region. The UGC designation is intended to be a catalyst to attract investment and activity in the Downtown, and to accommodate the highest concentration, mix and range of transit supportive residential and employment accommodation within the municipality, and effectively, the Region. To support this, Provincial policy establishes a density target for housing and employment to be achieved in the City's UGC at a minimum density of 150 people and jobs per hectare of land.

In keeping with the Provincial UGC policy and density framework, the City's Official Plan designates the Garden City Arena site as 'Mixed Medium High Density Residential / Commercial', providing a development density range of 60 to 198 dwelling units per hectare to facilitate medium to higher density residential accommodation with a potential mix of smaller scale commercial, institutional, and recreational uses. The Official Plan designation of the arena site is intended to support the increased accommodation of transit supportive, walkable, accessible and attainable housing accommodation in the Downtown, and in doing so, supports one of the primary components of Official Plan policy to facilitate increased housing and population accommodation in the Downtown in a manner to act as a catalyst to attract increased service provision and other uses (retail / service commercial, institutional, recreational, employment, etc.) to the Downtown.

The map below highlights the zoning are as M1-107 (Medium Density Mixed Use) which includes but is not limited to apartments, offices, retail, service commercial, and restaurants.



This location has also been identified as an ideal location to build the City's Fire Headquarters, Fire Station 1. The City's Fire Station 1 located at 64 Geneva St. that was built in 1948, is at end of life and too small to accommodate modern sized apparatus including an aerial truck and equipment. The fire station is also unable to quarter staff from the Fire Prevention, Training and Mechanical Units, which are currently working at satellite locations waiting to return to headquarters. As fire staff continues to grow and diversify there are no proper facilities to accommodate the diversified staff. The current headquarters does not meet the Facility and Design Standards (FADS) or AODA standards, negating public access to the building and hindering public education programs. The dated structure is not environmentally friendly

nor fuel efficient. The aging facility was identified for replacement in the [2017 Fire Master Plan](#).

The property is designated and zoned for high density residential development and as a vacant site, could command an attractive price for market development. While revenues from municipal property sales are typically directed to the Civic Project Fund, the proceeds of the sale could be used to offset the cost of constructing the new Fire Station.

## Next Steps

With the decommissioning process near completion, the City has issued a tender for demolition of the Garden City Arena complex. Demolition is anticipated to commence in Q2 of 2023.

Seats have been removed from the site and community seat sale will take place on Saturday, March 4, 2023, where those that registered to purchase can pick up their seats. Further information on the event will be posted by the City as details are confirmed.

While these processes are underway, staff are pursuing future opportunities for the site as outlined in this report. Further information and any future transactions or construction will be presented to Council for approval.

## Financial Implications

There are no direct financial implications for receiving this report for information purposes.

Demolition costs for the Garden City Arena Complex are estimated at \$500,000 and have been accommodated in the 2022 and 2023 Capital Budgets.

Costs associated with future opportunities for the site will be reported to Council as further information becomes available.

## Environmental Sustainability Implications

There are no direct environmental implications associated with receiving this report.

Typically, older facilities like JGA were not built to current environmental standards and are therefore not energy efficient. Significantly more effort is required to rehabilitate an old facility to current environmental standards.

The construction of new facilities to present day building code practices, or higher standards, will allow for easier and more cost-effective opportunities to:

- 1) Reduce greenhouse gas emissions
- 2) Implement energy efficient systems and building components
- 3) Incorporate green building materials and techniques that are low carbon



## **Operational Implications**

There are no direct operational implications associated with receiving this report for information purposes.

## **Conclusion**

The Garden City Arena site at 8 Gale Crescent has served the community with 84 years of ice programming. With the decommissioning of the facility, ice needs have been accommodated at the Canada Games Park and other facilities across St. Catharines. Staff look forward to pursuing new opportunities for the site that will serve the interests and needs of the community into the future.

### **Prepared by**

Trish Sorrenti, Corporate Liaison Officer

### **Submitted by**

Phil Cristi, Director, Community, Recreation and Culture Services

Anthony Martuccio, Director, Engineering, Facilities and Environmental Services

Tami Kitay, Director, Planning and Building Services

Dave Upper, Fire Chief

### **Approved by**

Erin O'Hoski, Deputy CAO

## **Appendices**

1. Chronology- History of the Garden City Arena Complex

# Appendix 1

## Chronology - History of the Garden City Arena Complex

**1937:** Community supported the idea of building an indoor rink with the \$80,000 cost to be paid half through municipal taxes and half through community fundraising.

**January 1938:** Final approval to go ahead with the project went to the electorate in the municipal election (at this time large expenditures had to be included on the ballot.) The vote on this expenditure passed 2,342 to 624.

**Spring 1938:** Public fundraising began with goal reached within a week.

**August 22, 1938:** Groundbreaking for the Arena

**September 26, 1938:** The cornerstone, which is still in place, was laid.

**December 1938:** Official opening. The arena was built for \$87,000 by Newman Brothers and could hold 2900 spectators seated and 1000 standing. This did not include Rex Stimers arena, as it was added on at a later date.

**October 29, 1966:** The Rex Stimers Arena opened beside the Garden City Complex. Rex Stimers was named after a popular sportscaster with local radio station CKTB.

**1996:** Extensive renovations joined the two arenas into one. The original Garden City Arena was renamed the Jack Gatecliff Arena after a local Standard sports reporter.

**September 19, 2007:** The Niagara IceDogs began playing at the facility, and it was renamed the Gatorade Garden City Complex. They played in this facility until 2015 when the St. Catharines Meridian Centre was opened. Upon the expiry of the naming agreement, the complex was renamed the Garden City Arena Complex.

**November 18, 2019:** At the General Committee meeting of [November 18, 2019](#), Council approved the decommissioning of the Garden City Arena Complex upon gaining access to its replacement facility at the Canada Summer Games Sport and Ability Centre.

**April 1, 2022:** The St. Catharines Falcons (founded 1968) regular season final game where a celebration took place to honour the long history of playing at the arena.

This Garden City Arena Complex has been used over the years as a community centre for events and activities such as carnivals, circuses, and shows.



## Corporate Report City Council

**Report from:** Engineering, Facilities and Environmental Services, Engineering and Construction

**Report Date:** January 25, 2023

**Meeting Date:** February 13, 2023

**Report Number:** EFES-020-2023

**File:** 18.20.210

**Subject:** P18-062-1 Lake Street Road Improvements from Welland Avenue to Ontario Street - Award of Tender and Budget Reallocation

### Strategic Pillar:

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



### Recommendation

That the tender for P18-062-1 Lake Street Road Improvements from Welland Avenue Ontario Street be awarded to Provincial Construction Ltd. (second lowest bidder) in the amount of \$3,450,706.40 plus HST; and

That Council grant approval to re-allocate existing funding of \$397,000 from various existing projects to P18-062; and

Further, that the City Solicitor be directed to prepare the necessary by-laws.

### Relationship to Strategic Plan

P18-062-1 Lake Street Road Improvements supports the following:

#### Social Well-Being

##### Goal:

- 2.1 Establish area-specific plans for the redevelopment of key sites in the City to promote strong, compatible, connected neighbourhoods that enhance the quality of life.

- 2.2 Improve transportation and overall connectedness (all modes, including GO Rail, VIA Rail, and inter-municipal transit and active transportation), incorporate urban design guidelines and provide complete streets in City neighbourhoods.

## Background

Lake Street, from Ontario Street (Regional Road 42) to Welland Avenue (Regional Road 77) services a mixed residential / commercial area which is a transition zone from downtown commercial areas. The roadway is also adjacent to Montebello Park. Currently, Lake Street is a two-lane arterial road lacking consistent sidewalks and inadequate underground infrastructure in various sections. A Municipal Class Environmental Assessment (Schedule B, later downgraded to a Schedule A+) was completed in 2021 which identified Lake Street shall be maintained as a two-way roadway with cross-sectional improvements including sidewalk upgrades and uniform lane widths.

Proposed road and surface works will include new concrete sidewalks in compliance with Accessibility for Ontarians with Disabilities Act (AODA) standards, including a new sidewalk along Montebello Park from Ontario Street to Queen Street, new curb and gutter, new pavement structure, and line painting with appropriate crosswalk delineation. On-street parking will be provided on the south side of Lake Street between Ontario Street and Queen Street. A new pedestrian crossing (PXO Level 2 Type C) will be implemented on Lake Street at William Street into Montebello Park, and minor street lighting works will be completed. A new parkette will be constructed at the empty lot (City owned) at the intersection of Lake Street and James Street.

Underground infrastructure upgrades include a replacement of the existing 300mm cast iron watermain with new 300mm PVC watermain, replacement of the existing sanitary sewer (250mm diameter) system between Queen Street and James Street, and new storm sewer between Queen Street and Wellington Street.

Taking advantage of the proposed construction works, the Region of Niagara will be completing an intersection rehabilitation at the intersection of Lake Street and Welland Avenue, including asphalt rehabilitation, new vehicle detection loop installation and upgraded line painting.

## Report

A construction tender called P18-062-1 Lake Street Road Improvements closed on Thursday, December 15, 2022. A total of six tenders were received and opened. All extensions and totals for all tenders were checked. No mathematical error was found in the bids received. The tender prices are listed in Table 1 below:

**Table 1**

<b>Tender Submitted By:</b>	<b>Tender Price Submitted</b>	<b>Corrected Tender Price Submitted</b>	<b>Tender Price (Incl. 1.76% HST)</b>	<b>Tender Price (Incl. 13% HST)</b>
Kada Group Inc.	\$3,409,175.20	\$3,409,175.20	\$3,469,176.68	\$3,852,367.98
Provincial Construction Ltd.	\$3,450,706.40	\$3,450,706.40	\$3,511,438.83	\$3,899,298.23
Peter's Excavating Inc.	\$3,581,015.00	\$3,581,015.00	\$3,644,040.86	\$4,046,546.95
O'Hara Trucking and Excavating	\$4,127,687.00	\$4,127,687.00	\$4,200,334.29	\$4,664,286.31
Rankin Construction Inc.	\$4,175,425.00	\$4,175,425.00	\$4,248,912.48	\$4,718,230.25
Alfidome Construction Niagara	\$5,015,816.69	\$5,015,816.69	\$5,104,095.06	\$5,667,872.86

The design consultant and City staff reviewed the submissions. As a result of that review and given that the request for tender states "The [City] reserves the right to reject any or all bids as the interests of the [City] may require, without stating reasons therefore, and the lowest or any tender will not necessarily be accepted.", staff recommends awarding the tender for P18-062-1 Lake Street Road Improvements from Welland Avenue to Ontario Street to the second lowest bidder Provincial Construction Ltd., at its bid price of \$3,450,706.40 plus HST.

In staff's opinion, Provincial Construction Ltd. have the experience and technical expertise to complete the project.

Based on the Tender Price of \$3,450,706.40 plus HST by Provincial Construction Ltd., staff prepared an updated total project cost estimate. Including contingency, engineering services, site inspection, material testing, non-refundable HST and other miscellaneous costs, the updated total project cost is estimated at \$3,798,000.

Total approved budget for this project is \$3,954,176. Staff had tendered this project with the understanding that the approved project funds would not be sufficient to cover the full project cost; however, it was decided to move forward with tendering the project due to the existing condition of the infrastructure.

The additional \$397,000 required funding to complete this project can be provided with the reallocation of funding from capital project P17-067 St. David's Road / Townline Road W Reconstruction (Phase 1 under construction in 2023), and P20-100 Edinburgh / Tamarack (Substantially performed) to this project. Staff will recommend the reallocated funds for capital project P17-067 St. David's Road / Townline Road W Reconstruction be included in the 2024 Capital Budget to construct the Phase 2 of the project in 2024.

Details of approved and required funding for this project are listed below:

**Table 2:**

	<b>Budget / Program</b>	<b>Account</b>	<b>Budgeted Amount (Available)</b>
Existing Funding	Capital Budget – Road	P18-062	\$1,030,818
Existing Funding	Capital Budget – Sanitary Sewers	P18-062	\$722,620
Existing Funding	Capital Budget – Storm Sewers	P18-062	\$281,750
Existing Funding	Capital Budget – Water	P18-062	\$1,515,756
Existing Funding	Capital Budget – Sidewalk	P18-062	\$180,250
<b>Total Existing Project Funding (Available)</b>			<b>\$3,731,194</b>
Additional Funding	Capital Budget – Roads	Transferred from P20-100 Edinburgh/Tamarack	\$22,000
Additional Funding	Capital Budget – Storm Sewers	Transferred from 17-067 St. David's Road / Townline Road W Reconstruction.	\$221,000
Additional Funding	Capital Budget – Sidewalks	Transferred from 17-067 St. David's Road / Townline Road W Reconstruction.	\$154,000
<b>Total Additional Funding from Existing Projects</b>			<b>\$397,000</b>
<b>Total Project Funding</b>			<b>\$4,128,194</b>

## Financial Implications

Table 3 contains the costs and related budget amounts identified to complete Project P18-062-1 Lake Street Road Improvements.

**Table 3**

<b>Project Cost and Funding</b>	
Tender cost (excluding HST)	\$3,450,706.40
Other project costs	\$ 345,002
Net total project costs	\$3,798,000
Existing budget (details in Table 2)	\$3,731,000
Additional budget required (details in Table 2)	\$ 397,000

Staff recommend the project proceed as tendered. Retendering is unlikely to achieve lower prices. In addition, retendering will delay construction and completion of this project.

The City Treasurer confirms that the amounts shown in the table above are available for use towards Project P18-062-1 Lake Street Road Improvements.

## **Environmental Sustainability Implications**

The completion of this project increases system reliability due to asset renewal of infrastructure nearing its life expectancy.

### **Prepared by**

Imtiaz Ahmad, P. Eng.  
Design and Construction Engineer

### **Submitted by**

Tim Marotta, P. Eng.  
Manager of Engineering and Construction

### **Approved by**

Erin O'Hoski  
Deputy Chief Administrative Officer

## **Appendices**

1. Key Plan









## Corporate Report City Council

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

**Report Date:** January 27, 2023

**Meeting Date:** February 13, 2023

**Report Number:** LCS-011-2023

**File:** 10.5.1

**Subject:** Consent and Discussion Reports

### Strategic Pillar:

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

## Recommendation

That Report LCS-011-2023, regarding Consent and Discussion Reports, be received for information.

## Relationship to Strategic Plan

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

## Background

At its meeting of November 28, 2022, Council approved the following report request:

That staff prepare a report with updated criteria and rationale for determining whether reports are listed as consent or discussion reports.

At its meeting of May 9, 2011, Council approved the creation of a consent agenda. The report that Council received prior to making that decision included the following:

The premise of this system is that all reports for Council are listed on a Consent Agenda. Council votes on this Agenda as a whole. If there are any items on the Agenda that a Councillor desires discussion on, they ask that the item be “pulled”. These items would then be placed on the Discussion Agenda. Council could then implement an automatic recorded vote on all Discussion Agenda items.

Additionally, all decisions on planning applications and financial expenditures in excess of \$500,000 would be automatically placed on the Discussion Agenda.

## Report

Consent agendas are a common meeting management tool intended to improve meeting efficiency by streamlining the approval of more routine matters and allocating more time to items that require discussion prior to a decision being made. While each discussion report is discussed and voted on separately, all reports on the consent agenda are approved through one motion. Council's Procedure By-law authorizes the Clerk to prepare a consent and a discussion agenda for each Meeting and any item placed on consent may be moved to discussion at the request of a Member of Council.

Although Council's Procedure By-law authorizes the Clerk to prepare the consent and discussion agenda, in practice the determination of whether a report should be on consent or discussion is made in consultation with members of the Senior Leadership Team.

Since Council first approved the introduction of a consent agenda in 2011, staff have developed certain criteria to help guide staff in determining whether a report should be on consent or discussion.

Reports that are typically placed on consent include:

- Reports that are provided for information
- Reports that pertain to a matter where authority has been delegated to staff but which still require a report
- Reports that the Senior Leadership Team do not expect will result in discussion
- Council correspondence

Reports that are typically placed on discussion include:

- Reports that request approval of funds that are not part of an approved budget\*
- Reports that request that funds in excess of \$500,000 be transferred or re-allocated\*
- Reports that are accompanied by a staff presentation
- Reports where it is known that there are delegates (consent reports move to discussion when delegates register to speak after the agenda is published)
- Reports that the Senior Leadership Team expect will result in discussion

\* Previously expenditures in excess of \$500,000 were placed on discussion, however since the introduction of a new procurement policy and delegation of authority by-law, staff have been using the above-noted criteria to guide whether a report is on consent or discussion.

For the most part, the items above are a guide and there will always be some level of staff interpretation when determining whether a report should be included on the agenda as consent or discussion. For example, reports that have been previously discussed by a committee are often placed on the consent agenda but depending on the topic staff may decide the report is best placed on discussion. At any point, a councillor is able to move a report from consent to discussion.

The 2011 report indicated that all decisions on planning applications would be placed on the discussion agenda, however these reports are typically included under the Public Meetings portion of the agenda.

## **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**

The use of a consent and discussion agenda allows for better meeting management.

### **Prepared and Submitted by**

Kristen Sullivan, City Clerk

### **Approved by**

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



## Corporate Report City Council

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

**Report Date:** February 3, 2023

**Meeting Date:** February 13, 2023

**Report Number:** LCS-026-2023

**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, as outlined in the confidential letter from the Chief Executive Officer of the FirstOntario Performing Arts Centre, to the FirstOntario Performing Arts Centre Board of Management; and

That Council receive and file additional correspondence distributed for the meeting held February 13, 2023, 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 January 20, 2023 to February 2, 2023.

At the meeting of September 24, 2018, City Council endorsed a motion regarding “The Right of Passage” as Sub-Item #4 is a resolution from the Town of Cobourg supporting Council’s motion.

### Resolutions

1. Township of Lanark Highlands re. Violence Against Women
2. Town of Petrolia re. School Board Election.
3. City of Brantford re. VIA Rail Cancellations Letter
4. City of Thunder Bay re. Bill 42 - Gender Affirming Healthcare Act

### Response to Motions from St. Catharines City Council

5. Support for City Council's Motion – re. The Right of Passage (motion passed at Council Meeting of September 24, 2018)

## **Correspondence**

6. Correspondence from Ontario Farmland Trust re. 2023 Farmland Forum Flyer
7. AMO Watchfile – January 26, 2023
8. AMO Watchfile - February 2, 2023

## **Correspondence from Niagara Region**

9. Correspondence from Niagara Region Re. 2023 Budget – Waste Management Services Operating Budget and Rate Requisition
10. Correspondence from Niagara Region re. 2023 Budget - Water and Wastewater Operating Budget, Rate Setting and Requisition
11. Correspondence from Niagara Region re. Approval of the Niagara Region Official Plan
12. Correspondence from the Niagara Region re. Approval of 2023 Interim Levy Dates and Amounts

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

13. Resolution - City of Hamilton - Impacts of Bill 23, More Homes Build Faster Act, 2022
14. Resolution - Town of Halton Hills re. Repeal Bill 23

## **Reports Requested by Council**

15. Outstanding Reports List – updated February 3, 2023

## **Confidential Memorandums from Staff**

(See SugarSync folder for February 13, 2023)

- FirstOntario Performing Arts Centre re. 2022 Citizen Member Recruitment

### **Prepared by**

Sarah McWilliams  
Council and Committee Coordinator

### **Submitted and Approved by**

Kristen Sullivan  
City Clerk

Sub-Item 1



January 25<sup>th</sup>, 2023

Minister for Women and Gender Equality  
P.O. Box 8097, Station T CSC  
Ottawa, ON K1G 3H6

**ATTENTION: Honorable Marci Ien**

Dear Minister Ien:

**RE: Resolution – Violence Against Women**

Please be advised that the Council of the Corporation of the Township of Lanark Highlands passed the following resolution at their regular meeting held January 10<sup>th</sup>, 2023:

*Moved by Reeve McLaren*

*Seconded by Councillor Summers*

**THAT**, the Council of the Township of Lanark Highlands supports the resolution from the County of Lanark regarding Violence Against Women;

**AND THAT**, this resolution be circulated to all Ontario Municipalities, local MP's and MPP's, the Association of Municipalities of Ontario, and the Ministry of the Attorney General, Ministry of Women's Social and Economic Opportunity, and the Federal Ministry of Women and Gender Equality.

**Resolved**

Sincerely,

Amanda Noël,  
Clerk

Encls.

c.c. All Ontario Municipalities  
Local MP's and MPP's  
Association of Municipalities  
Ministry of the Attorney General  
Ministry of Women's Social and Economic Opportunity



All Ontario Municipalities

December 15, 2022

To Whom it May Concern:

On Wednesday December 14<sup>th</sup>, 2022 Lanark County Council passed the following motion:

**MOTION #CC-2022-235**

**MOVED BY:** R. Kidd      **SECONDED BY:** B. Dowdall

*Be it resolved that the Lanark County Council recognizes the issues of violence in rural communities as serious to the health and wellness of local families; and*

*Be it further resolved that the Lanark County Council recognizes the rural Renfrew County Coroner's Inquest as important to all rural communities; and*

*Based on the statistics of 4815 crisis calls and service provision to 527 women and children in our local community, the Lanark County Council declares IPV (intimate partner violence)/VAW (violence against women) an epidemic as per recommendation #1 of the Renfrew County Coroner's jury recommendations; and*

*That this resolution be circulated to all municipalities in Ontario, local MPs and MPPs, the Association of Municipalities of Ontario, and the Ministry of the Attorney General, Ministry of Women's Social and Economic Opportunity, and the Federal Ministry of Women and Gender Equality.*

Further background on the Renfrew Inquest Recommendations can be found at this link: [https://lukesplace.ca/wp-content/uploads/2022/06/CKW-Inquest-Verdict-Recommendations-SIGNED\\_Redacted.pdf](https://lukesplace.ca/wp-content/uploads/2022/06/CKW-Inquest-Verdict-Recommendations-SIGNED_Redacted.pdf)

Thank you,

Jasmin Ralph, Clerk

Cc: Association of Municipalities of Ontario, Scott Reid, MP, John Jordan, MPP, Ministries of the Attorney General, Justice, Women's Social and Economic Opportunity, and the Federal Ministry of Women's Issues.

## Sub-Item 2

January 25, 2023

Hon. Steven Lecce, Minister of Education  
MPP Bob Bailey, Sarnia-Lambton  
County of Lambton  
Municipalities of Lambton County and Ontario

***Via email***

During the December 12, 2022, regular meeting of council, the following resolution was passed:

Moved: Bill Clark      Seconded: Debb Pitel

WHEREAS in the Province of Ontario, municipalities are responsible to conduct the election process on behalf of the school boards; and

WHEREAS an extensive amount of resources, time and management to advertise, co-ordinate and complete these trustee elections is placed on the municipality; and

WHEREAS municipalities do not receive any compensation or re-imbursement for use of orchestration of the school board trustee elections.

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Petrolia request that staff forward this motion to the Hon. Steven Lecce, Minister of Education, MPP Bob Bailey, Ontario Municipal Councils and the County of Lambton requesting that school boards become responsible for conducting their own trustee elections or at minimum municipalities be compensated by the school boards for overseeing such trustee elections;

Carried

Kind regards,

*Original Signed*

Mandi Pearson  
Clerk/Operations Clerk

Phone: (519)882-2350 • Fax: (519)882-3373 • Theatre: (800)717-7694

411 Greenfield Street, Petrolia, ON, N0N 1R0

[www.town.petrolia.on.ca](http://www.town.petrolia.on.ca)





## Sub-Item 3



February 3, 2023

The Honourable Omar Alhabra  
Federal Minister of Transportation

Sent via email: [omar.alhabra@parl.gc.ca](mailto:omar.alhabra@parl.gc.ca)

Dear County Honourable Omar Alhabra:

Please be advised that Brantford City Council at its meeting held January 31, 2023 adopted the following:

#### **12.2.8 VIA Rail Cancellations**

WHEREAS residents in the City of Brantford may choose to live in Brantford because of its convenient location in Southwestern Ontario; and

WHEREAS many residents commute to their places of employment outside of The City of Brantford, many of them relying on rail transit; and

WHEREAS in August 2021 the federal Minister of Transportation visited Brantford Via station and announced that the federal government would be pursuing opportunities to enhance passenger rail services in southwestern Ontario; and

WHEREAS in August 2022 the federal government announced they would be exploring options to improve passenger rail frequencies, on-time performance, and shorten travel times in Southwestern Ontario; and

WHEREAS since 2020 a number of passenger rail lines have been suspended or cancelled leaving residents of Brantford with fewer commuting options; and

WHEREAS there is a need for commuter rail travel options for City residents that depart from the downtown Brantford rail station; and

WHEREAS pre-pandemic line 82 served residents in Southwestern Ontario commuting to employment in downtown Toronto. Line 82 began in London at 6:30 am, stopped in Brantford at 7:30 and arrived at Toronto's union station at 8:30 making it very popular with commuters residing in London, Woodstock and Brantford; and

WHEREAS Via Rail has reinstated a number of Ontario rail lines that were suspending during the pandemic, not including Line 82; and

WHEREAS the announcement reinstating Line 82 has been unreasonably delayed, causing a great deal of angst and anxiety for rail line commuters; and

WHEREAS line 82 is an important transportation link for many residents in Southwestern Ontario and also for builders considering residential developments in the northern section of Brantford's downtown area, which developments are an important component of the downtown renewal action plan.

NOW THEREFORE BE IT RESOLVED:

- A. THAT the Council of The Corporation of The City of Brantford respectfully CALLS UPON the Government of Canada to resume, in good faith, investigations into opportunities to enhance passenger rail services in southwestern Ontario; and
- B. THAT the Council of The Corporation of The City of Brantford respectfully CALLS UPON Via Rail to reinstate line number 82 immediately; and
- C. THAT the Clerk BE DIRECTED to forward a copy of this resolution to The Federal Minister of Transportation, The Honourable Omar Alghabra, The City of Brantford Member of Parliament, The Honourable Larry Brock, Via Rail Canada and to each municipality impacted by the route cancellations, namely The City of London and The City of Woodstock.

I trust this information is of assistance.

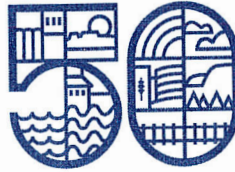
Yours truly,



Chris Gauthier  
Acting Clerk, [cgauthier@brantford.ca](mailto:cgauthier@brantford.ca)

cc MP Larry Brock  
VIA Rail Canada  
Ontario Municipalities

Sub-Item 4



OFFICE OF THE CITY CLERK  
500 Donald Street East  
Thunder Bay, ON P7E 5V3  
Tel: (807) 625-2230  
Fax: (807) 623-5468

Tuesday, January 24, 2023

Hon. Doug Ford, Premier  
Hon. Sylvia Jones, Health Minister

**Re: Bill 42 - Gender Affirming Healthcare Act**

Please be advised that the following resolution was adopted by Committee of the Whole at its meeting held on January 16, 2023 and subsequently ratified by City Council on January 23, 2023.

"WITH RESPECT to the Memorandum from Councillor Kristen Oliver, Chair – Inter-Governmental Affairs Committee, dated January 3, 2023, we recommend that Council support the passing of Bill 42 – Gender Affirming Health Care Act;

AND THAT a copy of this resolution be sent to Premier Doug Ford, Health Minister Sylvia Jones, MPP Kevin Holland, MPP Lise Vaugeois, Rainbow Collective, MPP Kristen Wong-Tam, all Ontario Municipalities and Thunder Pride;

AND THAT any necessary by-laws be presented to Council for ratification."

CARRIED

Should you have any further questions relative to the above, please do not hesitate to contact the undersigned.

Yours very truly,

Dana Earle  
Deputy City Clerk

/gs

Cc:

MPP Kevin Holland  
MPP Lise Vaugeois  
Rainbow Collective  
MPP Kristen Wong-Tam  
All Ontario Municipalities  
Thunder Pride



# THE CORPORATION OF THE TOWN OF COBOURG

AGENDA ITEM #6.4  
Sub-Item 5

The Corporation of the Town of Cobourg  
Legislative Services Department  
Victoria Hall  
55 King Street West  
Cobourg, ON K9A 2M2

Brent Larmer  
Municipal Clerk/  
Director, Legislative Services  
Telephone: (905) 372-4301 Ext. 4401  
Email: [blarmer@cobourg.ca](mailto:blarmer@cobourg.ca)  
Fax: (905) 372-7558

**SENT VIA EMAIL**

January 25, 2023

The Honourable Doug Ford, Premier of Ontario  
Room 281, Legislative Building, Queen's Park  
Premier's Office  
Toronto, ON M7A 1A1  
[premier@ontario.ca](mailto:premier@ontario.ca)

Honourable and Dear Sir:

## **Re: The Right of Passage**

---

At a meeting held on January 16, 2023, the Municipal Council of the Town of Cobourg approved the following Resolution #008-23:

*Moved by Mayor Lucas Cleveland, Seconded by Councillor Aaron Burchat*

*THAT Council support the resolution on the right of passage bill as submitted by the City of St. Catharines for the Town of Cobourg to be sent to Premier Ford and the Government of Ontario; and*

*FURTHER THAT Council send a copy of the resolution to AMO and all of the municipalities that abut the Great Lakes.*

**008-23**

**Carried**

If you have any questions regarding this matter, please do not hesitate to contact the undersigned at [blarmer@cobourg.ca](mailto:blarmer@cobourg.ca) or by telephone at (905)-372-4301 Ext. 4401.

Sincerely,

Brent Larmer  
Municipal Clerk/Director of Legislative Services  
Legislative Services Department

Encl: Resolution 008-2023  
Letter from St. Catherine's Re: The Right of Passage



## The Corporation of the Town of Cobourg

# Resolution

---

<b>Moved By</b>	Mayor Lucas Cleveland	<b>Resolution No.:</b>
<b>Last Name Printed</b>	Cleveland	008-23
<b>Seconded By</b>	Councillor Aaron Burchat	<b>Council Date:</b>
<b>Last Name Printed</b>	Burchat	January 16, 2023

THAT Council support the resolution on the right of passage bill as submitted by the City of St. Catharines for the Town of Cobourg to be sent to Premier Ford and the Government of Ontario; and

FURTHER THAT Council send a copy of the resolution to AMO and all of the municipalities that abut the Great Lakes.



October 1, 2018

The Honourable Doug Ford, Premier of Ontario  
Room 281, Legislative Building, Queen's Park  
Premier's Office  
Toronto, ON M7A 1A1

Sent via email:  
premier@ontario.ca

Honourable and Dear Sir:

**Re: The Right of Passage  
Our File No. 35.11.2**

The following resolution, approved by the Municipal Council of the Town of Fort Erie at its meeting on August 27, 2018, was endorsed by the Council of the City of St. Catharines at its meeting held September 24, 2018:

**Whereas** the people of Ontario are blessed with the Great Lakes and miles of diverse waterfront, and

**Whereas** the waters of the Great Lakes constitute the largest reservoir of fresh water in the world, and

**Whereas** the value of these waters as a life-sustaining resource can best be understood and appreciated by the public if it has access to the waterfront along the shoreline of the Great Lakes, and

**Whereas** MPP's for Niagara Falls-Fort Erie-Niagara-on-the-Lake have presented Private Member's Bills (The Right of Passage Bills) to ensure public walking rights along Ontario's Great Lakes shoreline, and

**Whereas** none of these Private Member's Bills have been passed by the Ontario Legislature, and

**Whereas** now, more than ever, the right of the public to walk along the Great Lakes shoreline should be confirmed by statute;

**Now therefore be it resolved,**

**That:** Council of the Town of Fort Erie calls upon the Premier, Doug Ford, to present and enact government legislation, The Right of Passage Act, to:

- a) Ensure that the public has the right to walk along all Great Lake shorelines between the water's edge and the high water mark,

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

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



- b) Require removal by property owners of all fences running vertical to the shoreline distance of no less than 10 feet from the water's edge and any other obstructions to the public's right to walk the shore,
- c) Permit public access to the Great Lakes shoreline only via public lands, such as parks, road allowances or easements, and
- d) Prohibit the public from any activity on privately owned waterfront, other than a right to walk along the shoreline, and further

**That:** A copy of this resolution be delivered to the Premier, The Honourable Doug Ford, for action and to the MPP's and MP's in Niagara, the Clerk of the Niagara Region and of the area municipalities for information and support

If you have any questions, please contact the Office of the City Clerk at extension 1524.

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

cc: Chris Bittle, MP-St. Catharines, Sent via email: [chris.bittle@parl.gc.ca](mailto:chris.bittle@parl.gc.ca)  
Vance Badawey, MP-Niagara Centre, Sent via email: [vance.badawey@parl.gc.ca](mailto:vance.badawey@parl.gc.ca)  
Rob Nicholson, MP-Niagara Falls, Parliament of Canada, Sent via email: [rob.nicholson@parl.gc.ca](mailto:rob.nicholson@parl.gc.ca)  
Jennifer Stevens, MPP-St. Catharines, Sent via email: [JStevens-CO@ndp.on.ca](mailto:JStevens-CO@ndp.on.ca)  
Wayne Gates, MPP-Niagara Falls, Legislative Assembly of Ontario, Sent via email: [wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)  
Sam Oosterhoff, MPP-Niagara West-Glanbrook, Legislative Assembly of Ontario, Sent via email: [sam.oosterhoff@pc.ola.org](mailto:sam.oosterhoff@pc.ola.org)  
Jeff Burch, MPP-Niagara Centre, Sent via email: [JBurch-QP@ndp.on.ca](mailto:JBurch-QP@ndp.on.ca)  
Ann-Marie Norio, Regional Clerk, Niagara Region, Sent via email: [Ann-Marie.Norio@niagararegion.ca](mailto:Ann-Marie.Norio@niagararegion.ca)  
Niagara Local Area Municipalities Sent via email



# Planning to Save the Soil

Sub-Item 6



A day of networking, sharing, and learning on the most pressing issues in farmland protection.

## Join us for discussions on:

- The role soil plays in climate change mitigation, water quality and more
- The work of farmer soil stewards to build soil health
- Planning and policy that centers the importance of soil for communities

### Forum Details

Thursday March 23, 2023  
9:00 am - 4:30 pm



Online  
\$50 general  
\$25 students



The Grand, Guelph  
(includes lunch & snacks)  
\$125 early-bird rate  
\$100 farmer rate  
\$50 students



### Who Should Attend?

- Farmers
- Land Use Planners
- Land Conservationists
- Researchers
- Provincial Policy Makers
- Municipal Councillors
- Environmentalists
- Land Owners

### Tickets

To register, and for more information on the schedule, visit:

[www.ontariofarmlandtrust.ca/forum](http://www.ontariofarmlandtrust.ca/forum)  
(519) 781-3276  
[tamara@ontariofarmlandtrust.ca](mailto:tamara@ontariofarmlandtrust.ca)



Registration opens  
January 30!



## Sub-Item 7

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



January 26, 2023

### In This Issue

- Call for applications to fill AMO Board vacancies.
- 2023-2024 Seniors Community Grant applications.
- Invitation to golf car consultations.
- New Community Transit Technology Guide available.
- Intake open for Rural Economic Development funding.
- Streamline Development Approval Fund deadline extended.
- Municipal Modernization Program implementation deadline extended.
- New dates available for AMO's Land Use Planning training.
- Strengthen your leadership: AMO's New Councillor Training.
- Save the date for AMO-LAS 2023 Energy Symposium: November 2 - 3.
- New dates available for AMO's Navigating Conflict for Elected Officials training.
- Webinar: A Barrier Free Website Builder for Municipalities.
- 4 easy steps to use Canoe through LAS.
- LAS spring webinars are just around the corner!
- AdvantAge Ontario Long-Term Care webinar for councillors.
- Careers: ONE, MOT, Hamilton, HCRA, Ombudsman Ontario, Ajax, and Kingston.

### AMO Matters

AMO is soliciting applications to fill seven Caucus vacancies on the AMO Board of Directors; positions for elected officials and municipal employees are open. Application package can be found [here](#). Deadline: February 10, 2023.

### Provincial Matters

Apply between January 11 - March 6 for Seniors Community Grants to support the delivery of programs and learning opportunities for seniors. Applications will be accepted through the [Transfer Payment Ontario](#) site.

Since June 2021, MTO has been piloting golf cars in Huron-Kinloss and Pelee Island. It is now exploring expansion and offering municipal [consultation](#) on February 1.

The Ministry of Transportaion has published a new [Transit Technology Toolkit](#) for small and medium sized municipalities, indigenous communities, and transit systems. The kit helps communities to navigate new transit technologies. For more information,

contact: [mto.smart.mobility@ontario.ca](mailto:mto.smart.mobility@ontario.ca).

A new intake for Rural Economic Development (RED) funding is open until February 23. For more information, click [here](#).

The Streamline Development Approval Fund deadline has been extended from February 28 to November 1, 2023. Contact [municipal.programs@ontario.ca](mailto:municipal.programs@ontario.ca) with any questions.

The deadline for implementation of projects approved under Intake 3 of the Municipal Modernization Program has been extended to December 1, 2023.

### Eye on Events

AMO's Foundations in Planning and Deeper Dive training prepares elected officials in understanding planning concepts and requirements as well making strategic decisions on the complex issues you will face over the coming term. Register [here](#) and [here](#).

AMO training examines 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 Councillor training](#).

Following on the success of the 2022 Symposium, this in-person event will once again bring information and insight to all the energy issues on your mind. Information on the location of the Symposium, registration and how to submit a proposal to present is coming soon.

Navigating Conflict for Elected Officials training is an opportunity to gain skills in building collaborative relationships and negotiating difficult ones in your role as an elected municipal official. This virtual, interactive workshop, explores the constructs, traps and pitfalls of conflict relationships, why relationships may go wrong and how to approach, plan and execute relationships successfully using practical tips, tools and real-world examples. [Register here](#). Space is limited.

Join AMO and our partner of a barrier free web solution, [GHD Digital](#), for a webinar on [January 26 at noon](#) to see Govstack, the newest content management system for your municipal website. Learn about the exclusive AMO offer, key features and capabilities of the new platform, and get an understanding of why Govstack is your best move in digital transformation.

### LAS

In just 4 easy steps, you can use Canoe Procurement Group to buy your everyday items: (1) Make sure your purchasing by-laws allow for group buying. (2) Post a [Notice of Participation](#) on your website. (3) Send in your [opt-in form](#). (4) Contact any of the [many vendors](#) and mention you want to buy through Canoe! Still got questions?

Contact Tanner Watt for more info.

LAS' Spring webinar series kicks off next week with an informative session on net zero arenas with Canoe vendor Cimco. Check out our events page to register for this and other informative webinars - covering exciting topics from organic waste processing to electric vehicles. You won't want to miss these!

#### **Municipal Wire\***

Registration is open for AdvantAge Ontario's free Long-Term Care orientation webinar for municipal councillors. The webinar will be February 15 from 12-1pm. A brief on municipalities and LTC is also available.

#### **Careers**

Board Coordinator - ONE Investment. Provides legislative support to facilitate effective operations of ONE's Boards and Committees and prepares and distributes meeting notices, agendas, reports; takes and prepares minutes for both public and closed meetings. Deadline: 4:00 PM February 17. Email applications to: careers@amo.on.ca.

Team Lead - Ministry of Transportation. Oversees the Agency Relations Team, which provides strategic communications support on items related to the Ministry's agencies. Apply online, only, by February 10, entering Job ID 193218.

Manager, Partner and Relationships Office - Ministry of Transportation. Lead a team who provide strategic guidance, and engagement advice to support fostering meaningful relationships with Indigenous communities. Apply online, only, quoting Job ID 187566, by February 6.

Financial Analyst - Township of Hamilton. Responsible for accounting duties, asset management, customer service, and internal control analysis. Forward a PDF copy of cover letter and resume (1 document) to the attention of the Human Resources Department at hr@hamiltontownship.ca by February 3.

General Counsel - Home Construction Regulatory Authority. Provide support to the Board of Directors to uphold governance framework while ensuring compliance with statutory and regulatory requirements. Apply to hmekonen@bipocsearch.com by February 20.

Early Resolution Officers / Agent(e)s de règlement préventif - Ombudsman Ontario. Triage and analyze complaints to clearly identify and frame issues, and determine how to resolve them or when to escalate them. Apply online by January 27.

Investigators / Enquêteur(euse) - Ombudsman Ontario. Accountable for investigations from inception to completion, which includes identifying issues, interviewing witnesses, and gathering and analyzing information. Apply online by January 27.

Planning Clerk - Town of Ajax. Responsible for customer service and administrative support to the Planning Section. Apply online by January 27.

Supervisor, Public Works - Roads - City of Kingston. Responsible for the prioritization of work assignments, condition assessments, site inspections, asset management, and financial management tasks. Apply online by February 7.

#### 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

#### 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.



Please consider the environment  
before printing this.

Association of Municipalities of Ontario  
200 University Ave. Suite 801, Toronto ON Canada M5H 3C6  
To unsubscribe, please [click here](#)



## Sub-Item 8

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



February 2, 2023

### In This Issue

- 2023 PJ Marshall Municipal Innovation Award - Call for submissions.
- Call for applications to fill AMO Board vacancies.
- 2023-2024 Seniors Community Grant applications.
- New Community Transit Technology Guide available.
- Intake open for Rural Economic Development funding.
- Municipal Modernization Program implementation deadline extended.
- Streamline Development Approval Fund deadline extended.
- Ontario Small Urban Municipalities Conference (OSUM) - April 26-28, 2023.
- New dates available for AMO's Land Use Planning training.
- Strengthen your leadership: AMO's New Councillor Training.
- Save the date for AMO-LAS 2023 Energy Symposium: November 2 - 3.
- New dates available for AMO's Navigating Conflict for Elected Officials training.
- LAS Blog: Introducing a personal insurance career experience.
- Canoe Procurement Group: No login required.
- Canoe vendor spotlight: Kubota.
- Ontario Nature webinar on Canada's protected areas and the role of municipalities.
- AdvantAge Ontario Long-Term Care webinar for councillors.
- Careers: ONE, Halton Region, Ministry of the Solicitor General and Thunder Bay.

### AMO Matters

We are now accepting submissions for the 2023 PJ Marshall Municipal Innovation Award. The deadline to submit is May 26, 2023. Full information is located [here](#).

AMO is soliciting applications to fill seven Caucus vacancies on the AMO Board of Directors; positions for elected officials and municipal employees are open. Application package can be found [here](#). Deadline: February 10, 2023.

### Provincial Matters

Apply between January 11 - March 6 for Seniors Community Grants to support the delivery of programs and learning opportunities for seniors. Applications will be accepted through the [Transfer Payment Ontario](#) site.

The Ministry of Transportaion has published a new [Transit Technology Toolkit](#) for

small and medium sized municipalities, indigenous communities, and transit systems. The kit helps communities to navigate new transit technologies. For more information, contact: [mto.smart.mobility@ontario.ca](mailto:mto.smart.mobility@ontario.ca).

A new intake for Rural Economic Development (RED) funding is open until February 23. For more information, click [here](#).

The deadline for implementation of projects approved under Intake 3 of the Municipal Modernization Program has been extended to December 1, 2023.

The Streamline Development Approval Fund deadline has been extended from February 28 to November 1, 2023. Contact [municipal.programs@ontario.ca](mailto:municipal.programs@ontario.ca) with any questions.

### Eye on Events

Registration is now open for *Springtime in Paris*, April 26 - 28, 2023. Brant County is hosting the first Ontario Small Urban Municipalities (OSUM) Conference since 2019 inviting municipal leaders from small urban municipalities to this important event.

AMO's Foundations in Planning and Deeper Dive training prepares elected officials in understanding planning concepts and requirements as well making strategic decisions on the complex issues you will face over the coming term. Register [here](#) and [here](#).

AMO training examines 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 Councillor training](#).

Following on the success of the 2022 Symposium, this in-person event will once again bring information and insight to all the energy issues on your mind. Information on the location of the Symposium, registration and how to submit a proposal to present is coming soon.

Navigating Conflict for Elected Officials training is an opportunity to gain skills in building collaborative relationships and negotiating difficult ones in your role as an elected municipal official. This virtual, interactive workshop, explores the constructs, traps and pitfalls of conflict relationships, why relationships may go wrong and how to approach, plan and execute relationships successfully using practical tips, tools and real-world examples. [Register here](#). Space is limited.

### LAS

Guest blogger, Faith Reinhart, Insurance Broker at Cowan Insurance Group, [writes about a personal experience](#) that introduces her to a career in the insurance industry.

Transparency is key to a cooperative procurement program you can trust. Canoe

Procurement Group makes all documentation publicly available – no membership, paywall or login required. Visit [here](#) to browse vendors, RFPs, contracts and more.

We're pleased to welcome Kubota to the [Canoe Procurement Group](#)! They have contracts to supply medium duty and compact construction, utility transport vehicles, and grounds maintenance equipment. Save time and money by purchasing the equipment you need through Canoe. [Contact Simon](#) to learn more.

#### **Municipal Wire\***

[Ontario Nature's](#) webinar *Reaching Canada's protected areas target: The vital role of municipalities* is intended for municipal leaders and planning and environment staff. February 22, 2:00 - 3:30 pm. Register [here](#).

[Registration](#) is open for AdvantAge Ontario's free Long-Term Care orientation webinar for municipal councillors. The webinar will be February 15 from 12-1pm. A [brief](#) on municipalities and LTC is also available.

#### **Careers**

[Board Coordinator - ONE Investment](#). Provides legislative support to facilitate effective operations of ONE's Boards and Committees and prepares and distributes meeting notices, agendas, reports; takes and prepares minutes for both public and closed meetings. Deadline: 4:00 PM February 17. Email applications to: [careers@amo.on.ca](mailto:careers@amo.on.ca).

[Security Supervisor - Halton Region](#). This role will lead the Energy, Fleet and Facilities Divisional Security team and will be responsible for security operations. Deadline: February 10.

[Senior Project Consultant - Ministry of the Solicitor General](#). Lead the development, support and implementation of project deliverables, and enhancement of project management capacity. [Apply online](#) by February 14.

[Bilingual Provincial Land Tax Analyst - City of Thunder Bay](#). This role is responsible for processing tax and assessment appeals and administering various tax rebate/deferral programs. [Apply online](#) by February 22.

#### **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

---

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.



**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)**Sub-Item 9**

January 25, 2023

**CL 1-2023, January 19, 2023**  
**BRCOTW 2-2023, January 12, 2023**  
**CSD 2-2023, January 12, 2023**

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

2023 Budget – Waste Management Services Operating Budget and Rate Requisition  
 CSD 2-2023

Regional Council, at its meeting of January 19, 2023, approved the following recommendation of its Budget Review Committee of the Whole:

That Report CSD 2-2023, dated January 12, 2023, respecting 2023 Budget – Waste Management Services Operating Budget and Requisition, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the 2023 Waste Management Services net operating budget increase of \$2.35 million or 5.5%, inclusive of reserve usage **BE APPROVED**;
2. That the 2023 Waste Management Services gross operating budget of \$63,451,982 and net budget of \$45,167,763 as per Appendix 1 of Report CSD 2-2023 **BE APPROVED**;
3. That the net budget amount of \$45,167,763 **BE APPORTIONED** between the local area municipalities in accordance with the methodology approved in PWA 55-2011 as per Appendix 4 of Report CSD 2-2023;
4. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration;
5. That a copy of this Report **BE CIRCULATED** to the local area municipalities; and
6. That the three (3) FTEs for the Waste Management Info Line Services **BE APPROVED** as temporary employees.

A copy of Report CSD 2-2023 and By-law No. 2023-02 are enclosed for your information.

Yours truly,

Ann-Marie Norio  
 Regional Clerk

:gs

CLK-C 2023-008

cc: H. Furtado, Director, Financial Management & Planning/Deputy Treasurer  
 T. Harrison, Commissioner, Corporate Services/Treasurer  
 K. Beach, Executive Assistant, Commissioner, Corporate Services

---

**Subject:** 2023 Budget – Waste Management Services Operating Budget and Requisition

**Report to:** Budget Review Committee of the Whole

**Report date:** Thursday, January 12, 2023

---

## **Recommendations**

1. That the 2023 Waste Management Services net operating budget increase of \$2.35 million or 5.5%, inclusive of reserve usage **BE APPROVED**;
2. That the 2023 Waste Management Services gross operating budget of \$63,451,982 and net budget of \$45,167,763 as per Appendix 1 of Report CSD 2-2023 **BE APPROVED**;
3. That the net budget amount of \$45,167,763 **BE APPORTIONED** between the local area municipalities in accordance with the methodology approved in PWA 55-2011 as per Appendix 4 of Report CSD 2-2023;
4. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
5. That a copy of this Report **BE CIRCULATED** to the local area municipalities

## **Key Facts**

- The proposed Waste Management Services (WMS) net budget represents an approximate \$2.35 million increase, or 5.5% over 2022 as shown in Appendix 1 to Report CSD 2-2023, in alignment with the 2023 Budget Planning Strategy.
- The net budget increase, before budget mitigation strategies, of \$6.9 million or 16.6% has been mitigated to 5.5% using operating and capital reserves to temporarily reduce and fund some of the increase for 2023.
- Assessment growth for Niagara Region and Area Municipalities has been finalized; estimated assessment growth by municipality is summarized in Appendix 4. The Region's year-to-date overall assessment growth (as of October 19, 2022) is 1.78% for 2022, resulting in the net requisition increase to be approximately 3.72% (5.50% less growth of 1.78%) with an average typical residential impact of \$9.52 per year.
- The net requisition amount has been allocated in accordance with the methodology approved in PWA 55-2011. The impacts by municipality in Appendix 5 to Report CSD 2-2023 are affected by the budget increase as well as growth in households

and the enhanced services (as requested and selected by each Local Area Municipality ("LAM")).

- The due diligence process associated with the divestiture of the Material Recycling Facility ("MRF") is ongoing at the time of writing this report, but the budget has been prepared assuming an effective transition date of April 21, 2023.

## Financial Considerations

### Current Year

The gross operating expenses are \$63.4 million, which net of revenues and mitigations results in a net requisition of \$45.2 million. This represents an approximately \$2.35 million or a 5.5% increase over the 2022 requisition as outlined in Appendix 1 to Report CSD 2-2023 and is in alignment with the 2023 Budget Planning Strategy.

Not including budget mitigation strategies, the 2023 net operating budget proposes a 15.1% increase over 2022. Staff are recommending the use of reserve funding in the amount of \$7.2 million to mitigate budget pressures and \$0.3 million to fund one-time costs included in the budget. The use of funding from the reserve to mitigate budget pressures is consistent with the multi-year budget strategy presented as part of the 2022 budget process (see CSD 67-2021). Table 1 below shows the budget increase, before and after budget mitigation strategies

Table 1 – Summary of Proposed WMS Services with Mitigations (in thousands of dollars)

<b>Waste Management 2023 Budget Summary</b>	<b>2022</b>	<b>2023</b>	<b>Increase (%)</b>
Operating expenses net of revenues	\$41,609	\$48,533	<b>16.6%</b>
Capital Transfers	4,136	4,136	
<b>Net Operating Budget Including Capital Transfers</b>	<b>\$45,745</b>	<b>\$52,669</b>	<b>15.1%</b>
Transfers from Reserve:			
COVID-19 Costs (from Taxpayer Relief Reserve)	(113)	(6)	
One-Time Costs (from WM Stabilization Reserve)	(385)	(288)	
<b>Total Transfers from Reserves</b>	<b>(498)</b>	<b>(294)</b>	
Mitigation Strategy – Transfers from Reserves (Note 1)	(2,434)	(7,208)	
<b>Net Budget Requisition – After Reserve Funding</b>	<b>\$42,813</b>	<b>\$45,168</b>	<b>5.5%</b>

---

Note 1 – 2022 budget mitigation represents a \$2,434 utilization of funds from the Waste Management Stabilization Reserve in order to mitigate budget pressures. 2023 budget mitigation represents a \$3,072 utilization of funds from the Waste Management Stabilization Reserve as well as \$4,136 temporary elimination of the capital transfers to the Landfill Liability and Waste Management Capital Reserves.

A schedule providing the budgeted revenues and expenditures for 2022 and 2023 by type of expenditure is included as Appendix 1 to CSD 2-2023.

A significant contributing factor of the increase in the budget is inflation of the Consumer Price Index (“CPI”) and diesel fuel prices, both of which are components of the cost escalations of contracts administered by WMS. Approximately 80% of all services provided by WMS through external contracts and therefore the budget is subject to market rate volatility.

The budget reflects Regional Council approval of PWC-C 19-2022 to divest of the Material Recycling Facility (“MRF”). At the time of writing this report, the due diligence process between Niagara Region and the purchaser is ongoing. The budget has been prepared assuming that the effective transition date of the MRF divestiture will be April 21, 2023. Should the due diligence process result in any significant variations from what was approved in PWC-C 19-2022, any additional reports or information will be brought forward to Council. After the April 21, 2023 transition date WMS will no longer be required to pay for expenses to operate the MRF but will also no longer be entitled to end-market revenues generated by the sale of recyclable materials. The impacts of the divestiture on the 2023 operating budget is discussed in detail in the analysis section of the report. Appendices 5 to Report CSD 2-2023 provides further details and explanations of the long term financial benefit of the MRF divestiture on the 2023 operating budget.

### **Multi-Year Forecast**

After the transition to extended producer responsibility (“EPR”), municipalities will no longer have financial or operational control of the residential Blue Box Program and producers (brand holders or first importers of any paper, packaging, or packaging-like product managed through the Blue Box Program) will be accountable for all costs associated with collection, haulage and processing of the material. The transition date is expected to be January 1, 2024. A multi-year forecast to 2025 is included as part of Appendix 3 to CSD 2-2023 to reflect the financial assumptions related to the transition. The forecast reflects annual increases of 5.50% for 2023 and 2.0% for 2024 and 2025.

---

There are many assumptions and unknowns included in these forecasts and therefore staff will re-evaluate the long term budget and reserve strategies with the budget cycle each year.

The key assumptions affecting the multi-year forecast are as follows:

- 2024
  - Reduction in operating expenditures for the residential recycling collection contract due to transition to EPR; there will be a corresponding reduction in Resource Productivity & Recovery Authority revenue received by WMS.
  - Contribution to the Waste Management Stabilization Reserve in the amount of \$1.3 million will be made to partially replenish prior year mitigation funding from that reserve.
  - The reestablishment of the contribution to the Landfill Liability Reserve in the amount of \$2.4 million removed in 2023 as a mitigation strategy.
- 2025
  - Contribution to the Waste Management Stabilization Reserve of \$2.8 million and Landfill Liability Reserve of \$2.4 million.
  - Reestablishment of the contributions to the Capital Reserve of \$1.8 million.
  - This will fully re-establish capital reserve transfers to pre 2023 levels.
  - This year will be the first full operating year post impact of MRF divestiture and transition to extended producer responsibility
- 2026 – Operations anticipated to be relatively stable in 2026 and onwards. Transfer to reserves fully re-established in 2025 to be maintained.

## Analysis

The 2023 operating and multi-year budgets are impacted by a number of operational changes such as the MRF divestiture in 2023 and the transition to EPR in 2024. Furthermore, external factors such as escalating fuel and CPI rates have impacted the WMS budget strategy.

## MRF Divestiture

Notwithstanding the outcomes of the due diligence period, the divestiture date of the MRF is April 21, 2023. After this day, WMS will no longer be required to pay for expenses to operate the MRF and will no longer receive the end-market revenues generated by the sale of recyclable materials. This represents an 8.25 month reduction

---

of budgeted MRF operating costs (both operating expenses and operating revenues). The MRF operating costs relate to the processing of recyclable materials, WMS will still be responsible for the collection costs associated with residential recyclable materials until the EPR transition date in 2024. As a result of the MRF divestiture only, \$7.3 million of net operating expenditures and \$7.8 million of revenues have been removed from the operating budget, while \$17 million for recycling remains in the budget with \$16.6 million of expenses related to the cost of collecting recyclables for 2023. The budget will be reduced by the residential collection portion of the contract once the transition to EPR occurs on January 1, 2024. Appendix 2 to Report CSD 2-2023 compares the 2022 budget to the 2023 base budget (as if MRF operations had continued for a full 12 months) net of the impact of the MRF divestiture (reduction of budgeted operating expenditures and revenues related to the MRF by 8.25 months), to provide the total recommended 2023 operating budget.

As part of the agreement with the contractor operating the MRF, the contract oversees the staffing for the Waste Information Line ("Waste Info-Line"). The Waste Info-Line receives over 50 thousand calls annually and provides information on the Region's landfill sites, information on how to dispose of specific items, collection information, information on purchasing and/or exchanging recycling, compost and waste bins/containers among others. As a result of the MRF divestiture, these services will no longer be provided by the contractor as of the divestiture date.

In order to continue to provide this critical customer service to Niagara Residents, WMS has included 3.0 FTE's in the 2023 operating budget. The funding for these FTE's will be redirected from the MRF operating cost to labour related costs following the MRF divestiture. Based on 2023 rates, these 3.0 FTE's are estimated to cost \$192 thousand (subject to annual increases in future years) with the 2023 WMS operating budget including \$174 thousand on the labour related cost line reflective of transition from the contracted services pre disposition of the MRF.

As part of Niagara Region's customer service strategy, these 3.0 FTE's will be aligned and integrated with the Customer Service division within Corporate Services however they will continue to be funded from Waste Management special levy. The required number of FTE's will be reviewed on an annual basis as the EPR transition may impact the volume of calls and therefore the number of FTE's required to provide this service.

If these FTE's are not approved as part of WMS 2023 operating budget, the current customer service complement of FTE's would not be able to support the influx of call volumes. As a result call wait times would increase which would likely draw an increase

in complaints, a decrease in resident's satisfaction and put additional strain on the existing Customer Service Associates.

### **Increases, Pressures and Mitigation**

Table 2 below shows the composition of the WMS gross budget by major operating component.

Table 2 – 2023 Gross WMS Budget Composition, Before Capital Transfers and Budget Mitigation Strategy (in thousands of dollars)

<b>Budget Composition</b>	<b>2023 Budget (\$)</b>	<b>% of Total</b>
Recycling Collection	\$17,016	26.8%
Waste Collection	10,421	16.4%
Organics Collection	7,972	12.6%
Waste Diversion	12,162	19.2%
Waste Disposal Operations and Processing	11,205	17.7%
Administration, Policy and Planning (Note 1)	4,619	7.3%
<b>Total</b>	<b>\$63,395</b>	<b>100.0%</b>

Note 1 – includes additional request of 3.0 FTE's to be aligned and integrated with the Region's Customer Service division.

As much of the program is delivered through partnerships with private service providers, approximately 80% of the operating-related costs are in the form of outsourced costs (alternative service delivery) and are subject to contract escalations and conditions. The remaining operating-related costs are associated with program-related purchases (such as the purchase of organics and recycling bins/carts, materials for recycling processing, purchase of recyclables etcetera), budgeted repairs and maintenance, utilities, labour related costs, program support, consulting and other administration costs. Of the budgeted operated-related expenditures, only approximately 2.25% are considered discretionary.

The pressures in operations that contributed to the net operating increase are:

- \$1.6 million or 13.4% decrease in base recycling revenues resulting from the downturn in the commodity market experienced since the start of Q3 2022;

- 
- \$0.8 million for the processing of the Region's recyclables from the MRF transition date to the end of the year when the EPR transition will occur;
  - \$1.0 million in MRF costs to estimate operations for a full 12 month and compare the 2022 base budget to the 2023 base budget. The net impact of the MRF divestiture (reduction of budgeted operating expenditures and revenues related to the MRF by 8.25 months) is shown separately as a program change in next bullet for full transparency;
  - \$0.5 million net reduction due to divestiture of MRF (\$7.8 million reduced revenues (representing 8.25 months of operations) net of \$7.3 million reduction in MRF operating costs);
  - \$2.3 million or 7.1% increase in collection contract costs due to annual increases (CPI, fuel and household increase) associated with base and enhanced collection services. Increased from \$32.2 million to \$34.5 million;
  - \$0.4 million or 7.7% increase in costs to processing organic material due to increased volumes as well as the impact of CPI on the contract. Increased from \$4.6 million to \$5.0 million;
  - \$0.3 million or 15.2% increase in drop-off depot service costs which is due to the impact of CPI on the contract. Increased from \$1.7 million to \$2.0 million.
  - \$0.3 million or 11.6% increase in landfill operation services which is resulting from the impact of CPI on the contract and increased volumes at the landfill sites. Increased from \$2.6 million to \$2.9 million;
  - \$0.3 million or 44.4% increase in the cost of recycling and composting bins/carts due to an increase in the cost of resin required to produce these bins/carts as well as a higher demand for bins as a result of the uptake rates for the Region's bin/cart replacement program. WMS is forecasting a small decrease in bin/cart revenue in 2023 resulting from the higher uptake volumes in the replacement program.

The pressures noted above have been partially offset by favourable variances which are comprised of the following:

- \$0.2 million or 5.4% increase in tipping fee revenue at the landfill sites attributed to tonnage. Increase in revenue from \$3.7 million to \$3.9 million.
- \$0.4 million or 7.3% increase in Waste Diversion revenue received from Resource Productivity and Recovery Authority ("RPRA"). Increase of revenue from \$5.8 million to \$6.2 million.



---

**Reserve Management – Capital Reserve and Landfill Liability**

As means for mitigating the 2023 budget pressures, the 2023 operating budget has proposed a reduction in the transfer to reserve from \$4.1 million to \$nil on a temporary basis without impacting the proposed capital program in the short term. The strategy to reintroduce the transfer to reserves is included in Appendix 6 and summarized as follows:

- 2024 – Reinstating transfer to Landfill Liability Reserve from \$nil to \$2.3 million
- 2025 – Transfer to Landfill Liability Reserve of \$2.3 million and reinstating transfer to the Waste Management Capital Reserve from \$nil to \$1.8 million.
- 2026 – No further changes.

**Reserve Management – Waste Management Stabilization Reserve**

As means for mitigating the 2023 budget pressures, a total of \$3.4 million is being recommended to be utilized from the Waste Management Stabilization Reserve (“Stabilization Reserve”) as follows:

- \$0.3 million to fund one-time costs associated with the Waste Management Strategic Plan, temporary storage and office space for staff until a permanent location is constructed at the Humberstone landfill site and consulting costs to assist with the upcoming extended producer responsibility transition.
- \$3.1 million as a basis to offset the budget pressures and reduce the net requisition to 5.5% increase over 2022.

As part of Niagara Region’s Reserve and Reserve Funds Policy (C-F-013), minimum and maximum funding targets have been established for reserves. For stabilization reserves, such as the Waste Management Stabilization Reserve, the funding target is 10% to 15% of operating expenditures not including debt repayments. Based on the proposed \$3.4 million transfer from stabilization reserve in 2023, the reserve balance will be deemed to be underfunded and only at 4.4% of operating expenditures. As part of the multi-year forecast, WMS has included a replenishment of the Stabilization Reserve which will bring the forecasted 2025 closing balance in the reserve within the funding targets noted above. The replenishment of the Stabilization Reserve has been done so in budgeting with 2.0% budget increases from 2024 to 2025.

Appendix 6 to Report CSD 2-2023 shows the forecasted Stabilization Reserve balances along with budgeted utilization and/or replenishments made to the reserve.

---

**2023 Waste Management Requisition**

The net requisition amount will be allocated to the LAMs in accordance with the methodology approved in PWA 55-2011. As such, base WMS costs will be apportioned based on the 2021 percentage of residential units in each municipality, while the enhanced collection services and associated disposal costs will be apportioned to the requesting municipalities.

The year-over-year increase in requisition amount by municipality before assessment growth equates to an increase ranging from 4.07% to 9.32% with an average increase of 5.5% as outlined in Appendix 4 to CSD 2-2023.

The net requisition changes by municipality after year-to-date assessment growth (as at October 19, 2022) of 3.72% ranges from 1.77% to 5.27%. This range is the result of the differences in household growth between LAMs as well as net assessment growth. The WMS levy is collected as a special levy with the Region establishing the tax rates for each municipality (with the exception of Niagara-on-the-Lake). Note that these are average impacts and the actual impacts will vary on each individual property based on year-over-year assessment change relative to the average assessment change attributed to growth.

Appendix 5 to Report CSD 2-2023 provides the impacts of the WMS requisition for 2023 in comparison to 2022 on a cost per typical residential unit basis by area municipality. The 5.5% increase on the budget will impact the average residential property from \$6.87 to \$13.45 annually depending on the municipality (average impact of \$9.52 per year).

**Risks and Opportunities**

The proposed budget, like any other budget, has a number of risks and opportunities which include:

- MRF divestiture not finalized – since the purchaser and the Region are currently in the due diligence period of the purchase agreement, there is a risk that the sale may not be completed. This would require staff to review and revise the proposed 2023 operating budget as the budget has currently been prepared assuming that the divestiture date of the MRF to be April 21, 2023.
- Recycling commodity prices – the commodity market continues to fluctuate and has been trending downward since the start of Q3 2022. The 2023 operating

---

budget includes 3.75 months of recycling revenues associated with the time period in which WMS will operate the MRF. The amounts budgeted are reflective of the current market trends but actual results may change.

- Transition to extended producer responsibility and the impacts on WMS services delivery in future years; for example, continuation of recycling collection services to businesses.
- Other price risks – the collection contract, as well as several other contracts managed by WMS, contain a number of annual contract cost adjustments related to fuel prices and CPI. If these factors exceed the forecasted amounts, this could have a material impact on the budget.
- Use of reserve as mitigation – utilization of the Waste Management Stabilization Reserve to mitigate the 2023 operating budget pressures may limit the ability to mitigate unforeseen in-year operating expenditures as they arise.

### **Alternatives Reviewed**

It is at the discretion of Council with all budgets to adopt staff recommendations which are based on principles of financial sustainability and long-term financial planning. However Council may recommend or direct staff to pursue alternative strategies for service delivery or mitigation measures.

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

The 2023 WMS budget supports responsible growth and infrastructure planning and supports Council's objective of environmental sustainability and stewardship.

### **Other Pertinent Reports**

- PWA 55-2011 – Waste Management Services Financing Study
- CSD 70-2017 – Waste Management Reserve Strategy
- PW 23-2020 Residential Blue Box Program Transition to Full Producer Responsibility
- PW 48-2020 Residential Blue Box Program – Proposed Producer Responsibility Regulation
- PWC-C 24-2021 – Residential Blue Box Program – Final Producer Responsibility Regulation

- 
- PWC-C 19-2022 – Confidential – 2021-RFP-209 Disposition or Lease of Niagara Region Owned Material Recycling Facility (MRF) and Provision of Recycling Processing Services

---

**Prepared by:**

Helen Furtado, CPA, CA  
Director, Financial Management &  
Planning/Deputy Treasurer  
Corporate Services

---

**Recommended by:**

Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Corporate Services

---

**Submitted by:**

Ron Tripp, P.Eng.  
Chief Administrative Officer

This report was prepared in consultation with Andrea Wheaton, Program Financial Specialist, Blair Hutchings, Manager, Revenue Planning and Strategy, and reviewed by Margaret Murphy, Associate Director, Budget Planning & Strategy and Catherine Habermehl, Director, Waste Management Services.

**Appendices**

Appendix 1	Waste Management Schedule of Revenues and Expenditures by Object of Expenditure
Appendix 2	Waste Management Schedule of Revenues and Expenditures by Object of Expenditure and Budget Type
Appendix 3	2023 – 2025 Multi-Year Forecast
Appendix 4	Proposed 2023 Requisition by Municipalities
Appendix 5	2023 Waste Management Requisition for Typical Residential Property by Municipality
Appendix 6	2022 to 2026 Forecasted Waste Management Reserve Balances

**2023 Waste Management Schedule of Revenues and Expenditures by Object of Expenditure**

Object of Expenditure	2022 WMS Budget Total (\$)	2023 WMS Budget Total (\$)	Total Variance (\$)	Total Variance (%)	Notes
Labour Related Costs	3,994,881	4,227,305	232,424	5.82%	(1)
Administrative	1,363,955	1,131,059	(232,896)	-17.08%	(2)
Operational & Supply	54,969,582	54,259,735	(709,847)	-1.29%	(3)
Occupancy & Infrastructure	1,557,301	1,067,404	(489,897)	-31.46%	(2)
Equipment, Vehicles, Technology	1,180,084	612,962	(567,122)	-48.06%	(2)
Partnership, Rebate, Exemption	224,658	244,688	20,030	8.92%	
Transfers To Funds	4,135,500	0	(4,135,500)	-100.00%	(4)
Allocation Between Departments	154,473	162,156	7,683	4.97%	
Gross Expenditure Subtotal	67,580,435	61,705,309	(5,875,125)	-8.69%	
Taxation	(42,813,047)	(45,167,763)	(2,354,716)	5.50%	
By-Law Charges and Sales	(17,051,374)	(8,165,388)	8,885,986	-52.11%	(5)
Other Revenue	(6,510,449)	(6,753,330)	(242,881)	3.73%	
Transfer from Funds	(2,931,646)	(3,365,501)	(433,855)	14.80%	(6)
Gross Revenue Subtotal	(69,306,516)	(63,451,982)	5,854,534	-8.45%	
Net (revenue) expenditure before indirect allocations	(1,726,081)	(1,746,673)	(20,591)	1.19%	
Indirect Allocations	1,726,082	1,746,673	20,591	1.19%	
Net (revenue) expenditure after indirect allocations	0	0	0	0.00%	

(1) Increase is due to addition of 3.0 FTE's in order to staff the Waste Management Information Line. Currently, the staffing for this service is provided through the operating contract with Niagara Recycling. As a result of the MRF divestiture, the contracted staffing for this service will cease as of the date of the effective transfer at which point the Region will assume responsibility for providing these services.

(2) Overall reduction is primarily a result of the impact of the MRF divestiture on the operating budget. See Appendix 5 to Report CSD 2-2023 which illustrates the impact of the MRF divestiture on the 2023 operating budget.

(3) Overall net reduction is largely a result of increases in contracts operated by WMS (driven by increases in diesel fuel rates and Consumer Price Index), offset by the reduction in the budget from the MRF divestiture. See Appendix 5 to Report CSD 2-2023 which illustrates the impact of the MRF divestiture on the 2023 operating budget.

(4) Transfer to Capital Reserve has been temporarily removed from the 2023 as part of the budget mitigation strategy.

(5) Decrease in budgeted revenues is primarily a result of the MRF divestiture. See Appendix 5 to Report CSD 2-2023 which illustrates the impact of the MRF divestiture on the 2023 operating budget.

(6) 2023 Transfer from Funds includes \$6,000 funded from the Taxpayer Relief Reserve to fund budgeted COVID-19 costs, \$287,500 to fund one-time costs budgeted in the WMS 2023 operating budget and a draw of \$3,072,037 from reserve as part of the 2023 budget mitigation strategy.



**Waste Management Schedule of Revenue and Expenditures by Budget Request Type**

Object of Expenditure	2022 WMS Total Budget (\$)	Base	Growth Costs (Note 1)	One-Time Costs (Note 2)	MRF Divestiture Impact	2023 WMS Total Budget (\$)	Total Variance (\$)	Total Variance (%)	Notes
Labour Related Costs	3,994,881	4,053,045	174,259	0	0	4,227,304	232,423	5.82%	
Administrative	1,363,955	982,315	0	212,500	(63,756)	1,131,059	(232,896)	-17.08%	
Operational & Supply	54,969,582	60,090,655	0	6,000	(5,836,919)	54,259,736	(709,846)	-1.29%	(3)
Occupancy & Infrastructure	1,557,301	1,715,048	0	75,000	(722,643)	1,067,405	(489,896)	-31.46%	
Equipment, Vehicles, Technology	1,180,084	1,298,723	0	0	(685,761)	612,962	(567,122)	-48.06%	
Financial Expenditures	224,658	244,688	0	0	0	244,688	20,030	8.92%	
Transfers To Funds	4,135,500	0	0	0	0	0	(4,135,500)	-100.00%	(4)
Allocation Between Departments	154,473	162,156	0	0	0	162,156	7,683	4.97%	
Gross Expenditure Subtotal	67,580,435	68,546,630	174,259	293,500	(7,309,079)	61,705,310	(6,107,547)	-9.04%	
Taxation	(42,813,047)	(45,167,763)	0	0	0	(45,167,763)	(2,354,716)	5.50%	
By-Law Charges and Sales	(17,051,374)	(15,850,153)	0	0	7,830,584	(8,019,569)	9,031,805	-52.97%	(5)
Other Revenue	(6,510,449)	(6,899,149)	0	0	0	(6,899,149)	(388,700)	5.97%	
Transfer from Funds	(2,931,646)	(3,072,001)	0	(293,500)	0	(3,365,501)	(433,855)	14.80%	(6)
Gross Revenue Subtotal	(69,306,516)	(70,989,066)	0	(293,500)	7,830,584	(63,451,982)	(822,555)	1.19%	
Net (revenue) expenditure before indirect allocations	(1,726,081)	(2,442,436)	174,259	0	521,505	(1,746,672)	(6,930,102)	401.49%	
Indirect Allocations	1,726,082	1,746,672	0	0	0	1,746,672	20,590	1.19%	
Net (revenue) expenditure after indirect allocations	0	(695,764)	174,259	0	521,505	0	0	0.00%	

(1) Growth costs are attributed to the 3.0 FTE's added to the 2023 operating budget in order to support the Waste Management Information Line

(2) \$287,500 of one-time costs are funded from the Waste Management Stabilization Reserve and \$6,000 of expenditures related to budgeted COVID-19 costs are funded from the Niagara Region's Taxpayer Relief Reserve.

- (3) Increase in the base budget is largely driven by forecasted increases in the various WMS operating contracts which are impacted by the significant increases in diesel fuel and Consumer Price Index ("CPI").
- (4) Transfer to capital reserve temporarily removed from the 2023 operating budget as part of the 2023 budget mitigation strategy.
- (5) Decrease in the base budget by-law charges and sales is mainly attributed to the significant downturn experienced in the recycling commodity market. Overall decrease is a result of reduced recycling revenues included in the budget as a result of the MRF divestiture.
- (6) Transfer from Funds represents reserve funding included in the 2023 as follows; \$6,000 funded from Niagara Region's Taxpayer Relief Reserve to cover budgeted COVID-19 expenditures, \$287,500 from the Waste Management Stabilization Reserve to fund one-time costs included in WMS' 2023 operating budget and \$3,072,037 from the Waste Management Stabilization Reserve as part of the 2023 budget mitigation strategy.

**Multi-year Budget Forecast 2022 to 2025 (\$000)**

Budget Summary	2022	2023	2024	2025
Net Base Budget Requisition before mitigations	45,745	52,669	46,536	44,148
Percentage Change		15.14%	-11.65%	-5.13%
Transfers from Reserve:				
COVID-19 Costs (from Taxpayer Relief Reserve)	-113	-6	0	0
One-Time Costs (from WM Stabilization Reserve)	-385	-288	0	0
Total Transfers from Reserve	-498	-294	0	0
(Note 1)	-2,434	-7,208	-464	2,846
Net Budget Requisition – After Reserve Funding	42,813	45,168	46,072	46,994
Percentage Change	5.54%	5.50%	2.00%	2.00%

**Waste Management FTE Reconciliation**

FTE Type	2022	2023	2024	2025
FTE - Regular (Note 2)	34.0	37.0	37.0	37.0
FTE - Temporary (Note 3)	1.7	0.7	0.7	0.7
FTE - Student	11.7	11.7	11.7	11.7
Total FTE (Note 4)	47.4	49.4	49.4	49.4

Note 1 - (Mitigation)/Replenishment Strategy of Transfers to/(from) Reserves for all years presented is as follows:

Component of Budget Strategy	2022	2023	2024	2025
Temporary Elimination of Capital Transfers				
Waste Management Capital Reserve	\$ -	\$ (1,779)	\$ (1,779)	\$ -
Landfill Liability Reserve	-	(2,357)	-	-
Total	-	(4,136)	(1,779)	-
(Utilization)/Replenishment of WM Stabilization Reserve				
Transfer to WM Stabilization Reserve (mitigation strategy)	(2,434)	(3,072)	-	-
Transfer from WM Stabilization Reserve (replenishment strategy)	-	-	1,315	2,846
Total Net Transfer (from)/to WM Stabilization Reserve	(2,434)	(3,072)	1,315	2,846
Net Budget (Mitigation)/Replenishment Strategy	\$ (2,434)	\$ (7,208)	\$ (464)	\$ 2,846

Note 2 - Change in regular FTE from 2022 to 2023 is a result of the request for 3.0 FTE's to support the Waste Management Information Line.

Note 3 - Change in temporary FTE from 2022 to 2023 is due to the 2022 budget including a 18 month temporary position funded from the Waste Management Stabilization Reserve in order to provide support through the EPR transition. Funding was returned to reserve in 2022 and is budgeted to be used for one-time consulting costs relating to the transition in the 2023 budget.

Note 4 - Total FTE count is based on required number of FTE's to support Waste Management operations as of 2023. Waste Management will continue to assess FTE requirements to support operations on an annual basis.

**Proposed 2023 Requisition by Municipality**

Municipality	2022 Charges (\$000)	2023 Requisition (\$000)	2022 vs 2023 Increase (\$000)	2022 vs 2023 Increase (%)	Taxable Assessment Growth (%) (Note 1)	Net Increase (%)
Fort Erie	\$ 3,255	\$ 3,426	\$ 171	5.26%	1.57%	3.69%
Grimsby	\$ 2,386	\$ 2,522	\$ 136	5.71%	1.17%	4.54%
Lincoln	\$ 2,000	\$ 2,139	\$ 139	6.95%	3.39%	3.56%
Niagara Falls	\$ 8,363	\$ 8,928	\$ 566	6.77%	1.49%	5.28%
Niagara-on-the-Lake (Note 1)	\$ 1,845	\$ 1,952	\$ 107	5.79%	1.13%	4.66%
Pelham	\$ 1,504	\$ 1,578	\$ 74	4.92%	1.75%	3.17%
Port Colborne	\$ 2,139	\$ 2,226	\$ 86	4.03%	0.92%	3.11%
St. Catharines	\$ 12,880	\$ 13,445	\$ 565	4.38%	0.97%	3.41%
Thorold	\$ 1,888	\$ 2,064	\$ 177	9.36%	5.86%	3.50%
Wainfleet	\$ 655	\$ 682	\$ 26	4.02%	1.72%	2.30%
Welland	\$ 4,803	\$ 5,043	\$ 240	5.01%	3.23%	1.78%
West Lincoln	\$ 1,095	\$ 1,162	\$ 67	6.14%	2.28%	3.86%
<b>Total</b>	<b>\$ 42,813</b>	<b>\$ 45,168</b>	<b>\$ 2,355</b>	<b>5.50%</b>	<b>1.78%</b>	<b>3.72%</b>

Note 1 - Total taxable assessment growth percentage of 1.78% represents Niagara actual growth for 2022 as of October 19, 2022

Note 2 - NOTL assessment growth value on increase in residential units NOT CVA (as per NOTL requisition methodology).

Change in Residential Units - 2023 Budget over 2022 Budget

Municipality	Residential Units 2022 Budget	Residential Units 2023 Budget	Increase	Increase (%)
Fort Erie	15,964	16,183	219	1.37%
Grimsby	11,576	11,772	196	1.69%
Lincoln	9,668	9,945	277	2.87%
Niagara Falls	39,036	39,249	213	0.55%
Niagara-on-the-Lake	8,793	8,883	90	1.02%
Pelham	7,249	7,312	63	0.87%
Port Colborne	10,346	10,365	19	0.18%
St. Catharines	60,046	60,226	180	0.30%
Thorold	8,982	9,417	435	4.84%
Wainfleet	3,239	3,250	11	0.34%
Welland	23,702	23,962	260	1.10%
West Lincoln	5,547	5,639	92	1.66%
Total	204,148	206,203	2,055	1.01%

**Estimated 2023 Requisition For Typical Residential Property by Municipality**

	2022 Final CVA (Note 1)	WM Tax Rate	Final 2022 WM taxes	2023 Draft CVA (Note 2)	2023 Draft WM Tax Rate (Note 3)	Estimated 2023 WM Tax Rate	Annual Increase (\$)	Annual Increase (%)	Net Monthly Increase (\$)
Fort Erie	216,145	0.0007418	\$ 160.33	216,145	0.0007687	\$ 166.14	\$ 5.81	3.63%	\$ 0.48
Grimsby	400,088	0.0004461	\$ 178.50	400,088	0.0004661	\$ 186.49	\$ 7.99	4.48%	\$ 0.67
Lincoln	364,773	0.0004666	\$ 170.18	364,773	0.0004826	\$ 176.05	\$ 5.87	3.45%	\$ 0.49
Niagara Falls	262,988	0.0005676	\$ 149.28	262,988	0.0005971	\$ 157.04	\$ 7.76	5.20%	\$ 0.65
Niagara-on-the-Lake (Note 2)									
Pelham	364,292	0.0005033	\$ 183.33	364,292	0.0005189	\$ 189.05	\$ 5.72	3.12%	\$ 0.48
Port Colborne	207,501	0.0009590	\$ 198.99	207,501	0.0009885	\$ 205.12	\$ 6.13	3.08%	\$ 0.51
St. Catharines	259,643	0.0007208	\$ 187.16	259,643	0.0007452	\$ 193.50	\$ 6.34	3.38%	\$ 0.53
Thorold	228,358	0.0006295	\$ 143.76	228,358	0.0006503	\$ 148.50	\$ 4.74	3.30%	\$ 0.40
Wainfleet	273,324	0.0006253	\$ 170.92	273,324	0.0006395	\$ 174.79	\$ 3.87	2.26%	\$ 0.32
Welland	214,079	0.0008276	\$ 177.17	214,079	0.0008418	\$ 180.22	\$ 3.05	1.72%	\$ 0.25
West Lincoln	323,030	0.0004915	\$ 158.78	323,030	0.0005101	\$ 164.78	\$ 6.00	3.78%	\$ 0.50

Notes:

Note 1 - 2022 and 2023 average CVA for typical household based on average value from 2020 tax policy study. No change from 2020 to 2022 or 2023 as a result of Provincial delay of new assessment cycle.

Note 2 - NOTL charge to residents based on fixed household amount as calculated by NOTL and therefore not included in this analysis.

Note 3 - 2023 draft WM rates based on 2023 tax policy (except discount factors), 2023 draft requisition amounts and 2023 estimated returned roll assessment values.

**Forecasted Waste Management Reserve Balances**  
(in thousands of dollars)

<b>Waste Management Stabilization Reserve</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Opening balance	\$ 8,607	\$ 6,040	\$ 2,781	\$ 4,196
Interest allocation	125	100	100	100
Transfer to Reserve (Note 1)	127	-	-	-
One-time Costs Funded from Reserve (Budget Mitigation) / Reserve Replenishment Strategy (Note 2)	(385)	(288)	-	-
	(2,434)	(3,072)	1,315	2,846
Closing balance (Note 3)	<u>\$ 6,040</u>	<u>\$ 2,781</u>	<u>\$ 4,196</u>	<u>\$ 7,142</u>
<b>Funding Targets (Note 4)</b>				
Minimum Funding Target	\$ 6,510	\$ 6,340	\$ 4,846	\$ 4,612
Maximum Funding Target	\$ 9,765	\$ 9,490	\$ 7,221	\$ 6,864
<b>Waste Management Capital Reserve</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Opening balance	\$ 11,573	\$ 9,233	\$ 6,107	\$ 4,788
Interest allocation	200	200	200	200
Budgeted transfer to reserve	1,779	-	-	1,779
Budgeted transfer from reserve (Note 5)	(6,054)	(3,326)	(1,519)	(619)
Forecasted year-end transfer to reserve (Note 6)	1,735	-	-	-
Closing balance	<u>\$ 9,233</u>	<u>\$ 6,107</u>	<u>\$ 4,788</u>	<u>\$ 6,148</u>
<b>Funding Targets (Note 7)</b>				
Minimum Funding Target	\$ 3,400	\$ 3,468	\$ 3,537	\$ 3,608
Maximum Funding Target	\$ 5,000	\$ 5,100	\$ 5,202	\$ 5,306
<b>Landfill Liability Reserve</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
Opening balance	\$ 10,163	\$ 8,191	\$ 5,556	\$ 7,063
Interest allocation	150	150	150	150
Budgeted transfer to reserve	2,357	-	2,357	2,357
Budgeted transfer from reserve (Note 5)	(4,479)	(2,785)	(1,000)	-



Closing balance

\$	8,191	\$	5,556	\$	7,063	\$	9,570
----	-------	----	-------	----	-------	----	-------

Funding Targets (Note 8)

Minimum Funding Target

\$	31,300	\$	31,300	\$	31,300	\$	31,300
----	--------	----	--------	----	--------	----	--------

Maximum Funding Target

\$	78,250	\$	78,250	\$	78,250	\$	78,250
----	--------	----	--------	----	--------	----	--------

Note 1 - Transfer back to reserve in 2022 represents funding drawn from Stabilization Reserve as part of the 2022 operating budget to fund a temporary 18 month position through the EPR transition. Funding was returned to reserve in 2022 and is budgeted to be used for one-time consulting costs relating to the transition in the 2023 budget.

Note 2 - Transfer to Waste Management Stabilization Reserve as part of reserve replenishment strategy have been included WMS 2023-2026 multi-year forecast

Note 3 - 2022 forecasted balance will be impacted by any surplus/deficit relating to 2022 operations. Any surplus/(deficit) will be recommended from transfer to/(from) the Waste Management Stabilization Reserve as part of the 2022 Year End Results and Transfer Report to be presented to Corporate Services Committee in Q1 2023.

Note 4 - As per Niagara Region's Reserve and Reserve Funds Policy (C-F-013), the funding target for the Waste Management Stabilization Reserve is 10% to 15% of operating expenditures not including debt repayments.

Note 5 - Budgeted transfer from reserve represents transfers out of the Waste Management Capital Reserve in order to fund capital projects

Note 6 - Forecasted year-end transfer to reserve represents the amount expected to be returned to the Waste Management Capital Reserve as part of the 2022 Year-End Results and Transfer Report (to be presented to Corporate Services Committee in Q1 2023). Forecasted transfer is amount included as part of the Q2 2022 Financial Update as presented in CSD 42-2022.

Note 7 - Waste Management Capital Reserve funding target is in alignment with AMP target AARI of open landfill assets, however does not address the backlog.

Note 8 - Waste Management Landfill Liability Reserve is 40% to 100% of the unfunded liability presented on the consolidated financial statements. Funding targets shown above are based on the amount of the unfunded landfill liability presented in the audited 2021 Niagara Region consolidated financial statements. Funding targets to be updated annually based on the amount presented in the consolidated financial statements.

Bill No. 2023-02

Authorization Reference: BRCOTW 2-2023  
Minute Item 5.1

## THE REGIONAL MUNICIPALITY OF NIAGARA

## BY-LAW NO. 2023-02

A BY-LAW TO ADOPT THE 2023 WASTE  
MANAGEMENT BUDGET FOR THE REGIONAL  
MUNICIPALITY OF NIAGARA

---

WHEREAS subsection 289 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, requires that an upper-tier municipality shall in each year prepare and adopt a budget; and,

WHEREAS the Council of the Regional Municipality of Niagara adopted its 2023 Waste Management Budget as described herein.

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

1. That the 2023 Waste Management Gross Operating Budget of \$63,451,982 and Net Operating Budget of \$45,167,763 be and hereby adopted.
2. That the 2023 budgeted net waste management operating budget be apportioned to the lower-tier municipalities as follows:

Municipality	2023 Net Budget Allocation (\$)
Fort Erie	3,426,174
Grimsby	2,521,716
Lincoln	2,139,237
Niagara Falls	8,928,472
Niagara-on-the-Lake	1,952,217
Pelham	1,578,321
Port Colborne	2,225,755
St. Catharines	13,445,037
Thorold	2,064,279
Wainfleet	681,550
Welland	5,043,028
West Lincoln	1,161,977
Total	45,167,763

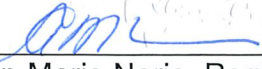
Bill No. 2023-02

Authorization Reference: BRCOTW 2-2023  
Minute Item 5.1

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

THE REGIONAL MUNICIPALITY OF NIAGARA

  
\_\_\_\_\_  
James Bradley, Regional Chair

  
\_\_\_\_\_  
Ann-Marie Norio, Regional Clerk

Passed: January 19, 2023

**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)**Sub-Item 10**

January 25, 2023

**CL 1-2023, January 24, 2023****BRCOTW 2-2023, January 12, 2023****Report CSD 5-2023, January 12, 2023*****Local Area Municipalities******SENT ELECTRONICALLY*****2023 Budget - Water and Wastewater Operating Budget, Rate Setting and Requisition  
Report CSD 5-2023**

Regional Council, at its meeting held on January 24, 2023, passed the following recommendation of its Budget Review Committee of the Whole:

That Report CSD 5-2023, dated January 12, 2023, respecting 2023 Budget - Water and Wastewater Operating Budget, Rate Setting and Requisition, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the 2023 Water & Wastewater net operating base budget increase of \$4,219,495 (or 3.2%) for Operating plus \$6,592,959 (or 5%) for Capital Financing over the 2022 operating budget **BE APPROVED** in accordance with the 2023 budget planning strategy;
2. That an increase of \$520,988 or 0.39% over the 2022 Water & Wastewater operating budget **BE APPROVED** to support additional staffing resources for service delivery;
3. That the 2023 Water Operations gross operating budget of \$51,482,957 and net budget in the amount of \$51,042,464 for the Water Budget, Rates and Requisition **BE APPROVED**;
4. That the proposed fixed water requisition shown in Appendix 3 of Report CSD 5-2023, based on 25% of the Region's water net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the serviced Local Area Municipalities starting January 1, 2023, apportioned based on their previous three year's average water supply volumes, **BE APPROVED**;
5. That the Region's proposed 2023 variable water rate of \$0.669 shown in Table 2 of Report CSD 5-2023, to be effective January 1, 2023 and calculated by taking 75% of the Region's water net operating budget and dividing by the estimated supply volume, to be billed on a monthly basis to each serviced Local Area Municipality based on the previous month's metered flows, **BE APPROVED**;

2023 Budget - Water and Wastewater Operating Budget, Rate Setting and Requisition

January 25, 2023

Page 2

6. That the 2023 Wastewater Operations gross operating budget of \$95,835,979 and net budget in the amount of \$92,149,561 for the Wastewater Budget, Rates and Requisition **BE APPROVED**;
7. That the proposed 2023 fixed wastewater requisition as shown in Appendix 5 of Report CSD 5-2023, based on 100% of the Region's net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the Local Area Municipalities starting January 1, 2023, apportioned based on their previous three year's average wastewater supply volumes, **BE APPROVED**;
8. That the 2023 wastewater monthly bills **INCLUDE** the reconciliation for the 2021 net requisition allocation based on actual wastewater flows versus the estimated flows, as shown in Appendix 6 of Report CSD 5-2023;
9. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
10. That a copy of Report CSD 5-2023 **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report CSD 5-2023 and By-law Nos. 2023-03 and 2023-04 are enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:gs

CLK-C 2023-009

cc: H. Furtado, Director, Financial Management & Planning/Deputy Treasurer  
T. Harrison, Commissioner, Corporate Services/Treasurer  
K. Beach, Executive Assistant, Commissioner, Corporate Services

---

**Subject:** 2023 Budget-Water and Wastewater Operating Budget, Rate Setting and Requisition

**Report to:** Budget Review Committee of the Whole

**Report date:** Thursday, January 12, 2023

---

## **Recommendations**

1. That the 2023 Water & Wastewater net operating base budget increase of \$4,219,495 (or 3.2%) for Operating plus \$6,592,959 (or 5%) for Capital Financing over the 2022 operating budget **BE APPROVED** in accordance with the 2023 budget planning strategy;
2. That an increase of \$520,988 or 0.39% over the 2022 Water & Wastewater operating budget **BE APPROVED** to support additional staffing resources for service delivery;
3. That the 2023 Water Operations gross operating budget of \$51,482,957 and net budget in the amount of \$51,042,464 for the Water Budget, Rates and Requisition **BE APPROVED**;
4. That the proposed fixed water requisition shown in Appendix 3 of Report CSD 5-2023, based on 25% of the Region's water net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the serviced Local Area Municipalities starting January 1, 2023, apportioned based on their previous three year's average water supply volumes, **BE APPROVED**;
5. That the Region's proposed 2023 variable water rate of \$0.669 shown in Table 2 of Report CSD 5-2023, to be effective January 1, 2023 and calculated by taking 75% of the Region's water net operating budget and dividing by the estimated supply volume, to be billed on a monthly basis to each serviced Local Area Municipality based on the previous month's metered flows, **BE APPROVED**;
6. That the 2023 Wastewater Operations gross operating budget of \$95,835,979 and net budget in the amount of \$92,149,561 for the Wastewater Budget, Rates and Requisition **BE APPROVED**;

- 
7. That the proposed 2023 fixed wastewater requisition as shown in Appendix 5 of Report CSD 5-2023, based on 100% of the Region's net operating budget for the year and divided by 12 to determine the monthly charge, to be billed to each of the Local Area Municipalities starting January 1, 2023, apportioned based on their previous three year's average wastewater supply volumes, **BE APPROVED**;
  8. That the 2023 wastewater monthly bills **INCLUDE** the reconciliation for the 2021 net requisition allocation based on actual wastewater flows versus the estimated flows, as shown in Appendix 6 of Report CSD 5-2023;
  9. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration; and
  10. That a copy of Report CSD 5-2023 **BE CIRCULATED** to the Local Area Municipalities.

### Key Facts

- The proposed Water net budget represents a \$2.5 million increase, or 5.2% over 2022; the proposed Wastewater net budget represents an \$8.8 million increase, or 10.57% over 2022, for a combined Water & Wastewater budget increase of 8.59% as shown in Table 1.
- The 2023 Budget Planning Strategy proposed a total Water and Wastewater budget increase of 8.2% (3.2% for base budget expenditures and 5% for enhanced capital financing)
- A separate increase of 0.39% in excess of the 2023 Budget Planning Strategy is recommended to support additional staffing needs in the department to support service delivery
- The approved 2021 Asset Management Plan (AMP) recommends a yearly increase of 7.22% on the combined water and wastewater rate and requisition for enhanced capital financing over a 10-year period to achieve asset sustainability, however the budget strategy adopted a more moderate approach to addressing the capital backlog with a request for 5% annually instead.
- The requisition methodology conforms to Council's approved cost recovery methodology from 2011, which was reaffirmed through report CSD 61-2015, on July 2, 2015. The methodology apportions to the LAMs water at 75% variable rate and 25% as a fixed component and wastewater 100% fixed.



- The proposed variable water rate is increased to \$0.669 (2022 = \$0.636) attributed to the budget increase with no projected change in water flows for 2023.

## Financial Considerations

The Water and Wastewater Division's proposed 2023 net budget amount of \$143.2 million represents an \$11.3 million net increase or 8.59% (3.2% for base operating, 5% for enhanced capital financing, and 0.39% for program changes - staffing) from the 2022 budget, as shown in Table 1. The total net cost related to the Wastewater program is \$92.2 million, representing a net increase of \$8.8 million, or 10.57% from 2022. The remaining \$51.0 million relates to the Water program, which has increased by \$2.5 million, or 5.20% from 2022. The proposed gross budget and comparison to the 2022 net budget are outlined in Table 1.

**Table 1 – Summary of Proposed Water and Wastewater Budget ('000)**

Water & Wastewater 2023 Budget Summary	Water (\$)	Wastewater (\$)	Total (\$)
2022 Net Requisition	48,518	83,341	131,859
2023 Budget:			
Total Operating Expenses	23,733	53,701	77,434
Business Support	2,168	3,674	5,842
Reserve Transfer & Debt Charges	24,246	32,682	56,929
2023 Base Gross Budget Total	50,148	90,057	140,205
Enhanced Capital Financing (5%)	1,213	5,380	6,593
Program Changes – Staffing (0.39%)	122	399	521
2023 Gross Budget Total	51,483	95,836	147,319
Less: Revenues	(440)	(3,686)	(4,126)
2023 Net Requisition	51,042	92,150	143,192
Percentage Change	5.20%	10.57%	8.59%

## Analysis

The 2023 Water and Wastewater budgets were developed giving consideration to current inflation, historical results (2021 actuals, 2022 forecast), operational concerns, legislative compliance, standard operating procedures, impacts as a result of COVID-19 and cross-divisional and corporate business support costs.

## Budget for Enhanced Capital Financing

---

Council previously adopted a 5.15% increase as per the Safe Drinking Water Act (SDWA) financial plan in 2019. The SDWA financial plan proposed a yearly budget increase of a 3.15% contribution to capital and a 2% for other operating expenses. While the capital program has been progressing toward sustainability, an increase in backlog, replacement values, and revised capital project estimates require additional budget increases from previous strategies. Per Report CSD 7-2022 (2021 Asset Management Plan), achieving capital sustainability requires an annual capital contribution increase of 7.22% to the combined WWW rate and requisition over a ten year period compared to the 3.15% as per the 2019 SDWA financial plan.

While the AMP recommendation maximizes asset sustainability, staff recognize constraints of accelerating project timelines and are proposing a capital financing strategy to reduce the backlog over fifty years as per CSD 22-2022 (2023 Budget Planning) instead of 10 years. This translates to a yearly increase in enhanced capital funding of 5% on the WWW combined rate and requisition as opposed to 7.22%.

### **Budget for Base Services**

The 2023 Budget Strategy estimated a base services increase of \$4.2 million (3.2%) on the 2022 Water and Wastewater combined rate and requisition. The 2023 Budget Strategy considered the impact of extraordinary inflation rates/cost escalations on base services including chemical costs, repairs and maintenance, sludge haulage, as well as the reestablishment of the CSO program to a gross budget of \$4.0 million from \$3.1 million (net impact of \$0.45 million or 0.34% of the 2022 Water and Wastewater requisition). It is important to note that as of September 30, 2022 approximately \$13.0 million of prior approved CSO program budgets has been unspent.

Given the largely fixed cost nature of the operations (i.e., chemicals, utilities, property tax, previously approved debt charges), inflationary impacts on program delivery have been significant with limited opportunity for budget mitigation without risking core service delivery. Of the total requisition amount of \$143M for 2023, approximately 93% of the total amount is fixed as it relates to treatment of Water and Wastewater and capital financing. The remaining 7% can be classified as discretionary expenditures that does not specifically relate to Water/Wastewater treatment (i.e., CSO grants, certain building maintenance such as snow removal and grass cutting).

The base pressures to the budget of \$4.2 million (3.2%) are largely due to the following:

- 
- \$0.45 million net (Gross = \$0.9 million, \$0.45 million funded from development charges) to reinstate CSO program to a total gross budget of \$4 million
  - \$1.58 million or 32% in chemical costs as a result of global supply chain challenges
  - \$0.68 million or 8.1% increase for sludge/haulage due to an increase in volumes and increases in the annual contract rate tied to fuel prices and inflation
  - \$0.4 million or 11.6% increase in grounds/building repairs and maintenance
  - \$0.5 million or 8.4% increase in equipment repairs and maintenance due to rising costs and aging infrastructure
  - \$0.9 million or 3.7% increase to labour related costs as per current labour contracts and policies. Labour related costs also include the reintroduction of a student position supporting the integrated services division (\$0.04 million). Other student positions that were deferred in 2021 as part of COVID-19 mitigation measures will continue to be deferred into 2023.

The base pressures noted above were partially offset by identified savings noted below:

- \$1.03 million or 11% reduction in hydro based on 2021 and 2022 pricing trends in industrial/commercial facilities such as treatment plants
- \$0.1 million or 16.5% in hauled sewage fees primarily based on increasing volume trends

### **Program Changes - Staffing**

The recommended 2023 Water and Wastewater operating budget includes the request for five incremental permanent FTE to support optimal program delivery and best industry health and safety practices. These resources result in an incremental budget impact of \$0.5 million (0.39% of the 2022 Water and Wastewater budget). These positions include: one Health and Safety Manager, two Instrument Technicians, and two Pumping Station/Linear Infrastructure Team Members.

The recommended 2023 Water and Wastewater operating budget also includes the request to convert three temporary FTE to permanent FTE in support of capital program delivery. These positions include two Senior Project Managers and one Senior Technical Project Manager. There is no direct incremental budget impact associated with these converted positions.

**One-Time Expenditures**

The proposed 2023 Water and Wastewater operating budget also includes several one-time consulting engagements to be funded by Water and Wastewater stabilization reserves totalling \$0.5 million as follows: SDWA updates (\$0.05 million) legislatively required for 2024, property loss and valuations on water and wastewater facilities (\$0.25 million), and geographic information system mapping updates to support WWW asset management (\$0.2 million). There is no overall impact on the proposed 2023 Water and Wastewater requisition of these one-time expenditures proposed.

**Reserve Management - Capital/Infrastructure**

The projected annual capital financing contributions until 2032 based on the 2021 AMP affordability strategy have been included as Appendix 2 to this report. Appendix 2 also includes the target based on the 2021 AMP for comparison. It is important to note that staff are required to update the SDWA Financial Plan in 2024 and much of that work will take place in 2023. The 2024 SDWA update may recommend different capital contributions from those outlined in the 2021 AMP given changing market conditions, project timelines, estimates and current asset conditions.

**Fixed Water Requisition**

As per Council's approved methodology, \$12,760,616 (25%) of the net Water budget will be recovered from fixed monthly requisitions to the local municipalities based on historical flows. Appendix 3 summarizes the fixed amounts to be billed to each LAM based on this methodology.

The historical water flows and percentages utilized are included in Appendices 3 and 4. This annual amount based on the historical flows is then divided by 12 to determine the monthly charge to be billed to each of the services LAMs starting January 1, 2023. Also included as part of Appendix 3, is the annual impact on the fixed water requisition between 2022 and 2023 for each LAM.

**Variable Water Rate**

The remaining \$38,281,848 (75%) will be charged through the variable rate. The recommended variable rate of \$0.669 per cubic metre as outlined in Table 2 is based on

a water forecast using the past three year average flows. Despite growth for the Region in recent years the flow estimates are still volatile and are dependent on weather conditions and most recently continued impacts related to COVID-19. The resulting estimate for 2023 is an overall volume consistent with the amount used for the 2019 - 2022 budgets reflective of a probable levelling off of these variables to a stable volume. An overview of the water trends and related risk is outlined in more detail in Appendix 4. The proposed variable water rate increase is \$0.0327 (5.14%) (2022 = \$0.636) which is attributed only to the budget increase.

**Table 2 – Variable Water Rate for 2023 Net Budget**

2023 Variable Water Rate	\$/Volume
Variable Allocation (75% x \$51,042,464)	\$38,281,848
2023 Water Flow Forecast (m <sup>3</sup> )	57,250,000
Variable Rate (\$/m <sup>3</sup> )	\$0.669

### Wastewater Requisition

The wastewater net requisition is recovered 100% from fixed monthly requisitions to the local municipalities, apportioned based on the historical three year average flows. The annual amount is divided by twelve to determine the monthly charge to each of the serviced LAMs starting January 1, 2023. Appendix 5 provides the fixed amounts to be billed to each LAM based on this methodology as well as the historical wastewater flows and apportionments and the comparison of the fixed wastewater requisition amount between 2022 and 2023 for each LAM.

As per Council's approved cost recovery methodology, the 2023 monthly Wastewater charges will include reconciliation of the 2021 Wastewater requisition payments. Municipal 2021 rebates or charges will be based on their respective share of actual flows versus the estimated share used to initially allocate the 2021 charges. This reconciliation results in a total of \$2,339,630 in payments to, and \$2,339,630 in rebates from, the local municipalities included as Appendix 6. Tables outlining the calculation of the reconciliation and the total charge including the 2023 requisition and 2021 reconciliation by local municipality have been included in Appendix 6 as well.

### Staffing

In addition to the resources requested through this report, WWW staff have identified the need for further staff resources to support program delivery. These resources would

---

support execution and maintenance of the capital plan in a timely fashion as well as industry best practices and process optimization. Staff feel it is important to identify the need for these additional resources as critical infrastructure continues to age, regulatory requirements continue to evolve, and the Niagara population continues to grow. Staff will be seeking approval through subsequent budgets of these positions as they have not been included in the 2023 Operating Budget due to other budget constraints. These positions are outlined in Appendix 7.

### **Risks & Opportunities**

- Water/wastewater flows are weather dependent and the COVID-19 pandemic has also caused variability and reductions in water flows over the past several years due to periodic shutdowns and travel restrictions.
- Unanticipated equipment and underground infrastructure failure may impact operating expenditures.
- Further exceptional inflation and/or global supply chain challenges may have a budget impact on expenditures required to support program delivery

### **Alternatives Reviewed**

Additional staffing resources requested in this report in the amount of \$0.5 million (0.39% of the 2022 Water and Wastewater budget) could be accommodated in the overall 2023 Base Budget Planning Strategy of 3.2% by reducing the CSO budget by \$1.0 million gross (\$0.5 million net of development charge funding). The gross CSO budget for 2023 would then be \$3.0 million. As of September 30, 2022 approximately \$13.0 million of prior approved CSO program budgets has been unspent. Staff anticipate actual spending in 2023 on the program between \$3.0 million and \$3.2 million. The LAMs continue to catch up on previously approved and funded projects.

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

The 2023 Water and Wastewater proposed budgets support Council's strategic priorities of organizational excellence, by meeting or exceeding legislative requirements and having 43% of the total program costs related to infrastructure renewal and replacement.

### **Other Pertinent Reports**

[PW 4-2019](#) Safe Drinking Water Act Financial Plan

---

<a href="#"><u>PW 39-2020</u></a>	South Niagara Falls WWTP Update
<a href="#"><u>PW 39-2021</u></a>	South Niagara Falls Wastewater Treatment Plant - Budget and Property
<a href="#"><u>CSD 7-2022</u></a>	2021 Corporate Asset Management Plan
<a href="#"><u>CSD 22-2022</u></a>	2023 Budget Planning and Timetable

---

**Prepared by:**

Helen Chamberlain, CPA, CA  
Director, Financial Management &  
Planning/Deputy Treasurer  
Corporate Services

---

**Recommended by:**

Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Corporate Services

---

**Submitted by:**

Ron Tripp, P.Eng.  
Chief Administrative Officer

This report was prepared by Dan Ane, Manager Program Financial Support in consultation with Pamela Hamilton, Supervisor Corporate Budgets, Bruce Zvaniga, Commissioner, Public Works, and Joe Tonellato, Director, Water & Wastewater

**Appendices**

Appendix 1	2023 Water and Wastewater Schedule of Revenues and Expenditures by Object of Expenditure
Appendix 2	Forecasted Water and Wastewater Capital Financing
Appendix 3	Fixed Water Requisition for 2023 Net Budget and Water Flows and Fixed Water Requisition by LAM
Appendix 4	Water Volume Analysis
Appendix 5	Fixed Wastewater Requisition by Municipality for 2023 Net Budget, Wastewater Flows by Municipality and Fixed Requisition by Municipality

---

Appendix 6	2021 By-Law Wastewater Requisition, 2021 Fixed Wastewater Requisition Including Reconciliation by Municipality, Wastewater Reconciliation for 2021 Included in 2023 Requisition by Municipality
Appendix 7	WWW Staffing Resource Needs



Legal and Clerks Services, Office of the City Clerk  
Ordinance Office

2023 Water and Wastewater Schedule of Revenue and Expenditures by Object of Expenditure

CSD 5-2023  
Appendix 1  
January 12, 2023

Object of Expenditure	2022 Water Budget Total (\$)	2022 Wastewater Budget Total (\$)	2022 Combined Total (\$)	2023 Water Budget Total (\$)	2023 Wastewater Budget Total (\$)	2023 Combined Total (\$)	Combined Total Variance (\$)	Total Combined Variance (%)	Note
A_40000AB Compensation	7,815,034	10,818,552	18,633,586	8,043,159	11,410,572	19,453,731	820,145	4.4%	(1)
A_41000AB Administrative	462,075	1,114,396	1,576,471	498,054	1,253,710	1,751,764	175,293	11.1%	(2)
A_44000AB Operational & Supply	2,272,801	12,166,665	14,439,466	2,648,275	14,119,656	16,767,931	2,328,465	16.1%	(3)
A_50000AB Occupancy & Infrastructure	5,915,009	11,831,987	17,746,996	5,730,845	11,560,317	17,291,162	(455,834)	(2.6%)	(4)
A_52000AB Equipment, Vehicles, Technology	1,142,401	3,059,449	4,201,850	1,468,029	3,275,587	4,743,616	541,766	12.9%	(5)
A_56000AB Partnership, Rebate, Exemption	86,110	3,100,000	3,186,110	66,850	4,000,000	4,066,850	880,740	27.6%	(6)
A_75000AC Transfers To Funds	22,147,810	18,462,196	40,610,006	23,191,558	24,484,336	47,675,894	7,065,888	17.4%	(7)
A_60000AC Allocation Between Departments	698,777	970,068	1,668,845	760,664	1,019,923	1,780,587	111,742	6.7%	
A_60260AC Allocation Within Departments	4,393,839	6,981,696	11,375,535	4,639,492	7,460,242	12,099,734	724,199	6.4%	(1)
Gross Expenditure Subtotal	44,933,856	68,505,009	113,438,865	47,046,926	78,584,343	125,631,269	12,192,404	10.7%	
A_30000AB Taxation	(48,517,726)	(83,341,487)	(131,859,213)	(51,042,464)	(92,149,562)	(143,192,026)	(11,332,813)	8.6%	
A_32400AB By-Law Charges & Sales	(12,000)	(1,527,090)	(1,539,090)	(12,000)	(1,653,478)	(1,665,478)	(126,388)	8.2%	(8)
A_34950AB Other Revenue	(424,135)	(1,582,940)	(2,007,075)	(428,493)	(2,032,940)	(2,461,433)	(454,358)	22.6%	(6)
A_75000AC Transfers From Funds	(24,200)	(83,600)	(107,800)	0	0	-	107,800	(100.0%)	
Gross Revenue Subtotal	(48,978,061)	(86,535,117)	(135,513,178)	(51,482,957)	(95,835,980)	(147,318,937)	(11,805,759)	8.7%	
Net Expenditure (revenue) before indirect allocations	(4,044,205)	(18,030,108)	(22,074,313)	(4,436,031)	(17,251,637)	(21,687,668)	386,645	(1.8%)	
A_70000AC Indirect Allocation	1,817,936	3,600,142	5,418,078	1,978,898	3,372,867	5,351,765	(66,313)	(1.2%)	
A_70200AC Capital Financing	2,226,269	14,429,967	16,656,236	2,457,133	13,878,770	16,335,903	(320,333)	(1.9%)	(7)
Allocation Subtotal	4,044,205	18,030,108	22,074,313	4,436,031	17,251,637	21,687,668	(386,645)	(1.8%)	
Net Expenditure (revenue) after indirect allocations	0	0	0	0	0	0	0	0	

1

Note

- (1) Increases in alignment with current labour contracts and policies. Includes costs for incremental staffing resources in the Wastewater division (\$0.2M). Additional incremental personnel costs of (\$0.3M) proposed in the integrated systems division are included in the allocation within departments object of expenditure.
- (2) Includes consulting work for continued plant optimization and Niagara Falls WWTP (\$0.1M) in Wastewater offset with equivalent decrease in base consulting in Asset Management division.
- (3) Chemical cost increases due to global supply chain challenges (\$1.58M) and sludge haulage contract pricing and volume increases (\$0.68M).
- (4) Includes reduction in hydro costs due to favourable pricing (\$1M), offset by increases in natural gas and water increases (\$0.2M), and cost increases for building/grounds R&M (\$0.4M).
- (5) Increase related to R&M machinery due to aging infrastructure and cost escalations.
- (6) Includes reintroduction of gross CSO program costs of \$0.9M and additional development charge revenue to fund included in other revenue (\$0.45M).
- (7) Includes enhanced capital financing net increase of \$6.6M.
- (8) Includes increase in hauled sewage revenue due to increased volume trends (\$0.1M).

Forecasted Water and Wastewater Capital Financing (\$Millions)

Capital Financing (\$M)	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	Target Balance
Water	\$24	\$26	\$28	\$30	\$32	\$34	\$36	\$38	\$41	\$43	\$46	\$37
Wastewater	\$33	\$38	\$45	\$51	\$55	\$63	\$71	\$81	\$91	\$102	\$114	\$85
Total	\$57	\$64	\$72	\$81	\$86	\$96	\$107	\$119	\$132	\$145	\$160	\$122

Note - This is a capital financing forecast included in the operating budget as transfers to reserves and debt financing

## Fixed Water Requisition by Municipality for 2023 Net Budget, Water Flows by Municipality, Fixed Water Requisition by Municipality

**Table 1 - Fixed Water Requisition by Municipality for 2023 Net Budget**

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	7.71%	\$983,424	\$81,952
Grimsby	5.54%	\$706,734	\$58,894
Lincoln	4.55%	\$580,761	\$48,397
Niagara Falls	24.43%	\$3,117,666	\$259,806
Niagara-on-the-Lake	5.68%	\$724,690	\$60,391
Pelham	2.69%	\$342,834	\$28,569
Port Colborne	4.46%	\$569,357	\$47,446
St. Catharines	25.63%	\$3,270,808	\$272,567
Thorold	4.23%	\$540,316	\$45,026
Welland	13.23%	\$1,687,966	\$140,664
West Lincoln	1.85%	\$236,061	\$19,672
<b>Total</b>	<b>100.00%</b>	<b>\$12,760,616</b>	<b>\$1,063,385</b>

**Table 2 - Water Flows by Municipality**

Municipality	3-Year Avg. per 2022 By-law (ML)	3-Year Avg. per 2022 By-law (%)	3-Year Avg. per 2023 By-law (ML)	3-Year Avg. per 2023 By-law (%)
Fort Erie	4,130	7.48%	4,257	7.71%
Grimsby	3,061	5.55%	3,059	5.54%
Lincoln	2,412	4.37%	2,514	4.55%
Niagara Falls	13,623	24.68%	13,496	24.43%
Niagara-on-the-Lake	3,182	5.77%	3,137	5.68%
Pelham	1,374	2.49%	1,484	2.69%
Port Colborne	2,541	4.60%	2,465	4.46%
St. Catharines	14,340	25.98%	14,159	25.63%
Thorold	2,308	4.18%	2,339	4.23%
Welland	7,198	13.04%	7,307	13.23%
West Lincoln	1,022	1.85%	1,022	1.85%
<b>Total</b>	<b>55,193</b>	<b>100%</b>	<b>55,240</b>	<b>100%</b>

**Table 3 - Fixed Water Requisition by Municipality**

Municipality	2022 (\$000)	2023 (\$000)	Difference (\$000)	Difference (%)
Fort Erie	908	983	75	8.31%
Grimsby	673	707	34	5.01%
Lincoln	530	581	51	9.58%
Niagara Falls	2,994	3,118	124	4.13%
Niagara-on-the-Lake	699	725	26	3.68%
Pelham	302	343	41	13.52%
Port Colborne	558	569	11	2.04%
St. Catharines	3,152	3,271	119	3.77%
Thorold	507	540	33	6.57%
Welland	1,582	1,688	106	6.70%
West Lincoln	225	236	11	4.92%
<b>Total</b>	<b>12,129</b>	<b>12,761</b>	<b>631</b>	<b>5.20%</b>

### Water Volume Analysis

Flows in ML	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Projected Flows for Rate Setting	59,067	59,067	58,613	57,000	57,000	57,000	57,250	57,250	57,250	57,250	57,250
Actual Flows	56,896	56,474	57,622	58,800	56,986	58,491	55,458	55,517	54,065	56,525	N/A
Variance	-2,171	-2,593	-991	1,800	-14	1,491	-1,792	-1,733	-3,185	-725	N/A

The 2022 actual flows are estimated to finish the year approximately 1.3% lower than projected flows. The forecasted water usage in 2022 is estimated to total 56,525 ML.

The water volume forecast for 2023 has been prepared giving consideration to historical trends and current considerations with no change being proposed from 2022.

The volume forecast for 2023 is above the 3-year and 5-year calendar average of 55,369 ML and 56,011 ML, respectively. 2018 flows represent more typical summer weather years. 2016 experienced drought conditions during the summer. 2017 and 2019 experienced very wet summers. The 2020 flows were impacted by a dry summer and COVID-19 shutdowns. The 2021 flows were impacted by a combination of a wet spring/summer and continued COVID-19 related shutdowns through the year. 2022 forecasted flows have increased compared to 2020 and 2021 due to fewer COVID-19 related shutdowns and dry summer conditions. The 2023 estimate reflects no change over previous year's projection. COVID-19 volatility may continue into 2023 dependent on the pandemic conditions.

Variation in water flows may also be experienced as a result of: capital repairs to address water loss at Region and Local levels, growth in user base, and increased conservation efforts.

# **Fixed Wastewater Requisition by Municipality for 2023 Net Budget, Wastewater Flows by Municipality and Fixed Requisition by Municipality**

**Table 1 - Fixed Wastewater Requisition by Municipality for 2023 Net Budget**

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	10.16%	\$9,366,476	\$780,540
Grimsby	3.87%	\$3,566,934	\$297,244
Lincoln	4.27%	\$3,938,311	\$328,193
Niagara Falls	18.37%	\$16,929,345	\$1,410,779
Niagara-on-the-Lake	4.04%	\$3,726,854	\$310,571
Pelham	1.98%	\$1,822,618	\$151,885
Port Colborne	5.48%	\$5,052,570	\$421,047
St. Catharines	28.84%	\$26,576,034	\$2,214,670
Thorold	6.34%	\$5,841,384	\$486,782
Welland	14.83%	\$13,666,125	\$1,138,844
West Lincoln	1.80%	\$1,662,909	\$138,576
<b>Total</b>	<b>100.00%</b>	<b>\$92,149,561</b>	<b>\$7,679,130</b>

**Table 2 - Wastewater Flows by Municipality**

Municipality	3-Year Avg. per 2022 By-law (ML)	3-Year Avg. per 2022 By-law (%)	3-Year Avg. per 2023 By-law (ML)	3-Year Avg. per 2023 By-law (%)
Fort Erie	7,436	10.37%	7,086	10.16%
Grimsby	2,869	4.00%	2,699	3.87%
Lincoln	2,772	3.87%	2,980	4.27%
Niagara Falls	13,051	18.21%	12,808	18.37%
Niagara-on-the-Lake	2,803	3.91%	2,820	4.04%
Pelham	1,348	1.88%	1,379	1.98%
Port Colborne	4,232	5.90%	3,823	5.48%
St. Catharines	21,033	29.34%	20,106	28.84%
Thorold	4,188	5.84%	4,419	6.34%
Welland	10,669	14.88%	10,339	14.83%
West Lincoln	1,280	1.79%	1,258	1.80%
<b>Total</b>	<b>71,680</b>	<b>100%</b>	<b>69,717</b>	<b>100%</b>

## Fixed Wastewater Requisition by Municipality for 2023 Net Budget, Wastewater Flows by Municipality and Fixed Requisition by Municipality

**Table 3 - Fixed Wastewater Requisition by Municipality**

Municipality	2022 (\$000)	2023 (\$000)	Difference (\$000)	Difference (%) <sup>1</sup>
Fort Erie	8,646	9,366	721	8.33%
Grimsby	3,336	3,567	231	6.92%
Lincoln	3,223	3,938	715	22.20%
Niagara Falls	15,174	16,929	1,755	11.57%
Niagara-on-the-Lake	3,259	3,727	468	14.36%
Pelham	1,567	1,823	256	16.33%
Port Colborne	4,921	5,053	132	2.68%
St. Catharines	24,455	26,576	2,121	8.67%
Thorold	4,869	5,841	972	19.97%
Welland	12,404	13,666	1,262	10.17%
West Lincoln	1,488	1,663	175	11.77%
<b>Total</b>	<b>83,341</b>	<b>92,150</b>	<b>8,808</b>	<b>10.57%</b>

Note:

(1) Municipalities with increases above the average are generally the municipalities that have the highest assessment growth, meaning that average impact to be expect by the average user will be less than the percentage change noted in the requisition due to the relative increase in the number of users (i.e, properties).



Table 1 - Wastewater Flows by Municipality

Municipality	Prior 3 yr. Avg.	2021 By-Law Period Actual Flows <sup>1</sup>
Fort Erie	7,712	7,051
Grimsby	3,308	2,308
Lincoln	2,892	2,763
Niagara Falls	14,069	12,297
Niagara-on-the-Lake	3,050	2,571
Pelham	1,378	1,349
Port Colborne	4,590	3,698
St. Catharines	21,966	19,053
Thorold	3,987	4,544
Welland	10,962	10,253
West Lincoln	1,303	1,226
<b>Total</b>	<b>75,218</b>	<b>67,111</b>

Table 2 - Wastewater Fixed Allocation Percentages

Municipality	Prior 3-Yr Avg	2021 By-Law Period Actual Flows <sup>1</sup>	Difference
Fort Erie	10.3%	10.5%	0.3%
Grimsby	4.4%	3.4%	-1.0%
Lincoln	3.8%	4.1%	0.3%
Niagara Falls	18.7%	18.3%	-0.4%
Niagara-on-the-Lake	4.1%	3.8%	-0.2%
Pelham	1.8%	2.0%	0.2%
Port Colborne	6.1%	5.5%	-0.6%
St. Catharines	29.2%	28.4%	-0.8%
Thorold	5.3%	6.8%	1.5%
Welland	14.6%	15.3%	0.7%
West Lincoln	1.7%	1.8%	0.1%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>0.0%</b>

Table 3 - Wastewater Fixed Allocation Charge Reconciliation (\$000)

Municipality	Prior 3-Yr Avg Billed <sup>1,2</sup>	2021 By-Law Period Actual Flows <sup>1</sup>	Underpayment / (Overpayment) <sup>3</sup>
Fort Erie	\$ 8,074	\$ 8,274	\$ 200
Grimsby	3,463	2,707	(756)
Lincoln	3,027	3,241	214
Niagara Falls	14,729	14,428	(301)
Niagara-on-the-Lake	3,193	3,016	(177)
Pelham	1,443	1,582	140
Port Colborne	4,805	4,339	(466)
St. Catharines	22,996	22,356	(640)
Thorold	4,173	5,331	1,158
Welland	11,476	12,030	554
West Lincoln	1,364	1,438	74
<b>Total</b>	<b>\$ 78,744</b>	<b>\$ 78,744</b>	<b>\$ 0</b>

Sum of Overpayment: (2,340)  
Percentage of Requisition 2.97%

Notes:

- 1. 2021 By-Law period consists of the 12 month period from January 2021 to December 2021.
- 2. Charges paid excluded payments made/rebates received for 2019 reconciliation.
- 3. Underpayments/(Overpayments) based on comparing 2 difference allocation methodologies (3-yr average vs. actual flows during By-law period).

Table 4 - Fixed Wastewater Requisition Including Reconciliation by Municipality Comparison

Municipality	Requisition 2022 By-law (\$000)	Requisition 2023 By-law (\$000)	Reconciliation 2022 By-law (2020 Rec.) (\$000)	Reconciliation 2023 By-law (2021 Rec.) (\$000)	Total Charge 2022 By-law (\$000)	Total Charge 2023 By-law (\$000)	Difference (\$000)	Difference (%)
Fort Erie	8,646	9,366	101	200	8,747	9,566	820	9.37%
Grimsby	3,336	3,567	(851)	(756)	2,485	2,811	326	13.13%
Lincoln	3,223	3,938	91	214	3,314	4,152	839	25.32%
Niagara Falls	15,174	16,929	(1,579)	(301)	13,595	16,629	3,034	22.31%
Niagara-on-the-Lake	3,259	3,727	(166)	(177)	3,093	3,550	457	14.79%
Pelham	1,567	1,823	120	140	1,687	1,962	276	16.35%
Port Colborne	4,921	5,053	47	(466)	4,967	4,586	(381)	-7.67%
St. Catharines	24,455	26,576	996	(640)	25,451	25,936	485	1.91%
Thorold	4,869	5,841	614	1,158	5,483	6,999	1,516	27.65%
Welland	12,404	13,666	420	554	12,824	14,221	1,397	10.89%
West Lincoln	1,488	1,663	209	74	1,697	1,737	40	2.36%
Total	83,341	92,150	-	-	83,341	92,150	8,808	10.57%

Table 5 - 2021 Wastewater Reconciliation by Municipality

Municipality	Reconciliation (\$)	Monthly Rebate (\$)	Monthly Payment (\$)
Fort Erie	199,883		16,657
Grimsby	(755,933)	(62,994)	
Lincoln	214,123		17,844
Niagara Falls	(300,650)	(25,054)	
Niagara-on-the-L	(176,778)	(14,732)	
Pelham	139,701		11,642
Port Colborne	(466,317)	(38,860)	
St. Catharines	(639,952)	(53,329)	
Thorold	1,157,631		96,469
Welland	554,416		46,201
West Lincoln	73,876		6,156
Total	-	(194,969)	194,969

# WWW Identified Staffing Resource Needs

CSD 5 -2023  
Appendix 7  
January 12, 2023

Position	FTE	Rationale for Position
SCADA Technicians	2	Industry standards of increased automation, number of facilities to be covered by non-localized staff and increased workload (including support for Capital Projects and waste management facilities) require increased staffing complement.
Security Program Manager	1	Required to develop the Security Program, Capital Works Security Program and execute the W-WW Security Master Plan.
W-WW Technical PM - SCADA	1	To support delivery of assigned capital projects to upgrade and design and build control panels for automation projects.
Senior Project Manager - Area 2	1	To support increased PM workload for capital works over the next ten years as outlined in both the AMP and W-WW MSP.
Manager - Asset Information System	1	To enable a more focused asset lifecycle information system including the implementation of data & information-driven planning processes.
Manager -Capital Planning	1	To support the Asset Management Section with the development, implementation and operation of its AM framework and decision-making processes that define the management of physical assets owned/operated by W-WW.
Program Manager - Area 2	1	To support Area 2, specifically advancing the divisions capability to implement, operate and optimize asset management. The position will also be responsible for managing the Telecom revenue program with hopes to increase revenues
Process Technologists	2	To improve current processes through the implementation of process optimization studies, monitoring chemical consumption, sludge generation, wastewater parameters, and key process parameters to develop site-specific operational guidance. The goal is to create consumption savings in electricity, chemicals and sludge haulage.
Environmental Sampling Technician	1	To alleviate sampling workload currently being done by Environmental Enforcement Officers. This supports the Sewer surcharge program and Hauled Sewage Programs which require extensive sampling and could be offset with increased revenues.

Position	FTE	Rationale for Position
Manager - Major Maintenance	1	To move towards a preventative/performance-based maintenance model. This includes prioritization of digester/storage tank cleanouts, replacement of major mechanical/biogas equipment, HVAC and Blower change outs, boiler maintenance & minor structural repairs to concrete tanks.
Pump Station/Linear Infrastructure team members	4	Two members per Operating Area. Positions will provide inspection, preventative maintenance/repair services to all pumping stations, forcemains, odour control facilities and CSO tanks. This will help minimize risks of basement flooding, forcemain breaks, pump breaks, and non-compliance issues.
	<b>16</b>	

Bill No. 2023-03

Authorization Reference: BRCOTW 2-2023  
Minute Item 5.2

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2023-03

A BY-LAW TO ADOPT THE 2023 WATER BUDGET  
AND TO SET THE REQUISITION TO BE CHARGED  
FOR WATER SUPPLIED TO LOWER-TIER  
MUNICIPALITIES FOR THE PERIOD JANUARY 1,  
2023 TO DECEMBER 31, 2023

---

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, provides that a municipality may pass by-laws respecting services and things that the municipality is authorized to provide;

WHEREAS section 390 of the Municipal Act, 2001, S.O. 2001, c.25, provides that the definition of a person includes a municipality;

WHEREAS section 391 of the Municipal Act, 2001, S.O. 2001, c.25, provides that a municipality is authorized to impose fees or charges on persons for costs payable by it for services or activities provided or done by or on behalf of any other municipality; and

WHEREAS water supplied to the lower-tier municipalities is a service provided by The Regional Municipality of Niagara on behalf of the lower-tier municipalities within the Niagara Region.

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

1. That the 2023 Water Gross Operating Budget of \$51,482,957 and Net Operating Budget of \$51,042,464 be and hereby is adopted.
2. That 75% of the Net Operating Budget, \$38,281,848 be recovered from the lower-tier municipalities based on actual metered water flows multiplied by the Region's annually set uniform water rate.
3. That the rate payable by the lower-tier municipalities for treated water supplied by the Regional Waterworks system shall be established at \$0.669 for every cubic meter supplied to each lower-tier municipality for the period of January 1, 2023 to December 1, 2023.

Bill No. 2023-03

Authorization Reference: BRCOTW 2-2023  
Minute Item 5.2

4. That 25% of the Net Operating Budget, \$12,760,616 be apportioned to the lower-tier municipalities based on their proportionate share of the Region's total three year average historical flows.
5. That the lower-tier municipalities be requisitioned during the period January 1, 2023 to December 31, 2023 as follows:

Municipality	3-Year Avg. (%)	Allocation (\$)	Monthly (\$)
Fort Erie	7.71%	\$983,424	\$81,952
Grimsby	5.54%	\$706,734	\$58,894
Lincoln	4.55%	\$580,761	\$48,397
Niagara Falls	24.43%	\$3,117,666	\$259,806
Niagara-on-the-Lake	5.68%	\$724,690	\$60,391
Pelham	2.69%	\$342,834	\$28,569
Port Colborne	4.46%	\$569,357	\$47,446
St. Catharines	25.63%	\$3,270,808	\$272,567
Thorold	4.23%	\$540,316	\$45,026
Welland	13.23%	\$1,687,966	\$140,664
West Lincoln	1.85%	\$236,061	\$19,672
Total	100.00%	\$12,760,616	\$1,063,385


6. That the Treasurer of the Regional Corporation shall submit similar invoices on or before the 15th day of each month commencing February 15, 2023 for the monthly requisition. Such monthly invoices shall continue thereafter until the December monthly requisition has been invoiced. Each lower-tier municipality shall remit the amount of each such invoices to the Treasurer of the Regional Corporation on or before the last business date of the month in which such invoice is submitted.
7. That in the event of default of payment of any monies payable under this by-law by a lower-tier municipality, interest at the rate of 15 per cent per annum shall be added to the amount in arrears from the date of default until the date of payment thereof.


Bill No. 2023-03

Authorization Reference: BRCOTW 2-2023  
Minute Item 5.2

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

THE REGIONAL MUNICIPALITY OF NIAGARA

  
\_\_\_\_\_  
James Bradley, Regional Chair

  
\_\_\_\_\_  
Ann-Marie Norio, Regional Clerk

Passed: January 19, 2023



Bill No. 2023-04

Authorization Reference: BRCOTW 2-2023  
Minute Item 5.2

## THE REGIONAL MUNICIPALITY OF NIAGARA

## BY-LAW NO. 2023-04

A BY-LAW TO SET THE REQUISITIONS TO BE  
CHARGED FOR WASTEWATER RECEIVED FROM  
THE LOWER-TIER MUNICIPALITIES FOR THE  
PERIOD OF JANUARY 1, 2023 TO DECEMBER 31,  
2023

---

WHEREAS section 11 of the Municipal Act, 2001, S.O. 2001, c.25, provides that a municipality may pass by-laws respecting services and things that the municipality is authorized to provide;

WHEREAS section 390 of the Municipal Act, 2001, S.O. 2001, c.25, provides that the definition of a person includes a municipality;

WHEREAS section 391 of the Municipal Act, 2001, S.O. 2001, c.25, provides that a municipality is authorized to impose fees or charges on persons for costs payable by it for services or activities provided or done by or on behalf of any other municipality;

WHEREAS wastewater received from the lower-tier municipalities is a service provided by the Regional Municipality of Niagara on behalf of the lower-tier municipalities within the Niagara Region; and

WHEREAS the Council of the Regional Municipality of Niagara passed By-Law No. 119-2011 which indicated that, consistent with the wastewater reconciliation methodology described in PWA 87-2011, a reconciliation adjustment will commence with the 2013 Budget.

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

1. That the 2023 Wastewater Gross Operating Budget of \$95,835,980 and Net Operating Budget of \$92,149,561 be and hereby is adopted.
2. That the 2023 budgeted net wastewater operating budget be apportioned to the lower-tier municipalities based on their proportionate share of the Region's total three year average historical wastewater flows.
3. That the 2023 wastewater bills also include reconciliation of the 2021 net requisition allocated based on actual wastewater flows versus the estimated flows.

Bill No. 2023-04

Authorization Reference: BRCOTW 2-2023  
Minute Item 5.2

4. That the lower-tier municipalities be requisitioned during the period January 1, 2023 to December 31, 2023 as follows:

Municipality	2023 Net Budget Allocation	2021 Reconciliation (\$)	Total (\$)	Monthly (\$)
Fort Erie	\$9,366,476	199,883	\$9,566,359	\$797,197
Grimsby	\$3,566,934	(755,933)	\$2,811,001	\$234,250
Lincoln	\$3,938,311	214,123	\$4,152,434	\$346,036
Niagara Falls	\$16,929,345	(300,650)	\$16,628,695	\$1,385,725
Niagara-on-the-Lake	\$3,726,854	(176,778)	\$3,550,076	\$295,840
Pelham	\$1,822,618	139,701	\$1,962,319	\$163,527
Port Colborne	\$5,052,570	(466,317)	\$4,586,253	\$382,188
St. Catharines	\$26,576,034	(639,952)	\$25,936,082	\$2,161,340
Thorold	\$5,841,384	1,157,631	\$6,999,015	\$583,251
Welland	\$13,666,125	554,416	\$14,220,541	\$1,185,045
West Lincoln	\$1,662,909	73,876	\$1,736,785	\$144,732
Total	\$92,149,561	-	\$92,149,561	\$7,679,130

5. That the Treasurer of the Regional Corporation shall submit similar invoices on or before the 15th day of each month commencing February 15, 2023 for the monthly requisition. Such monthly invoices shall continue thereafter until December monthly requisition has been invoiced. Each lower-tier municipality shall remit the amount on each such invoice to the Treasurer of the Regional Corporation on or before the last business day of the month in which such invoice is submitted
6. That in the event of default of payment of any monies payable under this by-law by the lower-tier municipality, interest at the rate of 15 per cent per annum shall be added to the amount in arrears from the date of default until the date of payment thereof.

Bill No. 2023-04

Authorization Reference: BRCOTW 2-2023  
Minute Item 5.2

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

THE REGIONAL MUNICIPALITY OF NIAGARA

  
\_\_\_\_\_  
James Bradley, Regional Chair

  
\_\_\_\_\_  
Ann-Marie Norio, Regional Clerk

Passed: January 19, 2023

**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)**Sub-Item 11**

January 25, 2023

**CL 1-2023, January 19, 2023****PEDC 1-2023, January 11, 2023****PDS 3-2023, January 11, 2023****LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY**Approval of the Niagara Official Plan

PDS 3-2023

Regional Council, at its meeting held on January 19, 2023, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 3-2023, dated January 11, 2023, respecting Approval of the Niagara Official Plan, **BE RECEIVED** and **BE CIRCULATED** to Local Area Municipalities.

A copy of PDS 3-2023 is enclosed for your reference.

Yours truly,

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

Ann-Marie Norio

Regional Clerk

:js

CLK-C 2023-006

cc: P Busnello, Manager, Development Planning  
 M. Sergi, Commissioner, Planning and Development Services  
 N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services

---

**Subject:** Approval of the Niagara Official Plan

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, January 11, 2023

---

## **Recommendations**

1. That this Report **BE RECEIVED** for information; and
2. That Report PDS 3-2023 **BE CIRCULATED** to Local Area Municipalities.

## **Key Facts**

- The purpose of this report is to inform Regional Council of the approval of the Niagara Official Plan and summarize the modifications made by the Ministry of Municipal Affairs and Housing (“MMAH”).
- The Niagara Official Plan (NOP) is a comprehensive land use policy framework to guide growth and development within the Region to the year 2051. It was adopted by Regional Council on June 23, 2022.
- The Minister of MMAH issued a decision on November 4, 2022 to approve the NOP with 45 modifications including the addition of a total of 55 hectares to the urban settlement area in Niagara Falls and Fort Erie.
- The Minister’s decision is final. There are no appeals to the approval of the Niagara Official Plan.
- MMAH modifications and associated clerical changes, have been incorporated into the adopted Niagara Official Plan and will be put on the Niagara Region website.
- Regional Planning staff will work with Local Area Municipalities to determine how the Niagara Official Plan will be implemented given the legislative changes made under Bill 23.

## **Financial Considerations**

There are no direct financial implications arising from this report. A total gross budget of \$3M was approved for the creation of the Niagara Official Plan through the 2017 Operating Budget. Staff were able to complete this project under budget.

## Analysis

### Background – Niagara Official Plan

The Niagara Official Plan is a strategic long range planning document that guides how the Region will grow and develop over the next 30 years. The Plan was developed with significant consultation with Local Area Municipalities, members of the public, indigenous communities and First Nations, and other public agencies and interested parties.

Adopted by Regional Council on June 23, 2022, the Plan was sent to the Ministry of Municipal Affairs and Housing (MMAH) for approval in accordance with Sections 17 and 26 of the *Planning Act*.

The Niagara Official Plan was posted on the [Environmental Registry of Ontario](https://ero.ontario.ca/notice/019-5717) (ERO) (<https://ero.ontario.ca/notice/019-5717>) for additional public comment and feedback. A total of 46 comments were submitted to the ERO, covering a variety of topics including land use compatibility, housing, aggregate policies, natural heritage protection, and site-specific land use designations.

On November 4, 2022, MMAH issued a Notice of Decision indicating that the Niagara Official Plan was approved, with modifications.

### Summary of Changes – Niagara Official Plan

The MMAH Notice of Decision (**Appendix 1**) outlines 45 modifications to the Niagara Official Plan. Provincial modifications, as well as clerical changes and other minor revisions made to be consistent with the modifications, have been incorporated into the adopted Niagara Official Plan and will be put on the Niagara Region website.

A number of the modifications made are minor in nature and do not have significant impacts to the interpretation or implementation of the Niagara Official Plan. The approved Niagara Official Plan continues to address climate change, protect the natural environment and agricultural lands, and establish a policy framework for secondary planning, urban design and watershed planning to support strategic growth management for the development of complete communities.

### Changes to the Natural Environment System

Modifications in the Notice of Decision, have instituted a number of changes to the policies and mapping of the Natural Environment System. These changes include:

1. The removal of Policies 3.1.5.5 (e), 3.1.5.7.7, 3.1.5.8.4, and 3.1.9.8.4. These policies had been included in the NOP to allow for certain agricultural uses and minor residential uses to proceed without the need for an environmental impact study. These exemptions had been developed in consultation with the agricultural community and local municipalities. The removal of these policies means that the exemptions no longer exist and that an environmental impact study may be triggered for small scale agricultural and residential applications.
2. The addition of Policies 3.1.9.5 and 3.1.9.6, permit the use of mineral aggregate operations adjacent to hydrologic features and area or expansion within significant woodlands outside the Provincial Natural Heritage System subject to other provincial and regional land use policy.
3. The addition of Policies 8.2.6 and 8.11.3, which relate to lands in the Town of Fort Erie and the Township of Wainfleet that were added to the urban and rural settlement area through the approval of the Niagara Official Plan (see **Appendix 2**).  
  
These new policies identify “north-south” and/or “east-west” linkages on the subject lands that are to be subject to a regional natural heritage system overlay. Development on these parcels will be required to demonstrate that the “connectivity” of natural and hydrologic features and areas would be maintained. The Region and the appropriate Local Area Municipality are also directed to establish on-site mechanisms that would protect the connectivity and integrity of these features.  
  
Associated changes were made to Schedules C1 and C2 of the NOP to identify the regional natural heritage system overlay and linkages on these subject lands.

### **Site-Specific Changes and Additions**

The Minister’s Notice of Decision instituted a number of site-specific changes to the Niagara Official Plan. These changes include:

1. The addition of Policy 4.2.4.10, with regards to lands along Garner Road in the City of Niagara Falls (see **Appendix 2**), which are referred to as the “Cytec Canada Inc. facility” but which are now known as Solvay.

The policy states that lands within a “two kilometres radius” of the facility, with the exception of those lands currently designated for Neighbourhood Commercial under the City’s Official Plan, are subject to Policy 4.2.1.11 of the Niagara Official Plan, which only permits the conversion of employment area lands as part of a Municipal

Comprehensive Review (MCR). In other words, the lands subject to this policy would not be able to convert to a non-employment use until the next MCR.

Regional Planning staff will work with the Province and City to determine how this policy will be implemented.

2. Policy 8.9.1, which refers to lands along Glendale Avenue in the City of St. Catharines (see **Appendix 2**) also known as the “Kaneff lands”, is revised to state that forecasted growth resulting from re-designation of the lands will be fully accounted for in the next MCR.

The modifications made to this policy do not remove the ability for the lands to come into the urban boundary should the Ministry of Natural Resources and Forestry issue a decision to re-designate the lands from Escarpment Protection to Urban Area within the Niagara Escarpment Plan.

3. The addition of three new settlement area boundary expansion sites, one in the Town of Fort Erie and two in the City of Niagara Falls, totalling an additional 55 hectares to the urban settlement area. The location of the expansion areas are outlined in **Appendix 2**.
4. Minor mapping changes were made to the St. Catharines Urban Boundary (see **Appendix 2**) to better align with the mapping of the in-effect Greenbelt Plan. These changes are technical adjustments over waterways and other hydrologic features. No developable area is impacted.

Mapping changes were also made to the boundaries of the Grimsby and Lincoln Protected Major Transit Station Areas to align the boundaries of the in-effect Greenbelt Plan. Planning Staff will be seeking clarification relative to these changes.

### **Bill 23: More Homes, Built Faster Act**

On October 25, 2022, the Provincial government introduced Bill 23 *More Homes Built Faster Act, 2022*. The government has indicated that the intent of the Act is to create conditions that will result in the construction of more homes to address the housing supply crisis.

On November 28, 2022, Bill 23 received Royal Assent. A number of transition provisions were included in Bill 23 with some changes coming into force upon the Act receiving Royal Assent while others by proclamation of the Lieutenant Governor. The Region will maintain upper-tier approval authority and administration of the Niagara



Official Plan until the pertinent sections of Bill 23 receive proclamation by the Lieutenant Governor. At this time, Staff have not received indication as to when a proclamation will take place. The Regional Chair and Planning staff previously provided comments and concerns over anticipated negative fiscal and coordinated growth management impacts from Bill 23.

### **Alternatives Reviewed**

There are no appeals to the Minister's approval of the Niagara Official Plan.

Once a proclamation is made by the Lieutenant Governor with regards to upper-tier planning responsibilities under the Planning Act, Local Area Municipalities would be responsible for implementing the Niagara Official Plan within their municipality until such time that updates are made to their Official Plans to conform to Provincial policy and legislation. The timing of the Lieutenant Governor's proclamation is unknown at this time.

Regional Planning Staff will work with Local Area Municipalities to determine how the Niagara Official Plan will be implemented based on these legislative changes.

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

The approved Niagara Official Plan will support the following Council Strategic Priorities:

- **Supporting Business and Economic Growth:** Through long range planning for the supply and retention of a broad range of community and employment lands that offer community related employment and industrial employment opportunities to attract and support economic wellbeing;
- **Healthy and Vibrant Community:** Through planning for safe, healthy neighbourhoods that are attractive, inclusive and connected, based on complete community principles and design;
- **Responsible Growth and Infrastructure Planning:** Through coordinated, efficient use of existing infrastructure and optimizing planned infrastructure that will service the communities of Niagara and facilitate movement of people and goods; and
- **Sustainable and Engaging Government:** Through planned growth that is fiscally sustainable and fosters strong, successful relationships between all levels of government in the supply of services and infrastructure.

## **Other Pertinent Reports**

- PDS 17-2022 Niagara Official Plan: Recommendation Report for Adoption

---

### **Prepared by:**

Alexandria Tikky, MCIP, RPP  
Senior Planner  
Planning and Development Services

---

### **Recommended by:**

Michelle Sergi, MCIP, RPP  
Commissioner  
Planning and Development Services

---

### **Submitted by:**

Ron Tripp, P.Eng.  
Chief Administrative Officer

This report was prepared in consultation with David Heyworth, Manager, Long Range Planning and Sean Norman, Senior Planner, Community Planning, and reviewed by Angela Stea, Director of Community and Long Range Planning.

## **Appendices**

- |            |   |
|------------|---|
| Appendix 1 | MMAH Notice of Decision – Niagara Official Plan           |
| Appendix 2 | Mapping of Site Specific Changes to Niagara Official Plan |

## DECISION

### With respect to the New Regional Municipality of Niagara Official Plan Subsection 17(34) of the *Planning Act*

---

I hereby repeal the Regional Municipality of Niagara Official Plan adopted by By-law 828-785-73 as approved by the Ministry of Municipal Affairs and Housing in 1973, and subsequent amendments thereto. Furthermore, I hereby approve, as modified, the Regional Municipality of Niagara Official Plan, as adopted by By-law 2022-47, subject to the following modifications, with additions in **bold underline** and deletions **in bold strikethrough**:

1. Policy 2.2.2.21 is modified so that it reads:

New *strategic growth areas* may be identified by the Region through a *municipal comprehensive review*, **including** ~~The the~~ boundary of the *strategic growth area* and its minimum density target. **Detailed planning** shall be determined through a district plan or secondary plan process in accordance with Section 6.1., ~~and incorporated through the next municipal comprehensive review.~~

2. Policy 2.2.4.2 is modified so that it reads:

*Public service facilities*, such as municipal works depots, police stations and fire halls, are strongly encouraged to locate within *settlement areas*. Where considered outside of settlement areas, such uses shall **conform to, and be consistent with, applicable provincial policies.** ~~be compatible with and have minimal impacts on their surroundings~~

3. Policy 2.2.5.2 b) is modified so that it reads:

b) the proposed expansion will only make available sufficient lands needed to the horizon of this Plan based on the analysis required in Policy ~~2.2.5.3 a)~~, **2.2.5.2 a)** while minimizing land consumption; and

4. New subsection 2.2.5.4 e) is added:

**e) Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied.**

5. Subsection e) of policy 3.1.5.5 is deleted and subsections f) – j) are renumbered accordingly:

*Development or site alteration* shall not be permitted in *key natural heritage features* that are within the *Provincial natural heritage system* or in *any key hydrologic features* outside of *settlement areas* except for:

[...]

~~e) single dwellings on existing lots of record in the Greenbelt Plan area, provided they were zoned for such as of the date the Greenbelt Plan initially came into effect;~~

[...]

6. Policy 3.1.5.7.7 is deleted:

~~Notwithstanding Policy 3.1.5.7.3, the following types of minor construction is permitted within a vegetation protection zone provided there is no alternative without an environmental impact study and/or hydrologic evaluation:~~

- ~~a) new buildings and structures for agricultural uses, agriculture related uses, or on-farm diversified uses below 200 m<sup>2</sup>;~~
- ~~b) expansions to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses below 50% of the size of the original building, provided the expansion is less than 200 m<sup>2</sup>;~~
- ~~c) new accessory buildings to a residential use (garage, workshop, etc.) below 50 m<sup>2</sup>;~~
- ~~d) expansions to existing accessory buildings to a residential use below 50% of the size of the original building;~~
- ~~e) expansions to existing residential buildings below 50% of the size of the original building; and reconstruction of an existing residential dwelling of the same size at the same location.~~

7. Policy 3.1.5.8.4 is deleted:

~~Notwithstanding Policy 3.1.5.8.2 the following types of minor construction is permitted within the *Provincial natural heritage system* provided there is no alternative, outside of a *key natural heritage feature or key hydrologic feature*, without an environmental impact study and/or hydrologic evaluation:~~

- ~~a) new accessory buildings to a residential use (garage, workshop, etc.) below 50 m<sup>2</sup>;~~
- ~~b) expansions to existing accessory buildings to a residential use below 50% of the size of the original building;~~
- ~~c) expansions to existing residential buildings below 50% of the size of the original building; and reconstruction of an existing~~
- ~~d) reconstruction of an existing residential dwelling of the same size in the same location.~~

8. New policy 3.1.9.5 is added and subsequent policies are renumbered accordingly:

**Mineral aggregate operations and wayside pits and quarries are permitted in the vegetation zone described in policy 3.1.9.2 except in accordance with Provincial policy and Section 4.3 of this Plan.**

9. New policy 3.1.9.6.5 is added and subsequent policies are renumbered accordingly:

**Notwithstanding policy 3.1.9.6.1 c), new or expanding mineral aggregate**



operations may be permitted in significant woodlands if it has been demonstrated through the preparation of an *environmental impact study* that there will be no negative impacts on the natural feature or its ecological functions.

10. Policy 3.1.9.7.2 is modified so that it reads:

Notwithstanding Table 3-1, the requirement for an *environmental impact study* and/or *hydrologic evaluation* may be **waived** **scoped** if the proposed *development* or *site alteration* is minor and is not anticipated to have a *negative impact* on the *natural environment system* in accordance with the **policies of this plan, provincial policies and waiving requirements outlined in** the Environmental Impact Study and/or Hydrologic Evaluation Guidelines.

11. Policy 3.1.9.8.3 is modified so that it reads:

*Development* or *site alteration* shall not be permitted in the minimum *buffer* set out in Table 3-2, with the exception of that described in Policy 3.1.9.5.6.3 and 3.1.9.6.5 or infrastructure serving the agricultural sector, unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts and the buffer will continue to provide the ecological function for which it was intended.

12. Policy 3.1.9.8.4 is deleted and subsequent policies are renumbered accordingly:

**~~Notwithstanding Policies 3.1.9.7.1 and 3.1.9.8.3, the following types of minor construction is may be permitted within adjacent lands set out in Table 3-1 and minimum buffers set out in Table 3-2 provided there is no alternative, subject to without an environmental impact study and/or hydrologic evaluation :~~**

- ~~a) new buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses below 200 m<sup>2</sup>;~~
- ~~b) expansions to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses below 50% of the size of the original building, provided the expansion is less than 200 m<sup>2</sup>;~~
- ~~c) new accessory buildings to a residential use (garage, workshop, etc.) below 50 m<sup>2</sup>;~~
- ~~d) expansions to existing accessory buildings for a residential use below 50% of the size of the original building;~~
- ~~e) expansions to existing residential buildings below 50% of the size of the original building; and~~
- ~~f) reconstruction of an existing residential dwelling of the same size in the same location.~~

13. Policy 3.1.11.5 is modified so that it reads:

Notwithstanding policies **3.1.9.6.2 and** 3.1.11.1 to 3.1.11.4, policies related to *other woodlands* do not apply to new or expanding *mineral aggregate operations*.

14. Policy 3.1.21.1 b) is modified so that it reads:

The proposed *development* or *site alteration* activities will not jeopardize the survival, recovery and conservation of species at risk ~~listed protected~~ in Schedule 1 of the Species at Risk Act or in Ontario Regulation 230/08, including their residences and critical habitat.

15. Policy 4.1.1.5 is modified so that it reads:

The removal of topsoil in *specialty crop areas*, *prime agricultural areas*, and *rural lands* is discouraged. Further, the placement of fill in *specialty crop areas* and *prime agricultural areas* is prohibited except for normal farm practices conducted in accordance with Ontario Regulation 409/19 and the Rules for Soil Management and Excess Soil Quality Standards. Local Area Municipalities are encouraged to enact by-laws to regulate the placement of fill in accordance with Section 3.7 of this Plan.

16. Policy 4.1.7.7 is separated into two policies and subsequent policies are renumbered accordingly:

4.1.7.7 The appropriate scale for *on-farm diversified uses* may vary depending on the type of use and whether the activities are located in the *specialty crop area* or in other *prime agricultural areas*.

**4.1.7.8** The following criteria shall be considered when reviewing applications for proposed *agriculture-related uses*:  
[...]

17. Policy 4.2.1.15 is modified so that it reads:

The Region and Local Area Municipalities may support employment *development* and *redevelopment* serviced through sustainable private services, including dry *industrial development*, within *employment areas* where there are constraints to *municipal water and wastewater systems/services*, provided that in settlement areas, individual on-site sewage services and individual on-site water services are only used for infilling and minor rounding out of existing development.

18. Policy 4.2.2.2 is modified so that it reads:

The Region will work with the other levels of government to prioritize improvements to *major goods movement facilities and corridors* and *planned corridors* within the *Niagara Economic Gateway* to focus on:

**a) within settlement areas, the** development and redevelopment of major facilities, manufacturing, manufacturing-related and supply chain facilities,

**b) as well as** supporting economic diversity and promoting increased opportunities for cross border trade, movement of goods, and tourism.



19. Policy 4.2.2.3 is modified so that it reads:

Lands within the *Niagara Economic Gateway* are preferred for the **identification planning** of future *employment areas* **in accordance with policy 4.2.3.2. and Lands within the Niagara Economic Zone and the Niagara Economic Centre are preferred for provincially significant employment zones.**

20. Policy 4.2.3.1 is modified so that it reads:

Future employment areas **are shown conceptually as set out** in Appendix 2, **have been identified** due to their location within the Niagara Economic Gateway and proximity to major goods movement facilities and corridors, and/or near planned corridors.

21. Policy 4.2.3.2 is modified so that it reads:

Future *employment areas* are outside of existing *settlement areas* and **shall may be identified for planned for** long-term **protection planning, provided lands are not designated** beyond 2051.

22. Policy 4.2.3.4 is deleted and subsequent policies are renumbered accordingly:

~~The Region will determine, in consultation with the Local Area Municipalities, the boundary, land uses and minimum density target of future *employment areas* as part of a district plan or secondary plan process, or equivalent, per Section 6.1 and provide urban design guidelines per Section 6.2.~~

23. Policy 4.2.3.5 is modified so that it reads:

The Region will work with Local Area Municipalities to review and evaluate any proposal to **identify protect** future *employment areas* using the following considerations:  
[...]

24. New policy 4.2.4.10 is added:

**Notwithstanding policy 7.12.2.5, development applications within a two kilometre radius of the Cytex Canada Inc. facility in Niagara Falls shall be subject to policy 4.2.1.11 of this Plan, except for the lands currently designated Neighbourhood Commercial in the local official plan.**

25. New policy 4.3.2.6 is added:

**Asphalt plants, concrete plants, brick manufacturing plants and other similar manufacturing uses shall not be permitted in the Niagara Escarpment Plan Area.**

26. New subsection 4.5.2.1(b)(ii) is added and subsequent subsections are renumbered accordingly:

This section consolidates policy direction integrated throughout this Plan that supports economic prosperity.

The Region will endeavour to:

a) attract employers and workers to the region by:

[...]

b) improve the region's infrastructure to attract new investment, support existing businesses to grow, and build resiliency by:

[...]

**(ii) establishing priority routes for goods movement, where feasible, to facilitate the movement of goods into and out of employment areas and other areas of significant commercial activity and to provide alternate routes connecting to the provincial network.**

[...]

27. Policy 5.1.1.1 is modified so that it reads:

The Region's *transportation system* will be implemented as per the recommended actions and schedules of the Region's Transportation Master Plan **in accordance with relevant provincial policies and plans such as A Place to Grow: Growth Plan for the Greater Golden Horseshoe; Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe; and the Metrolinx's Regional Transportation Plan.**

28. New policy 5.1.1.9 is added:

**In all proposed development located adjacent to and in the vicinity of a provincial highway within MTO's permit control area under the *Public Transportation and Highway Improvement Act* (PTHIA) will also be subject to MTO approval. Any new areas in the municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway, interchange or intersection within MTO's permit control area will be subject to MTO's policies, standards, and requirements. Direct access will be discouraged and often prohibited.**

29. New policy 5.1.6.1 is added and subsequent policies are renumbered accordingly:

**Major goods movement facilities and corridors shall be protected for the long term. Development proposals for sensitive land uses in proximity to major goods movement facilities and corridors shall be subject to policies 4.2.4.2 and 4.2.4.3.**

30. Policy 5.1.6.1 is modified so that it reads:

The Region, in partnership with **the Province and** Local Area Municipalities, will develop and implement a Goods Movement Study that is consistent with the recommendations of the Region's Transportation Master Plan, and the **Strategic Goods Movement Network and associated policy directions of Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe and** Freight-Supportive Guidelines.

31. Policy 5.2.3.4 is modified so that it reads:

Individual water supply and sewage disposal systems are permitted outside the urban areas provided the site conditions are suitable for the long-term provision of such services with no negative impacts. **Lot creation on individual on-site sewage services is only permitted if there is confirmation of sufficient reserve sewage**



system capacity for hauled sewage.

32. New policy 5.2.4.16 is added:

The establishment of a new waste disposal site is not permitted in the Niagara Escarpment Plan Area.

33. Policy 6.1.3.3 is deleted:

~~The Glendale District Plan recognizes and provides direction for the four special study areas: Niagara Regional Native Centre, Eco Park, Southwest Glendale, and Niagara College.~~

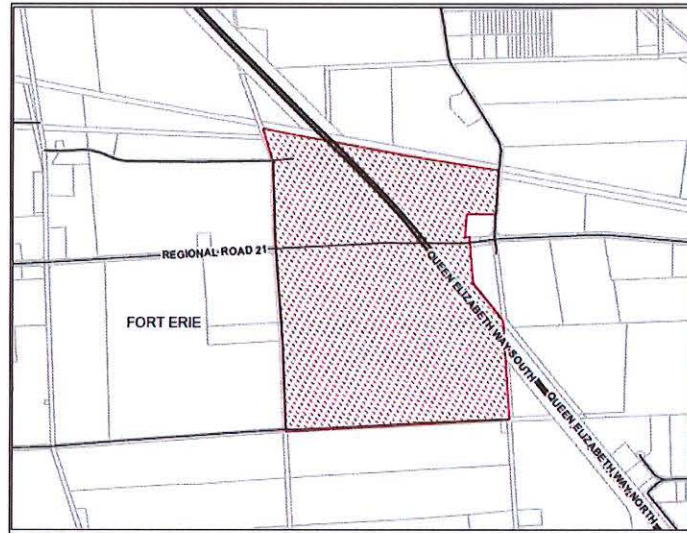
34. Policy 7.12.2.5 is modified so that it reads:

Development applications deemed complete prior to the date of this Plan's approval shall be permitted to be processed, and a decision be made, under the Local and Regional Official Plan policies, ~~as well as Provincial policies~~ that existed when the application was deemed complete.

35. New policy 8.2.6 is added:

The area shown on the map below includes lands identified as part of the Natural Environment System overlay in Schedule C1 of this Plan. Notwithstanding policy 7.12.2.5, these lands form part of a north-south and east-west linkage within the regional natural heritage system and shall be planned for in the following manner:

- a) New development or site alteration will demonstrate that connectivity along the system and between key natural heritage features and key hydrologic features will be maintained for the movement of native plants and animals across the landscape, including through the north-south connection across the QEW identified as a linkage in Schedule C2.
- b) To ensure that connectivity is maintained, the Town of Fort Erie, in consultation with the Region, will identify appropriate mechanisms through the planning process to protect this linkage, such as establishing a minimum percentage of the developable area that will remain open space or free of impermeable surfaces.



36. Policy 8.9.1 is modified as follows:

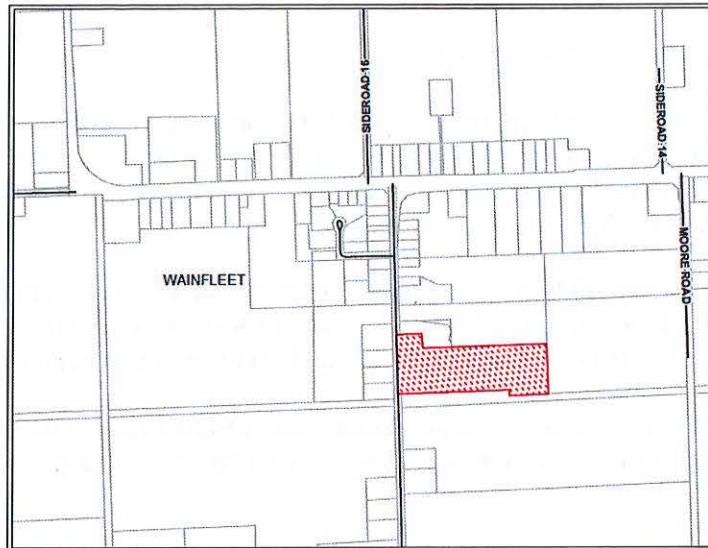
Notwithstanding the other policies of this Plan, the lands shown on the associated map are regulated under the Niagara Escarpment Planning and Development Act and subject to a decision on deferral UA-04 from the Ministry of **Northern Development, Mines**, Natural Resources and Forestry (**MNDMNRF**). Should ~~the~~ **MNDMNRF** issue a decision to re-designate the subject lands in the Niagara Escarpment Plan from Escarpment Protection Area to Urban Area, the urban area boundary for the City of St. Catharines may be expanded and shown as Designated Greenfield Area and District Plan Area on Schedule B, and Urban Area on the remaining schedules where applicable, without amendment to this Plan. The land use development shall follow the direction of the Glendale District Plan and the policies of section 6.1.3 of this Plan. The associated forecasted growth resulting from this re-designation will be fully accounted for in the land needs assessment associated with the next municipal comprehensive review.

37. New policy 8.11.3 is added:

The area shown on the map below includes lands identified as part of the Natural Environment System overlay in Schedule C1 of this Plan. Notwithstanding policy 7.12.2.5, these lands form part of an east-west linkage within the regional natural heritage system and shall be planned for in the following manner:

- a) New development or site alteration will demonstrate that connectivity along the system and between key natural heritage features and key hydrologic features will be maintained for the movement of native plants and animals across the landscape.
- b) To ensure that connectivity is maintained, the Township of Wainfleet, in consultation with the Region, will identify appropriate mechanisms through the planning process to protect this linkage, such as establishing a minimum percentage of the developable area that will remain open space or free of impermeable surfaces.





38. The definition of "Existing Use" in Chapter 9 is modified so that it reads:

Existing Uses (Greenbelt Plan Area only): uses legally established prior to the date that the Greenbelt Plan came into force on December 16, 2004; or for the purposes of lands added to the Greenbelt Plan after December 16, 2004, uses legally established prior to the date the Greenbelt Plan came into force in respect of the land on which the uses are established

**Existing Uses (Niagara Escarpment Plan Area only): shall have the same definition as "existing use" in the Niagara Escarpment Plan.**

39. Schedules A, B, C1, C2, C3, F, G, H, I, J1, J2 and K, and Appendices 1 & 2 are modified, with respect to two proposed settlement area boundary adjustments identified in Appendix 1 of this Decision, by aligning the settlement area boundary of the City of St. Catharines with the Greenbelt Plan Area Boundary as per O.Reg. 59/05, so that the urban boundary does not expand over the Greenbelt Plan Area.
40. Schedules A, B, C1, C2, C3, F, G, H, I, J1, J2 and K, and Appendices 1 & 2 of the Niagara Official Plan are modified by adding to the Urban Area of the Town of Fort Erie a portion of the site identified as SABR #1151 in the Region's "Urban Settlement Area Assessment Review and Comments" document, and identifying it as "Designated Greenfield Area" in Schedule B – Regional Structure, as shown in Appendix 2 of this Decision.
41. Schedules A, B, C1, C2, C3, F, G, H, I, J1, J2 and K, and Appendices 1 & 2 are modified by adding to the Urban Area of the City of Niagara Falls the sites identified as #1125 and #1126 in the Region's "Urban Settlement Area Assessment Review and Comments" document, and identifying it as "Designated Greenfield Area" in Schedule B – Regional Structure, as shown in Appendix 3 of this Decision.
42. Schedule B is modified by aligning the boundary of the Grimsby Protected Major Transit Station Area (PMTSA) and the Beamsville PMTSA, in the locations identified in Appendix 4 of this Decision, with the existing settlement area boundary so that no portion of the PMTSA extends beyond the settlement area boundary.

43. Schedules C1 and C2 are modified as follows:

Schedule C1 is modified by applying the Region's "Natural Environment System" overlay to all the lands that are currently covered by the "Natural Heritage System for the Growth Plan" overlay in the two locations shown in Appendix 5 of this Decision (in the Town of Fort Erie and Township of Wainfleet).

Schedule C2 is modified by adding a "Linkage" depicted with a purple line (similar to the other linkages in Schedule C2) in the location shown in Appendix 5 of this Decision, in order to identify the north-south natural heritage system connection under the QEW.

44. Schedule F is modified so that the "Niagara Escarpment Plan Area" is depicted as a hatched overlay to allow for the underlying "Specialty Crop Area" designation to be visible.

45. Schedule J1 is modified as follows:

Text/ Label modifications:

**~~Proposed Unfunded~~** Higher Order Transit Station

**~~Conceptual Planned Potential~~** Corridor

**~~Conceptual Planned Potential~~** Interchange

Mapping modification:

The portion of Highway 20 from Thorold Townline Road (RR 70) westerly, past Highway 58 to the Canadian Nation Railway line (just west of Highway 58) is modified to be shown as a "Provincial Road".

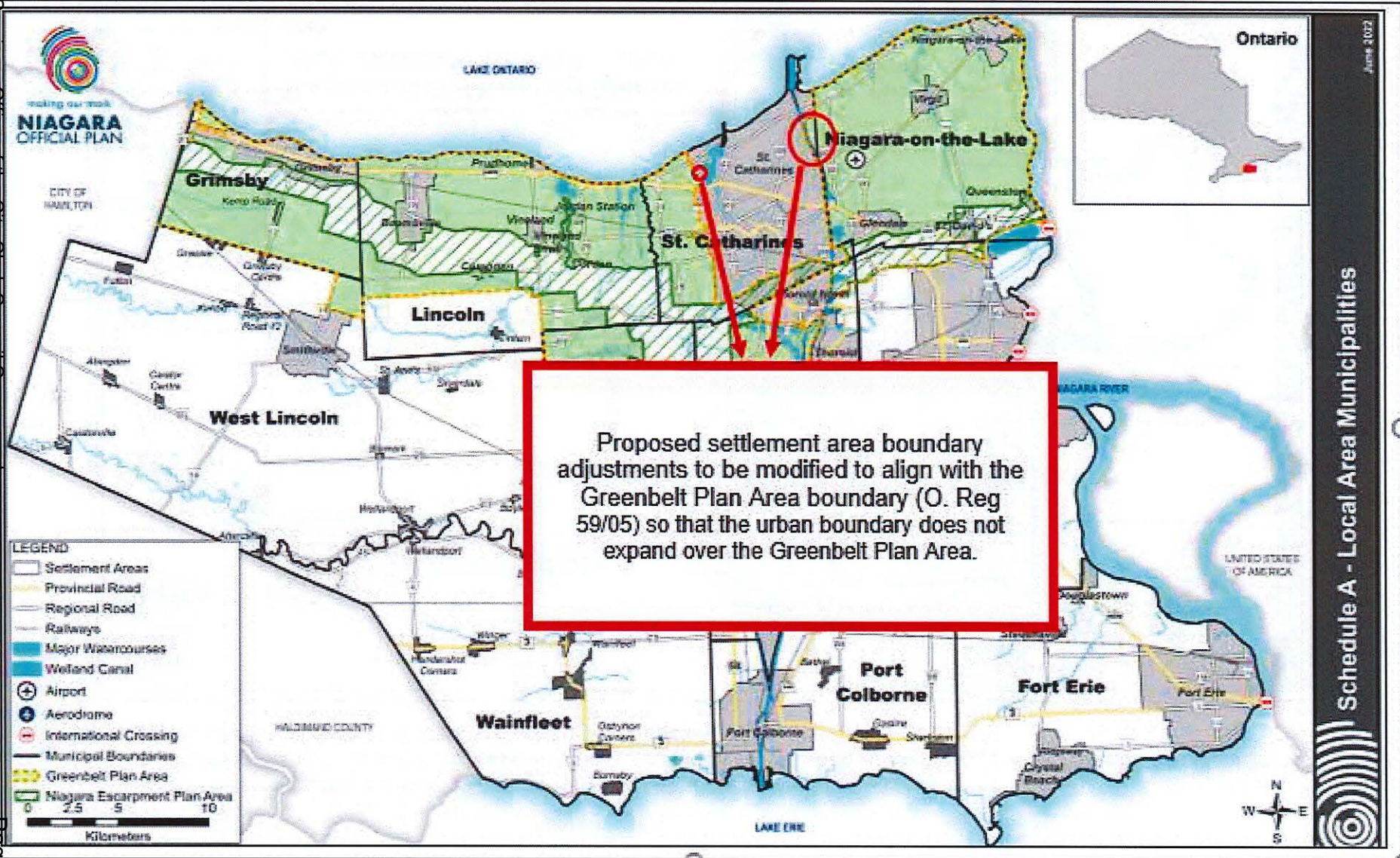
Dated at Toronto this 4<sup>th</sup> day of November, 2022



Hannah Evans, Assistant Deputy Minister  
Municipal Services Division  
Ministry of Municipal Affairs and Housing



# Appendix 1 Modification # 39

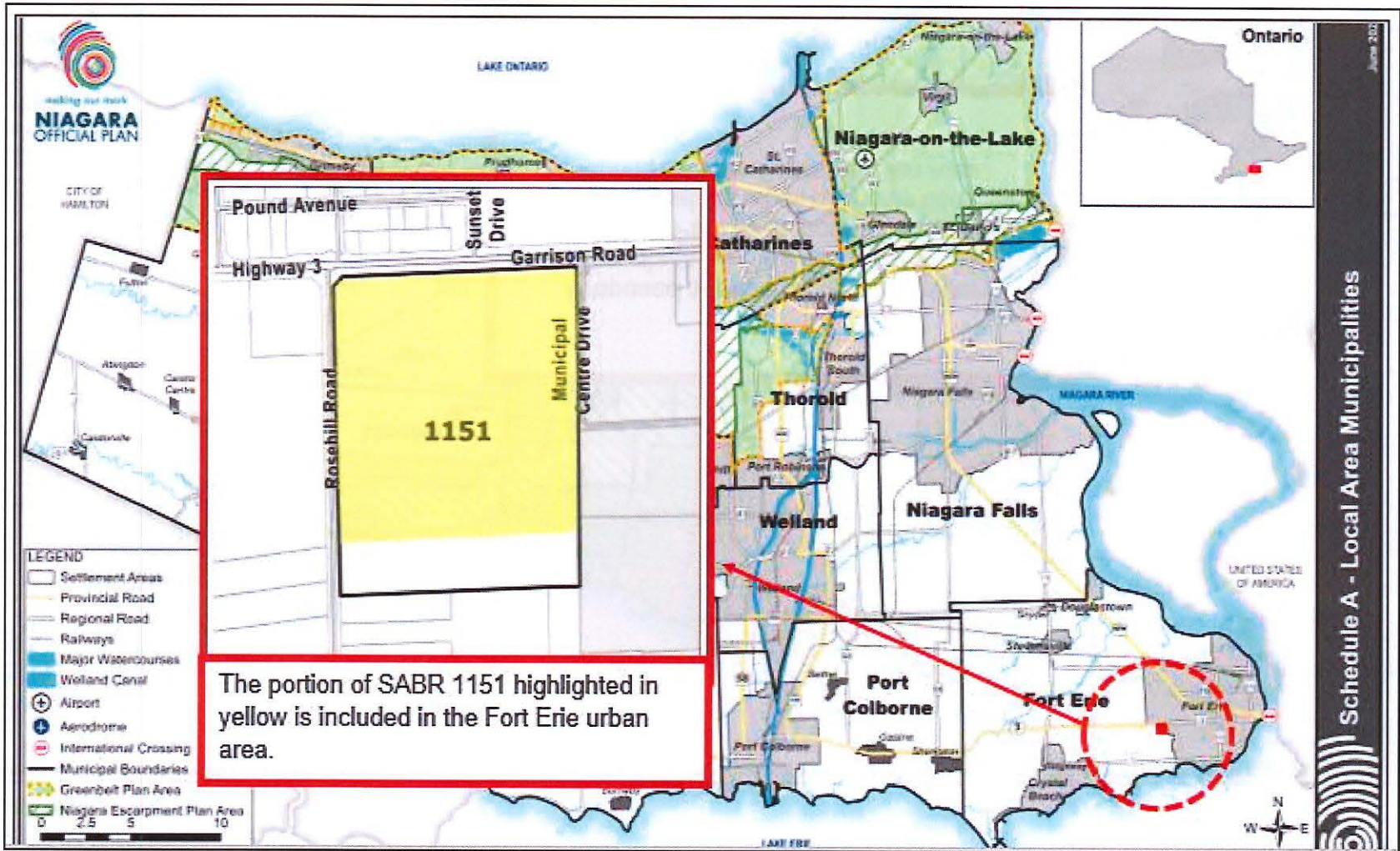




# Appendix 2

## Modification # 40

The portion of the site identified as #1151 in the Region's Urban Settlement Area Assessment Review and Comments document (SABR #1151) shown below is included in the Urban Area of the Town of Fort Erie and identified as "Designated Greenfield Area" in Schedule B – Regional Structure

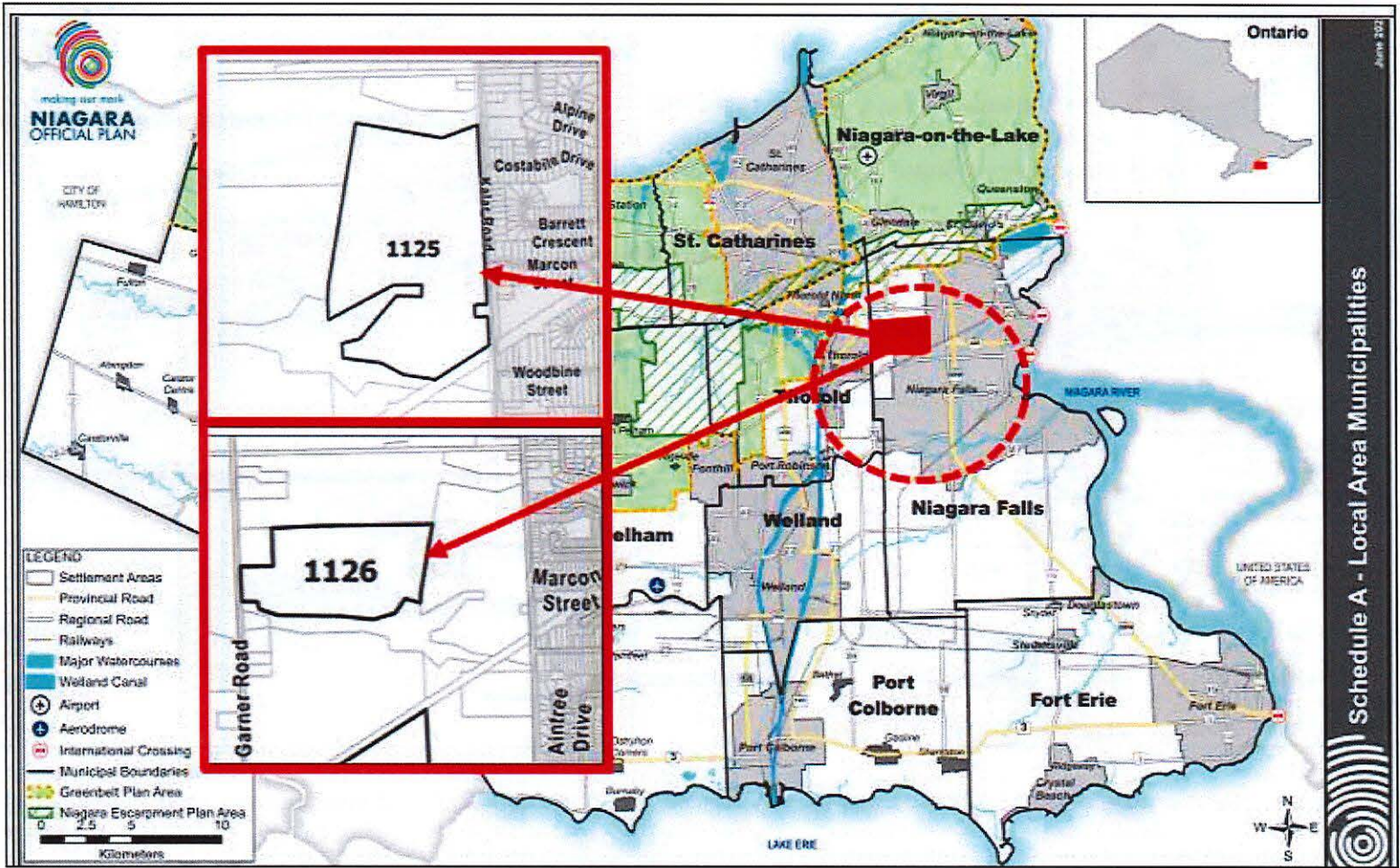




Appendix 3

Modification #41

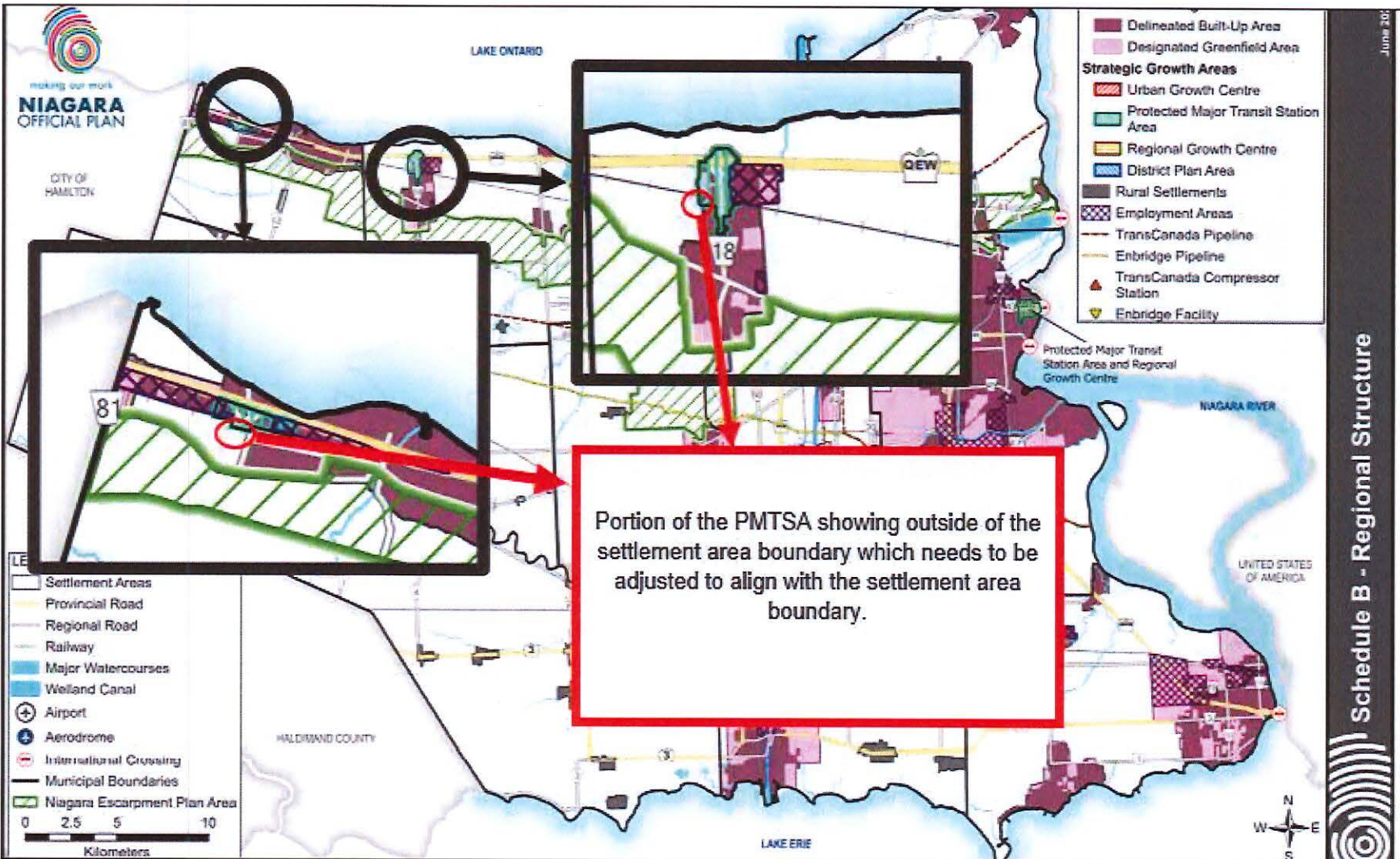
The sites identified as #1125 and #1126 in the Region's Urban Settlement Area Assessment Review and Comments document (SABR #1125 and SABR #1126) shown below are included in the Urban Area of the City of Niagara Falls and identified as "Designated Greenfield Area" in Schedule B – Regional Structure





**Appendix 4**

Modification #42 The boundary of the Grimsby and Beamsville PMTSA should be adjusted to align with the settlement area boundary as shown below

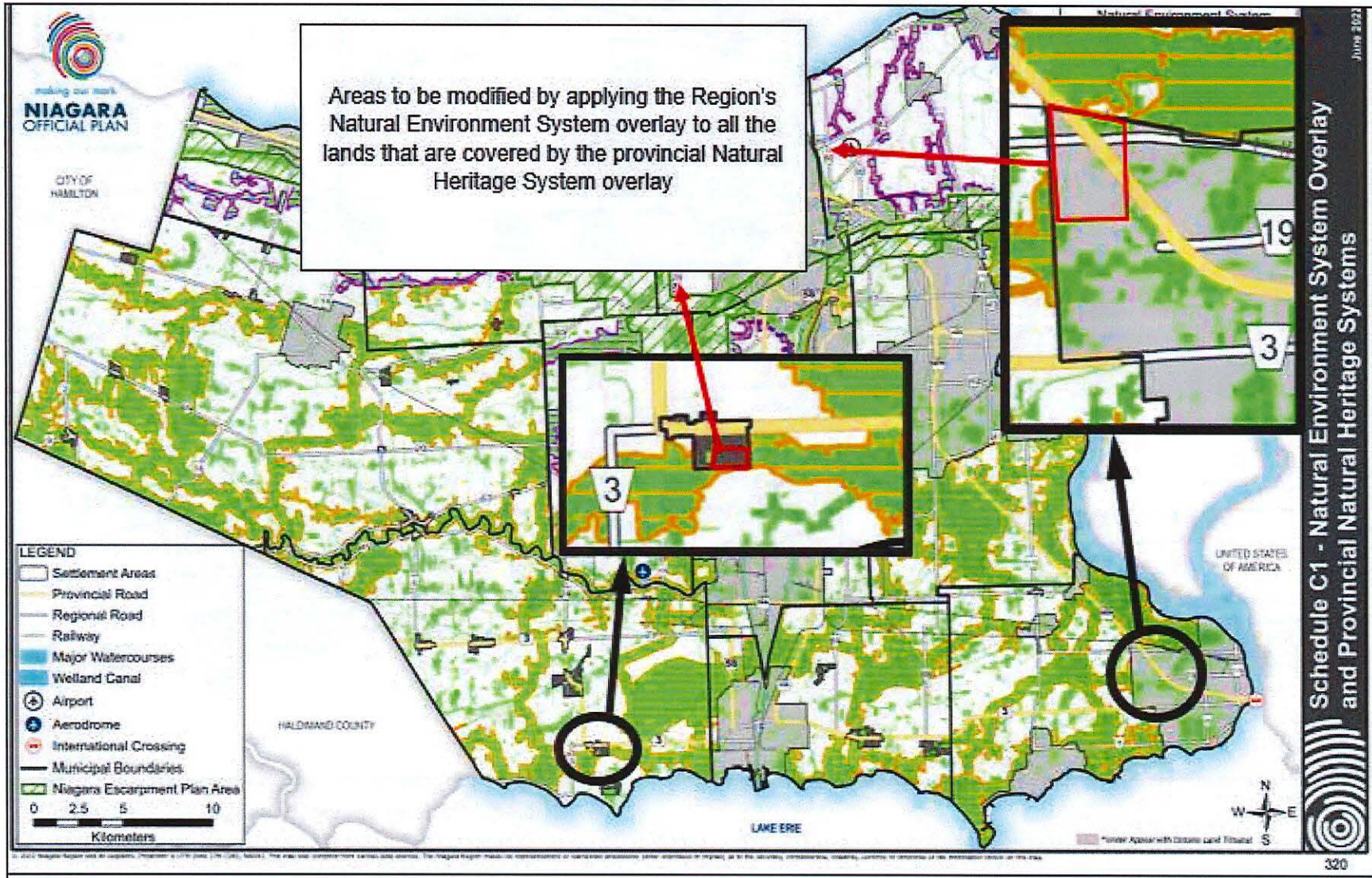




## Appendix 5

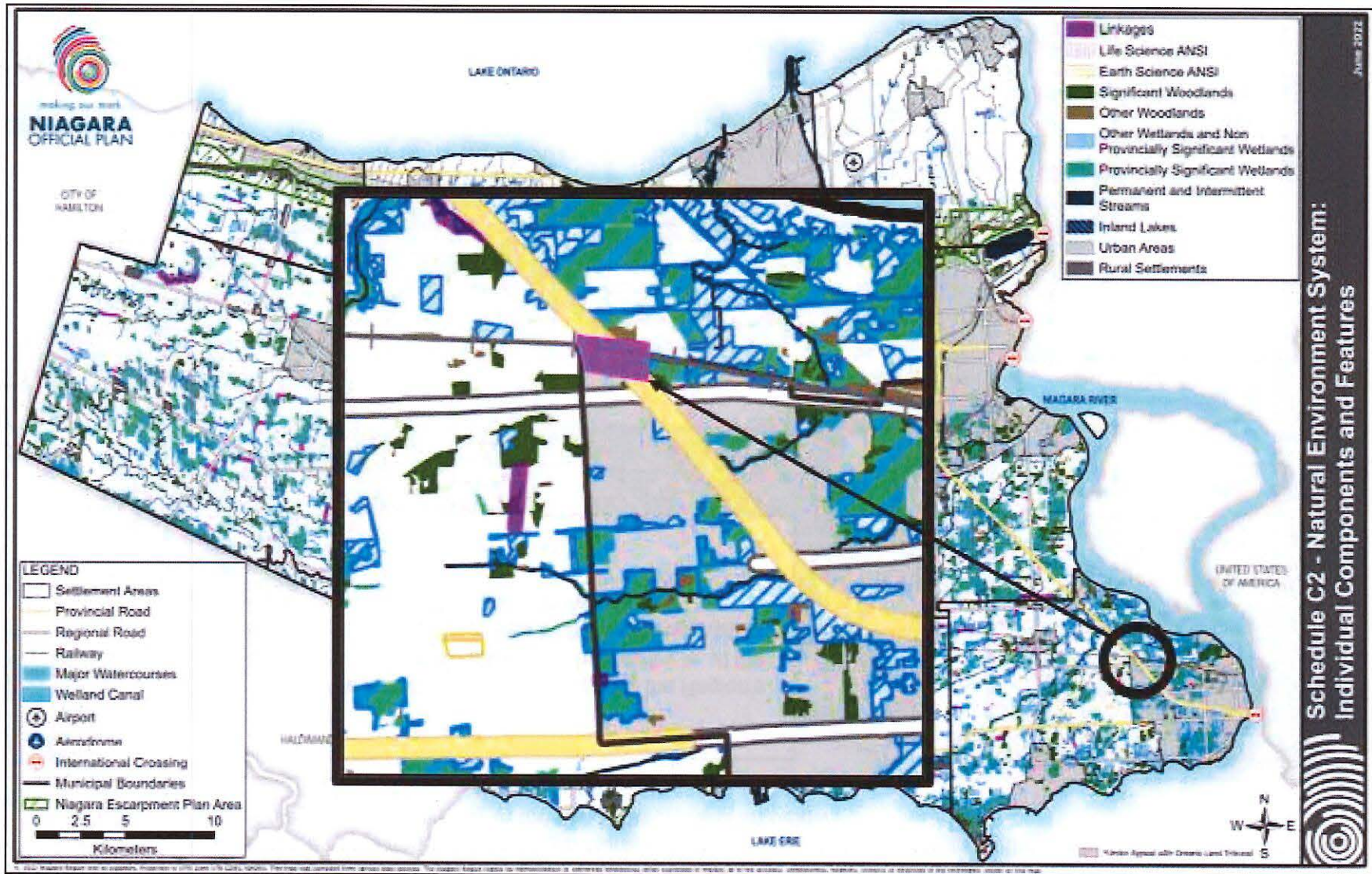
Modification # 43 Modifications to Schedules C1 and C2 as follows:

Schedule C1 is modified by applying the Region's Natural Environment System Overlay to all the lands that are covered by the provincial Natural Heritage System overlay in the two locations shown below





Schedule C2 is modified by adding a "Linkage" in order to identify the north-south natural heritage system connection under the QEW, along the train tracks, as illustrated below:

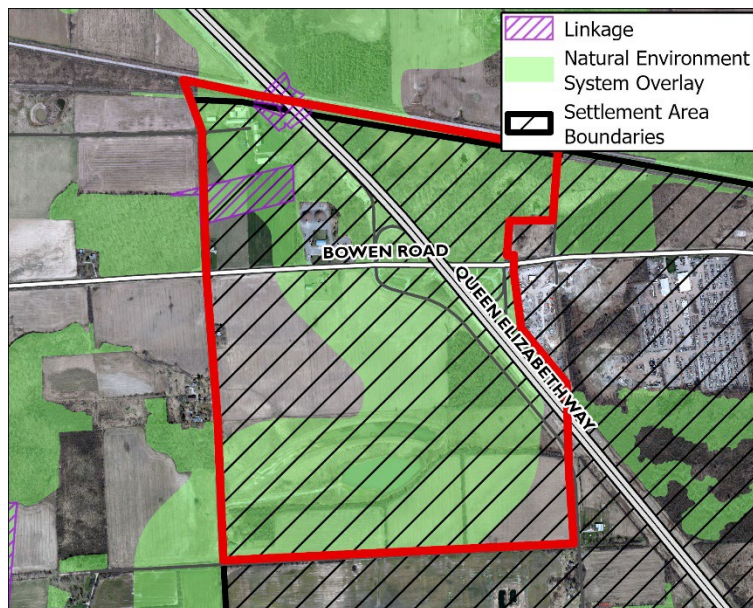




## Appendix 2: Niagara Official Plan Mapping Modifications and References

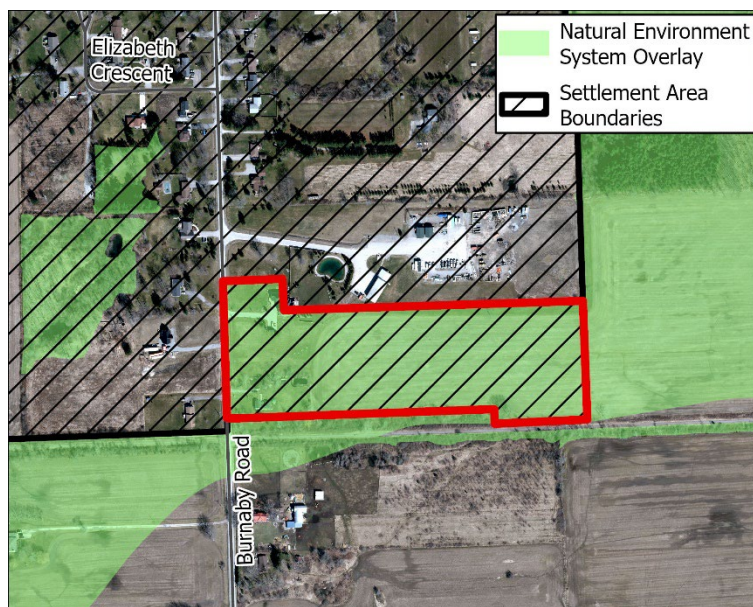
### Policy 8.2.6 Modifications – Town of Fort Erie

Description: Schedule C2 has been modified to include a Natural Environment System Overlay and Linkage feature on the subject lands



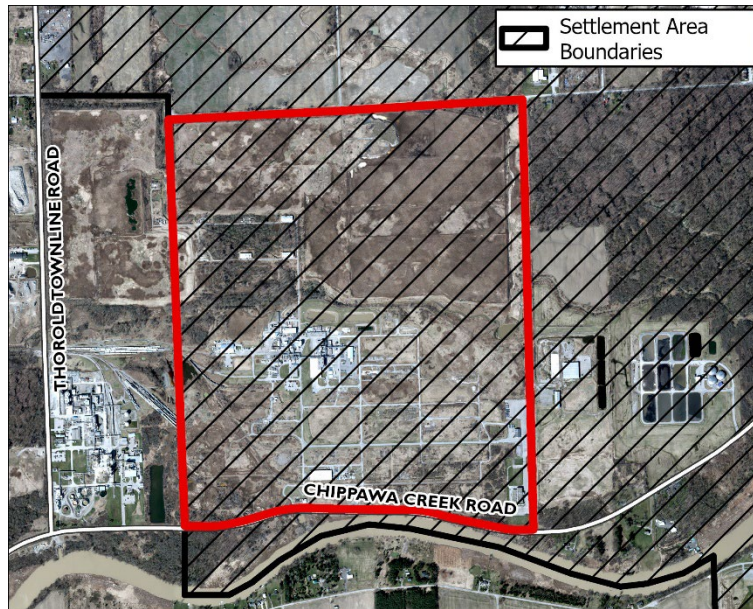
### Policy 8.11.3 Modifications – Township of Wainfleet

Description: Schedule C2 has been modified to include a Natural Environment System Overlay and Linkage feature on the subject lands



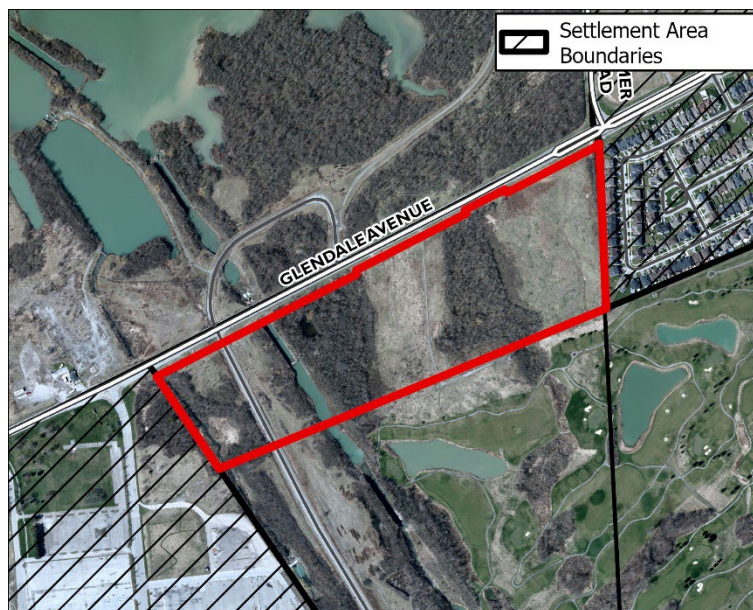
**Policy 4.2.4.10 – City of Niagara Falls – Cytec Lands**

Description: New Policy 4.2.4.10 has been added to the Niagara Official Plan to plan for uses on the “Cytec Lands” (identified in the map below).



**Policy 8.9.1 – City of St. Catharines – Kaneff Lands**

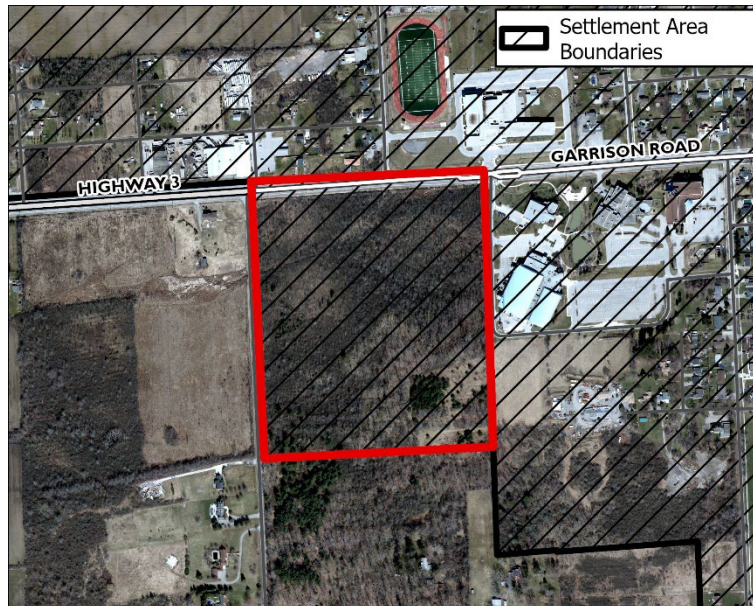
Description: Modifications have been made to Policy 8.9.1 of the Niagara Official Plan, which refers to the “Kaneff Lands” (identified in the map below).





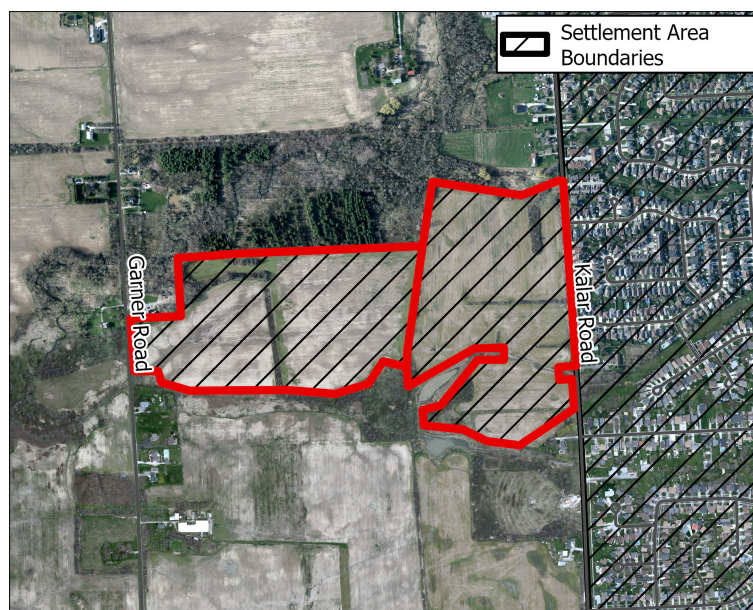
### Urban Settlement Area Boundary Additions – Town of Fort Erie

Description: The lands identified in the map below have been added to the Urban Settlement Area for the Town of Fort Erie.



### Urban Settlement Area Boundary Additions – City of Niagara Falls

Description: The lands identified in the map below have been added to the Urban Settlement Area for the City of Niagara Falls .





## Urban Settlement Area Boundary Adjustments – City of St. Catharines

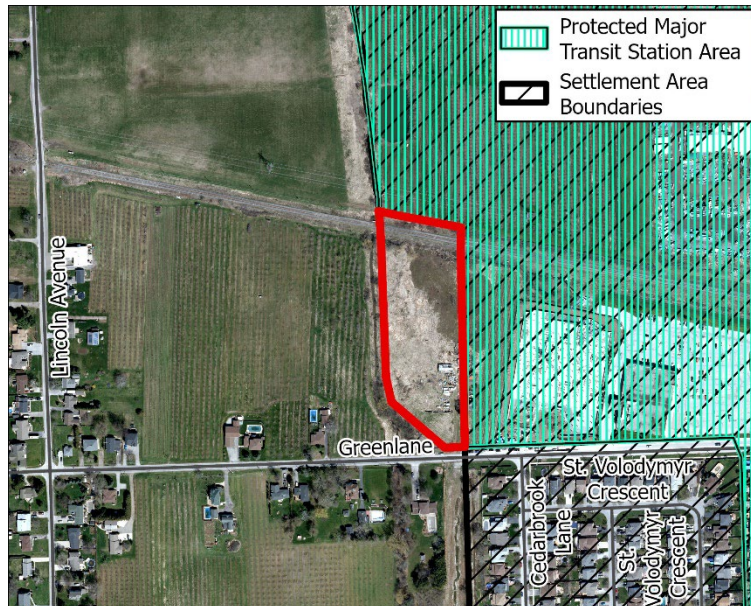
Description: Adjustments were made to the Urban Settlement Area boundary for the City of St. Catharines in order to conform to the mapping of the Greenbelt Plan.





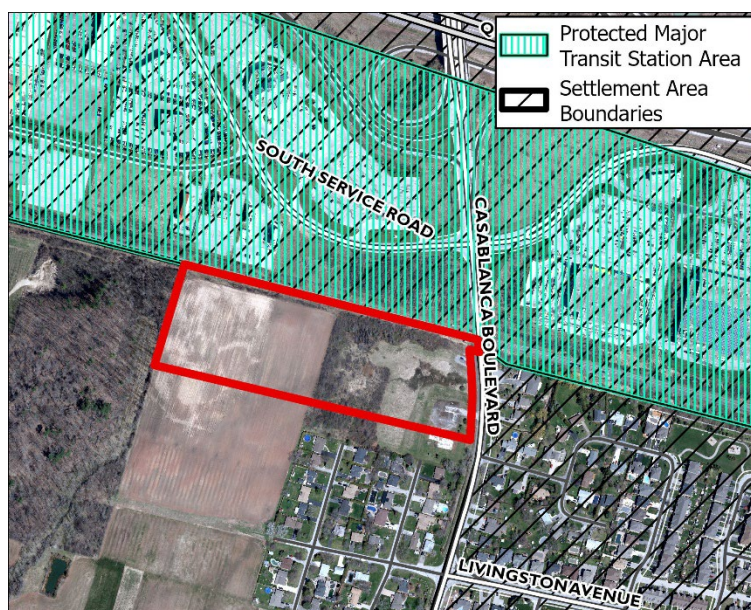
## Protected Major Transit Station Area Adjustments – Town of Lincoln

Description: Lands were removed from the Town of Lincoln Protected Major Transit Station Area in order to align with the mapping of the Greenbelt Plan.



## Protected Major Transit Station Area Adjustments – Town of Grimsby

Description: Lands were removed from the Town of Grimsby Protected Major Transit Station Area in order to align with the mapping of the Greenbelt Plan.



**Administration**

Office of the Regional Clerk

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

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

[www.niagararegion.ca](http://www.niagararegion.ca)**Sub-Item 12**

January 24, 2023

**CL 1-2023, January 19, 2023****CSC 1-2023, January 11, 2023****CSD 4-2023, January 11, 2023****LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY**

Approval of 2023 Interim Levy Dates and Amounts  
CSD 4-2023

Regional Council, at its meeting held on January 19, 2023, passed the following recommendation of its Corporate Services Committee:

That Report CSD 4-2023, dated January 11, 2023, respecting Approval of 2023 Interim Levy Dates and Amounts, **BE RECEIVED** and the following recommendations, **BE APPROVED**:

1. That the interim Regional levy amounts and dates **BE APPROVED** in accordance with Appendix 1 to Report CSD 4-2023;
2. That a transit interim charge on the Local Area Municipalities as per Appendix 1 to Report CSD 4-2023 **BE APPROVED** in lieu of an interim special levy for Niagara Transit Commission (NTC);
3. That the appropriate by-law **BE PREPARED** for presentation to Regional Council for consideration and approval; and
4. That Report CSD 4-2023 **BE CIRCULATED** to the Local Area Municipalities for information.

A copy of CSD 4-2023 and By-law No. 2023-01 are enclosed for your reference.

Yours truly,

Ann-Marie Norio  
Regional Clerk

:kl

CLK-C 2023-002

cc: B. Hutchings, Manager, Revenue Planning & Strategy  
T. Harrison, Commissioner/Treasurer, Corporate Services  
K. Beach, Executive Assistant to the Commissioner/Treasurer, Corporate Services



---

**Subject:** Approval of 2023 Interim Levy Dates and Amounts

**Report to:** Corporate Services Committee

**Report date:** Wednesday, January 11, 2023

---

## Recommendations

1. That the interim Regional levy amounts and dates **BE APPROVED** in accordance with Appendix 1 to Report CSD 4-2023;
2. That a transit interim charge on the LAMs as per Appendix 1 to Report CSD 4-2023 **BE APPROVED** in lieu of an interim special levy for Niagara Transit Commission (NTC);
3. That the appropriate by-law **BE PREPARED** for presentation to Regional Council for consideration and approval; and
4. That Report CSD 4-2023 **BE CIRCULATED** to the Local Area Municipalities for information.

## Key Facts

- The purpose of this report is to approve the interim levy amounts and due dates.
- Section 216 of the Municipal Act, 2021, provides that the council of an upper-tier municipality may requisition an amount equivalent to 50% of the prior year's approved levy from each area municipality in order to continue core services prior to the adoption of budget estimates for the year.
- The Municipal Act O.Reg 75/01 is highly prescriptive with regards to what information is to be contained on property tax bills. To that end it does not permit an interim levy for transit special levy as it did not exist in 2022. To address the upload of services and costs being incurred by the Niagara Transit Commission (NTC), staff is proposing a charge on the local area municipalities of which represents 50% of the 2022 local area municipal component for Transit as their interim levy will include collection of funds for transit services that they are not longer providing. The interim charge transfers those funds to support transit operations into 2023.
- The Region's Budget Control By-law (2017-63, section 6.3 paragraph a.) provides that prior to Council's approval of the Operating Budget by-law, a current year's expenditures may be incurred if a budget for a similar item existed in the previous year's operating budget and the expenditures is at the same service level as the

---

prior year and does not exceed 50% if the amount is appropriated in the previous year's operating budget. The interim levy ensures sufficient funds are available to sustain operations.

- Interim levy dates are consistent with the prior years. The local area municipalities were consulted and no alternative dates were considered.
- The proposed transit charge is required to transition the budget for transit to the NTC, as contemplated by Item 19 of the Term Sheet approved as part of the triple majority process, and to sustain transit operations at their current levels.

### **Financial Considerations**

The interim levy amounts to be requisitioned from local area municipalities total \$211,150,211 for the General Levy \$21,406,523 for the Waste Management special levy for a total of \$232,556,733.

The Municipal Act O.Reg 75/01 is highly prescriptive with regards to what information is to be contained on property tax bills. As a result, an interim special levy cannot be charged for Transit and the new transit special levy cannot be separately levied on the tax bill until the final tax bill issued to residents in the summer. To address the upload of services and costs being incurred by the Niagara Transit Commission (NTC) in its first year of operation, staff is proposing a transitional charge on the local area municipalities of \$14,667,541 which represents 50% of the 2022 local area municipal interim levy component for Transit. No change is required for the Regional portion of the General Levy billed by the LAMs as the Region is providing financial services to the NTC therefore the general levy previously dedicated to transit services will continue to cash flow the NTC operations. The local area municipalities were consulted regarding the transitional transit charge and all but one were in agreement with this proposal.

### **Analysis**

The authority to incur expenditures by Regional departments, boards and agencies is authorized by Regional Council through the annual approved operating budget as prescribed by the Municipal Act, 2001. Additionally, O.Reg 75/01 prescribes the information to be contained on property tax bills. Prior to the annual budget being adopted by Regional Council, bylaw 2017-63 as approved by Regional Council provides that Regional departments, boards and agencies may incur expenses up to 50% of their prior year's operating budget in order to maintain business as usual for Regional

---

services. Section 391 of the Municipal Act, 2001 authorizes the special transit transition charge for services that will be provided by the NTC as of January 1, 2023.

Further to this, Section 316 of the Municipal Act, 2001, authorizes Council through a by-law to provide an interim levy equivalent to 50% of the prior year's approved estimates (subject to certain adjustments) before the adoption of budget estimates for the year. It has been the Region's past practice to levy an interim amount in order to fund Regional services prior to the approval of the annual budget and final levy amounts.

O.Reg 75/01 dictates what information is to be contained on property tax bills and is a highly prescriptive regulation with little to no flexibility regarding its stipulations. This regulation provides no reference to allowing a municipality to make any adjustment to reflect the impact of the change in taxation resulting from a transfer of responsibility and taxing authority from local municipalities to the Region. This has been taken into consideration when assessing the upload of services and costs being incurred by the NTC.

For the municipalities in the Region currently with transit budgets, the interim 2023 tax bills will, as required by the Municipal Act, be 50% of the total final, 2022 taxes levied by each. This means that the 2023 interim tax payments received by these municipalities will continue to reflect transit costs and funding requirements. There is no way to report the fact that these municipalities have vacated tax room and transferred this to the Region for the NTC on the property tax bill. The final 2023 tax bill will include the full year's Transit special levy however the Region will requisition from the LAMs the appropriate amount of taxes net of the amount already charged. Additionally the LAMs final tax bill will be reduced for the removal 100% of the transit services costs thus making the taxpayer whole. The only means for communication of the differences on the tax bill due to the change in transit is with a special communication as a tax bill insert or through media methods.

As such, Appendix 1 to Report CSD 4-2023 includes the proposed interim levy and charge dates and amounts by Local Area Municipality. The proposed interim levy dates have been communicated to the Treasurers of all 12 Local Area Municipalities who have supported these dates.

### **Alternatives Reviewed**

Alternative thresholds were not considered as the interim levy of 50% permitted by the Municipal Act, 2001 will generally ensure cash inflows in the shorter term are able to

accommodate the level of expenditures. The Municipal Act, 2001 does not have a requirement to approve a spending limit in advance of the budget approval however the practice has been adopted by the Region through bylaw 2017-63.

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

The recommendations in this report align with Council's Strategic Priority of Sustainable and Engaging Government.

### **Other Pertinent Reports**

None.

---

**Prepared by:**

Blair Hutchings, MBA, CPA  
Manager, Revenue Planning & Strategy  
Corporate Services

---

**Recommended by:**

Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Corporate Services

---

**Submitted by:**

Ron Tripp, P.Eng.  
Chief Administrative Officer

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

### **Appendices**

Appendix 1              Interim Levy Payments and Dates

CSD 4-2023  
January 11, 2023

### Appendix 1 - Interim Levy Payments and Dates

Table 1 - Interim General Levy (\$)

Municipality	March 8, 2023	May 10, 2023	Total Interim Levy
Fort Erie	6,621,553	6,621,553	13,243,107
Grimsby	8,068,372	8,068,372	16,136,745
Lincoln	6,468,734	6,468,734	12,937,468
Niagara Falls	22,229,296	22,229,296	44,458,592
Niagara-on-the-Lake	9,126,887	9,126,887	18,253,773
Pelham	4,510,329	4,510,329	9,020,657
Port Colborne	3,366,263	3,366,263	6,732,526
St. Catharines	26,961,492	26,961,492	53,922,983
Thorold	4,524,348	4,524,348	9,048,697
Wainfleet	1,580,980	1,580,980	3,161,960
Welland	8,756,222	8,756,222	17,512,445
West Lincoln	3,360,631	3,360,631	6,721,261
Total	105,575,105	105,575,105	211,150,211

Table 2 - Waste Management Interim Special Levy (\$)

Municipality	March 8, 2023	May 10, 2023	Total Interim Levy
Fort Erie	813,772	813,772	1,627,544
Grimsby	596,407	596,407	1,192,814
Lincoln	500,038	500,038	1,000,077
Niagara Falls	2,090,626	2,090,626	4,181,251
Niagara-on-the-Lake	461,341	461,341	922,681
Pelham	376,077	376,077	752,155
Port Colborne	534,869	534,869	1,069,738
St. Catharines	3,220,093	3,220,093	6,440,186
Thorold	471,916	471,916	943,832
Wainfleet	163,802	163,802	327,605
Welland	1,200,638	1,200,638	2,401,277
West Lincoln	273,683	273,683	547,365
Total	10,703,261	10,703,261	21,406,523

Table 3 - Total General & Waste Management Interim Levy (\$)

Municipality	March 8, 2023	May 10, 2023	Total Interim Levy
Fort Erie	7,435,325	7,435,325	14,870,651
Grimsby	8,664,779	8,664,779	17,329,559
Lincoln	6,968,772	6,968,772	13,937,544
Niagara Falls	24,319,921	24,319,921	48,639,843
Niagara-on-the-Lake	9,588,227	9,588,227	19,176,454
Pelham	4,886,406	4,886,406	9,772,812
Port Colborne	3,901,132	3,901,132	7,802,264
St. Catharines	30,181,584	30,181,584	60,363,169
Thorold	4,996,264	4,996,264	9,992,529
Wainfleet	1,744,782	1,744,782	3,489,564
Welland	9,956,861	9,956,861	19,913,721
West Lincoln	3,634,313	3,634,313	7,268,626
Total	116,278,367	116,278,367	232,556,733

Table 4 - Transit Interim Charge (\$)

Municipality	March 8, 2023	May 10, 2023	Total Interim Charge
Fort Erie	313,294	313,294	626,588
Grimsby	62,500	62,500	125,000
Lincoln	33,835	33,835	67,670
Niagara Falls	2,032,002	2,032,002	4,064,005
Niagara-on-the-Lake	245,725	245,725	491,450
Pelham	45,500	45,500	91,000
Port Colborne	41,425	41,425	82,850
St. Catharines	3,511,000	3,511,000	7,022,000
Thorold	178,598	178,598	357,195
Wainfleet	0	0	0
Welland	869,892	869,892	1,739,783
West Lincoln	0	0	0
Total	7,333,770	7,333,770	14,667,541

Bill 2023-01

Authorization Reference: CSC 1-2023  
Minute Item 6.1

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2023-01

A BY-LAW TO AUTHORIZE A 2023 INTERIM TAX,  
WASTE MANAGEMENT SPECIAL UPPER-TIER LEVY  
AND TRANSIT CHARGE FOR THE REGIONAL  
MUNICIPALITY OF NIAGARA

---

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

WHEREAS Transit service delivery has been transferred to the Niagara Transit Commission effective January 1, 2023 to be assessed a special levy for 2023;

WHEREAS Section 391 of the Municipal Act, 2001 authorizes the Region to charge a fee for providing transit services at the level currently provided by the local area municipality during this transition year where only the local municipalities are authorized to include an interim levy for this service on property tax bills;

WHEREAS the 2022 Municipal and Regional general levy would have included the cost of transit, as an interim measure, a charge for the 2023 transition year from the Region to the Area Municipalities is required to bridge the period until the transit special levy tax rate by-law is approved.

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

1. That a 2023 interim general levy in the amount of \$211,150,211 which represents 50% of the Niagara Region's 2022 general taxation levy be requested from the Area Municipalities.
2. That a 2023 interim special levy in the amount of \$21,406,523 which represents 50% of the Region's special upper-tier levy for 2022 Waste Management purposes, be requested from the Area Municipalities.
3. That a 2023 charge in the amount of \$14,667,541 which represents 50% of the Area Municipalities 2022 general levy for Transit, be requested from the Area Municipalities as per Schedule A attached hereto (from Report CSD 4-2023).

Bill 2023-01

Authorization Reference: CSC 1-2023  
Minute Item 6.1

4. That the respective Area Municipalities be required to remit the interim levies and charge in two equal installments on the dates, and in the amounts, as outlined in Schedule A attached hereto (from Report CSD 4-2023).
5. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

  
James Bradley, Regional Chair

  
Ann-Marie Norio, Regional Clerk

Passed: January 19, 2023



## Schedule A

Table 1 - Interim General Levy (\$)

Municipality	March 8, 2023	May 10, 2023	Total Interim Levy
Fort Erie	6,621,553	6,621,553	13,243,107
Grimsby	8,068,372	8,068,372	16,136,745
Lincoln	6,468,734	6,468,734	12,937,468
Niagara Falls	22,229,296	22,229,296	44,458,592
Niagara-on-the-Lake	9,126,887	9,126,887	18,253,773
Pelham	4,510,329	4,510,329	9,020,657
Port Colborne	3,366,263	3,366,263	6,732,526
St. Catharines	26,961,492	26,961,492	53,922,983
Thorold	4,524,348	4,524,348	9,048,697
Wainfleet	1,580,980	1,580,980	3,161,960
Welland	8,756,222	8,756,222	17,512,445
West Lincoln	3,360,631	3,360,631	6,721,261
Total	105,575,105	105,575,105	211,150,211

Table 2 - Waste Management Interim Special Levy (\$)

Municipality	March 8, 2023	May 10, 2023	Total Interim Levy
Fort Erie	813,772	813,772	1,627,544
Grimsby	596,407	596,407	1,192,814
Lincoln	500,038	500,038	1,000,077
Niagara Falls	2,090,626	2,090,626	4,181,251
Niagara-on-the-Lake	461,341	461,341	922,681
Pelham	376,077	376,077	752,155
Port Colborne	534,869	534,869	1,069,738
St. Catharines	3,220,093	3,220,093	6,440,186
Thorold	471,916	471,916	943,832
Wainfleet	163,802	163,802	327,605
Welland	1,200,638	1,200,638	2,401,277
West Lincoln	273,683	273,683	547,365
Total	10,703,261	10,703,261	21,406,523

Table 3 - Total General &amp; Waste Management Interim Levy (\$)

Municipality	March 8, 2023	May 10, 2023	Total Interim Levy
Fort Erie	7,435,325	7,435,325	14,870,651
Grimsby	8,664,779	8,664,779	17,329,559
Lincoln	6,968,772	6,968,772	13,937,544
Niagara Falls	24,319,921	24,319,921	48,639,843
Niagara-on-the-Lake	9,588,227	9,588,227	19,176,454
Pelham	4,886,406	4,886,406	9,772,812
Port Colborne	3,901,132	3,901,132	7,802,264
St. Catharines	30,181,584	30,181,584	60,363,169
Thorold	4,996,264	4,996,264	9,992,529
Wainfleet	1,744,782	1,744,782	3,489,564
Welland	9,956,861	9,956,861	19,913,721
West Lincoln	3,634,313	3,634,313	7,268,626
Total	116,278,367	116,278,367	232,556,733

Table 4 - Transit Interim Charge (\$)

Municipality	March 8, 2023	May 10, 2023	Total Interim Charge
Fort Erie	313,294	313,294	626,588
Grimsby	62,500	62,500	125,000
Lincoln	33,835	33,835	67,670
Niagara Falls	2,032,002	2,032,002	4,064,005
Niagara-on-the-Lake	245,725	245,725	491,450
Pelham	45,500	45,500	91,000
Port Colborne	41,425	41,425	82,850
St. Catharines	3,511,000	3,511,000	7,022,000
Thorold	178,598	178,598	357,195
Wainfleet	0	0	0
Welland	869,892	869,892	1,739,783
West Lincoln	0	0	0
Total	7,333,770	7,333,770	14,667,541

## Sub-Item 13

Good day,

The following Resolution was passed by the City of Hamilton Council at their meeting held on December 5, 2022.

#### **7.14 Impacts of Bill 23, *More Homes Built Faster Act*, 2022**

**(Francis/Beattie)**

WHEREAS, the changes in Bill 23 will significantly limit the City's ability to provide and make important housing-related infrastructure and service investments resulting in increased costs for Hamilton residents;

WHEREAS, the changes in Bill 23 will have an impact on the City's quality of life and revenues to support complete communities;

WHEREAS, the City has limited revenue sources and as result of Bill 23, residents may face higher property taxes and higher water, wastewater and stormwater bills;

WHEREAS, Bill 23 will also affect the City's ability to provide much needed capital infrastructure to support growth such as roads, parks, community centres and other community amenities; and

WHEREAS, Bill 23 received Proclamation and Royal Assent on November 28, 2022.

**THEREFORE, BE IT RESOLVED:**

- (a) That the Mayor and City Council in the City's initial response to Bill 23, request the province to:
  - (i) Repeal the amendments to the *Planning Act* and *Development Charges Act* as a result of Bill 23 with respect to the ability to regulate urban design and sustainable design features, parkland dedication and changes to the Development Charges regarding mandatory discounts for market rate development to facilitate responsible growth;
  - (ii) Request the Province of Ontario to extend the commenting period on Bill 23, *More Homes Built Faster Act*, 2022 to at least January 31, 2023 to enable time for consultation, consideration of alternative options and thorough analysis of both short and long-term impacts;
  - (iii) Request the Province not to proceed with developing regulations, as per Bill 23, to limit the City of Hamilton's ability to protect and

require the replacement of affordable and rental housing as a condition of development approvals;

- (iv) Request the province to amend the *Planning Act* to enable the implementation of Inclusionary Zoning across the City and incorporate definitions of affordable rental housing that respond to low and moderate household income;
  - (v) Request the province to enact a Regulation to permit the use of conditional zoning, pursuant to Section 34(16) of the *Planning Act*;
  - (vi) Request the province to include an “opt-out” provision for municipalities and applicants with respect to refunds for development applications and delay the implementation of refunds for development applications in light of the significant changes to the Planning regulations and internal City processes regarding development; and
  - (vii) Request that the Provincial government to provide funding and funding tools to the City matching the amount of revenue lost through development charges, community benefits charges, and Section 42 of the *Planning Act* in Bill 23 to ensure the services needed to facilitate responsible growth continue to be delivered;
- (b) That City Council work with the City Manager to make public through communications and letters to local Members of Parliament and Members of Provincial Parliament outlining the impacts of Bill 23 on specific growth enabling infrastructure projects and housing projects which will not proceed within the City of Hamilton.
  - (c) That this resolution be forward to all Ontario municipalities for their support.

Regards,

**Lisa Kelsey, Dipl.M.A.**

**Legislative Coordinator**

City of Hamilton, Office of the City Clerk

71 Main Street West, 1st Floor

Hamilton, ON L8P 4Y5

Ph. (905) 546-2424 ext. 4605

Fax. (905) 546-2095



**Vision:**

The Legislative Division is Dedicated to Excellence in the Provision of Service to the Community, Corporation & Council with Integrity, Accuracy and Transparency.

**Mission:**

The Legislative Division aims to strengthen and promote local government by facilitating the proceedings of City Council and its Committees, fulfilling the requirements of various Provincial statutes and educating the public to make it understandable and accessible.



1 Halton Hills Drive, Halton Hills, L7G 5G2  
905-873-2600 | 1-877-712-2205  
haltonhills.ca

## Sub-Item 14

January 26, 2023

Honourable Doug Ford, Premier of Ontario  
Via Email

### **Re: Repeal Bill 23 – The Build More Homes Faster Act**

Please be advised that Council for the Town of Halton Hills at its meeting of Monday, January 23, 2023, adopted the following Resolution:

WHEREAS Bill 23, the Build More Homes Faster Act was introduced on October 25th, the day after Municipal elections in Ontario at a time when councils were in a transition period and unable to respond to the legislation prior to passage of the legislation;

AND WHEREAS the Association of Municipalities (AMO) was not given an opportunity to present its concerns with Bill 23 to the Standing Committee on Heritage, Infrastructure and Cultural Policy further eroding the municipal/provincial relationships;

AND WHEREAS the loss of revenue to the Town of Halton Hills as a result of Bill 23 is estimated at \$58 -\$87 million over 10 year which, without provincial compensation, will severely impact the provision of municipal services including transportation, parks and recreation facilities;

AND WHEREAS the elimination of the Regional role in approval of official plans creates uncertainty around the planning for regional services to support the growth aspirations of the local municipalities;

AND WHEREAS the role of Conservation Authorities has been limited to natural hazards only, thereby precluding a broader role in providing expert advice and services to municipalities on natural heritage matters as part of the planning process;

AND WHEREAS AMO's evaluation concluded that there is no confidence that the measures in Bill 23 will do anything to improve the affordability of housing.

NOW THEREFORE BE IT RESOLVED THAT the Town of Halton Hills urges the Provincial Government to repeal Bill 23;

AND FURTHER THAT this resolution be circulated to Premier Doug Ford, Steve Clark, Minister of Municipal Affairs and Housing, Provincial opposition parties, Ted Arnott MPP, and AMO.

(Appendix A – Town of Halton Hills Report No. PD-2022-0050)

(Appendix B – List of references)

Attached for your information is a copy of Resolution No. 2023-0007.

If you have any questions, please contact Valerie Petryniak, Town Clerk for the Town of Halton Hills at [valeriep@haltonhills.ca](mailto:valeriep@haltonhills.ca).

Sincerely,

A handwritten signature in blue ink, appearing to read 'M Lawr', is positioned above the printed name and title.

Melissa Lawr  
Deputy Clerk – Legislation

cc. The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
The Honourable Ted Arnott Speaker of the Ontario Legislature and MPP, Wellington-Halton Hills  
John Fraser, Leader of the Ontario Liberal Party and MPP, Ottawa South  
Peter Tabuns, Leader of the New Democratic Party of Ontario and MPP, Toronto Danforth  
Mike Schreiner, Leader of the Ontario Green Party and MMP, Guelph  
Association of Municipalities of Ontario (AMO)  
All 444 Municipalities of Ontario



THE CORPORATION  
OF  
THE TOWN OF HALTON HILLS

Resolution No.: **2023-0007**

Title: **Bill 23 – The Build More Homes Faster Act**

Date: January 23, 2023

Moved by: **Councillor J. Fogal**

Seconded by: **Councillor C. Garneau**

---

**Item No. 13.1**

WHEREAS Bill 23, the Build More Homes Faster Act was introduced on October 25th, the day after Municipal elections in Ontario at a time when councils were in a transition period and unable to respond to the legislation prior to passage of the legislation;

AND WHEREAS the Association of Municipalities (AMO) was not given an opportunity to present its concerns with Bill 23 to the Standing Committee on Heritage, Infrastructure and Cultural Policy further eroding the municipal/provincial relationships;

AND WHEREAS the loss of revenue to the Town of Halton Hills as a result of Bill 23 is estimated at \$58 - \$87 million over 10 year which, without provincial compensation, will severely impact the provision of municipal services including transportation, parks and recreation facilities;

AND WHEREAS the elimination of the Regional role in approval of official plans creates uncertainty around the planning for regional services to support the growth aspirations of the local municipalities;

AND WHEREAS the role of Conservation Authorities has been limited to natural hazards only, thereby precluding a broader role in providing expert advice and services to municipalities on natural heritage matters as part of the planning process;

AND WHEREAS AMO's evaluation concluded that there is no confidence that the measures in Bill 23 will do anything to improve the affordability of housing.

NOW THEREFORE BE IT RESOLVED THAT the Town of Halton Hills urges the Provincial Government to repeal Bill 23;

AND FURTHER THAT this resolution be circulated to Premier Doug Ford, Steve Clark, Minister of Municipal Affairs and Housing, Provincial opposition parties, Ted Arnott MPP, and AMO.

(Appendix A – Town of Halton Hills Report No. PD-2022-0050)

(Appendix B – List of references)

  
\_\_\_\_\_  
Mayor Ann Lawlor





## REPORT

---

**TO:** Mayor Lawlor and Members of Council

**FROM:** Bronwyn Parker, Director of Planning Policy

**DATE:** December 7, 2022

**REPORT NO.:** PD-2022-0050

**SUBJECT:** Bill 23 – More Homes Built Faster Act

---

### RECOMMENDATION:

THAT Report No. PD-2022-0050 dated December 7, 2022 regarding Bill 23 – the More Homes Built Faster Act, be received;

AND FURTHER THAT staff continue to assess the implications of Bill 23, the More Homes Built Faster Act and provide further update reports to Council as may be appropriate;

AND FURTHER THAT the Province be requested to provide supplemental funding to offset the reductions in Development Charges and cash-in-lieu of parkland accruing to the Town as a result of Bill 23, the More Homes Built Faster Act;

AND FURTHER THAT the Town Clerk forward a copy of Report PD-2022-0050 to the Minister of Municipal Affairs and Housing, the Minister of Tourism, Culture and Sport, the Minister of the Environment, Conservation and Parks, and the Minister of Finance; Halton Area MPPs; the Region of Halton; the City of Burlington; the Town of Milton and the Town of Oakville for their information.

### KEY POINTS:

The following are key points for consideration with respect to this report:

- Bill 23, the *More Homes Built Faster Act, 2022* was introduced into the legislature on October 25, 2022.
- The goal of Bill 23 is the creation of an additional 1.5 million new homes in Ontario over the next ten years.

- There are 10 Schedules to Bill 23, (9 of which are applicable in Halton) proposing sweeping changes to various pieces of legislation including but not limited to, the *Planning Act*, *Development Charges Act*, *Conservation Authorities Act* and *Ontario Heritage Act*.
- The opportunity to provide public feedback was offered via postings on the Environmental Registry of Ontario (ERO), with comment deadlines ranging from 30 – 66 days. Comments were provided on a number of the postings in accordance with the established deadlines. Key concerns raised are highlighted in the report, with more detailed comments included as Appendix 2.
- Bill 23 received Royal Assent on November 28, 2022. Most of the Bill is in force as of that date. This report provides an overview of Bill 23 in its final form.

## BACKGROUND AND DISCUSSION:

The Ministry of Municipal Affairs and Housing (the Ministry) has committed to a goal of 1.5 million new homes being constructed over the next 10 years, with the *More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022-2023* as the key driver behind the delivery of these housing units. The Housing Supply Action Plan (HSAP) suggests that the housing supply shortage can be addressed by "...reducing government fees and fixing development approval delays that slow housing construction and increase costs".

In order to achieve the Province's overarching objectives, Bill 23, the *More Homes Built Faster Act, 2022* was introduced into the Ontario Legislature on October 25, 2022. Bill 23 consists of ten schedules that entail sweeping changes to the various pieces of legislation including but not limited to the *Planning Act*, *Development Charges Act*, *Ontario Land Tribunal Act*, *Conservation Authorities Act* and the *Ontario Heritage Act*. A series of postings on the Environmental Registry with varying commenting deadlines were also introduced at the same time.

Bill 23 is the third piece of legislation prepared by the Province over the last four years that entails significant changes to the land use planning system in Ontario. In 2019, Royal Assent was given to the *More Homes, More Choice Act* (Bill 108). In 2022, the *More Homes for Everyone Act* (Bill 109) received Royal Assent. Bill 109 was discussed in report PD-2022-0031 and is further considered via report PD-2022-0049, which is included on this Council agenda.

At the November 7, 2022, meeting, Council passed a resolution expressing a number of initial concerns with Bill 23. Among other matters, the resolution requested that the Province extend the commenting deadlines from 30 and 31-day postings to 66-day postings, which would mirror some of the ERO postings released on October 25, 2022. While the Province did extend some of the postings to 45-day postings, they did not provide the full 66-day review period Council had requested. A copy of the Council resolution is attached to this report as Appendix 3 for reference purposes.

Bill 23 received Royal Assent on November 28, 2022. Most of the Bill is in force as of that date. The purpose of this report is to summarize Bill 23 in its final form. The report will also touch on some of the key concerns with Bill 23 that were identified by staff.

## Bill 23

As identified earlier in this report, Bill 23 was introduced and received First Reading on October 25, 2022. It moved to Second Reading on October 31, 2022 and was ordered referred to the Standing Committee on Heritage, Infrastructure and Cultural Policy at that time. After presentations to the Standing Committee, much discussion and debate, a slightly amended version of Bill 23 passed Third Reading and received Royal Assent on November 28, 2022.

There are ten key elements of the approved Bill 23 that this report will focus on. These include:

1. The role of Halton Region in the local planning approval process
2. The role of the Conservation Authorities
3. Three residential unit permissions
4. Required zoning by-law amendments regarding MTSA's
5. Public meetings for draft plan of subdivision applications
6. Changes to site plan control for up to ten units
7. Removal of 2-year prohibitions on amendments for specified applications
8. Restrictions on third-party appeals for minor variance and consent
9. Changes to the *Ontario Heritage Act*
10. Parkland dedication calculation rate changes
11. Development Charge exemptions

### **1. The role of Halton Region in the local planning approval process**

One of the most significant changes as a result of Bill 23 is the pending removal of approval authority from the Region of Halton as it relates to local planning matters. Halton, along with a handful of other GGH upper-tier municipalities including Peel, Durham, York, Niagara, Waterloo and the County of Simcoe, will become "an upper-tier municipality without planning responsibilities". At a date yet to be determined, the Minister of Municipal Affairs and Housing will take over the approval role for local Official Plans and amendments thereto including Secondary Plans.

Based on the foregoing, it is staff's understanding that local municipalities such as Halton Hills would inherit the applicable components of the Regional Official Plan within our jurisdiction. These components would be used as a basis to complete further updates to the Town's Official Plan. Municipalities await the release of regulations and applicable transition policies clarifying these various pieces, which are yet to be announced by the province.

### **2. The role of the Conservation Authorities**

As of January 1, 2023, Conservation Authorities will no longer be permitted to comment on any aspects of the planning approval process including development applications and supporting studies, other than those matters dealing with natural hazards and

flooding. They will also no longer be able to require certain components of the planning process (such as watershed planning; wetland evaluations; or elements related to ecology and biodiversity during Scoped Subwatershed Studies, SISs, EAs, etc.) to be completed to their satisfaction/approval.

In addition, a single regulation has been proposed for all 36 Conservation Authorities in Ontario, rather than having separate regulations pertain to each Authority. This regulation has not yet been prepared or released for comment and the date upon which it would come into effect remains to be determined.

Another significant change as a result of Bill 23 is that any development that has been approved through an application under the *Planning Act* will no longer require a permit from the applicable Conservation Authority. These exemptions will be based on specific conditions or requirements, yet to be determined through regulation. The timeframe for when these exemptions will come into effect are also unknown. Staff would expect to see these draft regulations released for comment early in 2023.

### **3. Three residential unit permissions**

As of November 28, 2022, all Ontario municipalities are required to permit up to three residential units per lot within settlement areas, so long as that lot is serviced by municipal water and wastewater systems. The Province views this as a form of gentle intensification that will deliver a modest amount of supply relative to the overall 1.5 million new homes Provincial target. This permission allows for all three units to be contained within the main building (the principal home on the lot), or two units within the main building and one unit in an accessory building. Municipalities are not permitted to require a minimum size/area for these additional residential units, however, building permits are still required for each residential unit constructed. In addition, municipalities cannot require more than one parking space per residential unit.

In the Halton Hills context, through the Town's Comprehensive Zoning By-law Review, the Town will be required to update its existing zoning requirements (which currently require a minimum of 2 parking spaces for the principle dwelling and 1 parking space per additional residential unit), reducing the minimum number of parking spaces required to only 1 space per residential unit. The Official Plan and Zoning By-law will also require updating to ensure that up to three residential units are permitted on each serviced urban residential lot.

There are no appeal rights afforded as it relates to any required amendments to a municipal Official Plan or Zoning By-law as a result of these changes. In addition, any existing local requirements regarding the number of units permitted, the minimum size of units, or the minimum number of parking spaces per unit, are superseded by Bill 23.

### **4. Required zoning by-law amendments regarding MTSA's**

Under a new subsection (16(20)) of the *Planning Act*, Bill 23 requires that within one-year of approval of an Official Plan Amendment delineating a Major Transit Station Area (MTSA) and identifying the minimum number of residents and jobs per hectare that are planned to be accommodated within that area, municipalities must update their zoning

by-laws. These zoning by-law updates must include minimum heights and densities within the MTSAs in keeping with the policies approved through the Official Plan Amendment.

With the recent approval of ROPA 49<sup>1</sup> by the Minister of Municipal Affairs and Housing and given both the Georgetown and Acton MTSAs were not assigned minimum density targets through that approval, appropriate population and employment density targets for these MTSAs must be established. The Town commenced the Georgetown GO Station Secondary Plan review in 2022. At this juncture, staff believe that is the appropriate process for assessing and assigning those prescribed minimum densities. It is our understanding that once the Secondary Plan with the minimum density targets is approved, the Town will have one year to update the zoning by-law mirroring those minimum density targets.

The Acton GO Station Secondary Plan is targeted for a comprehensive review in the coming years (currently scheduled for 2025), at which time those minimum density targets will also be considered and updated as appropriate.

## **5. Public meetings for draft plan of subdivision applications**

One of the changes from Bill 23 is that Statutory Public Meetings for draft plans of subdivision are no longer required under the *Planning Act*. This change came into effect upon Royal Assent on November 28, 2022.

The change does not preclude a municipality from continuing to hold a public meeting for subdivision applications. In our experience, subdivision applications are submitted in conjunction with zoning by-law amendments and in some cases official plan amendments both of which require public meetings. There is little if any efficiency to be gained by not including the plan of subdivision in the statutory public meeting. The public typically will be interested in the road layout, the lotting patterns and the location of blocks for schools, parks, recreational amenities and natural heritage all of which will be shown on the draft plan of subdivision. Given the importance of public consultation to the planning process, the Town will continue to hold public meetings for subdivision proposals that result in the creation of new lots.

## **6. Changes to site plan control for up to ten units**

Site plan control is a land use planning tool that municipalities utilize to evaluate site specific elements when development is proposed. As is described in the provincial site plan control guide, this control over detailed site-specific matters ensures that a development proposal is well designed, fits in with the surrounding uses and minimizes any negative impacts. Items typically considered through site plan control include

---

<sup>1</sup> ROPA 49 was approved by the Minister of Municipal Affairs and Housing on November 4, 2022. That approval requires that Halton Region update their Table 2 and 2a density targets to establish minimum population and employment targets within MTSAs. However, Bill 23 identifies Halton Region as “an upper-tier without planning responsibilities”. As such, it is unclear as to whether the Georgetown and Acton MTSAs densities will be established by the Town or Region. It is expected that the Bill 23 regulations and transition policies yet to be released will provide that clarification.

lighting, drainage, access to and from the site (pedestrian and vehicular), waste and snow storage, landscaping, and architectural and urban design among others.

Where a municipality could apply site plan control for any type or scale of development as defined in a municipal site plan control by-law, Bill 23 has now created an exemption for residential developments for 10 units or less. As a result, the Town will be required to update its current site plan control by-law to clarify the application of the tool, removing the requirements where 10 or less residential units are proposed.

In addition, Bill 23 has also removed architectural details (i.e., matters of urban design) and landscape design aesthetics from the scope of site plan control. As per Section 41, subsection 4.1.1 of the *Planning Act*, site plan control can still apply to "...elements, facilities and works on the land if the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands". This subsection provides the Town with the permissions necessary in order to continue to apply Green Development Standards (GDS) at the appropriate time during the development approval process.

## **7. Removal of 2-year prohibitions on amendments for specified applications**

Previous amendments to the *Planning Act* prohibited applications for amendments to a new official plan and secondary plans for a two-year period following initial approval unless Council permission to file such applications was granted. Similarly, applications to further amend a new zoning by-law and a new site-specific zoning by-law amendment or to seek a minor variance to the same were also prohibited for a two-year period without Council permission. Bill 23 has revoked those changes completely, meaning applications to amend any of these approved planning documents are now permitted without any time restrictions.

## **8. Restrictions on third-party appeals for minor variance and consent**

Bill 23 has restricted the appeal rights for minor variance and consent applications, only allowing the applicant, the municipality, certain prescribed public bodies and the Minister the opportunity to appeal decisions for these types of applications.

In addition, this new rule applies retroactively to October 25, 2022 (the date that Bill 23 was first introduced into the Legislature). This means that any existing third-party appeals to the Ontario Land Tribunal on a minor variance or consent decision, where a hearing date has not yet been established, will be dismissed.

Third party appeal rights of Council decisions on official plan and zoning by-law amendments remain in place under *The Planning Act*.

## **9. Changes to the *Ontario Heritage Act***

Sweeping amendments to the *Ontario Heritage Act* (OHA) have been approved through Bill 23, however, as of the date of writing of this report, none of these changes are in force. At a date to be proclaimed by the Minister, these amendments will come into effect.



Bill 23 requires that all information currently included in a municipal Heritage Register must be made available online, and that all future properties must meet criteria established by regulation to be listed on the Heritage Register. It is worth noting that the Town already provides the majority of this information on our website and offers this information freely to the public.

Amendments to the OHA will allow owners to serve a notice of objection to a municipality for properties added to the Heritage Register at any time. The Town undertook a multi-phase approach with significant public consultation to build our Heritage Register. As the Town's process to build the Heritage Register was ahead of legislative requirements at the time, these amendments seem to negate the comprehensive and public approach undertaken by the Town.

Removals of listed properties from the Heritage Register are one of the key amendments resulting from Bill 23. Conditions have been specified that would necessitate the removal of a listed property from the Heritage Register, including a Notice of Intention to Designate being withdrawn, and a by-law being repealed or not being passed. These removals would not require consultation with the Town's municipal heritage committee. In addition, properties listed on the Heritage Register would be removed after two years if they have not been designated, and are not eligible for re-listing on the Register for five years after their removal.

Another change through Bill 23 is that municipalities are prohibited from designating a property unless it was already/previously listed on the Heritage Register, and any properties will be required to meet two or more criteria for designation, whereas properties are currently required to meet only one of the three criteria identified in Ontario Regulation 9/06 in order to be designated.

Additional amendments to the OHA will require future Heritage Conservation Districts (HCDs) to meet criteria for determining whether they are of heritage value or interest and will allow for amendments or repeals to Heritage Conservation District by-laws. HCDs are a planning tool that guide the conservation of an historic area or neighbourhood's cultural heritage value. The Town of Halton Hills has designated one Heritage Conservation District under Part V of the OHA. The Syndicate Housing Heritage Conservation District was designated by Council in 2005 and is located along Bower Street in Acton.

Finally, amendments to the OHA through Bill 23 will allow the Minister of Citizenship and Multiculturalism to review, confirm, or revise determinations of cultural heritage value for provincially owned heritage properties, and would allow exemptions for those properties from Heritage Standards and Guidelines for proposals where other major priorities will be advanced.

## **10. Parkland dedication calculation rate changes**

Amendments to the *Planning Act* alter previous legislation regarding alternative parkland dedication calculations. Under Bill 23, the rate has been reduced to 1 hectare/600 units if land is conveyed and 1 hectare/1,000 units for cash in lieu of parkland. The alternative rate is subject to a cap of 10% of the land for lands that are

five hectares (+/- 12 acres) or less and 15% of the land for lands greater than 5 hectares. Both changes came into effect on November 28, 2022, upon Bill 23 receiving Royal Assent.

Parkland dedication rates are also now calculated on the day that a zoning by-law amendment for a development proposal is passed, or the day that a related site plan application is filed, whichever is later. If neither a zoning by-law amendment nor site plan approval is/are required, parkland dedication is calculated on the day that the first building permit related to the development is issued.

In addition, beginning in 2023, municipalities will be required to spend or allocate at least 60% of their parkland reserve funds at the start of each calendar year.

Additional parkland dedication provisions not yet in force under Bill 23 include: the exemption of affordable and attainable units from parkland dedication and cash-in-lieu requirements; encumbered parkland; strata parks (parks built on top of structures, such as rooftops or parking garages); and privately owned publicly accessible open spaces ("POPS") such as small parkettes often found within condominium developments, will be eligible for parkland credits. Landowners will also be permitted to propose which areas of their land they wish to provide towards their parkland contributions. While municipalities will be able to refuse any such offer they deem to be unacceptable, landowners will have the right to appeal those refusals to the Ontario Land Tribunal. These amendments will come into force upon proclamation by the Lieutenant Governor.

As it relates to Town staff observations on the parkland dedication rate changes, broadly speaking, it is estimated that an overall 60-75% decrease in parkland dedication fees could be expected over the next 14 years. This is based on a very preliminary review and is dependent on the number of medium or high-density residential development applications received over that time period. Based on current estimates, this could represent a reduction of \$24 million to \$30 million dollars. It is important to note that a detailed financial analysis would be required in order to fully assess the potential financial ramifications of the reduced parkland contribution impacts from Bill 23. This review would be required in coordination with Finance staff and a review of the Long-Range Financial Plan and 10 Year Capital Forecast.

## **11. Development Charge (DC) exemptions**

Significant amendments were made to the *Development Charges Act* (DC Act) through Bill 23. Some of these changes have come into effect as of November 28, 2022, while other changes await release of updated regulations and/or proclamation by the Lieutenant Governor.

One of the amendments now in effect includes a five-year phasing in of DC rate increases for any DC By-laws passed on or after January 1, 2022. These reductions begin with a 20% reduced fee for year one, with the reduction decreasing by 5% for each year thereafter until the fifth year when the full new rate would apply. This means that the fee at year one would be 80% of the approved DC rate; 85% in year two, 90% for year three and 95% for year four, before the full 100% DC rate could be charged at year five. In addition, DCs are exempt for non-profit housing development and

inclusionary zoning residential units. Bill 23 also provides DC discount of 25% for purpose-built rental housing with 3 or more bedrooms; 20% for 2 bedrooms; and 15% for less than 2 bedrooms.

Additional changes in force as of Royal Assent which may have significant ramifications for the Town include the extension of DC by-law expiry dates from every five years to every ten years; growth related studies (including Secondary Plan Studies, Scoped Subwatershed Studies, Environmental Assessments etc.) and land cost (for services yet to be prescribed) are now excluded from recovery through DCs; interest rates on phased DCs must be capped at prime plus 1% for rental, and institutional developments; and municipalities are now required to spend or allocate at least 60% of their DC reserve funds at the beginning of each calendar year (beginning in 2023) on priority services, such as water, wastewater and roads.

Future regulations regarding “attainable housing units” and the DC exemptions tied to such developments have not yet been released. Additional DC exemptions are also being implemented at a future date for affordable residential units. The impacts of these changes are not yet fully understood given the associated regulations have not yet been released.

Similar to the financial ramifications identified above with respect to the parkland dedication rate changes, the DC Act changes could significantly impact the Town from a financial perspective. Depending on the scenarios related to the attainable, affordable, and non-profit housing forms, the projected DC loss is estimated in the range of \$34 million to \$57 million dollars over the next 10 years (or \$20 million to \$31 million dollars over 5 years). This represents a 12% to 20% reduction in DC revenue over 10 years, as compared to DC revenues projected under the Town’s DC by-law prior to Bill 23. Again, it is important to note that a detailed financial analysis would be required in order to fully assess the potential financial ramifications from Bill 23.

Based on the estimated impacts above, staff recommend requesting that the Province provide supplemental funding to offset the reductions in Development Charges and cash-in-lieu of parkland accruing to the Town as a result of Bill 23.

### Environmental Registry of Ontario Postings

On October 25, 2022, a series of postings were made on the Environmental Registry of Ontario website (the ERO). Some of these postings were directly tied to changes proposed through Bill 23 (such as amendments to the *Planning Act* and *Development Charges Act*), whereas other postings not discussed within this report or its appendices were not directly tied to Bill 23 (such as the proposed changes to the Greenbelt Plan).

These postings were made available for comment, with deadlines ranging between 30 to 66 days. Appendix 1 to this report provides a table outlining the various Bill 23 related postings and their respective comment timeframes. It also identifies the status of Town staff review. Any staff level comments that have been submitted on the Bill 23 ERO postings as of finalization of this report are attached as Appendix 2.

Key comments submitted through the ERO postings highlight the Town's concerns regarding the sweeping amendments made by Bill 23. These concerns include the following:

- Bill 23 has significant financial implications for the Town. The loss in development charge and cash-in-lieu of parkland revenue is anticipated to be significant and will impact the Town's ability to fund necessary infrastructure improvements and public service facilities such as libraries, community centres and arenas that are an essential component of a complete community.
- Secondary Plans and related supporting studies are required to facilitate new development in greenfield and key intensification areas. The inability to fund such studies creates significant challenges for municipalities and may slow down the delivery of new housing supply.
- Limitations on undertaking urban design as part of the site plan process. Good urban design contributes to a sense of place and is an important consideration in developing complete communities and ensuring compatibility.
- The potential elimination of Green Development Standards plays a vital role in improving energy efficiency and reducing greenhouse gas emissions<sup>2</sup>.
- Significant changes to the *Ontario Heritage Act* that on balance were not considered necessary considering the Town's measured approach to managing cultural heritage resources.
- The scoping of the role of Conservation Authorities to natural hazards only thereby precluding a broader role in providing advice on natural heritage matters. Staff recommended that the Conservation Authorities continue to play a role in environmental plan review subject to appropriate Memorandums of Understanding (MOU) with municipalities.

## STRATEGIC PLAN ALIGNMENT:

This report has ramifications for many aspects of the Town's Strategic Plan such as:

- preserve, protect and enhance the Town's natural environment;
- to preserve, protect and promote our distinctive historical urban and rural character through the conservation and promotion of our built heritage and cultural heritage landscapes;
- to achieve sustainable growth to ensure that growth is managed so as to ensure a balanced, sustainable, well planned community infrastructure and services to meet the needs of residents and businesses; and,
- to provide responsive, effective municipal government and strong leadership in the effective and efficient delivery of municipal services.

---

<sup>2</sup> The final version of Bill 23 incorporates permissive language with respect to sustainable design which is considered to resolve this concern.

**RELATIONSHIP TO CLIMATE CHANGE:**

At this time, the impacts to the Town's Climate Change portfolio and initiatives are not fully understood given the magnitude of the legislative changes approved through Bill 23. It is worth noting that from the time of 1<sup>st</sup> Reading to Royal Assent, amendments were made to Bill 23 which reinstated the ability for municipalities to proceed with the application of Green Development Standards.

**PUBLIC ENGAGEMENT:**

Public Engagement for Bill 23 is coordinated by the province through the various ERO postings and to a certain extent, through submissions received by the Standing Committee on Heritage, Infrastructure and Cultural Policy. Where possible, at the implementation stages, the Town will ensure the public is provided an opportunity to be engaged and consulted on the required changes to local policies and procedures resulting from Bill 23.

**INTERNAL CONSULTATION:**

The Recreation and Parks, Finance, Development Review and Planning Policy teams coordinated a review of the Bill 23 changes. Comments from this internal review are included within this report.

**FINANCIAL IMPLICATIONS:**

Estimated financial impacts associated with implementation of the DC and parkland contribution legislative changes have been identified in this report. It is estimated that an overall 60-75% decrease in parkland dedication fees could be expected over the next 14 years, which based on current estimates, could represent a reduction of \$24 million to \$30 million dollars over that timeframe. With respect to the DC reductions, depending on the scenarios related to the attainable, affordable, and non-profit housing forms, the projected DC loss is estimated in the range of \$34 million to \$57 million dollars over the next 10 years (or \$20 million to \$31 million dollars over 5 years). This represents a 12% to 20% reduction in DC revenue over a 10-year timeframe. A detailed financial analysis would be required in order to fully assess the potential financial ramifications from Bill 23. Based on the estimated financial impacts identified within this report, staff recommend that the Province provide supplemental funding to offset these anticipated funding losses as a result of Bill 23.

Reviewed and approved by,

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer



## Appendix B – List of References

- Ontario Public Health Association Bill 23 Input to Province
- Canadian Environmental Law Association Written Submission to Standing Committee on Bill 23
- Association of Municipalities of Ontario - Unpacking Bill 23
- Ontario Nature Bill 23 What You Need to Know
- An Integrated Approach to Address The Ontario Housing Crisis (amo.on.ca)



City Council Outstanding Reports List

Sub-Item 15

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: February 3, 2023

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
	2022-02	16-Nov-22	Harris	That staff prepare a report that outlines options to restructure the committee system.	LCS	Q1 2023	
	2022-03	23-Nov-22	Harris	That staff prepare a report on opportunities to partner with outside companies, including Alectra and St. Catharines Hydro, for energy retrofits to existing facilities.	EFES	Q2 2023	
	2022-04	23-Nov-22	Williamson	That staff prepare a report with respect to the costs, opportunity and history surrounding the Garden City Arena	CRCS/FMS	13-Feb-23	
	2022-06	23-Nov-22	Harris	That staff prepare the stats on whether those using the Seniors Without Walls program are residing in St. Catharines and the Niagara Region and report back in a years time (Q4 2023) as to whether the buildings used for these programs can be combined into one central location.	CRCS		
	2022-07	28-Nov-22	Garcia	Updated criteria and rationale for determining whether reports are listed as consent or discussion reports	LCS	13-Feb-23	
	2023-01	16-Jan-23	Kushner	That a working group of Council and Staff be created to review the CIP and that staff be directed to bring terms of reference back to Council in February.	PBS	Q1 2023	
	2023-02	16-Jan-23	Garcia	A report recommending the process to be followed to eliminate paid beach parking for St. Catharines residents without the need for them to apply, with required permit or paperwork mailed out with water bills in advance of the Summer / beach season. Report to be ready no later than March 6 Council meeting.	CAO	Q1 2023	
	2023-03	16-Jan-23	Garcia	That staff prepare a report outlining a strategy or potential strategies for prioritizing the heritage designation of properties on the Heritage Register, in accordance with Bill 23, in Q1 2023.	PBS	Q1 2023	
	2023-04	30-Jan-23	Lindal	That staff report back on amending By-Law 95-302, A By-law to provide for the licensing and regulating the keeping of Dogs, to require that dogs on a front yard or front porch of a property be supervised by an adult so long as the dog is in the front yard or front porch; and That the report include information on the administration of the by-law and potential fines for violations of the by-law.	LCS		
	2023-05	30-Jan-23	Miller	That staff provide information on legal implications of removing encampments, further to 2023 Ontario Superior Court decision 670	LCS		
	2023-06	30-Jan-23	Harris / Williamson	That staff report back on the feasibility and the cost associated with adding refrigeration capacity to the Merritton Ward splashpad; and That staff report back on the additional costs of water recycling or storage for the Merritton Ward Splashpad.	CRCS		
Follow Up Reports							
	2022-07	28-Nov-22	Motion Arising from Closed	That staff report back to Council in early 2023 in respect to a framework or policy for religious and cultural displays on City property.	Collaborative	end of Q1 2023	Report Request Arising as follow up to Confidential Memo that went to Council Nov 28, 2022 re: Nativity Scene see Council Meeting Minutes of November 28, 2022, Item 15.1



## Corporate Report City Council

**Report from:** Planning and Building Services

**Report Date:** December 29, 2022

**Meeting Date:** February 13, 2023

**Report Number:** PBS-017-2023

**File:** 10.13.1

**Subject:** Recommendation Report to amend the Vital Services By-law to clarify that transient hallways are excluded from the prescribed requirements

### Strategic Pillar:

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



## Recommendation

That Council approve an amendment to the City of St. Catharines Vital Services By-law 2022-159, attached as Appendix 1; and

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

## Background

Vital Services are utilities which are necessary to sustain a healthy and safe dwelling unit. These include gas, electricity, potable water (cold), and hot water. The City's Vital Services By-law prescribes responsibilities to ensure these services are maintained in tenanted properties and provide enforcement tools for matters of non-compliance. Currently, the City of St. Catharines is the only municipality in Niagara Region that has a Vital Services By-law. On November 22, 2022, the City's By-law Enforcement Division received a vital service complaint regarding inadequate heat in a transient hallway on the sixth floor of an apartment building. The investigating by-law enforcement officer obtained temperature readings that varied from 17.5-19 degrees Celsius, which was moderately below the threshold of adequate and suitable heat.

## Report

The intent of the Vital Services By-law is to ensure Vital Services are maintained in a tenanted Rental Unit, and not a transient common space, such as a hallway. In some circumstances, it can be challenging to maintain a 20-degree Celsius standard

where colder outside air can be brought in via entrances and stairwells which affect common areas such as hallways. In order to address this concern, an amendment is required to clarify the current definition of “adequate and suitable heat”. Currently, adequate and suitable heat is defined as:

*"adequate and suitable heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is twenty (20) degrees Celsius at one and one-half (1.5) metres from above floor level and one (1) metre from exterior walls in all habitable space and in any area intended for normal use by tenants, including recreation rooms and laundry rooms but excluding locker rooms and garages."*

It is recommended that the definition of adequate and suitable heat be amended to the following definition:

*"adequate and suitable heat" means twenty (20) degrees Celsius at one and one-half (1.5) metres from above floor level and one (1) metre from exterior walls.*

In order to clarify the location of where adequate and suitable heat must be maintained, an amendment to the definition of a “Rental Unit” is required. Currently, a Rental Unit is defined as:

*"Rental Unit" means any living accommodation used or intended for use as rented residential premises, and "rental unit" includes,*

- a. a site for a mobile home or site on which there is a land lease home used or intended for use as rented residential premises, and*
- b. a room in a boarding house, rooming house or lodging house and a unit in a care home;*

It is recommended that the definition of Rental Unit be amended to the following:

*"Rental Unit" means any living accommodation used or intended for use as rented residential premises. "Rental Unit" includes:*

- a. a site for a mobile home or site on which there is a land lease home used or intended for use as rented residential premises, and*
- b. a room in a boarding house, rooming house or lodging house and a unit in a care home;*

*For the avoidance of doubt and the sake of clarity, "Rental Unit" does not include a garage or any common areas, facilities, and services.*

It is anticipated that the amendments will provide clarity as to where adequate and suitable heat is required.

## **Financial Implications**

It is not expected that any financial implications will occur as a result of this by-law amendment.

## **Conclusion**

In order to clarify the responsibilities of providing Vital Services to tenants inside a Rental Unit, two amendments are required to the current Vital Services By-law. By changing the definition of “adequate and suitable heat” to focus on the required temperature and where it is measured from and changing the definition of “Rental Unit” to emphasize on the rented residential premises excluding common elements, facilities, and services, ambiguities such as if there is a requirement to sustain 20 degrees Celsius in a transient hallway can be negated.

### **Prepared and Submitted by**

Paul Chudoba, Manager By-law Enforcement and Licensing

### **Approved by**

Tami Kitay, Director Planning and Building Services

Sandor Csanyi, Director of Clerks and Legal Services

## **Appendices**

- Appendix “1” amendment to Vital Services By-law 2022-159.

CITY OF ST. CATHARINES

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

A By-law to amend By-law No. 2022-159 entitled "A By-law to require adequate and suitable vital services for rental units."

WHEREAS Council of the City of St. Catharines, at its meeting held on August 29, 2022, passed a By-law No. 2022-159 to ensure that vital services are maintained in tenanted properties and provide enforcement tools for matters of non-compliance, under the short title "The Vital Services By-law".

AND WHEREAS Council of the City of St. Catharines deems it desirable to clarify that transient hallways are excluded from the prescribed requirements of The Vital Services By-law.

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

1. That By-law No. 2022-159 be and the same is hereby amended by deleting "adequate and suitable heat" from **PART II- DEFINITIONS** and replacing it with the following definition:

"adequate and suitable heat" means twenty (20) degrees Celsius at one and one-half (1.5) metres from above floor level and one (1) metre from exterior walls.

2. That By-law No. 2022-159 be and the same is hereby amended by deleting "Rental Unit" from **PART II- DEFINITIONS** and replacing it with the following definition:



"Rental Unit" means any living accommodation used or intended for use as rented residential premises. "Rental Unit" includes:

- a. a site for a mobile home or site on which there is a land lease home used or intended for use as rented residential premises, and
- b. a room in a boarding house, rooming house or lodging house and a unit in a care home.

For the avoidance of doubt and the sake of clarity, "Rental Unit" does not include a garage or any common areas, facilities, and services.

Read and passed this                      day of                      2023.

CLERK    MAYOR



## Corporate Report City Council

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

**Report Date:** January 26, 2023

**Meeting Date:** February 13, 2023

**Report Number:** EDTS-015-2023

**File:** 10.57.28

**Subject:** Seasonal Temporary Commercial Patio Program Update & Future

Recommendations

### Strategic Pillar:

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



## Recommendation

That the City's existing "Sidewalk Patios and Pop-Up Cafes Program" (includes sidewalk patios and curbside pop-up patios) and the "Temporary Outdoor Patios during COVID-19 Recovery Program" be consolidated into a permanent program that permits Seasonal Temporary Commercial Patios on municipal right of way, municipal property and private property based on the terms and conditions outlined in this Report and the Seasonal Temporary Commercial Patios Guidelines (attached as Appendix 1); and

That Council delegate authority to the Director of Planning and Building Services, or designate, and the Director of Engineering, Facilities and Environmental Services, or designate, to authorize and execute agreements for Seasonal Temporary Commercial Patios and make minor amendments to the terms and conditions and guidelines of the program as required; and

That staff be directed to include an annual application fee and any other relevant fees for the Seasonal Temporary Commercial Patio Program, for both public and private property, as part of the Rates and Fees By-law from 2024 onward.

## Summary

This Report provides a summary and overview of the existing temporary outdoor patio programs in the City of St. Catharines and makes recommendations on the future of the programs to support restaurants, bars and cafes and their operations. To move forward appropriately, the recommendations included within the report provide options for businesses in the food and beverage sector to participate with extended service area, providing longevity for years to come.

## Relationship to Strategic Plan

The support of the Seasonal Temporary Commercial Patio Program would enhance the Economic Pillar by supporting the City's commitment to business retention and expansion and support for small businesses. Additionally, the Social Well-Being Pillar is supported through development of vibrant communities, place-making and collaborative outdoor activations.

## Background

The City of St. Catharines has two separate but related programs that create opportunities for food and beverage sector businesses to provide temporary outdoor patios for their patrons on an annual basis. The City supports the establishment of temporary patios as it promotes a sense of vibrancy, improves the pedestrian experience and supports the business community.

The "Sidewalk Patios and Pop-Up Cafes Program" was established in 2014 ([Report TES-088-2014](#)) and updated in 2016 ([Report PBS-122-2016](#)) to allow for restaurants, cafés and bars to occupy municipal right-of-way (sidewalks, boulevards or on-street parking spaces) to set-up temporary patios in front of their businesses on an annual basis between April 1 and October 31.

The "Temporary Outdoor Patios During COVID-19 Recovery" program was launched in 2020 as a response to the limitations on food and beverage sector businesses due to lockdowns and capacity restrictions. This program expanded the "Sidewalk Patio Program" by supporting temporary patios on public property and on private property as part of the City's rapid COVID-19 recovery response.

While the "Sidewalk Patios and Pop-Up Cafes Program" is a permanent City program that enables businesses to enter into five-year agreements with the City of St. Catharines for temporary patio operation, the Temporary Outdoor Patios During COVID-19 Recovery program expired on October 31, 2022.

The purpose of this Report is to review the existing programs to find the optimal solution to move forward with. This Report recommends that the already-permanent "Sidewalk Patios and Pop-Up Cafes Program" and the "Temporary Outdoor Patios During COVID-19 Recovery" be combined into a single, consolidated Seasonal Temporary Commercial Patio (STCPatio) Program that requires an annual application and is a seasonal program facilitated and administered by the City of St. Catharines.

As mentioned, this Report provides information and recommendations on seasonal, temporary patios and does not include details on the permanent patio program which would impact operations on private property. The approval process for permanent patios on private property that serve as perpetual service area extensions is outside the intended scope of this program. Permanent patios continue to be reviewed and approved through the site plan control application process through Planning and Building Services.

## Report

Since the adoption of the Sidewalk Patios and Pop-Up Cafes Program, the ability for restaurants, bars, and cafes to utilize outdoor space adjacent to their properties, has been a much-needed boost to business and helped sustain employment and placemaking throughout St. Catharines. The importance of enabling businesses to expand service area into the outdoor realm space was magnified significantly during the COVID-19 pandemic when capacity restrictions forced municipalities and businesses to adjust in innovative ways and the Temporary Outdoor Patios during COVID-19 Recovery Program expanded support to private property.

Through the success of each of these programs, staff are recommending that this adapted way of doing business be supported by Council to enable local businesses to operate in a similar way that they have been over the past few years. The following sections, in addition to the new City of St. Catharines STCPatio Guidelines document (attached as Appendix 1), outline the requirements, expectations and procedures around STCPatio operation and implementation.

## Right-of-Way Access

Establishment operators that wish to participate in the STCPatio program must take right of way and pedestrian access into account for design and implementation of patio, regardless of whether the patio is on municipal or private property. For municipal property specifically, design of the patio will be most important to ensure safety and access for pedestrians. Most of the streets within downtown St. Catharines and Port Dalhousie have narrow rights-of-way, and experience competing priorities for the limited space available (sidewalks, vehicle lanes, utilities, landscaping, street furniture, etc.). When considering applications, the priority for sidewalk space is the provision of a clear and accessible pedestrian travel path (minimum 2m wide).

Many of the sidewalks in St. Catharines are too narrow to accommodate a patio extension and a clear pedestrian path simultaneously. In an effort to facilitate the installation of patios on sections of roadway with undersized sidewalks, applications for patios on the roadway will be considered by staff on a case-by-case basis. Applicants will need to submit, with their application, a site plan for a curb-side patio deck that will sit atop the on-street parking spaces and will be flush with the sidewalk so to ensure equity and accessibility.

## Zoning

Patio applications under the STCPatio Program must meet applicable land use provisions outlined in the [City of St. Catharines Comprehensive Zoning By-law 2013-283](#). As per this by-law, patios would be permitted in conjunction with related uses on properties that are zoned: Commercial, Agricultural, Employment and Mixed-Use.

## Licensing

### Business Licensing

All participating establishments must have a Refreshment Stand / Restaurant Business License in good standing as per the requirement outlined in City of St. Catharines By-law 2005-318 respecting the issuing of business licenses.

### Liquor Licensing

Business owners that wish to serve alcohol on their STCPatio must ensure that they have a valid liquor license issued by the Alcohol and Gaming Commission of Ontario (AGCO) at the time of application to the City of St. Catharines.

In November 2022, the AGCO amended Regulation 746/21 under the *Liquor Licence and Control Act*, 2019 establishing a new framework for temporary outdoor physical extensions (temporary patios), which takes effect January 1, 2023. These changes impact liquor sales license holders and manufacturer by-the glass endorsement holders.

In order to obtain permission to sell alcohol on a temporary patio, liquor sales licensees and manufacturers that hold a by-the-glass endorsement will require municipal approval. Upon obtaining approval from the municipality, liquor license sales licensees and manufacturers that hold by-the-glass endorsements will be required to notify the AGCO by making a submission on the iAGCO portal before selling or serving liquor on temporary patios.

In addition to these new requirements, temporary patios may only operate for a maximum of eight months per calendar year.

The AGCO will no longer accept applications or otherwise approve temporary patios for licensees located in municipalities, requests will be facilitated through the St. Catharines STCPatio process.

## Building

Program participants will need to adhere to all requirements outlined in the Ontario Building Code and Ontario Fire Code including direction from Planning and Building and Fire staff. Specific information related to requirements surrounding structures, set capacity limits and tents are found within the STCPatio Program Guidelines document (Appendix 1) and will apply to all program applicants.

## Noise By-law

The By-law to Regulate Noise (95-198) would continue to be in place and would not be unprecedented by participants in the STCPatio program. According to Section 3 (1), the

following noises are, in the opinion of the Council of the Corporation of the City of St. Catharines, likely to disturb the inhabitants of the City of St. Catharines when the sounds occur during the times set below:

- (a) The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers and intended for the production, reproduction or amplification of sound between 23:00 hours one day and 07:00 hours the next day, such that the sound amplified by the device or devices is clearly audible within a residential unit with the windows closed, other than the one in which the device or devices is located.
- (b) That the operation of any electronic device or group of electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound in a public place such that the sound amplified by the device or devices is clearly audible within a residential unit with the windows closed, between 23:00 hours one day and 07:00 hours the next day.
- (c) The operation of any auditory signalling device including but not limited to the ringing of bells or gongs or the blowing of horns or sirens or whistles or the production, reproduction or amplification of any similar sounds by electronic means between 23:00 hours one day and 07:00 hours the next day except where required or authorized by law or in accordance with good safety practices;
- (d) Yelling, shouting, hooting, whistling, singing or the playing of musical instruments in such a manner as to make a sound clearly audible within a residential unit, or, in the case of yelling, shouting, hooting, whistling, singing or the playing of musical instruments which takes place within a residential unit such that the sound generated by the yelling, shouting, hooting, whistling, singing or the playing of musical instruments is clearly audible within a residential unit with the windows closed, other than the one in which the sound originates, between 23:00 hours one day and 7:00 hours the next day.

In addition to the prohibitions listed in Sections 2 and 3 of this by-law, it shall be an offence to cause or permit any noise likely to disturb the inhabitants of the City of St. Catharines and any person who causes or permits to be caused a noise which is likely to disturb the inhabitants of the City of St. Catharines is guilty of an offence and subject to such penalty as is prescribed by the Province of Ontario for such an offence.

## **Accessibility**

Establishment operators that apply to the STCPatio Program are to ensure their patio design, operation and construction aligns with the Accessibility for Ontarians with Disabilities Act (AODA) where applicable and already barrier free.

## Fee Implementation

The fees for the STCPatio Program will be established through the Rates and Fees process for 2024 including updated application fees for both municipal and private property. These fees will be in line with the comparator municipalities for the City of St. Catharines and consider with the required administration by staff. These charges will be reviewed annually through the Rate and Fees process.

For the 2023 operating season, the existing rates and fees respecting Sidewalk Patio Applications would be in place for any STCPatio on municipal property. The current fees are: Sidewalk Patio Application - \$393.15 and Rental (per square metre per year) - \$43.60. In addition to this, the Liquor Licensing Inspection Fee will also be required for any applicant that has a valid liquor license in the amount of \$480.00.

At the Council Meeting of January 16, 2023, a motion was passed by Council directing staff that:

“The Business License Fees and Patio Fees be waived for 2023 to support the City’s commitment to building and growing a diverse and resilient economy through providing financial support to businesses, urban regenerations and collaborative partnerships.”

## Consultation

Consultation with both internal staff and external stakeholders was conducted to provide a fulsome picture of the temporary patio programs to date. Overall, there is extensive support for the continuation of the program and collaboration on best practices and continuous improvement efforts to better the program on an annual basis.

### Internal Consultation

- Transportation Services Division, Engineering, Facilities and Environmental Services Department
- Building Division, Planning and Building Services Department
- Planning Services Division, Planning and Building Services Department
- By-Law Enforcement & Licensing Division, Planning and Building Services Department
- Clerks Division, Legal and Clerks Services Department
- Budgets and Revenues Divisions, Financial Management Services Department
- Operations, Municipal Works Department
- Realty and Insurance Services, Financial Management Services Department
- Fire Services
- Human Resources Division, Corporate Support Services

### External Stakeholder Consultation

- Niagara Region Public Health
- St. Catharines Downtown Association
- Past Applicants of the Sidewalk Patio and Temporary Patios for COVID-19 Relief Programs



## **Participant Survey**

On June 14, 2022, a survey was shared via email with all of the past and current participants of the Sidewalk Patio Program and the Temporary Patio Program for COVID-19 Relief. This survey requested feedback on the program, what the interest would be to continue to participate beyond 2022 and the general feedback on implementation of fees in future years. The survey was emailed to 56 participants which closed on Sunday June 19, 2022 at 5:00 p.m. Responses were received from 23 participants.

The survey results showed a good distribution of responses from across the entire city and from restaurateurs and operators who utilized different types of patios. This provided information on the impacts through the broad reach of the programs.

Common themes which emerged from the responses were that the temporary patio programs have been essential to these businesses over the past few years, with 87% responding that the ability to have a patio extension was 'Very Important' to their operation. 100% of respondents stated that a patio extension was 'Important' or 'Very Important' when responding.

The survey also required respondents to answer whether they would like to see temporary patio programs continue beyond 2022 into future years. Overwhelmingly, respondents were in agreement with 96% saying that they wanted to see the continuation of this program.

When asked if fees were implemented should the program remain in place, 78% of respondents stated they would still participate in the program because the benefits it provided were so crucial over the past few years.

## **Terms and Conditions**

Within the STCPatio Guidelines document, attached as Appendix 1, specific requirements, terms and conditions are outlined for operation of patios on both municipally owned and privately owned property. It is the expectation that any establishment operator wishing to participate in the STCPatio program will read, understand and adhere to all the terms and conditions

## **Staffing Impacts**

Should Council approve the recommendations as outlined in this Report, the STCPatio Program would be administered by an existing team of staff. No additional staff resources would be required at this time.

## **Financial Implications**

The current fees are as follows: Sidewalk Patio Application - \$393.15 and Rental (per square metre per year) - \$43.60. In addition to this, the Liquor Licensing Inspection Fee will also be required for any applicant that has a valid liquor license in the amount of \$480.00. As previously noted, at the Council meeting of January 16, 2023, Council passed a motion waiving business licensing and patio fees for 2023. Fees for the

STCPatio Program will be established through the annual Rates and Fees process for 2024 including updated application fees for both municipal and private property.

## **Environmental Sustainability Implications**

There are no environmental implications associated with this report.

## **Conclusion**

The programs that have permitted temporary extensions of commercial patios since 2014 have been vital to the increased operation and overall survival of businesses across St. Catharines. They have enabled animation of public and private space, boosted community buildings, and provided placemaking initiatives for residents and visitors. Following in the footsteps of many other municipalities across Ontario, adopting the STCPatio Program to run annually in 2023 and beyond would be an exciting addition to programming and attractions across the city while supporting locally owned businesses through expanded service area in the warmer months.

### **Prepared and Submitted by**

Julia Cioffi  
Economic Development Officer

### **Approved by**

Brian York  
Director, Economic Development and Government Relations

Tami Kitay  
Director, Planning and Building Services

Anthony Martuccio  
Director, Engineering, Facilities and Environmental Services

## **Appendices**

1. City of St. Catharines Seasonal Temporary Commercial Patio Program Guidelines
2. Ontario Traffic Council Restaurant Patio Guidelines within the Right of Way

# CITY OF ST. CATHARINES SEASONAL TEMPORARY COMMERCIAL PATIO GUIDELINES

January 2023

## Contents

Introduction .....	4
Terms and Conditions .....	4
Temporary Commercial Patios on Municipal Property .....	4
Temporary Commercial Patios on Private Property .....	6
Types of Temporary Patios .....	10
Location .....	10
How to Apply .....	10
Applicant Process.....	11
Program Fees .....	12
Review Process.....	13
Operational Requirements .....	15
Location .....	15
Permission .....	15
Agreement .....	16
Insurance.....	16
Liability & Maintenance.....	17
Business Licence.....	18
Liquor Licence .....	18
Capacity.....	18
Zoning Compliance.....	19
Patio Site Plan Approval .....	19
Noise and Sound Amplification.....	19
Design Guidelines .....	22
Use of Municipal Right of Way.....	22
Clearway.....	22
Accessibility .....	22
Perimeter Fence .....	23
Construction .....	24
Patio Surface .....	24
Furniture .....	25
Lighting .....	25
Landscape Material .....	26
Signage .....	26

Heaters .....	26
Portable Heating Device .....	26
Fuelled Heating Appliance .....	27
Open Air Burning and Cooking .....	27
Tents.....	28
All Tents .....	28
Tents Requiring Building Permit.....	<b>Error! Bookmark not defined.</b>
Installation .....	30
Maintenance .....	30
Modification .....	30
Renewal.....	30
Enforcement .....	30

DRAFT

## Introduction

The City of St. Catharines is committed to supporting the business community in innovative and efficient ways that align with the best practices of comparator municipalities. Since 2014 the City has supported the creation of temporary commercial patios, in varying capacities, on both municipal and private property to support local bars, restaurants and cafes and will continue to do so through the 2023 patio season.

The City of St. Catharines Seasonal Temporary Commercial Patio (STCPatio) Reviewers is a team of City staff from various municipal divisions who ensure that all patio applications have the necessary requirements, permissions, and insurance in place to operate efficiently and safely.

This document provides guidelines for STCPatios on municipal and private property for the 2023 season. The information included within this document ensures that safety, functionality and design standards are explained, which are the minimum requirements expected that restaurants and bars must meet to operate an STCPatio. Please be sure to review these guidelines carefully and plan ahead to ensure full compliance.

## Terms and Conditions

Included in this section is an overview of the Terms and Conditions of the STCPatio Program. More detail on each of the items included in this section can be found throughout this document.

### Seasonal Temporary Commercial Patios on Municipal Property

The following terms and conditions will apply for STCPatios on municipal property:

- i) STCPatios on municipal property may include patios on sidewalks, alleyways, parks or boulevards where appropriate.
- ii) STCPatios on municipal road allowance may include patios on roadways or on-street parking spaces where appropriate.
- iii) Patios on regional Roads (includes Ontario Street, Geneva Street and Welland Avenue) will require additional approvals from the Niagara Region.
- iv) Applications for STCPatios are to be submitted to the Economic Development and Tourism Section under the Economic Development and Government Relations Division on an annual basis. Applications will be circulated for cross-department review and approval.
- v) Patios to be permitted to operate from April 1<sup>st</sup> to October 31<sup>st</sup> annually.

- vi) STCPatios will not be permitted to operate more than 8 months out of the calendar year.
- vii) STCPatios are required to follow all applicable public health requirements including regional and municipal by-laws and Provincial orders.
- viii) The STCPatio shall not obstruct or interfere with pedestrian safety, accessibility, emergency services, public transit, access to surrounding businesses, deliveries, pick-ups, City and public utility infrastructure or maintenance work.
- ix) A valid Refreshment Stand/Restaurant business licence is required and must remain in good standing for the entirety of the proposed operational period of the STCPatio. Establishment operators are required to submit renewals and pay on or before the expiry date in accordance with [By-law 2005-318](#).
- x) Applicants are solely responsible for the management and operation of approved STCPatios.
- xi) Patio operators must provide proof of commercial general liability insurance in the minimum amount of \$5 million. Coverage endorsed to include the Corporation of the City of St. Catharines as additional insured. A Certificate of Insurance naming the Corporation of the City of St. Catharines as additional insured must be provided to staff and attached to the file. The Certificate of Insurance on file must be valid for the entirety of the patio operation.
- xii) Applicants are required to submit a Patio Site Plan for the proposed patio location.
- xiii) Applicants who are tenants must receive written consent from building owner or property manager as part of the application.
- xiv) The establishment must have a valid liquor license issued by the AGCO. The physical extension of the STCPatio serving alcohol must be adjacent to the premises to which the licence to sell liquor applies.
- xv) Applicants who receive approval for a liquor license extension from the City of St. Catharines are required to notify the AGCO and receive confirmation prior to operating.
- xvi) A new occupant load will not be set for the STCPatio. The STCPatio will act as an extension of the existing occupant load of the building.
- xvii) The patio shall be compliant with the Accessibility for Ontarians with Disabilities Act (AODA), where applicable.



- xviii) Applicants who are approved for patios must enter into a counter-signed Legal Agreement with the City of St. Catharines prior to the start of patio construction or operation.
- xix) Electrical power cords or any other devices that cross the travelled portion of the right of way are not permitted.
- xx) Temporary patios shall not obstruct any utility infrastructure or access to utility infrastructure. The applicant shall be responsible for clearance of any debris and overall maintenance to ensure normal operation and unimpeded access.
- xxi) Patios located in on-street parking spaces will generally be limited to occupying one parking space. Requests for more than one space will be considered on a case-by-case basis and approval will be at the discretion of Engineering, Facilities and Environmental Services staff.
- xxii) Construction, maintenance and operation of the temporary patio shall be the responsibility of the applicant. Operators will be responsible for the management and logistics of any approved temporary patio, including ensuring that they are staffed at all times when open, to ensure proper use, cleaning, and operation as required.
- xxiii) Applicants will be required to cover all costs associated with patios located in the municipal right of way, including on-street parking spaces, that require the installation of additional barricades, traffic control devices, lane markings, signage, etc. which will be determined by City of St. Catharines staff.

### **Seasonal Temporary Commercial Patios on Private Property**

STCPatios on private property, including parking areas of commercial plazas and malls will be subject to the following terms and conditions:

- i) STCPatios may be permitted in any commercial area of the City of St. Catharines where applicable zoning allows.
- ii) Applications for STCPatios are to be submitted to the Economic Development and Tourism Section under the Economic Development and Government Relations Division on an annual basis. Applications will be circulated for cross-department review and approval.
- iii) STCPatios are required to follow all applicable public health requirements including regional and municipal by-laws and Provincial orders.
- iv) The STCPatio shall not obstruct or interfere with pedestrian safety, accessibility, emergency services, public transit, access to surrounding businesses, deliveries, pick-ups or fire service connections.

- v) A valid Refreshment Stand/Restaurant business licence is required and must remain in good standing for the entirety of the proposed operational period of the STCPatio. Establishment operators are required to submit renewals and pay on or before the expiry date in accordance with [By-law 2005-318](#).
- vi) The establishment must have a valid liquor license issued by the AGCO. The physical extension of the STCPatio serving alcohol must be adjacent to the premises to which the licence to sell liquor applies.
- vii) Applicants who receive approval for a liquor license extension from the City of St. Catharines are required to notify the AGCO and receive confirmation prior to operating.
- viii) A new occupant load will not be set for the STCPatio. The STCPatio will act as an extension of the existing occupant load of the building.
- ix) An STCPatio will not be interpreted to affect the parking supply for the purposes of minimum parking requirements, enforcement of this is to be waived annually within the scope of this program.
- x) STCPatios must be created as temporary uses that include no permanent fixtures or any alterations that would require a Building Permit.
- xi) Applicants are required to submit a Site Plan for the proposed patio location. Being temporary in nature, formal Site Plan review will not be required.
- xii) The patio shall be aligned with the Accessibility for Ontarians with Disabilities Act (AODA) and shall be barrier free accessible where the existing establishment is barrier free accessible.
- xiii) Construction, maintenance and operation of the temporary patio shall be the responsibility of the applicant. Operators will be responsible for the management and logistics of any approved temporary patio, including ensuring that they are staffed at all times when open, to ensure proper use, cleaning, and operation as required.

## **1.0 PROCESS**

## **2.0 OPERATIONAL REQUIREMENTS**

## **3.0 DESIGN GUIDELINES**

## **4.0 IMPLEMENTATION**

## **5.0 REFERENCE MATERIALS**

## **1.0 PROCESS**

# Types of Temporary Patios

## Location

- Private Property
  - At grade
  - Constructed
- City Right-of Way
  - Sidewalk
  - On-Street Parking
  - Boulevard
  - Alleyway
  - Parks
  - Must be at grade
- Regional Right-of Way
  - Requires approval from the Region of Niagara

Patios on Regional Roads (includes Ontario Street, Geneva Street and Welland Avenue) will require approvals from the Regional Municipality of Niagara.

STCPatio approvals on either municipal or private property will be granted for the 2023 season only between April 1<sup>st</sup> and October 31<sup>st</sup> only.

## How to Apply

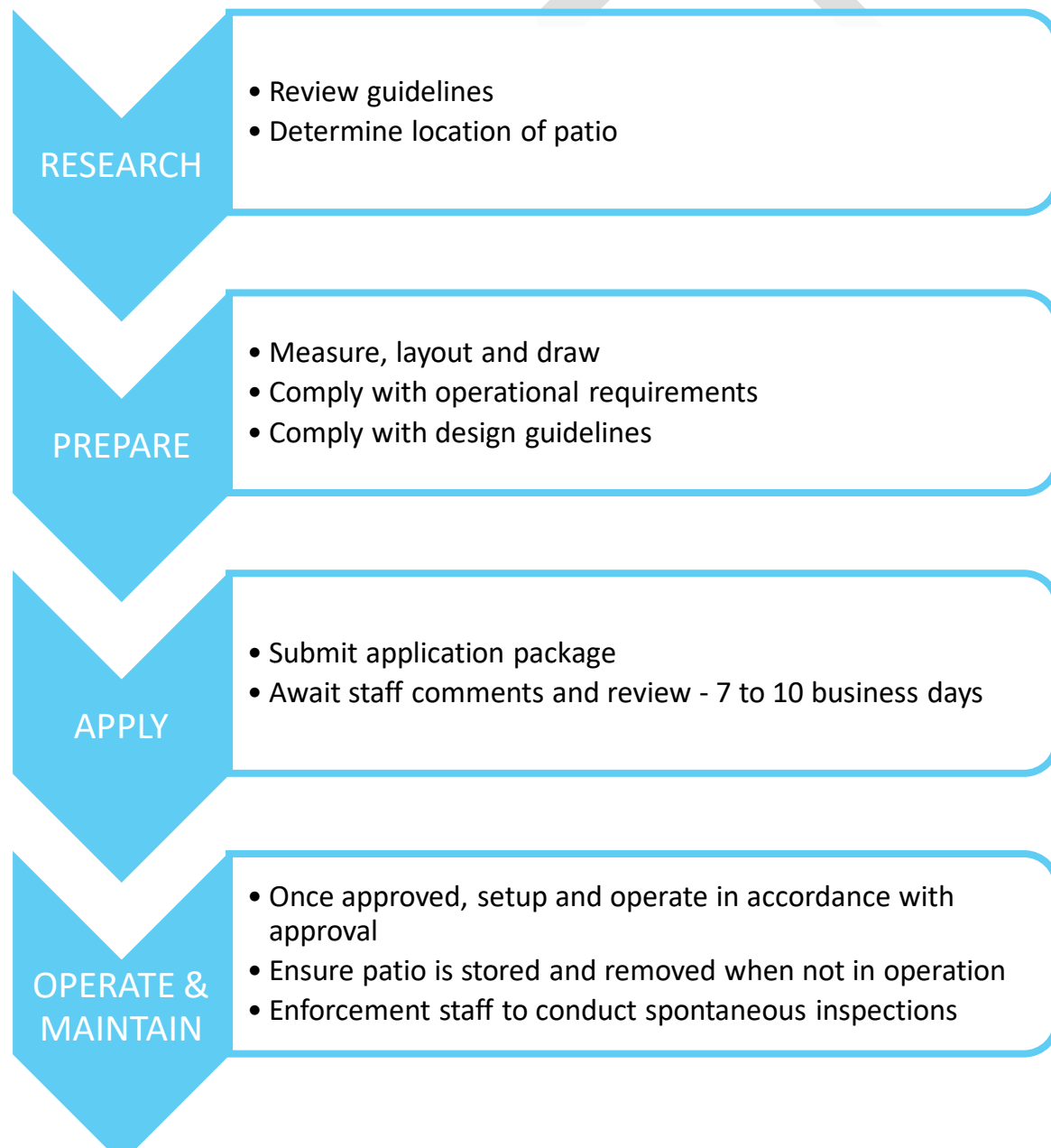
1. Visit the [Seasonal Temporary Commercial Patios](#) webpage to become familiar with the program information included.
2. Complete the [Application for a Seasonal Temporary Commercial Patio](#) in its entirety, all questions are mandatory. Once complete, send the document and all supporting documentation to [TemporaryPatios@stcatharines.ca](mailto:TemporaryPatios@stcatharines.ca).
  - a. All patio operators are required to submit an application or request for renewal annually and pay the corresponding fees.
3. A Patio Plan Drawing must be submitted with your application and must include: dimensions of the patio/dining area, location of entrances/exits from the building and from the patio/dining area, location of any fire department connection and municipal fire hydrant, any utility infrastructure, a clear unencumbered mobility access of minimum 2m, etc.
  - Note: Guidelines including access to public thoroughfare from all building exits and from the patio, 1m (3') clearance around fire hydrant and fire department connections, no exits can be obstructed is required.

4. If the applicant of the STCPatio is not the owner of the building/property where the establishment is located then a Landowner's authorization ([Appendix 2 of the Application](#)) must be submitted with the application.

5. For any STCPatio on the municipal right of way, in an on-street parking space or municipal property a Certificate of Insurance naming the Corporation of the City of St. Catharines must be provided with application submission.

It is recommended that STCPatio Program Applicants connect with the team prior to applying. Sometimes elements of an application are not required and the team can determine this. The STCPatio Program Team can be reached at [TemporaryPatios@stcatharines.ca](mailto:TemporaryPatios@stcatharines.ca).

## Applicant Process



## Program Fees

Aligning with comparable municipalities across Ontario, the City of St. Catharines will be updating the annual Rates and Fees by-law to include fees specific to the STCPatio Program. For 2023, the fees for STCPatios will be as follows:

### Seasonal Temporary Commercial Patio Application & Agreement Fees

- Municipal Property - **\$393.15**
- Private Property – **no cost**

### Municipal Property Space Utilization Rates

- Municipal Property Lease (sidewalk, boulevard, alleyway, roadway, etc.) per square metre - **\$43.60**

### Liquor License Inspection

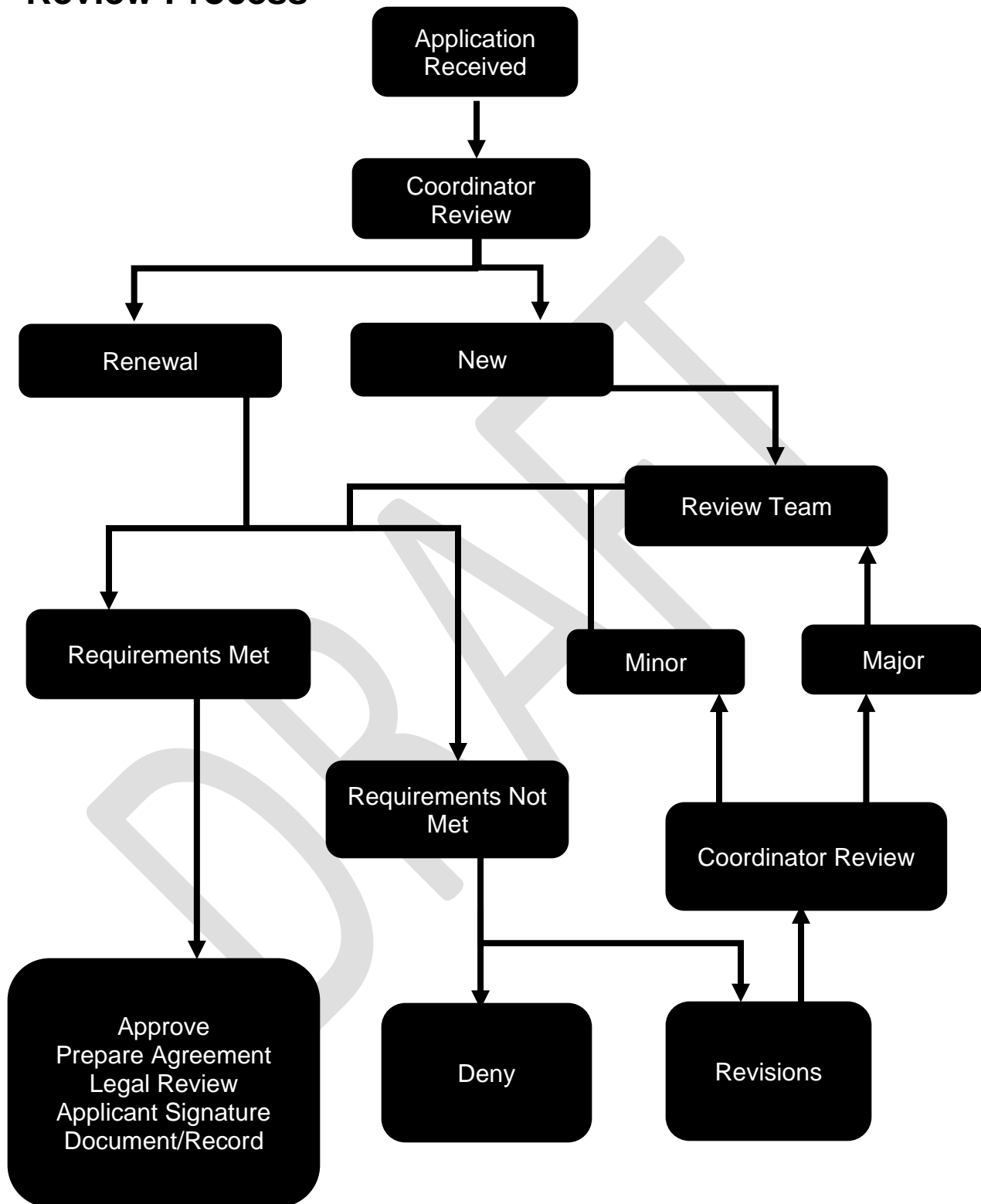
- Applies to all patios with a valid liquor license - **\$480.00**

NOTE: At their meeting on January 16, 2023, Council passed a motion directing:

“The Business License Fees and Patio Fees be waived for 2023 to support the City’s commitment to building and growing a diverse and resilient economy through providing financial support to businesses, urban regenerations and collaborative partnerships.”



# Review Process



## **2.0 OPERATIONAL REQUIREMENTS**

## Operational Requirements

### Location

The STCPatio must be directly adjacent to the applicant business. Extensions in front of neighbouring properties or units may be permitted with the written consent of the neighbouring property owner.

STCPatios within the municipal right of way, including on-street parking spaces and municipal property must be located on streets where there is existing on-street parking or surplus pavement width. If a patio is located within an on-street parking space, the patio is to have a maximum width of 1.83 metres (6 ft) - which is narrower than a typical on-street parking stall.

STCPatios within the municipal right of way, including on-street parking spaces and municipal property must be at least one parking space away from an intersection or driveway, except where “bump outs” are found.

STCPatios must not be placed in front of a fire hydrant or within 2m (6.56ft) of a hydrant or fire connection, designated loading zone, or in designated accessible parking spaces.

STCPatios should not obstruct surface drainage or access to public utility equipment such as Bell/cable boxes, pedestals, vaults, utility hole / hand hole covers, Bell/hydro poles. City equipment such as pay & display machines, traffic signal poles, street light standards, traffic sign poles, hand hole covers, sewer drains & covers, fire hydrants, benches, bike racks, waste receptacles, etc. cannot be obstructed. City owned trees can be located within a STCPatio.

Locations that have higher pedestrian volumes and low vehicle operating speeds are preferred. The City will evaluate any candidate site for potential traffic and safety impacts and required site improvements. If a location is determined to have traffic and/or safety concerns, this could negate the use of the space – this would be solely at the discretion of the City of St. Catharines.

Each application will be reviewed for impacts to surrounding businesses and residences. The City will evaluate any candidate site for proximity to residential neighbourhoods, historical experience or other concerns. If concerns arise or are flagged staff will work with the applicant to attempt to find a solution that minimizes impacts to surrounding community. The interpretation of concerns and issues is at the sole discretion of the City of St. Catharines.

### Permission

If the proposed STCPatio operator leases their bar/café/restaurant establishment, they must obtain written permission from the owner of the building/property in order to ensure consent and alignment between parties.

If the STCPatio operator wishes to utilize municipal property a licencing agreement with the City of St. Catharines must be obtained. This agreement will set out the applicants obligations and conditions of operation.

STCPatios may be installed and operated between April 1<sup>st</sup> and October 31<sup>st</sup> each calendar year during the term of the agreement. Patios are not permitted to operate more than 8 months of the year under AGCO requirements.

## Agreement

The establishment owner/patio operator is required to submit an application detailing plans of the proposed STCPatio to the City's Economic Development and Tourism Section. Applications must demonstrate compliance with the Design Guidelines included within this document.

STCPatio operators will be required to obtain approval and enter into a licensing agreement with the City of St. Catharines, which will set out their obligations and conditions of operation.

The license agreement with the City will reflect the Operational Requirements and Design Guidelines and requires payment of applicable fees as per the City's Schedule of Rates and Fees (fees waived for 2023). Additionally, provision of necessary liability insurance, maintenance of the premises, and any other matters which the Corporation deems necessary will be included within the agreement. Failure to comply with these conditions will result in termination of the agreement.

The STCPatio operator is required to enter into a license agreement for a term not to exceed one (1) year, and may be terminated by the City upon 30 days written notice.

## Insurance

If the STCPatio is to be located on the municipal right of way, including on-street parking spaces or municipal property (i.e. sidewalk, road allowance, boulevard, alleyway), the patio operator will provide and maintain evidence of at least \$5M in comprehensive liability insurance for property damage, personal injury and public liability on the lands, naming the Corporation of the City of St. Catharines.

A valid Certificate of Insurance must be written on the comprehensive basis and contain the following:

- Name of Insurer (the insurance company);
- Policy number and Term of Policy;
- Type of Policy: General Liability Policy containing public liability and property damage insurance including personal injury liability, blanket contractual liability,

non-owned automobile liability, products-completed operations and employers liability, with respect to the Licensed Area and the Permit Holder's use of the Licensed Area, with coverage including the activities and operations conducted by the Permit Holder and those for whom the Permit Holder is in law responsible and containing a severability of interests clause and cross-liability clause;

- Limit of Policy: \$5 million per occurrence;
- Named Insured (must be the Legal Name of Business that is listed on the Patio Application);
- Description of the Temporary Patio and activities to be insured;
- Dates of patio operation (include set up and take down dates);
- Location of Patio (i.e. road closure, list of all roads that are being used, alleyway, etc.);
- The Corporation of the City of St. Catharines, 50 Church Street, St. Catharines, ON, L2R 7C2 is added as an 'Additional Insured';
- A provision requiring that at least thirty (30) days' written notice be given to the City in the event that such insurance coverage is terminated or changed in any manner; and
- Signature of insurance provider or broker.

## Liability & Maintenance

STCPatio operators will be responsible for the installation and on-going maintenance of the patio which includes removal or storage of patio and furnishing outside of regular business hours and permitted patio operation season.

STCPatio operators shall ensure that their seasonal temporary commercial patios do not interfere with the free and safe passage of persons using the road allowance and shall always maintain the area and keep the abutting municipal property in a good and safe condition.

The STCPatio operator acknowledges that they have physical possession or care and control of the seasonal temporary commercial patio and the lands abutting. The STCPatio operator shall take such care as in all the circumstances of the case that is reasonable to see that persons entering on the premises, and the property brought on the premises by those persons are reasonably safe while on the premises.

The maintenance requirements shall include, but not be limited to: washing/sweeping the patio daily, watering all plants, and promptly removing any garbage or graffiti. Additionally, early or late in the patio season as weather dictates, the clearing of snow and ice, as well as salting or sanding the premises and the abutting land for the safe passage of persons entering the temporary patio.

The STCPatio operator and approved applicant agree to defend, indemnify and save harmless the City from and against all actions, causes of action, interest, claims, demands, costs, damages, expenses, or loss howsoever arising which the City or the

Establishment may bear, suffer or be put to by reason of any damage to property or injury or death to any person as a result of the temporary patio.

## Business Licence

All participating establishments must have a Refreshment Stand/Restaurant Business License in good standing as per the requirement outlined in City of St. Catharines By-law 2005-318 respecting the issuing of business licenses.

## Liquor Licence

Business owners that wish to serve alcohol on their STCPatio must ensure that they have a valid liquor license issued by the Alcohol and Gaming Commission of Ontario (AGCO) at the time of application to the City of St. Catharines.

In November 2022, the AGCO amended Regulation 746/21 under the *Liquor Licence and Control Act*, 2019 establishing a new framework for temporary outdoor physical extensions (temporary patios), which takes effect January 1, 2023. These changes impact liquor sales licence holders and manufacturer by-the glass endorsement holders.

In order to obtain permission to sell alcohol on a temporary patio, liquor sales licensees and manufacturers that hold a by-the-glass endorsement will require municipal approval. Upon obtaining approval from the municipality, liquor license sales licensees and manufacturers that hold by-the-glass endorsements will be required to notify the AGCO by making a submission on the iAGCO portal before selling or serving liquor on temporary patios.

In addition to these new requirements, temporary patios may only operate for a maximum of eight months per calendar year.

The AGCO will no longer accept applications or otherwise approve temporary patios for licensees located in municipalities, requests will be facilitated through the STCPatio Program process.

## Capacity

The STCPatio approval shall not change the existing occupancy load of the food or beverage establishment as set out in the AGCO approval. The Planning and Building Division will not set a new occupant load for a temporary commercial patio. Based on the intent of the program, there is no ability to alter the existing occupant load of the buildings and applications that do not adhere to this will not be considered for approval.

## Zoning Compliance

All patio applications under the STCPatio Program must meet applicable requirements outlined in the [City of St. Catharines Comprehensive Zoning By-law 2013-283](#). As per this by-law, patios would be permitted on properties that are zoned: Agricultural, Commercial, Employment and Mixed Use.

## Patio Site Plan Review

A STCPatio on municipal or private property will require Patio Site Plan drawings to be submitted with the application and reviewed through the City's Planning Department.

Patio Site Plan drawings should include the following:

- Drawings to scale, with dimensions in metric units
- Municipal address included, all streets labelled
- Location of property boundaries identified
- All existing and proposed structures shown (including tents and awnings)
- Size of proposed outdoor seating area and capacity identified
- Location of all city infrastructure / equipment such as pay & display machines, traffic signal poles, street light standards, traffic sign poles, hand hole covers, sewer drains & covers, benches, bike racks, waste receptacles, etc. The location of all public utility equipment such as Bell/cable boxes, pedestals, vaults, utility hole / hand hole covers, Bell/hydro poles, etc. must also be included.
- Location of any patio and building entrances and their widths (i.e. doors, gates) indicated
- Accessible pathway (sidewalk, entrance access) identified
- If any fencing or barriers are proposed, identify the proposed location, type of barrier and height of barrier
- Location of any fire department connection

## Noise and Sound Amplification

Although the STCPatio may be approved, it does not permit outside amplified music / sound. Each temporary patio must remain in compliance with the City of St. Catharines By-law to Regulate Noise ([95-198](#)) and the corresponding amendment ([2015-60](#)).

The By-law to Regulate Noise (95-198) would continue to be in place and would not be unprecedented by participants in the Temporary Commercial Patio program. According to Section 3 (1):



The following noises are, in the opinion of the Council of the Corporation of the City of St. Catharines, likely to disturb the inhabitants of the City of St. Catharines when the sounds occur during the times set below:

- (a) The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers and intended for the production, reproduction or amplification of sound between 23:00 hours one day and 07:00 hours the next day, such that the sound amplified by the device or devices is clearly audible within a residential unit with the windows closed, other than the one in which the device or devices is located.
- (b) That the operation of any electronic device or group of electronic devices incorporating one or more loud speakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound in a public place such that the sound amplified by the device or devices is clearly audible within a residential unit with the windows closed, between 23:00 hours one day and 07:00 hours the next day.
- (c) The operation of any auditory signalling device including but not limited to the ringing of bells or gongs or the blowing of horns or sirens or whistles or the production, reproduction or amplification of any similar sounds by electronic means between 23:00 hours one day and 07:00 hours the next day except where required or authorized by law or in accordance with good safety practices;
- (d) Yelling, shouting, hooting, whistling, singing or the playing of musical instruments in such a manner as to make a sound clearly audible within a residential unit, or, in the case of yelling, shouting, hooting, whistling, singing or the playing of musical instructions which takes place within a residential unit such that the
- (e) sound generated by the yelling, shouting, hooting, whistling, singing or the playing of musical instruments is clearly audible within a residential unit with the windows closed, other than the one in which the sound originates, between 23:00 hours one day and 7:00 hours the next day;

## **3.0 DESIGN GUIDELINES**

## Design Guidelines

### Use of Municipal Right of Way

Applications for patios within the municipal right of way must comply with the Ontario Traffic Council's Restaurant Patio Guidelines within the Right of Way (April 2022). Requirements for safety equipment and measures as outlined in this document are the responsibility of the applicant as part of the application submission. The City will not be providing safety barriers to applicants under the STCPatio program.

### Clearway

An unobstructed pedestrian clearway with a minimum width of 2 metres (6.56 feet) shall be maintained at all times as a throughway or to pass by the STCPatio, between the patio and the building or any physical obstructions.

An unobstructed right-of-way of 2m (6.56 ft) should be maintained between the STCPatio and the curb or roadway any other physical obstructions such as a street light, traffic signal or sign pole, tree, fire hydrants, bus shelters, waste receptacles, street furniture or utility pedestals, vaults and/or poles.

No STCPatio may obstruct a fire hydrant, fire route, fire department connection, or emergency exit nor pose any other safety risk.

The STCPatio area must be compliant with [Accessibility for Ontarians with Disabilities Act \(AODA\)](#) standards and cannot obstruct an accessible travel path. There must also be an accessible travel path from the patio to an accessible washroom where the establishment is barrier free.

If an STCPatio is located within any private parking area, there should be no staff or patrons crossing any roadways or parking spaces between the business and patio area.

The sidewalk patio operation will generally be confined to an area immediately adjacent to the street curb/main use building.

### Accessibility

Establishment operators that apply to STCPatio Program are to ensure their patio design, operation and construction aligns with the Accessibility for Ontarians with Disabilities Act (AODA) where applicable and already barrier free.

Each STCPatio operator is responsible for ensuring compliancy with the [Accessibility for Ontarians with Disabilities Act \(AODA\)](#).

STCPatios must be semi-permanent, meaning the configuration does not change on a daily basis.

STCPatios must have at least one opening with a minimum width of 1.1 metre (3.5 feet) to a maximum of 2 metres (6.56 feet) wide. Entrances must be located so as not to interfere with access to adjoining properties.

Gated entrances to patios may be considered on a site-specific basis and should open outwards from a patio without interfering with City sidewalks, accessible travel paths, or traffic lanes.

The patio area shall be wheelchair accessible. This may require the patio operator to design the patio and construct at grade or install a ramp for patrons to navigate curbs.

## Perimeter Fence

The limits of a licensed patio must be distinguishable. Suitable boundaries include decorative fencing, panels, planters, rope, or other options that may be reviewed and approved by staff. The use of chain link fencing is not permitted. Perimeter fencing is to be portable, to insure for easy removal for the “off” season. To be stored off-site when not in use.

Perimeter fencing shall not obstruct vehicular or pedestrian sightlines. The fencing shall not block access to neighbouring properties.

Fence posts shall be free-standing with fence posts supported on removable plates. The plates shall not extend beyond the perimeter of the fence or pose any hazard to pedestrians.

Perimeter fencing shall be placed so as not to obstruct adequate pedestrian access and public passage between the STCPatio area and any street or laneway, or any physical obstructions such as trees, utility poles, fire hydrants, bus shelters, waste receptacles, street furniture, and the like.

Perimeter barriers shall have a height of minimum 1.06 metres (3.5 feet) to a maximum 1.2 metres (4 feet). These height limitations include all planters, signage, barriers, etc.

If the STCPatio is located adjacent to a traffic lane, drive aisle, or active parking area, a perimeter barrier must be installed (at the expense of the applicant) a minimum 0.5 metres setback from vehicular activity.

If any part of the patio fencing is near the pedestrian clearway, the fencing must have a solid base, cane-detectable base (for someone using a white cane), spaced no more than 0.3m apart. Fencing near a sidewalk should also have a colour contrasted to the sidewalk to make it easily identifiable to pedestrians.

## Construction

The patio must have modular construction so that it can be easily installed and removed. It should be constructed of wood, composite decking or steel (or any combination of these materials).

Patios located on municipal roadways or in on-street parking spaces will be required to be constructed with a platform that should be flush with the sidewalk or curbside sidewalk patio as possible, while maintaining wheelchair access.

Platforms shall be designed and signed off by a licensed architect or engineer, who will confirm that the platform and fence are sturdy will be able to withstand the anticipated lateral loads. This requirement applies to parking lane or patios on a municipal roadway only.

Posts, signs and other features may not be secured to City sidewalk by use of screws, nails, or other fasteners that pierce or damage the surface of the concrete, unless approved by Municipal Works staff at time of application review.

The platform shall be designed so as not to obstruct surface drainage and will include maintenance hatches to any catch basins or other services underneath the platform.

The applicant must demonstrate deck and/or ramp supports that provide for a minimum separation of 0.45 m from the curb face.

The designer shall utilize only high quality, durable and attractive materials, which will substantially enhance the quality and attractiveness of the street.

The City may require additional road safety measures to be installed. This will be at the expense of the approved applicant.

## Patio Surface

Shall be the same elevation as the adjacent sidewalk.

Constructed of durable, easily maintained material such as wood or composite decking, concrete or interlocking pavers.

Outdoor carpeting is permitted.



## Furniture

Contained entirely within patio area and be easily movable. Benches and bike racks may, however, be permanently built into the platform.

Aerial awnings and umbrellas to be constructed of a flame retardant material.

Aerial awnings and umbrellas shall not project beyond the perimeter fence and shall maintain a vertical clearance of at least 2.1 m (7 ft) above patio floor in pedestrian aisles.

Umbrellas shall not encroach into the roadway or sidewalk or interfere with vehicle or pedestrian sightlines. A minimum 0.5m setback is required.

## Lighting

Lighting, other than that affixed to the building must be removable, and directed toward the patio, so as not to cause any undue glare or interference with use of the abutting properties or the public thoroughfare.

Lighting shall conform to applicable Ontario Building Code Standards.

Lighting shall not be connected to City outlets or power sources unless approved by City Staff.

Electrical power cords or any other devices that cross the travelled portion of the right of way are not permitted.

## Landscape Material

While planters and baskets are encouraged, landscaping may not encroach into any traffic lane or accessible travel path. These must be contained within the approved outdoor patio area size.

Perimeter landscaping is encouraged, but should be of a temporary, removable nature.

Landscaping will most commonly be provided through wood or metal perimeter planter boxes, but alternative approaches may be considered.

Each platform will also include vertical elements (i.e. planters, umbrellas) to improve visibility for vehicles.

## Signage

All signage must be contained within the area of the approved patio. Signage shall not be placed in the City sidewalk or roadway.

Signage shall not be affixed to the patio perimeter fencing.

## Heaters

Portable heating devices, including fueled heating appliances like propane patio heaters, are permitted as long as they:

- Meet federal and provincial safety requirements
- Are installed and stored in accordance with the manufacturer's instructions
- Are removed from public property (i.e. sidewalks or on-street parking spaces) when the patio is not in use

For more information, refer to the [Technical Standards and Safety Authority Guidelines](#) for safe use of heaters on outdoor patios.

## Portable Heating Device

If installing a portable heating device, it must:

- Be certified by CSA / ULC
- Meet the requirements of TSSA Act 2000<sup>2</sup>
- Be designed for outdoor use only
- Have an anti-tilt feature that automatically shuts off the heater
- Be free-standing, with a minimum height of 160 cm
- Table-top heating appliances are not permitted



Portable heaters can be installed in the following locations on the temporary patio:

- On a non-combustible solid surface (i.e. not on grass or uneven sidewalk)
- Out of the wind
- With a minimum of one-metre clearance from the base of the unit to any combustible material

Do not install portable heaters in the following locations:

- Under fire escapes
- Within a means of egress or adjacent to an exit
- Underneath a combustible structure (i.e. canopies, awnings, tents, wood framework)
- Beside or obstructing firefighting equipment like fire hydrants or Siamese connections
- Near or attached to trees, utilities or other street elements
- No electrical wires should be placed on the pedestrian walkways

## Fuelled Heating Appliance

If installing a fueled heating appliance:

- Do not store it outdoors
- Have a maximum of one day's supply of propane on site
- Have a propane tank that does not exceed a single nine-kilogram tank (approximately 10 hours of operation)
- Do not move it while the flame is open; ensure the gas supply is properly shut off and the unit is cool before relocating
- Follow all manufacturer safety requirements for the safe transportation, operation and storage of fuel

## Open Air Burning and Cooking

Open air fires and open-air cooking fires are prohibited on temporary commercial patios. This includes fire pits, wood fired appliances or any similar device.

Natural gas or propane cooking appliances can be used and must meet the following regulations:

- Designed for outdoor use and must meet all applicable requirements of the [Technical Standards and Safety Authority](#)

- Must have a minimum three-metres clearance from combustibles and building openings
- One fire extinguisher with a minimum of a 2A10BC rating must be provided
- Propane tanks shall not be stored inside a building, on a roof, under, on, or within three metres of any window, air intake, fire-escape, stairway, ramp, or door used as a means of egress from a building

All fire safety requirements are subject to inspection and approval from the St.

## Tents

### All Tents

- Smoking and open flame devices (i.e. propane heaters) shall not be used under any tent
- Shall not project into or within 0.5 m of any live traffic lane
- Shall not obstruct vehicle or pedestrian sight lines
  - Be mindful of adjacent traffic lanes and on-street parking
  - Positioning of tents subject to review by the City for the purposes of evaluating potential impact
- Shall not be enclosed.
  - A minimum 2 sides shall remain open, otherwise the area will be considered interior space.
- The tent will be required to be designed to handle area snow loads as per the Ontario Building Code.
  - the Province recently introduced new sentence 4.1.6.14 into the Ontario Building Code for tents stating that: "Snow removal by mechanical, thermal, manual or other means shall not be used as a rationale to reduce design snow loads."

### Maximum Requirements for Tents

- STCPatios are temporary in nature and will not be approved with any elements that require a building permit

Tents must NOT be:

- more than 60 m<sup>2</sup> in aggregate ground area (645 sq. ft.),
  - tents installed side-by-side or multiple tents on the same property are considered one tent and their aggregate areas are used
- attached to a building, and/or
- constructed less than 3m from other structures and less than a 3m setback from the property line

## **4.0 IMPLEMENTATION**

## Installation

Once approval is received from the City and a counter-signed Legal Agreement is executed AND permission (if applicable) is received in writing from the AGCO, the patio may be constructed and installed in accordance with the approval.

Ensure access is maintained to all entrances, fire department connections, fire hydrants, utilities and the pedestrian clearway is maintained on all sidewalks and pedestrian paths.

## Maintenance

STCPatio operators will be responsible for the installation and on-going maintenance of the patio which includes removal and storage of patio or furnishings outside of regular business hours and in the winter months.

STCPatio operators shall ensure that their temporary patios do not interfere with the free and safe passage of persons and shall at all times maintain the area, and the abutting municipal property in a good and safe condition

## Modification

STCPatio operators will be required to contact the City to discuss proposed modification to an approved temporary commercial patio and revised submissions must be provided in writing. Amendments to approved STCPatios may be considered, provided there is demonstrated compliance with the guidelines.

## Renewal

If a STCPatio approval has an expiration date it will be clearly identified within the approval documentation (normally October 31<sup>st</sup> annually). It is the responsibility of the operator to submit an application for renewal of an approved patio in subsequent years in order to continue operation.

## Enforcement

City staff from the various review departments may conduct site inspections at any time to confirm a patio is operating in accordance with the issued approvals.

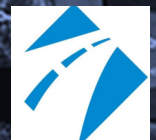
If a patio is found to be operating without the necessary approvals or in contravention of the countersigned legal agreement or issued approval, staff will issue a letter to the operator, notifying them of the requirements and providing the operator an opportunity to comply.



# Ontario Traffic Council

## Restaurant Patio Guidelines within the Right of Way

April 2022



**Ontario Traffic Council**

# **Restaurant Patio Guidelines within the Right of Way**

Thursday, April 21, 2022

B001463

**CIMA+**

500-5935 Airport Road  
Mississauga, ON L4V 1W5  
**T** 905 695 1005 **F** 905 695 0525  
cima.ca

**Contact**

Jeffrey Suggett  
Jeffrey.Suggett@cima.ca  
**T** 289 288-0287, 6820



Engineering for **people**

## **Ontario Traffic Council**

### **Guidelines**

#### **Ontario Traffic Council Restaurant Patio Guidelines within the Right of Way**

**Project No. B001463**

**Prepared by:**        **Jeffrey Suggett, M. Sc.**  
                              **Jike Wang, EIT., B. Sc.**

**Verified by:**        **Ali Hadayeghi, P.Eng., Ph.D.**



## Table of Contents

<b>Acknowledgements.....</b>	<b>1</b>
<b>1 Definitions .....</b>	<b>3</b>
<b>2 Purpose and Background .....</b>	<b>5</b>
2.1 Purpose.....	5
2.2 Background .....	5
<b>3 Location Feasibility .....</b>	<b>6</b>
3.1 Location Requirements .....	8
3.2 Other Requirements.....	9
<b>4 Classifications .....</b>	<b>10</b>
4.1.1 Sidewalk/Boulevard Patio .....	10
4.1.1.1 Frontage Patio (Along the Building).....	11
4.1.1.2 Curbside Patio (Along the Curb).....	12
4.1.1.3 Alleyway Patio .....	13
4.1.1.4 Corner Patio .....	14
4.1.2 Curb Lane Patios .....	15
4.1.2.1 Patios in an On-Street Parking Space or Curb Lane .....	15
4.1.2.2 Boulevard and On-Street Combination .....	17
4.1.3 Frontage Patio with Pedestrian Clearway .....	19
<b>5 Physical Safety Considerations .....</b>	<b>20</b>
5.1 Patio User Safety .....	20
5.1.1 Roadside Barriers .....	20
5.1.2 Fire Prevention.....	22
5.1.2.1 Fire Hydrants, Connections, and Route.....	22
5.1.2.2 Emergency Access .....	22
5.1.2.3 Use of Heating Appliances .....	23
5.1.2.4 Other Requirements from Ontario Fire Code (OFC).....	23
5.1.3 Health .....	23

## OTC Restaurant Patio Guidelines within the Right of Way

5.2	Road User Safety .....	23
5.2.1	Temporary Signage & Traffic Control Devices .....	23
5.2.2	Cycle Lane Considerations .....	26
5.2.3	Sightlines .....	27
<b>6</b>	<b>Engineering Considerations .....</b>	<b>28</b>
6.1	Seasonal Use .....	28
6.2	Occupying Parking Lane / Curb Lane .....	28
6.2.1.1	Installing Patios .....	28
6.2.1.2	Shared Parking Spaces .....	28
6.3	Patio Design and Operations .....	29
6.3.1	Capacity .....	29
6.3.2	Patio Platform .....	29
6.3.3	Fencing .....	30
6.3.4	Planting .....	31
6.3.5	Furniture .....	31
6.3.6	Sources of Shade .....	31
6.3.6.1	Awnings .....	31
6.3.6.2	Umbrellas and Canopies .....	32
6.3.6.3	Tents .....	32
6.3.7	Lighting .....	32
6.3.8	Commercial Signage .....	33
6.3.9	Alcohol Serving .....	33
6.3.10	Smoking/Vaping .....	33
6.3.11	Waste Collection .....	33
6.3.12	Noise .....	34
6.3.13	Maintenance .....	34
<b>7</b>	<b>Accessibility .....</b>	<b>35</b>
7.1	Accessible Routes .....	35
7.2	Accessible Ramps .....	35

7.3	Accessible Seating.....	37
<b>8</b>	<b>Liability .....</b>	<b>38</b>
8.1	Insurance Requirements .....	38
8.2	Indemnification .....	38
<b>9</b>	<b>Communications.....</b>	<b>39</b>
9.1	Application Process.....	39
9.2	Patio Application Form Examples .....	40
<b>10</b>	<b>Funding .....</b>	<b>41</b>

## List of Tables

Table 1 – Patios Occupying Parking Lane (Roadside Protection Requirements).....	21
Table 2 – Patios Occupying Curb Lane (Roadside Protection Requirements) .....	21
Table 3 – Patios Occupying a Parking Lane (Signs and Delineation) .....	26
Table 4 – Patios Occupying a Curb Lane (Signs and Delineation).....	26

## List of Figures

Figure 1 – Flow Chart for Determining Roadside Protection, Temporary Signage and Delineation .....	7
Figure 2 – Frontage Patio.....	11
Figure 3 – Curbside Patio.....	12
Figure 4 – Alleyway Patio.....	13
Figure 5 – Corner Patio .....	14
Figure 6 – Patio in On-Street Parking Space .....	16
Figure 7 – Boulevard and On-Street Combination .....	18
Figure 8 – Frontage Patio with Pedestrian Clearway .....	19
Figure 9 – Typical Layout (Parking Lane Installation).....	24
Figure 10 – Typical Layout (Curb Lane Installation).....	25
Figure 11 – Rubber ramp .....	36

## **List of Appendices**

**Appendix A: Roadside Protection and Temporary Signing Layouts**

**Appendix B: MASH Compliant Hardware**

**Appendix C: Sample Application Forms**

## Acknowledgements

The following Ontario Traffic Council committee members participated in the development of this document guidelines, and provided technical content (i.e., local policies, guidelines, bylaws, etc.) and expertise:

Dennis Lopes, Shannon Noonan	City of Cambridge
Joanne Starr, Brian Hollingworth, Julia Davis	City of Hamilton
Ian Semple	City of Kingston
Jordan Lee	City of Mississauga
Laureen DiNardo, Robert Robinson, Joshua Davis	City of Ottawa
Amy Olsen, Adam Pillon, Mike Taylor	City of Windsor
Heide Schlegl	Town of Milton
Christina Tizzard	Town of Oakville
Joe Coleman	Town of Bradford West Gwillimbury
Michael Stewart	CAA (South Central Ontario)

The following OTC members provided advisory technical and safety product information:

Derek O'Brien	Direct Traffic Management Inc.
Jesus Munoz	Ramudden Inc.
Shaine Moore	Safeguard Perimeter Inc.

## OTC Restaurant Patio Guidelines within the Right of Way

In addition, the following guidelines and standards were reviewed during the development process of this document, and some of their content and images were incorporated/adapted into this document:

- Sidewalk Patio Standards and Application, City of Belleville
- Temporary Private Patio Guidelines, City of Cambridge
- Temporary Sidewalk Patio Guidelines, City of Cambridge
- Temporary Seasonal Patio Program, City of Guelph
- Sidewalk Patio Standards and Application, City of London
- Application Process for Outdoor Patios, City of Mississauga
- Bylaw 5.40.5 – Seasonal Patios, City of Orillia
- Streetside Spots Standards, City of Ottawa
- Design and Operational Standards for Pop-up Patio Space, City of Port Colborne
- Sidewalk Patios Requirements & Guidelines, City of Sault Ste. Marie
- Guidelines for Temporary Patios During COVID-19, City of St. Catharines
- GuideCafé TO – Sidewalk Café Guidelines 2022, City of Toronto
- Café TO – Curb Lane Café Guidelines 2022, City of Toronto
- Sidewalk, Parklet & Curbside Café Guidelines, City of Windsor
- Seasonal Sidewalk Patios on Municipal Property Application Form, Municipality of Clarington
- Temporary Outdoor Patio Regulations, Town of Fort Erie
- COVID-19 Street Rebalancing Guide, Federation of Canadian Municipalities
- Patio Heater Safety Guidelines, Technical Standards and Safety Authority

# 1 Definitions

## **MASH**

This refers to the Manual for Assessing Safety Hardware. The Manual presents uniform guidelines for crash testing permanent and temporary road safety features.

## **May vs. Should vs. Must**

The word “may” is used when a requirement is recommended, but it is up to the discretion of the patio operator or the road authority.

The word “should” is used when a requirement is strongly recommended from a safety and/or accessibility aspect.

The word “must” is used when a requirement is mandatory.

## **Restaurant Patio**

Restaurant patio (patio) as referred to in this guide means a patio of a restaurant and/or alcohol establishment located on road authority’s right-of-way (i.e., sidewalk, on-street parking space, curb lane). Restaurant patios may be permanent, temporary or seasonal.

## **Patio Operator**

Patio operator means any business owner or property owner applying for a permit to operate a patio.

## **Pedestrian Clearway**

A pedestrian clearway is a designated clear pathway (1.8 metres minimum width) that is to be maintained through or around a patio.

## **Permanent Restaurant Patios**

Permanent restaurant patios in the context of these guidelines refers to a patio that is permanently installed within a road authority’s right-of-way. Permanent restaurant patios are not permitted to occupy a parking space or a curb lane.

## **Temporary Restaurant Patios**

Temporary in the context of these guidelines refers to a patio that is installed for a fixed period of time with a definite end date.



**Seasonal Restaurant Patios**

Seasonal restaurant patios in the context of these guidelines refers to a patio that is installed on a recurring basis in the spring, summer and fall months. In the winter months, the patio is removed from the road authority's right-of-way.

**Road Authority**

Road authority means a governmental agency having jurisdiction over public streets and highways. Road authority includes the department, any other provincial agency, Region, County, City, Town, or Township responsible for the construction, repair, and maintenance of streets and highways.

## 2 Purpose and Background

### 2.1 Purpose

The purpose of these guidelines is to provide road authorities with guidelines relating to patios within the public right-of-way (i.e., sidewalk, boulevard, on-street parking space, and curb lane). These guidelines do not cover situations where a temporary patio is being considered on private property, such as private roads and/or parking lots within a shopping mall or plaza.

These guidelines have been created for the benefit of those road authorities who have not developed their own guidelines and as a supplementary resource to those road authorities who have developed their guidelines but are seeking additional guidance on the topics outlined herein.

The intention of applying these guidelines is to ensure that universal accessibility, public safety and the streetscape experience are enhanced and not negatively impacted by the introduction of a patio within the road authorities' right-of-way.

### 2.2 Background

The impetus for these guidelines originated in 2020, when Ontario's Provincial Emergency Orders were implemented due to the COVID-19 pandemic limited restaurant dine-in service. During the pandemic, business owners' use of patios helped increase opportunities for added capacity while meeting physical distancing measures.

In many communities, the introduction of patios received positive feedback from both the businesses and the public, as they can activate the street, create a more vibrant urban environment, and bring more business opportunities. By providing opportunities for outdoor dining, the community, and businesses within it, patios within the right-of-way can encourage the use and enjoyment of the public realm. Therefore, many communities are planning to continue allowing patios within the right-of-way.

### 3 Location Feasibility

The following section provides guidance on provisions for patios within the right-of-way. Considerations are whether the patio and pedestrian clearway can be accommodated entirely off the roadway versus the requirement to have either the patio or the pedestrian clearway on the roadway, in the parking lane or the curb lane and the character of the road on which the patio is located, specifically, the number of lanes and the posted speed of the roadway. The flowchart presented in **Figure 1** on the following page presents the decision-making process to install a patio within the right-of-way. For options involving patio installations in a parking lane or a curb lane, traffic control plans indicating the level of containment/signing to protect pedestrians and/or restaurant patrons and staff are indicated. These traffic control plans are provided in **Appendix A**.

As patios located with a parking lane or a through lane are a temporary condition, they should be treated in a similar fashion to temporary road closures presented in Ontario Traffic Manual (OTM) Book 7. All typical layouts have been designed to meet or exceed guidelines as set out in OTM Book 7. Typical layout templates are similar to OTM Book 7 to promote uniformity of treatment in the design, application and operation of traffic control devices and systems across Ontario. Some devices have been altered or omitted from that of OTM Book 7 so that may be more applicable to the intent of this manual. Additional safety measures have been added to that of OTM Book 7 in the best interest of public safety. The design of the barriers and the suggested level of protection for each layout should be based on a risk assessment that is context sensitive (consideration of traffic volume, operating speeds and the potential for hostile intent that would cause damage or harm to restaurant patrons). **Road authorities are free to either enhance or remove elements from the patio layouts based on local traffic conditions and their engineering judgment.**

Where feasible, it is preferable to install a patio within the existing sidewalk/boulevard area to avoid using a parking lane or a curb lane on a roadway. If there is sufficient room to have a patio in the existing sidewalk/boulevard area and a pedestrian clearway (1.8 m) can also be accommodated within the existing sidewalk/boulevard area, there is no need for any traffic protection for the patio.

If there is insufficient room for both the patio and a pedestrian clearway off the roadway, it is preferable to divert pedestrians onto the roadway around the patio rather than keeping the pedestrian clearway on the existing sidewalk, given that they will have a far lower level of exposure to traffic as compared to restaurant patrons (who are seated at a table) and to a lesser extent the restaurant staff serving them. In either case, traffic protection must be provided.

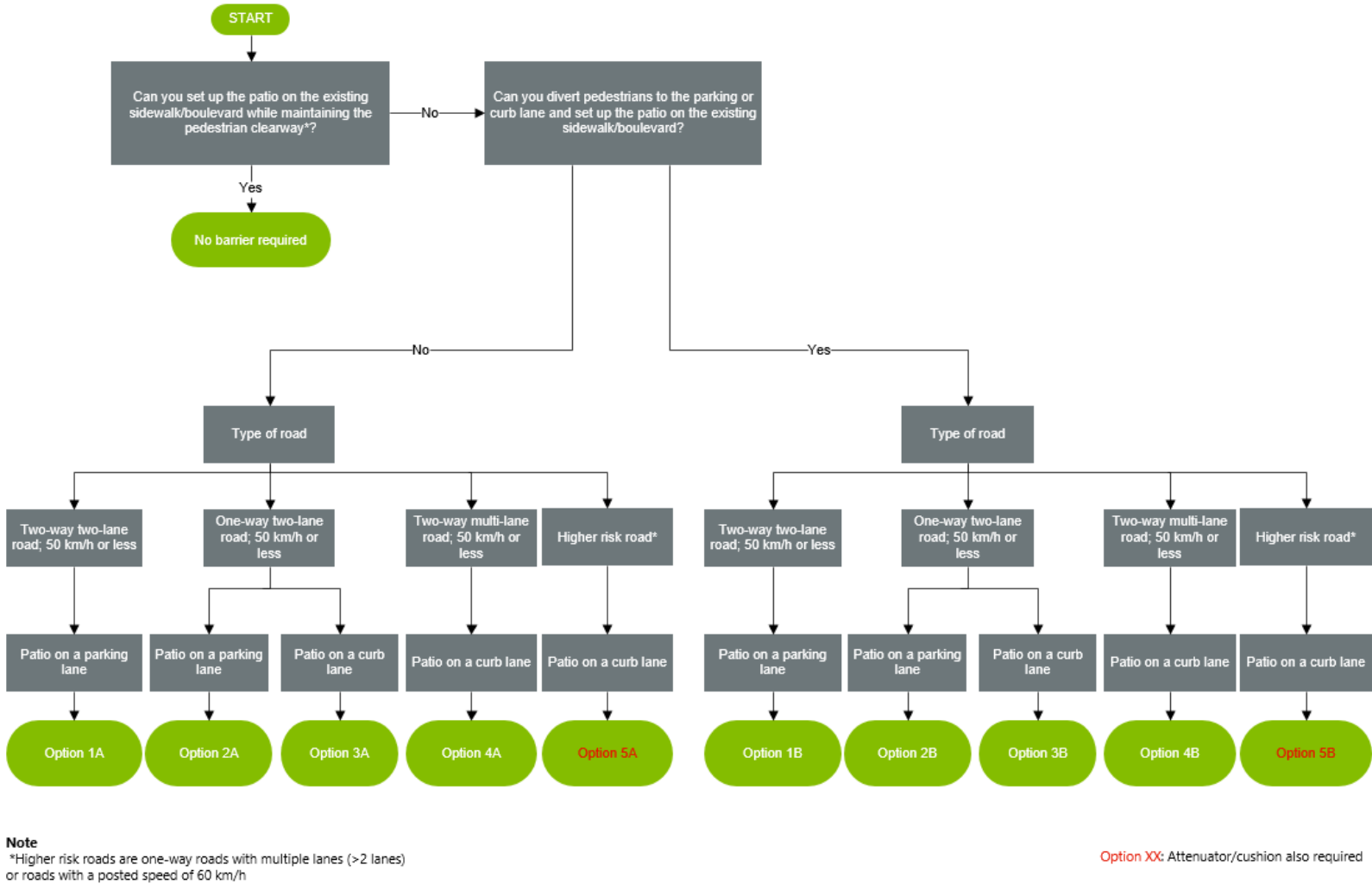


Figure 1 – Flow Chart for Determining Roadside Protection, Temporary Signing and Delineation

When it is not feasible to divert pedestrians onto the roadway around the patio, traffic control plans have been prepared for the following scenarios:

- Two-way two-lane road; 50 km/h or less (patio in a parking lane) – Option 1A
- One-way two-lane road; 50 km/h or less (patio in a parking lane and in a curb lane) – Option 2A and 3A
- Two-way multi-lane road; 50 km/h or less (patio in a curb lane) – Option 4A
- Higher risk road - One-way multi-lane road or roads posted 60 km/h (patio in a curb lane) – Option 5A

When it is feasible to divert pedestrians onto the roadway around the patio, traffic control plans have been prepared for the same scenarios:

- Two-way two-lane road; 50 km/h or less (patio in a parking lane) – Option 1B
- One-way two-lane road; 50 km/h or less (patio in a parking lane and in a curb lane) – Option 2B and 3B
- Two-way multi-lane road; 50 km/h or less (patio in a curb lane) – Option 4B
- Higher risk road - One-way multi-lane road or roads posted 60 km/h (patio in a curb lane) – Option 5B

Additional protection in the form of a crash cushion or attenuator is required when there is a higher risk of an errant vehicle striking the barrier at the leading end of the barrier protecting the patio, specifically one-way multi-lane roads or roads posted 60 km/h.

Patios must not be installed within a parking lane or a curb lane on roads with a posted speed greater than 60 km/h.

### **3.1 Location Requirements**

Patios within parking lanes or curb lanes that are installed near signalized or unsignalized intersections may be problematic due to the following issues:

- Visibility to a traffic signal or Stop sign may be impacted by the presence of the patio and/or barriers
- Removal of a lane increasing congestion at an intersection
- Drivers required to make a lane shifts immediately downstream of a signalized intersection and
- Sightlines for motorists on the crossing road of approaching traffic (visibility reduced due to patio and/or barriers)

Engineering judgement should be used in these situations to determine if the patio can be installed safely.

### **3.2 Other Requirements**

For patios near transit stops, a clear 15 metre length parallel to curb and 2 metre width perpendicular to curb from the bus stop pole must be maintained for the bus stop landing pad. Accessibility at bus stops must be maintained at all times, including curb space to deploy the ramp. This area must be free of furniture, planters, or fencing.

## 4 Classifications

This section outlines different types of patios that may be implemented within the public right-of-way, as follows:

- Sidewalk/boulevard patios
- Curb lane patios
- Frontage patios with walkway

Additional information on dimensions is presented in **Section 6** of these guidelines. For all patios, a pedestrian clearway of at least 1.8 metres wide needs to be maintained with 2.1 metres width considered ideal. At locations with high pedestrian volumes, a clearway width of 2.5 metres may be required.

### 4.1.1 Sidewalk/Boulevard Patio

Sidewalk/boulevard patios include the following options:

- Frontage patio (along the building)
- Curbside patio (along the curb)
- Alleyway patio
- Corner patio



#### 4.1.1.1 Frontage Patio (Along the Building)

This classification includes patios located immediately adjacent to the building but extending beyond the front property line into the public right-of-way, as shown in **Figure 2**.

Frontage patios are only permitted where a pedestrian clearway can be maintained:

- The pedestrian clearway must be clear from any obstacles (e.g., trees, light poles, bike rings, etc.)
- If a straight pedestrian clearway cannot be maintained, the pedestrian path deviation must be less than 20 degrees.

If the above requirements cannot be met, a curbside patio may be considered as an alternative option.

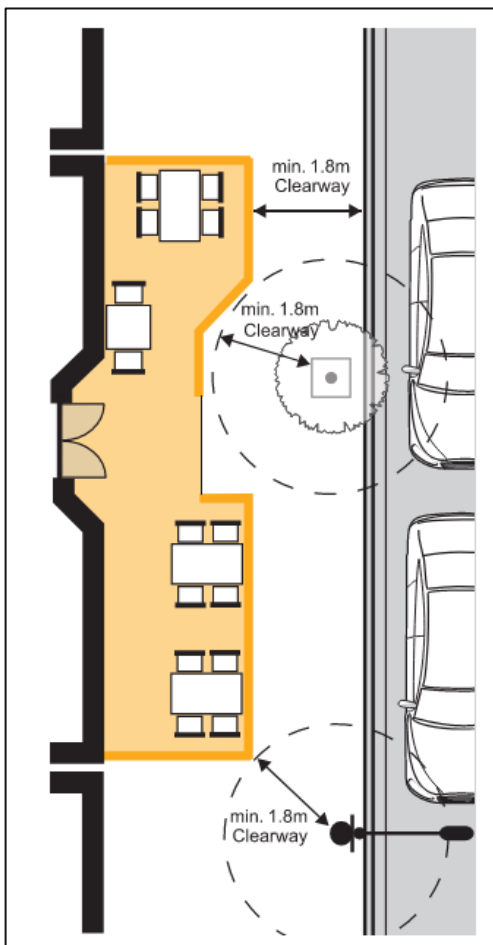


Figure 2 – Frontage Patio<sup>1</sup>

<sup>1</sup> Image credit: *Sidewalk Patio Standards and Application Process*, City of London, 2018

#### 4.1.1.2 Curbside Patio (Along the Curb)

When a frontage patio is not possible due to pedestrian clearway constraints, curbside patios may be considered, as shown in **Figure 3**.

Curbside patios are patios along the curb that are located on the exterior edge of the public right-of-way, with the clearway located between the building and the patio. This type of patio ensures the pedestrian clearway is maintained (see **Section 4.1.1.1**) while allowing the patio to be set up on the sidewalk with some streetscape elements (e.g., fire hydrant and light poles) incorporated into the patio. However, any fire hydrant must not be incorporated within the patio and requires a 1.8-metre buffer zone at all times.

Between the boundary of the patio and the curb, a minimum buffer of 0.5 metres must be provided.

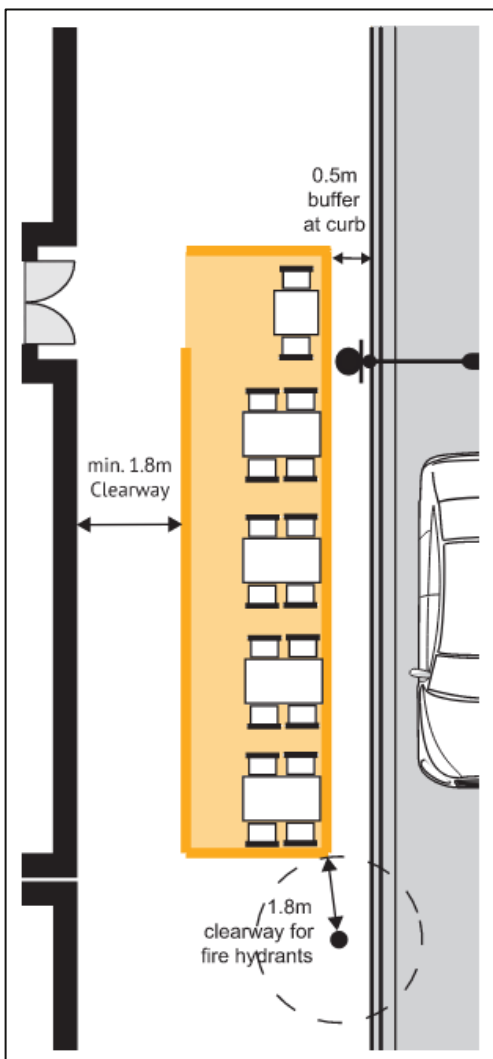


Figure 3 – Curbside Patio<sup>2</sup>

<sup>2</sup> Image credit: *Sidewalk Patio Standards and Application Process*, City of London, 2018

### 4.1.1.3 Alleyway Patio

Where there is a public alley between two buildings, a patio may be located in the space adjacent to the establishment, provided the proposed patio does not prevent vehicular access (or vehicular traffic has an alternate route available) as shown in **Figure 4**.

When setting up an alleyway patio, a pedestrian clearway must be maintained, and the clearway should be located between the outer edge of the patio and any neighbouring buildings. The road authority may wish to close the entire alleyway and provide signs detouring pedestrians around the patio.

The entrance to the patio should be located as close as possible to the entry of the associated establishment. This will provide ease of access for the patio operator to serve patrons.

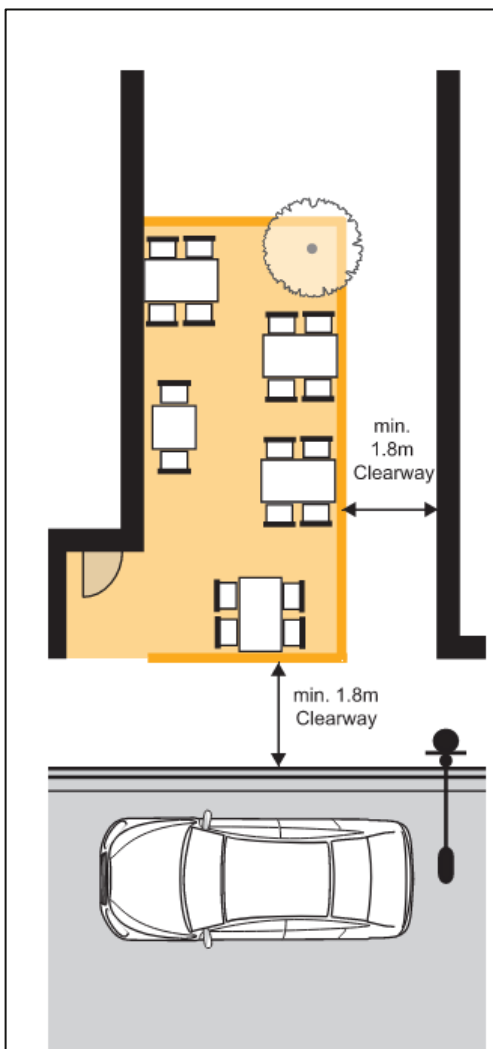


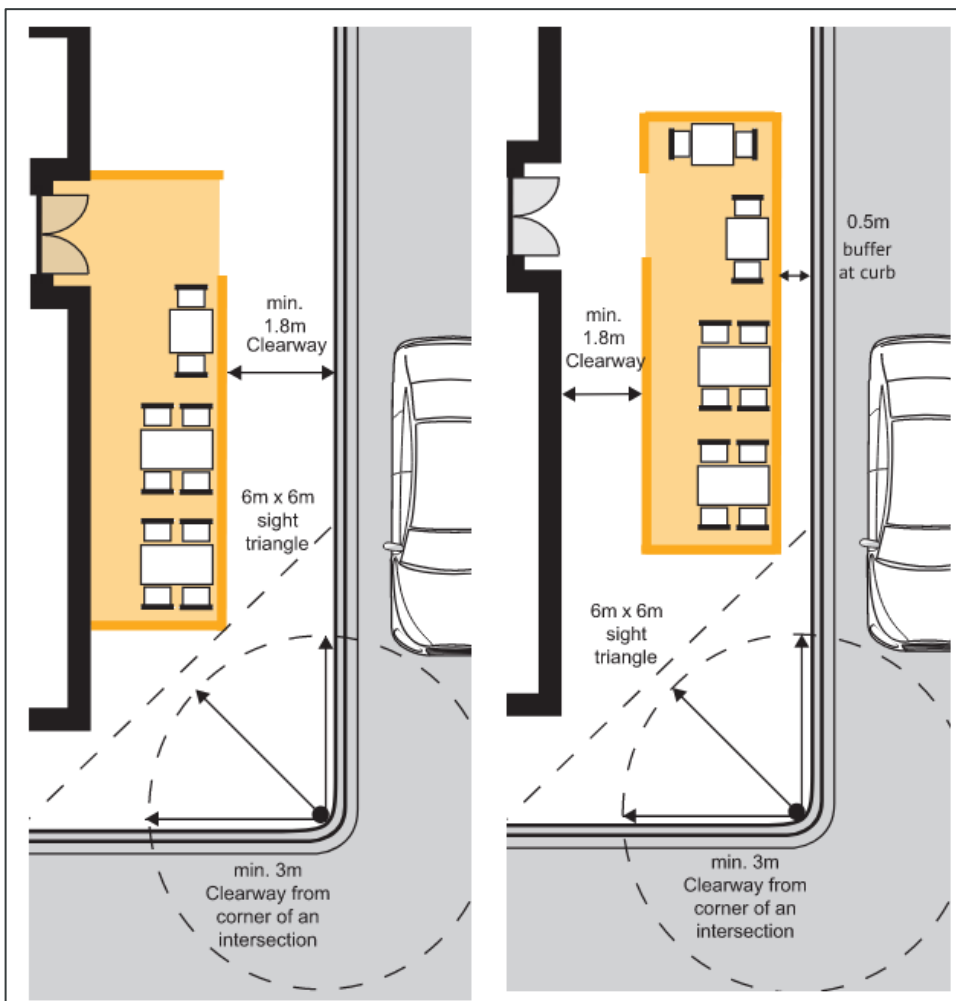
Figure 4 – Alleyway Patio<sup>3</sup>

<sup>3</sup> Image credit: *Sidewalk Patio Standards and Application Process*, City of London, 2018

#### 4.1.1.4 Corner Patio

An example of a corner patio is shown in **Figure 5**. Corner patios are similar to frontage patios and curbside patios; however, corner patios require special treatment to ensure the increased pedestrian volumes and traffic activity can be accommodated without interference:

- A minimum clearway of 3 metres must be provided from the corner of the intersection.
- A 6-metre x 6-metre sight triangle should be maintained where there is sufficient space.



**Figure 5 –  
Corner Patio<sup>4</sup>**

<sup>4</sup> Image credit: *Sidewalk Patio Standards and Application Process*, City of London, 2018

### 4.1.2 Curb Lane Patios

Where the public right-of-way is not large enough to support a patio on the sidewalk, patios may be located within an on-street parking space subject to an agreement with the road authority. Curb lane patios refer to those:

- In an on-street parking space or through lane
- Having a boulevard and on-street combination

Curb lane patios require some form of roadside protection, as outlined in **Section 3.0**. Refer to **Section 5.1** for further details on roadside protection requirements.

#### 4.1.2.1 Patios in an On-Street Parking Space or Curb Lane

**Figure 6** shows an example of a patio occupying an on-street parking space or a curb lane. Details on roadside protection (required for this patio) are shown in **Section 5.2**.

Ideally, patios located within an on-street parking space should be brought to the same height as the sidewalk using a platform. However, if platform cannot be provided, accessible ramps must be provided. See **Section 7.2** for detailed requirements on accessible ramps.

Patios in on-street parking spaces may only occupy complete spaces and shall have a minimum of 4 metres of the parking space or through lane located directly in front of the associated establishment.

OTC Restaurant Patio Guidelines within the Right of Way

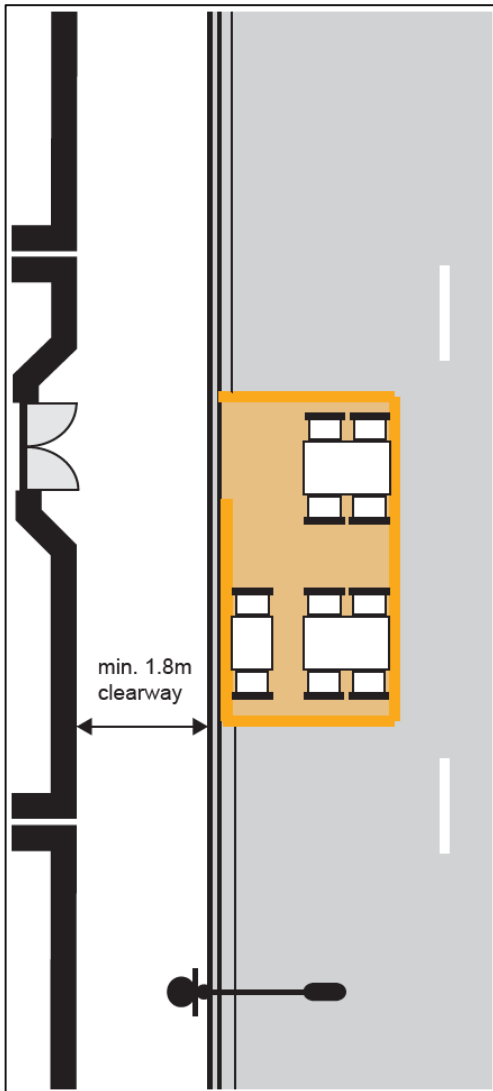


Figure 6 – Patio in On-Street Parking Space<sup>5</sup>

**Note:** Roadside protection details not shown.

<sup>5</sup> Image credit: *Sidewalk Patio Standards and Application Process*, City of London, 2018

#### 4.1.2.2 Boulevard and On-Street Combination

To create a larger patio, it may be suitable in some cases to combine a patio in the boulevard with a patio in an on-street parking space. The combined, enlarged space will act as one patio. **Figure 7** shows an example of a patio occupying a portion of a boulevard and a through lane or parking lane (on-street).

The pedestrian clearway shall be located between the interior boundary of the patio and the associated building.

The use of an on-street parking space may be subject to an agreement with the road authority.

The portion within the on-street parking space must be brought to the same height as the public right-of-way. A level transition between the two portions must be provided.



OTC Restaurant Patio Guidelines within the Right of Way

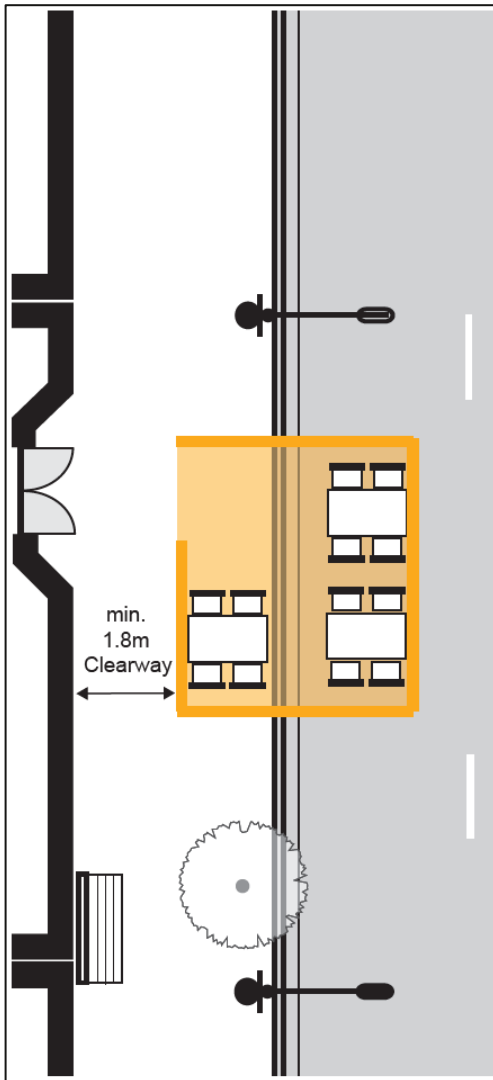


Figure 7 – Boulevard and On-Street Combination<sup>6</sup>

**Note:** Roadside protection details not shown.

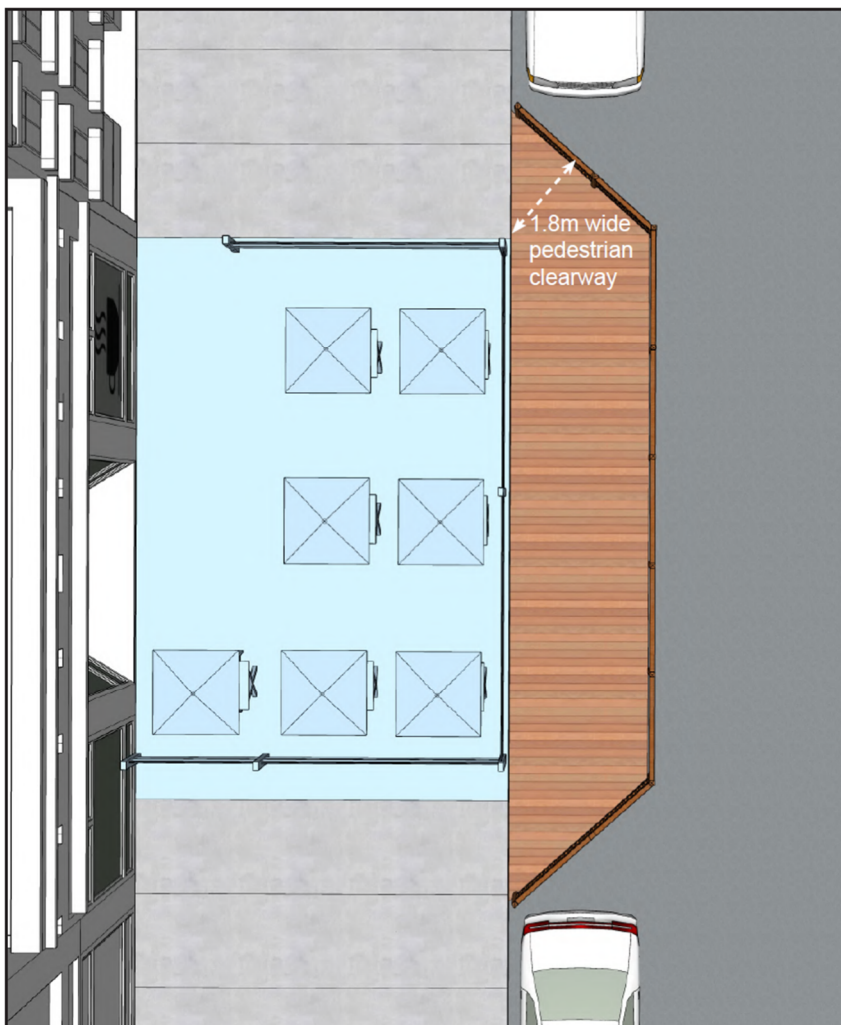
<sup>6</sup> Image credit: *Sidewalk Patio Standards and Application Process*, City of London, 2018

### 4.1.3 Frontage Patio with Pedestrian Clearway

**Figure 8** shows an example of a patio occupying the entire boulevard with the pedestrian clearway being provided on-street.

Where the public right-of-way is not large enough to support a patio on the sidewalk while maintaining the pedestrian clearway, the pedestrian traffic may be diverted to the curb lane subject to an agreement with the road authority, and the following requirements must be met:

- A platform must be provided to bring the curb lane to the same height as the sidewalk
- When diverting the pedestrian clearway, the pedestrian clearway's deviation must be less than 20 degrees



**Figure 8 – Frontage Patio with Pedestrian Clearway<sup>7</sup>**

**Note:** Roadside protection details not shown.

<sup>7</sup> Image credit: *Sidewalk Patios Requirements & Guidelines*, City of Sault Ste. Marie, 2020

## 5 Physical Safety Considerations

The following section outlines physical safety considerations as they relate to restaurant patios, specifically:

- Patio user safety, including roadside barriers and reflectors, fire prevention and health concerns
- Road user safety including temporary signage, traffic control devices, cycle lanes and sightlines

### 5.1 Patio User Safety

The following section addresses patio user safety related to the use of roadside barriers, reflectors, fire prevention and health concerns.

#### 5.1.1 Roadside Barriers

For all patios occupying either a parking lane or a curb lane on a roadway or where a pedestrian pathway has been diverted onto the roadway (**Section 4.1.2** and **4.1.3**), a roadside barrier (along with a crash cushion or attenuator in some situations) must be installed to mitigate the risk of an errant vehicle striking either a pedestrian, restaurant patrons seated at tables or restaurant staff serving patrons. The roadside barrier, crash cushion and attenuator must be compliant with MASH (Manual for Assessing Safety Hardware)<sup>8</sup> standards for some of the layouts presented. Further information on products that are MASH compliant are presented in **Appendix B**.

All barriers installed in parking or curb lanes shall be equipped with an appropriate amount of retroreflective material to provide adequate daytime and night-time visibility.

**Table 1** and **Table 2** show the required roadside protection (attenuators/cushions and barriers) for different roads and posted speeds for patios occupying the right lane (through lane) and patios occupying a parking lane. The roadside protection requirements are in accordance with *Ontario Traffic Manual Book 7: Temporary Conditions*, a manual that identifies layouts for temporary conditions in which a portion of the roadway is temporarily closed, reflecting different levels of risk. The following is noted:

- Higher risk roads - An attenuator or a crash cushion is required on one-way multi-lane roadways where the patio is occupying the curb lane (TL-1 MASH tested) or for roads with a posted speed of 60 km/h (TL-2 MASH tested); and

<sup>8</sup> *Manual for Assessing Safety Hardware (MASH)*, American Association of Highway and Transportation Officials, 2016

## OTC Restaurant Patio Guidelines within the Right of Way

- Barriers are required in most situations, with more robust containment required for patios occupying a curb lane (as opposed to a parking lane), for one-way roads with multiple lanes and roads posted 60 km/h.

**Table 1 – Patios Occupying Parking Lane (Roadside Protection Requirements)**

Characteristics	Typical Layout	Attenuators and Cushions	Barriers
Two-way two-lane road; 50 km/h or less	Options 1A and 1B	No requirement	TL-1 MASH tested
One-way two-lane road; 50 km/h or less	Options 2A and 2B	No requirement	2A – No barrier required 2B – Any type of barrier required.

**Table 2 – Patios Occupying Curb Lane (Roadside Protection Requirements)**

Characteristics	Typical Layout	Attenuators and Cushions	Barriers
One-way two-lane road; 50 km/h or less	Options 3A and 3B	No requirement	TL-1 MASH tested
Two-way multi-lane road; 50 km/h or less	Options 4A and 4B	No requirement	TL-1 MASH tested
Higher risk road (One-way multi-lane road with patio in curb lane or road posted 60 km/h)	Options 5A and 5B	TL-2 MASH tested	Concrete barrier wall

As noted earlier, **Appendix A** contains a set of typical layouts for patios in accordance with *Ontario Traffic Manual 7: Temporary Conditions*. All of the patio layouts are designed to meet or exceed these guidelines and are based on layouts presented in the manual with minor alterations. The leading edge of the barriers is to be placed on an angle 25 – 45 degrees to protect patrons and restaurant employees from a lateral impact.

The following layouts are presented:

**50 km/h speed zone**

- Option 1A – Two-lane two-way road with patio in parking lane
- Option 1B – Two-lane two-way road with patio in parking lane; pedestrians diverted onto roadway
- Option 2A – One-way road with patio in parking lane

OTC Restaurant Patio Guidelines within the Right of Way

- Option 2B – One-way road with patio in parking lane; pedestrians diverted onto roadway
- Option 3A – One-way road with patio in curb lane
- Option 3B – One-way road with patio in curb lane; pedestrians diverted onto roadway
- Option 4A – Multi-lane road with patio in curb lane
- Option 4B – Multi-lane road with patio in curb lane; pedestrians diverted onto roadway

**Higher risk**

- Option 5A – One-way multi-lane road with patio in curb lane or road posted 60 km/h
- Option 5B – One-way multi-lane road with patio in curb lane or road posted 60 km/h

**Appendix B** contains a list of MASH approved products that may be used as crash barriers and attenuators/cushions.

## 5.1.2 Fire Prevention

The following section outlines safety as it relates to fire prevention and emergency access.

### 5.1.2.1 Fire Hydrants, Connections, and Route

Fire department connections and fire hydrants must not be obstructed, and the following requirements must be met:

- 1) A minimum 1.8 metres clearance from fire department connections and hydrants must be maintained on a patio.
- 2) Fire hydrants or fire department connections must be visible from the street and accessible at all times for Fire Services
- 3) Fire routes must not be obscured by a patio.

A patio should not be situated on top of, or within 1.0 metre of an underground hydro vault.

### 5.1.2.2 Emergency Access

If the curb lane patio is longer than 15 metres, a review may be conducted by the local fire department to determine whether any emergency access points must be installed as

part of the fencing or lateral barrier. Should this be required, patio operator will be notified in writing from the road authority.

An emergency access point is a space with an easily identifiable and removable piece of fencing, at least 1 metre wide, allowing emergency services to gain quick access to the sidewalk from the road. An example of an emergency access point could be removable wooden boards, suspended by brackets.

### 5.1.2.3 Use of Heating Appliances

The use of heating appliances in patios within the right-of-way may be subject to local municipal regulations.

### 5.1.2.4 Other Requirements from Ontario Fire Code (OFC)

The patio, including all materials (i.e., tables, furniture and signage) shall be governed by the requirements of the Ontario Building Code and the Ontario Fire Code (OFC).

### 5.1.3 Health

Every patio shall be operated in compliance with all applicable regulations, guidelines, orders, and/or directives published by the Ontario Ministry of Health and Long-Term Care, the Chief Medical Officer of Health, and/or by the local Medical Officer.

## 5.2 Road User Safety

The following section addresses road user safety as it relates to temporary signage and traffic control devices in the context of patios occupying either a parking lane or a curb lane on a roadway, in addition to considerations relating to sightlines.

### 5.2.1 Temporary Signage & Traffic Control Devices

For all patios occupying either a parking lane or a curb lane on a roadway or where a pedestrian pathway has been diverted onto the roadway (**Section 4.1.2 and 4.1.3**), temporary signing and traffic control devices are to be installed to provide motorists and cyclists with advance warning of the presence of a patio and the potential need to change lanes (as applicable). An example layout for a patio in a parking lane is shown in **Figure 9**. For patios in a parking lane, a temporary sign in advance of the patio alerting motorists to the presence of a patio is to be installed at a location and distance determined by the road authority. Consideration should be given to mounting the sign on a utility pole so that it may be viewed over parked vehicles. TC-40L and TC-40R are to be used if pedestrians are being diverted onto the roadway. A WA-9 chevron is used to advise motorists to keep left.

OTC Restaurant Patio Guidelines within the Right of Way

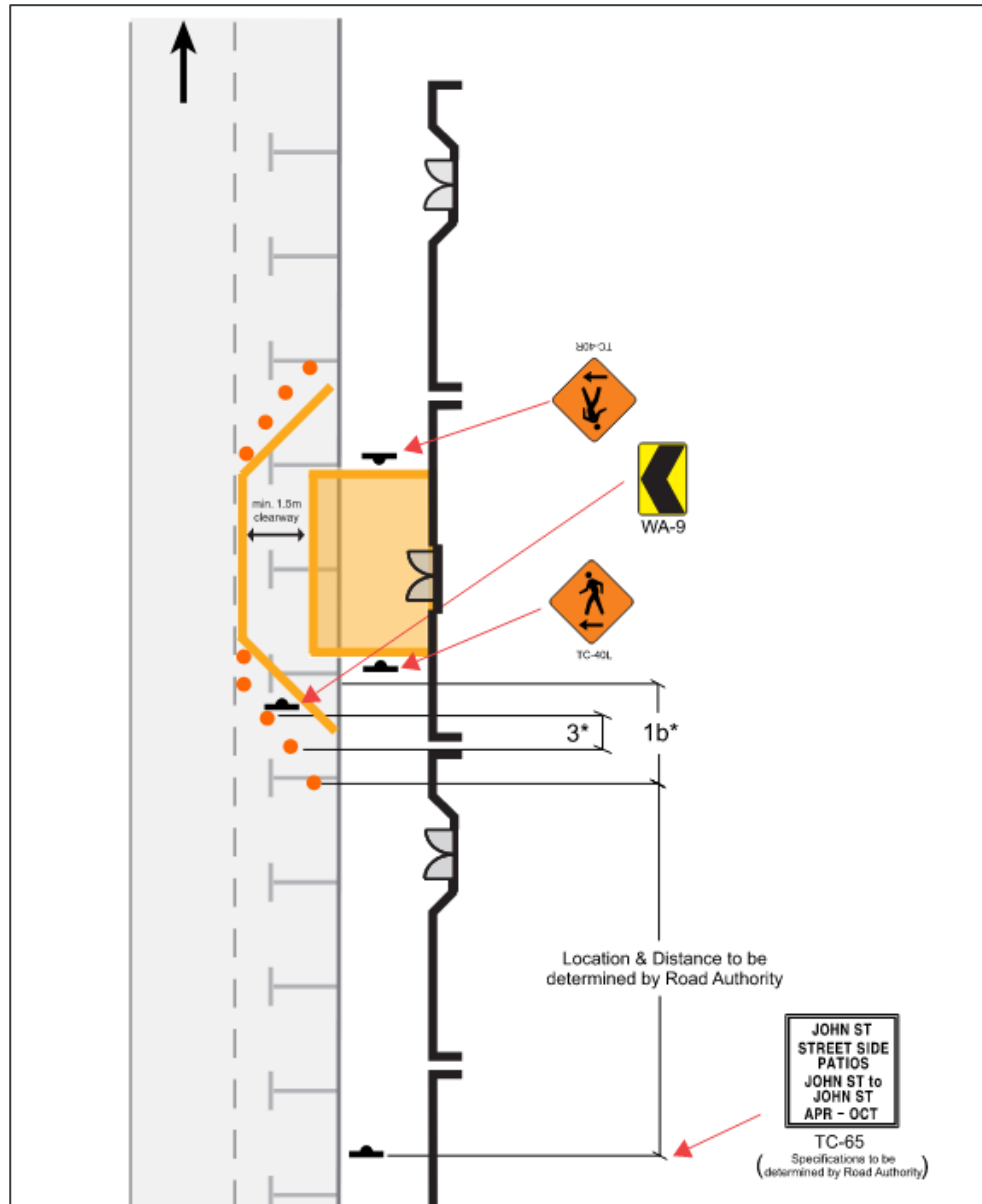


Figure 9 – Typical Layout (Parking Lane Installation)

An example layout for a patio in a curb lane is shown in **Figure 10**. The signs indicated in Figure 10 are the same as those provided in the *Ontario Traffic Manual Book 7: Temporary Conditions*, consisting of a modified TC-65 sign with specific information on the location and date of the patio installation, a modified TC-1 On Street Patio sign, a TC-3R Lane Drop sign), a TC-4 sign (Bear Left), and a WA-9 chevron pointing left.



OTC Restaurant Patio Guidelines within the Right of Way

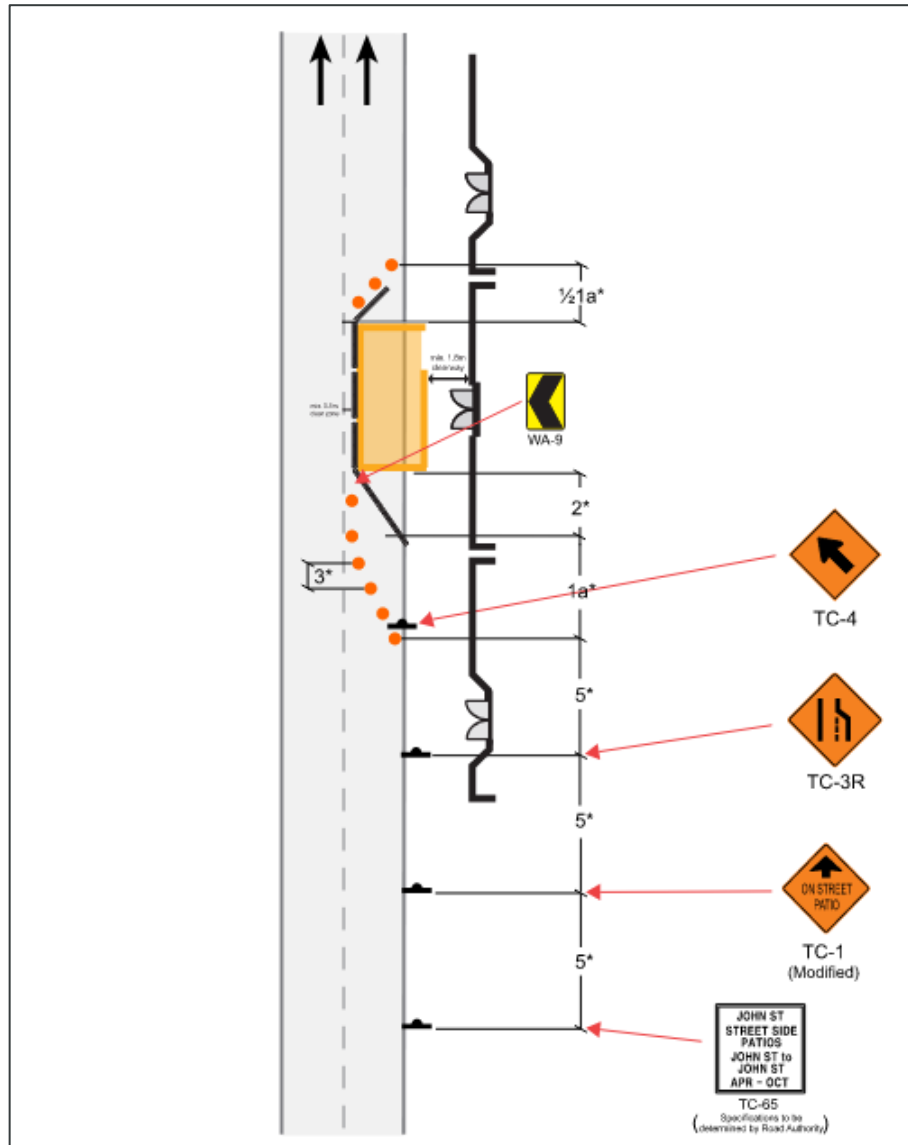


Figure 10 – Typical Layout (Curb Lane Installation)

The typical layouts in **Appendix A** show the sign requirements following *Ontario Traffic Manual 7: Temporary Conditions*. The patio layouts are designed to meet or exceed these guidelines and are based on layouts presented in the manual with minor alterations. It should be noted that where there are several patios in the same lane within 80 metres of each other, there is no requirement to repeat the advance warning signs.

**Table 3** and **Table 4** show the required distance between signs, the required taper length and the delineation requirements on the approach to the patios. If sign and marker placement is upstream of an unsignalized and signalized intersection, modifications should be made based on engineering judgement.

## OTC Restaurant Patio Guidelines within the Right of Way

Table 3 – Patios Occupying a Parking Lane (Signs and Delineation)

Class Characteristics	Typical Layout	Distance Between Signs (1)	Taper length LV – Low Volume HV – High Volume (2)	Delineators (3)
Two-way two-lane road; 50 km/h or less	Options 1A and 1B	40m - 50m	LV 5m-8m HV 9m-15m	Maximum distance between markers 6 m - 8 m; minimum 5 markers
One-way two-lane road; 50 km/h or less	Options 2A and 2B	40m - 50m	LV 5 m - 8 m HV 9 m -15 m	Maximum distance between markers 6 m - 8 m; minimum 5 markers
<b>Notes:</b> (1) – Refer to Ontario Traffic Manual Book 7: Table B (5), page 187 (2) – Refer to Ontario Traffic Manual Book 7: Table B (1b), page 187 (3) – Refer to Ontario Traffic Manual Book 7: Table B (3), page 187				

Table 4 – Patios Occupying a Curb Lane (Signs and Delineation)

Class Characteristics	Typical Layout	Distance Between Signs (1)	Taper length LV – Low Volume HV – High Volume (2)	Delineators (3)
One-way two-lane road; 50 km/h or less	Options 3A and 3B	40m - 50m	LV 15 m-25 m HV 9 m-15 m	Maximum distance between markers 6 m - 8 m; minimum 5 markers
Two-way multi-lane road; 50 km/h or less	Options 4A and 4B	40m - 50m	LV 15 m-25 m HV 9 m-15 m	Maximum distance between markers 6 m - 8 m; minimum 5 markers
Higher risk road (One-way multi-lane road with patio in curb lane or road posted 60 km/h)	Options 5A and 5B	90m - 100m	40 m-60 m	Maximum distance between markers 8 m-10 m; minimum 7 markers
<b>Notes:</b> (1) – Refer to Ontario Traffic Manual Book 7: Table B (5), page 187 (2) – Refer to Ontario Traffic Manual Book 7: Table B (1b), page 187 (3) – Refer to Ontario Traffic Manual Book 7: Table B (3), page 187				

## 5.2.2 Cycle Lane Considerations

Where patios are being installed within a bicycle lane, a temporary bicycle lane delineated using flexible posts should be installed to direct cyclists around the roadside barrier (space permitting). If it is not feasible to direct cyclists around the patio, the

encroachment of the patio into the curb lane or parking lane should be reduced so that the bicycle lane can continue to be safely accommodated.

### 5.2.3 Sightlines

Patio furniture, including umbrellas, shall not obstruct vehicular or pedestrian sightlines, visibility or movement. At intersections and driveways, sightline triangles must be maintained per *TAC (Transportation Association of Canada) Geometric Design Guide for Canadian Roads, Chapter 8 – Access*. Fencing must not obstruct vehicular or pedestrian sightlines or fire routes.

## 6 Engineering Considerations

The following sections outline engineering considerations for temporary restaurant patios relating to the following:

- Seasonal use
- Occupying on-street parking and curb lanes
- Occupying a sidewalk and
- Patio design and operations

### 6.1 Seasonal Use

The temporary patio season patios are permitted on a seasonable basis, generally between May 1<sup>st</sup> to October 31<sup>st</sup>. However, the duration of the patio season may be determined by the municipality based on the local weather conditions and winter maintenance plans.

During the off season, the public right of way should be returned to its original condition and patio furniture and fencing removed within the right of way.

### 6.2 Occupying Parking Lane / Curb Lane

#### 6.2.1.1 Installing Patios

Patio operators wishing to implement patios in parking spaces or curb lanes are not permitted to install their patio until an appropriate road protection system and temporary signing is installed. Setup or takedown of any structure or materials on parking spaces or curb lanes can only be completed by a road authority or contractor who is trained and qualified in the OTM Book 7. The *Ontario Health and Safety Act and Regulations* takes precedence over OTM Book 7 in worker safety matters.

#### 6.2.1.2 Shared Parking Spaces

The road authority reserves the right to delineate space in the curb lane and assign it to successful applicants.

As a result of the unique nature of individual curb lane closures, patio operators may be assigned space that is not directly in front of their establishment. Similarly, other businesses may have dining furniture belonging to a neighbouring restaurant or curb lane closure equipment located in front of their business.

In order to achieve a balance of curbside uses, the road authority and local business associations may designate other dedicated curbside uses in the vicinity of closure areas including loading zones, bicycle parking, pay and display parking, public parklets,

designated waste collection zones and other uses as required to support restaurants and other businesses.

Additional fees for utilizing on-street parking spaces may be required.

## 6.3 Patio Design and Operations

### 6.3.1 Capacity

The total capacity of any licensed temporary patio must not exceed the capacity limit required by the Alcohol & Gaming Commission of Ontario (AGCO). The combined indoor and outdoor dining capacity of all patios must not exceed the capacity for the establishment's washrooms as determined by the Ontario Building Code.

A temporary patio must have two separate exits when it is barricaded with fencing or railings and has a capacity for more than 60 people.

### 6.3.2 Patio Platform

The biggest constraint of implementing this type of patio is meeting the requirements for maintaining the pedestrian clearway (with its width and path deviation angle). The patio operator(s) must provide a platform to provide a level surface between the patio and sidewalk.

Therefore, this type of patio is more suitable for one establishment with a long frontage or multiple establishments that can share a long-combined frontage if patio operators all wish to create this type of patio.

The implementation of the platform should be a joint collaboration between the patio operators and road authority, noting the following:

- 1) Consideration will need to be given to who is responsible for the platform design, purchase, and installation, as well as the platform storage if the patio is temporary or seasonal.
- 2) The platform design should conform to applicable local standards in terms of weight tolerances.
- 3) The road authority must inspect the platforms after initial installation, and during the patio season (e.g., ensure the stormwater drainage is not blocked by the platforms) and after the patio has been dismantled at the end of the patio season (as applicable).

The platform must not obstruct stormwater flows or block stormwater drains. The patio operator shall be responsible for the clearance of any debris and overall maintenance to ensure free flow.

The street underneath the platform surface must be accessible for emergency maintenance by any utility through access panels or removable pavers.

A separate building permit might be required by the municipality for some platform/deck or ramp construction (e.g., deck or ramps over 200 millimetres). Drawings stamped by a Professional Engineer of the platform/deck may be required along with the building permit application.

### **6.3.3 Fencing**

Patio operators must install temporary fencing, planter boxes or other items that provide a barrier between the patio area and the pedestrian clearway for patios located within the right-of-way but off the roadway. For patios installed in parking or curb lanes, refer to **Section 5.1.1 (Roadside Barriers)**.

To ensure safety and accessibility for the patrons, pedestrians and other road users, these guidelines must be followed for fencing:

- 1) A vertical barrier between 0.9 and 1.2 metres in height must be in place at all times. Opaque items (including dense plant material) must not be greater than 1.2 metres in height, measured from the street's surface to preserve sightlines.
- 2) Where any part of the fencing is near the pedestrian clearway, the fencing must have a solid, cane-detectable base, spaced no more than 0.3 metres apart. Fencing near a sidewalk should also have a colour contrast to the sidewalk to make it easily identifiable to pedestrians.
- 3) Any fencing installed must be free-standing and self-supporting with appropriate weights. Any delineation items, including their supports, must not project into the path of travel of cyclists, pedestrians or motor vehicles.
- 4) The fencing must not be designed to penetrate the surface of the sidewalks/curb lane (i.e., no bolts/brackets) and are secured without endangering any underground utilities.
- 5) Fencing/planter boxes/vertical barrier items must not create trip hazards and should not project beyond the limits of the patio.
- 6) Fencing/planter boxes/vertical barrier items must not be attached to trees, street elements or utilities.
- 7) Fabric, canvas, plywood, plexiglass or similar materials are not to be used for the vertical barrier.
- 8) Temporary fencing, planter boxes and other vertical barrier materials must have retro- reflective tape, or reflective flexi-posts at each end of the patio area, and preferably along the full length of the closure area. All other materials must

minimize glare for nighttime road users. Reflective items are widely available for purchase at hardware stores.

### **6.3.4 Planting**

The following guidelines apply to the use of plants in patios.

- 1) Plants must be healthy, living and maintained throughout the season
- 2) Planters can be used in lieu of a fence but must be adequately sized to define the patio space. When using planters in lieu of a fence, please refer to requirements in **Section 6.3.3**
- 3) Ground planters may be used within the patio for decoration. The planters may not exceed 0.5 metres in width and 1.0 metres in height. Planters with plant material, may not exceed 1.2 metres in height or interfere with sight lines.
- 4) Hanging planters may also be used. Plant material may extend a maximum of 0.5 metres from the hanging planter box but should not run over the clearway of pedestrian, cyclist, and traffic.

### **6.3.5 Furniture**

All furniture, including fencing, should be made of durable, weather-resistant materials, that are easily cleaned. Composite, metal, or painted and stained wood is preferred. Pressure treated wood and plastic are strongly discouraged. Metal surfaces should be treated with a rust resistant material to prevent rusting and staining on roadways and sidewalk surfaces.

Host stands are permitted within the patio provided they are consistent with the furniture in the patio and do not enter the pedestrian clearway.

Garbage receptacles are permitted within the patio provided they are located with host stands and cannot be seen as a prominent feature within the space.

Menus and sandwich boards are regulated by the Municipal Act and local municipal sign bylaws. If permitted, they should compliment the patio's furniture and do not occupy a portion of the clearway.

### **6.3.6 Sources of Shade**

All source of shade must be secured to withstand against wind. These include awnings, umbrellas and canopies and tents.

#### **6.3.6.1 Awnings**

Awnings must have a minimum height of 2.4 metres. Awnings must be installed on the first storey of the building. When fabric is being used for awnings, flame and fade



resistant materials are recommended. Awning should not conflict with trees planted in the boulevard.

### **6.3.6.2 Umbrellas and Canopies**

Umbrellas and canopies are a source of shade for patio patrons and employees, and must be installed correctly to ensure the safety of customers and passers-by noting the following:

- 1) Canopies are temporary and removable with no walls or sides.
- 2) The fabric of the umbrella or canopy must be at least 2.1 metres above the street level.
- 3) Umbrellas and canopies must be 3.0 metres x 3.0 metres or smaller. Canopies and umbrellas must be located entirely within the limits of the patio and not encroach onto the roadway.
- 4) Umbrellas and canopies:
  - i) must be properly weighted down to prevent being blown over by wind.
  - ii) must be removed during inclement weather or high winds so as to not create a safety hazard.
  - iii) must be installed so that there are no issues with sightlines for pedestrians, cyclists or motorists.
  - iv) must be free-standing and self-supporting with appropriate weights.
  - v) must not penetrate the surface of the sidewalks/curb lane (i.e., no bolts/brackets) and are secured without endangering any aboveground and underground utilities.

### **6.3.6.3 Tents**

Tents are regulated under the Ontario Building Code. For tents larger than 10 square metres, a building permit may be required. Tents cannot impede the flow of pedestrian traffic on public owned land and must adhere to local public health measures concerning airflow and have a minimum of two open sides. Tents should not impact sightlines and should comply with local fire regulations.

### **6.3.7 Lighting**

Lighting may be used at the patios, and the lighting elements should comply with the following guidelines:

- 1) Lighting features must be temporary and comply with all applicable safety standards and codes.
- 2) Lights may not exceed 3.0 metres in height.
- 3) Lighting must be restricted to low voltage (12V system), 120VAC is not permitted.

- 4) Lights and power cables should be located within the boundaries of the patio. Ensure no power cables or lighting elements run over the pedestrian clearway. Consider battery or solar-powered lights.
- 5) Lighting must not create safety hazards (i.e., casting glare) for pedestrians or vehicles. Lights should be directed onto the patio and away from neighbouring properties and the street.
- 6) Lights must not be attached to trees, utilities or other street elements.
- 7) Permission must be granted for the patio operator to use the power source if the patio operator does not own it.

### **6.3.8 Commercial Signage**

Third-party advertisements on umbrellas, awnings, furniture or any element in the public right-of-way may be regulated by local municipal bylaws.

### **6.3.9 Alcohol Serving**

Restaurant and bar operators wishing to apply for permanent changes to liquor licences will need to apply for approvals through the AGCO.

### **6.3.10 Smoking/Vaping**

Smoking, vaping, and the use of cannabis are not permitted on any patio, pursuant to the *Smoke-Free Ontario Act*.

### **6.3.11 Waste Collection**

With regard to waste collection:

- 1) Restaurants and bars that receive nighttime waste collection from the municipality should continue to place their bins at the curbside on regular collection night.
- 2) If a curb lane closure prevents the patio operator from placing their bins in front of their establishment, they are to be placed communally with the neighbours 3 metres away from the end of the closure area, away from bike lanes and preferably under a streetlight, if possible.
- 3) The business should ensure the location's address is on the bins.

### **6.3.12 Noise**

With regard to noise:

- 1) The patio operator should ensure that noise arising from the service of food and alcohol on patio, including the conduct of the patrons, does not disturb local residents.
- 2) Amplified sound is not permitted in any outdoor dining area.
- 3) Acoustic performances in outdoor dining areas may be permitted subject to local regulations.
- 4) Noise and live music must comply with local bylaws, regulations, orders and guidelines.

### **6.3.13 Maintenance**

Patio operators:

- 1) Must not attach patio elements to (or incorporate) light standards, street furnishings, panels, grates, utility boxes, parking pay stations, EV stations, or trees and must maintain proper clearances as outlined in local Municipal Guidelines.
- 2) Must keep the sidewalk, curb lane, and any other street areas around the patio in a clean and sanitary condition and clear from debris and trip or slip hazards (e.g., cigarette butts, spilled food or liquids).
- 3) Maintain any structures and equipment in a safe and clean condition and in good repair, and secure or store the patio furniture when not in use outside the hours of business operation.
- 4) Ensure that patrons are not smoking or vaping in the patio area, or within a nine-metre radius of the perimeter of the patio area.

At the termination of the patio permit, the patio operator must return the temporary patio area to its pre-approved condition. Any remediation work undertaken by the road authority to return the patio area to its pre-approved condition may be billed to the patio operator.

## 7 Accessibility

It is important to consider accessibility when designing all aspects of the patio area as noted in the sections below. It is recommended municipalities consult with accessibility stakeholders regarding the patio layouts being considered and/or used within their restaurant patio program.

### 7.1 Accessible Routes

Accessible routes must be provided through the patio area, as follows:

- 1) The pedestrian clearway requires 1.8 metres of space on most sidewalks, with wider sidewalks with higher pedestrian volumes requiring 2.5 metres.
- 2) To ensure the patio area does not impose a change in the direction of the pedestrian clearway of more than 20 degrees, the patio operator should use a tape measure and something to mark measurement points (pylons, chalk marks, etc.) to verify that this requirement is being adhered to
- 3) The patio operator must provide accessible access to the patio with a minimum width of 1.8 metres.
- 4) Accessible access can be achieved through two methods, installation of a temporary platform or a temporary accessibility ramp. It is the patio operator's responsibility to comply with the Accessibility for Ontarians with Disabilities Act (AODA) at all times.
- 5) The patio operator:
  - i) Must not place patio materials in the pedestrian clearway.
  - ii) Must ensure the patio's perimeter fencing has a solid base that is detectable for someone using a white cane.
  - iii) Must not use the pedestrian clearway to queue patrons awaiting their reservation or table.
  - iv) Must not place A-frame signs or other obstacles in the pedestrian clearway.
  - v) Must not lay electrical wires for any appliances (e.g., heaters, lights) across the pedestrian clearway.

### 7.2 Accessible Ramps

Ramps are to be used where a sidewalk and patio are separated by a curb. For a curb that is under 200 millimetres, the following must apply:

- 1) The slope of the ramp must be less than 1:10.
- 2) The ramp must be at least 1.8 metres wide, exclusive of flared sides.
- 3) The ramp must be stable so that it does not shift or move when used

- 4) The ramp must have a surface including flared sides that:
  - i) Is slip-resistant
  - ii) Is visible at night
  - iii) Has a detectable warning surface with colour (peel and stick)
  - iv) Has the texture that is contrasted with the adjacent surfaces (tape at top and bottom)
  - v) Has a smooth transition, less than 6 millimetres, from the ramp and adjacent surfaces
- 5) There must be space at the bottom of the ramp for someone using a mobility device to turn and navigate into the patio area.
- 6) Do not affix the temporary ramp to the sidewalk, curb edge, or road with screws, bolts, or other materials.
- 7) As shown below in **Figure 10**, rubber ramps are recommended over asphalt ramps, as rubber ramps can be easily reallocated when the furniture setup needs to be reconfigured.

A building permit might be required for ramps over 200mm.



**Figure 11 – Rubber ramp**

## 7.3 Accessible Seating

A minimum of one table or 20% of tables (whichever is greater) must be easily accessible to persons using mobility aids. If more than one accessible table is installed, they should be dispersed through the seating area.

The following should be considered when making decisions about patio elements:

- 1) Consider people using mobility devices when determining what type of furniture are to be set out in the patio area. For example, picnic tables significantly limit a person's mobility device to access a dining surface.
- 2) When determining seating arrangements in the patio area, install some tables with room underneath to accommodate people using mobility devices.
- 3) Ensure that there are clear routes and maneuvering spaces for people using mobility devices on the patio.
- 4) Advertise whether there are accessible washrooms on the website.



## 8 Liability

### 8.1 Insurance Requirements

The applicant must be the business owner and/or the same name on the registered business permit and provide proof of commercial general liability insurance coverage endorsed to include the municipality as an additional insured party (to a minimum limit of \$ 2 Million endorsed to include the proposed patio area). This coverage should include portions of the parking lane or curb lane included in the patio or any outdoor area which is outside the already prescribed business premises.

Where alcohol is served, liability should be increased. Where the original permitted business includes the serving of alcohol, regardless of food service, liquor-host liability insurance must be purchased in the minimum amount of \$5 million – this policy must be extended to include the proposed patio area (include portions of the parking lane or curb lane included in the patio) and should include the municipality as an additional insured).

The applicant must also show that their insurer will provide adequate coverage for all the fittings, fixtures and furniture to be installed upon and in the proposed patio area including business interruption coverage while the patio area is being utilized.

### 8.2 Indemnification

The owner and occupant (the applicant) will indemnify and save harmless the road authority from all claims, actions, costs (including legal fees on a solicitor-client basis), demands and liabilities concerning any personal injury, death or property damage done or sustained by anyone (due to the use and operation of the proposed patio area) concerning the said lands of the road authority and municipality. Indemnification for any and all incidents will extend to collisions that occur away from the business premises and patio area but are alleged to have emanated from the use and operation of the business.



## **9 Communications**

The following section presents guidelines for the application process that may be used by the patio owner.

### **9.1 Application Process**

The following information should be considered in the application process for installing a patio within the road authority's right-of-way.

- 1) Professional Engineer stamped (if required by the local Municipality) diagram/design drawings of the proposed patio (Patio Plan) that confirm the following design details:
  - i) Roadside protection as outlined in these guidelines
  - ii) Temporary signing and delineation as outlined in these guidelines
  - iii) Location and dimensions of the patio entrances, exits, and access to washrooms, in accordance with the Integrated Accessibility Standards for the Design of Public Spaces
  - iv) Location and use of the adjacent buildings and their entrances and exits
  - v) The location and dimensions of the patio and its entrances and exits
  - vi) Area of the patio in square metres (and square feet)
  - vii) Width of sidewalk occupied in metres
  - viii) Length of sidewalk occupied in metres
  - ix) Number of parking spaces occupied
  - x) Width of sidewalk that will remain unobstructed (to be at least 1.8 metres)
  - xi) The location and dimension of any enclosures, umbrellas, tents, awnings, etc.
  - xii) The location, height, and construction material to be used for the boundary fence, gate location, and width of gate
  - xiii) Location of fire extinguishers
  - xiv) Location of trees
  - xv) Location of tables, chairs, other furniture or installations, etc. and the distance between them to demonstrate how the patio will be accessible to patrons with limited mobility
  - xvi) Location of all municipal services and/or assets within or adjacent to the patio (e.g., location of curbs, municipal parking spaces, sidewalks, hydrants, storm sewer grates, manholes, trees, hydro poles, streetlights, benches, garbage cans, sign poles, etc.)

OTC Restaurant Patio Guidelines within the Right of Way

- xvii) Identify whether any of these elements would need to be removed or relocated to accommodate the design. (Additional fees may apply for removal or relocation, if such modification is permitted)
  - xviii) Access to municipal improvements such as trees
  - xix) The location of transit stops close to the patio
  - xx) The address of the business
  - xxi) The number of seats on the patio and
  - xxii) The maximum occupant load of the business and patio according to the Ontario Building Code
- 2) Certificate of Insurance
  - 3) Proof of a proper liquor license (if alcohol will be served at the patio)

Road authority staff will review the application submission to ensure complete and begin the approval process. Road authority staff may distribute the application to the following departments for approval:

- 1) Planning staff will review the submission to ensure the application complies with applicable zoning and urban design considerations
- 2) Building services for proposed tent (if applicable)
- 3) Fire services for proposed heating devices (if applicable)
- 4) Risk management staff will approve Proof of Liability Insurance.
- 5) Clerk's staff reviews and approves the liquor license.
- 6) Transportation planning/operations staff review for sightlines, parking concerns and adherence to applicable engineering guidelines
- 7) Parks staff review for impacts to planters/trees in the area
- 8) Operations staff review for maintenance and compliance concerns
- 9) Police review for previous disturbances
- 10) Accessibility officer review for compliance to AODA standards

Once all approvals are received road authority staff issue the permit. Road authority staff will inspect to ensure the patio location is consistent with the approved plan.

## 9.2 Patio Application Form Examples

Examples of patio application forms are provided in **Appendix C**.

## 10 Funding

Each municipality have their funding policies as it relates to patios, and generally, there are three models:

- 1) The patio operator is responsible for all costs relating to the patio. These may include:
  - a) permit fee
  - b) encroachment application fee
  - c) cost of furniture
  - d) roadside barriers
  - e) temporary signing and delineation as per OTM Book 7
  - f) accessible ramps
  - g) construction of wooden platform
  - h) cost to assemble patio at the beginning of the patio season and to dismantle at the end of patio season
  - i) Road Occupancy fee,
  - j) relocation of parking meters or parking space occupancy fees,
  - k) legal fees for preparation of Encroachment Agreement and
  - l) Teraview registration fee
- 2) The municipality waives permit fees, but the patio operator is still responsible for all other costs.
- 3) The municipality waives permit fees, and in addition, the municipality or local BIA provide some funds to support the patio operator.

The road authority may wish to consider paying for the cost, installation, removal and storage of the roadside barriers, temporary signing and delineation as per OTM Book 7.



## **Appendix A: Roadside Protection and Temporary Signing Layouts**



Engineering  
for **people**

# Typical Layouts For Street Patios

Material in this section:

Table B - Work Zone Component Dimensions: Long Duration

## NOTES:

- All typical layouts have been designed to meet or exceed guidelines as set-out in Ontario Traffic Manual Book 7 (OTM Book 7)
- Typical Layout templates are revised, but similar to that of OTM Book 7 to promote uniformity of treatment in the design, application and operation of traffic control devices and systems across Ontario.
- Some devices have been altered slightly from that of OTM Book 7 so they may be more applicable for the application of Street Patios
- Some substitutions have been made to recommended devices to that of OTM Book 7
- Additional safety measures have been added to that of OTM Book 7 in the best interest of public safety

Table B Work Zone Component Dimensions: Long Duration Work (Non-freeways)

		Normal Posted Regulatory Speed Limit**				
	Dimension	50 km/h or lower	60 km/h	70 km/h	80 km/h	90 km/h
1a*	Taper length for full lane closure (m)	LV: 15 – 25 HV: 30 – 50	40 – 60	60 – 80	100 – 120	140 – 160
1b*	Taper length for roadside work (m)***	LV: 5 – 8 HV: 9 – 15	10 – 15	15 – 20	20 – 25	30 – 40
2*	Longitudinal buffer area (LBA) (m)****	(30)	(40)	50	60	75
3*	Maximum distance between markers (m)*****	6 – 8	8 – 10	8 – 10	10 – 12	12 – 14
	Minimum number of markers for taper	at least 5 markers	at least 7 markers	at least 9 markers	at least 11 markers	at least 13 markers
4*	Minimum tangent between tapers (m)	55	100	120	140	160
5*	Distance between construction signs (m) *****	40 – 50	90 – 100	110 – 120	130 – 140	150

\* Table B distances are based on good visibility, and should be increased if visibility is poor.

\*\* The regulatory maximum speed posted on a highway applies under normal conditions, that is, when no construction zone or work activity is present. Guideline provisions required in OTM Book 7 are based on normal posted regulatory speed, and not on temporarily reduced construction zone regulatory or advisory speeds.

\*\*\* Roadside work includes shoulder work and roadway edge work.

\*\*\*\* LBAs are not a requirement at speeds of 60 km/h or lower, but should be used for closed lanes on multi-lane roads if space permits.

\*\*\*\*\* Markers are channelizing devices. Application guidelines are shown in Table F. Cones with reflective collars may be used for daytime or night-time operations on non-freeways.

\*\*\*\*\* 5\* also refers to the required distance for the placement of a TC Warning Sign ahead of the hazard where referenced in section 6.3.5 for the individual signs.








LV = Low Volume

HV = High Volume

LV is defined as the average daily traffic volume with less than 3000 vehicles per day (combined traffic for both directions). This figure can be obtained from the local road authority or estimated by counting the number of vehicles that pass the work site in 3 minutes and multiplying this figure by 300. The count may be taken in off-peak or peak traffic periods, corresponding to the period during which the work operations will be carried out.

Example: 20 cars in 3 minutes x 300 = 6000 vehicles per day (this would be an HV road).

## Legend of Symbols used in the Typical Layouts

Legend	
Symbol	Description
	Traffic Control Devices - TC-54, TC51C or Flexible Delineator Posts
	Sign
	Barrier - MASH Test TL-1
	Barrier - MASH Test TL-2
	Barrier - Not Tested
	Attenuator/Crash Cushion
	Business Front
	Patio Area



Option 1A

Parking Lane Closed

☒ Parking-Lane

☐ Thru-Lane

☐ Sidewalk Diversion

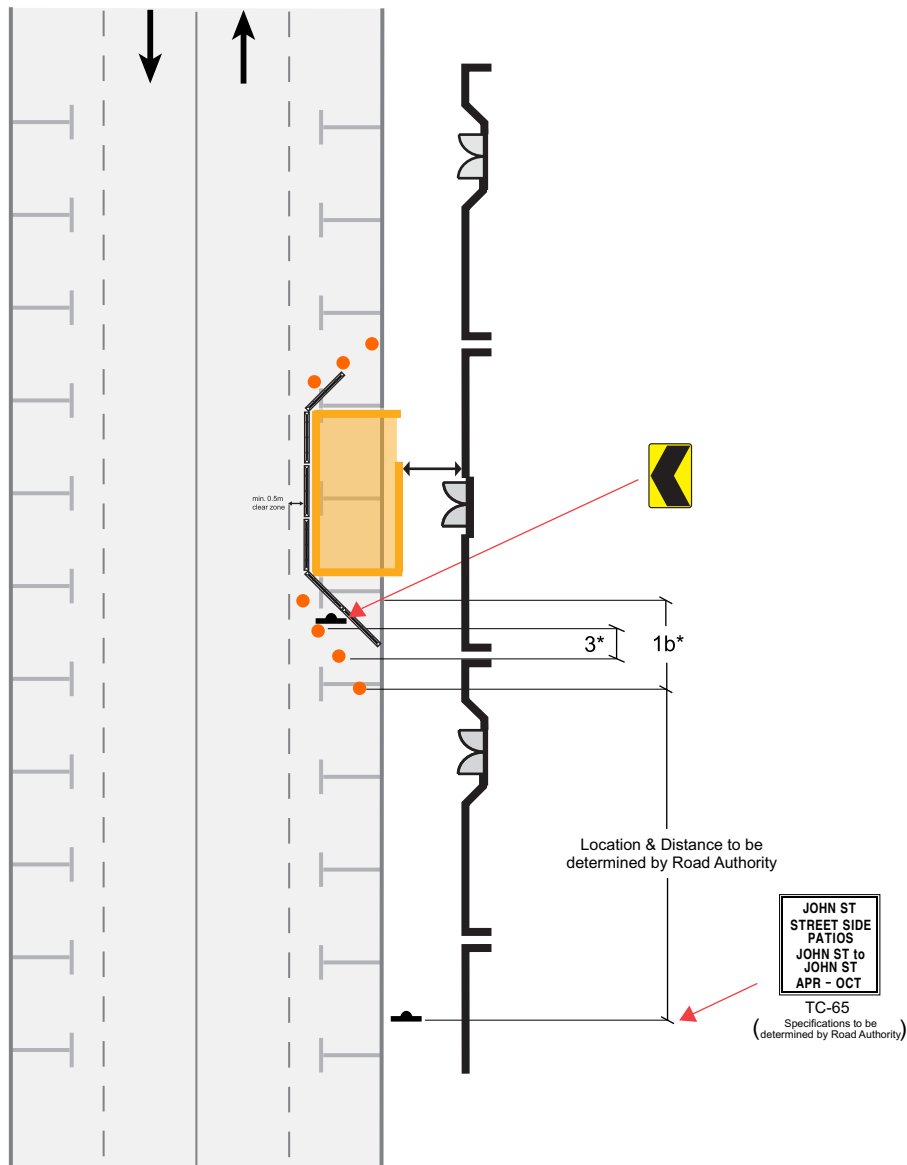
☒ No Sidewalk Diversion

☐ Single Lane - One Way

☒ Single Lane - 2 Direction

☐ Multi-Lane

☐ High Risk



\* Refer to OTM Book 7, Table B

NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-1 (or equivalent)

Option 1B

Parking Lane Closed

☒ Parking-Lane

☐ Thru-Lane

☒ Sidewalk Diversion

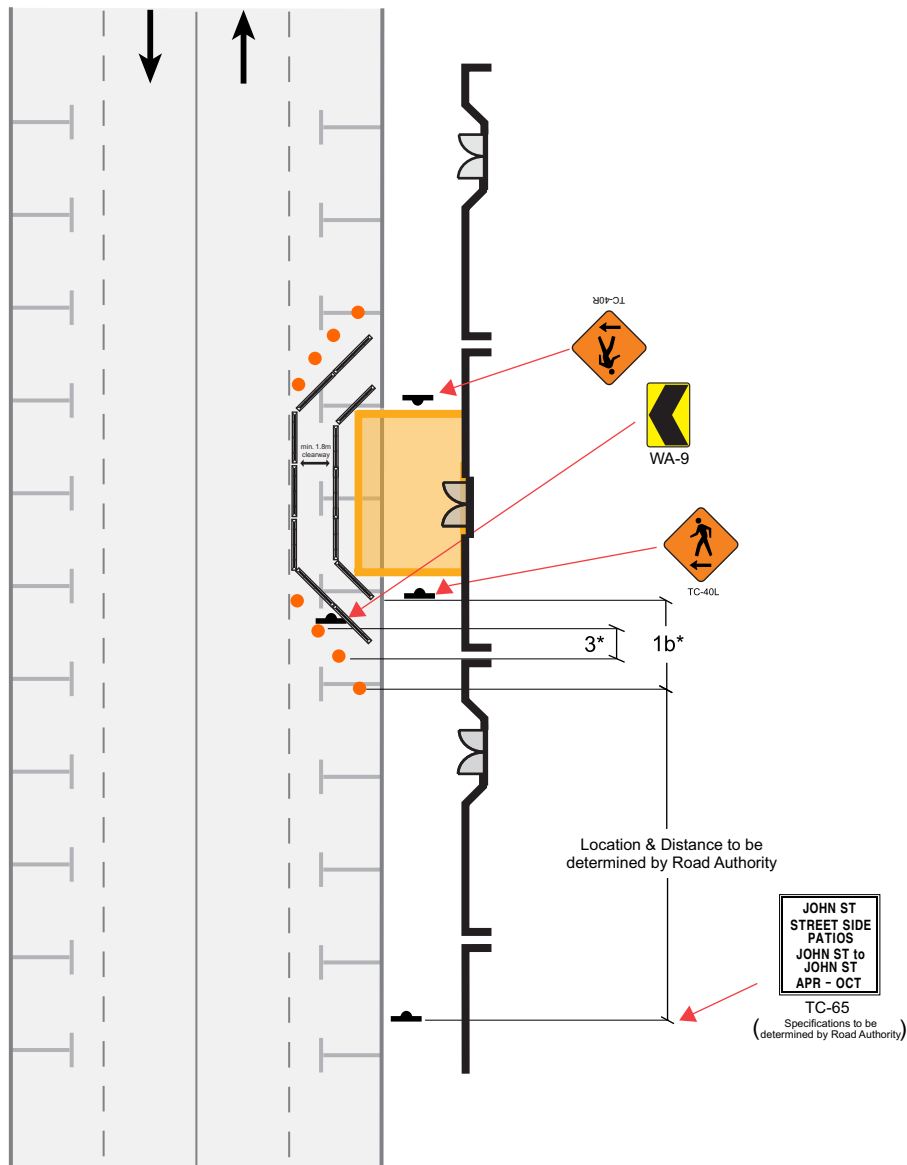
☐ No Sidewalk Diversion

☐ Single Lane - One Way

☒ Single Lane - 2 Direction

☐ Multi-Lane

☐ High Risk



\* Refer to OTM Book 7, Table B

NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-1 (or equivalent)
- ii) Temporary sidewalk to meet or exceed AODA requirements

Option 2A

Parking Lane Closed

☒ Parking-Lane

☐ Thru-Lane

☐ Sidewalk Diversion

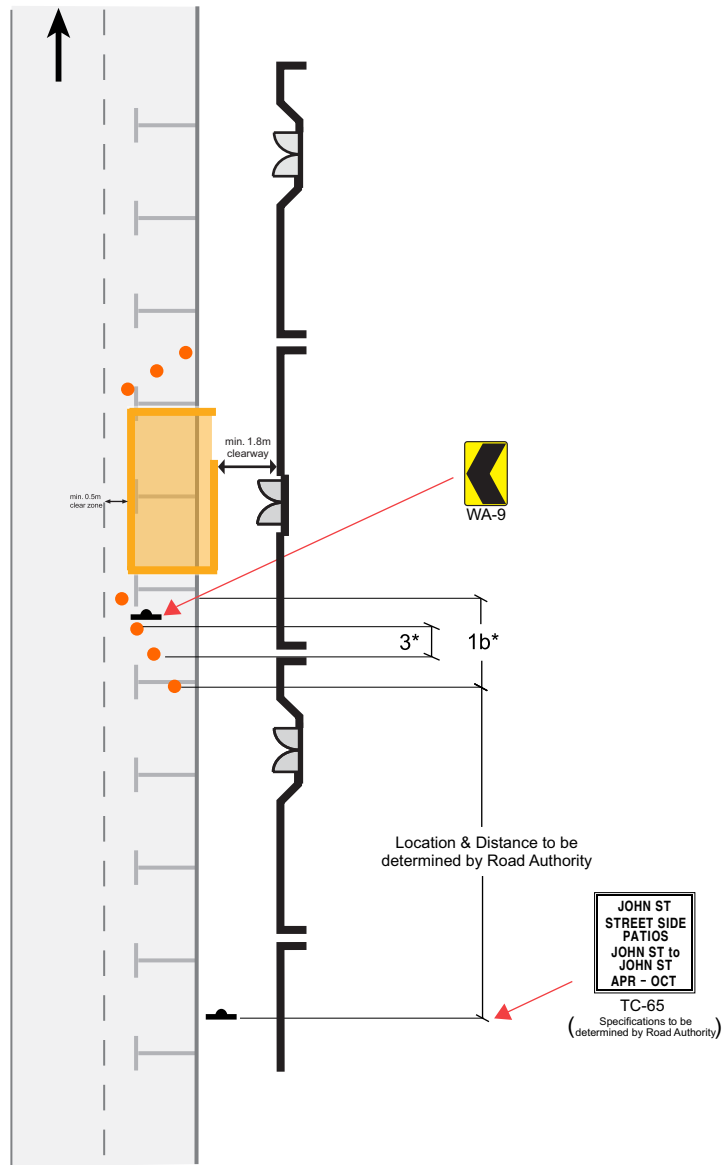
☒ No Sidewalk Diversion

☒ Single Lane - One Way

☐ Single Lane - 2 Direction

☐ Multi-Lane

☐ High Risk



\* Refer to OTM Book 7, Table B

NOTES

- i) Barriers not required to be MASH tested at any level
- ii) Typical layout to apply when dividing median present for opposing directional traffic

Option 2B

Parking Lane Closed

☒ Parking-Lane

☐ Thru-Lane

☒ Sidewalk Diversion

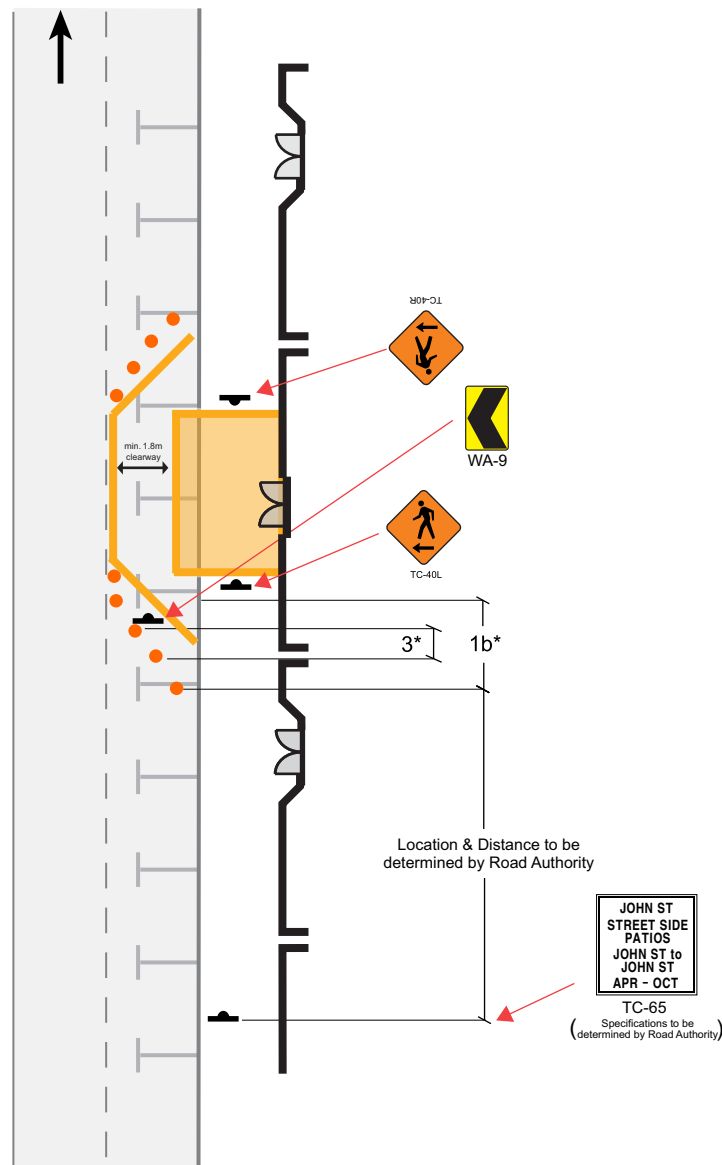
☐ No Sidewalk Diversion

☒ Single Lane - One Way

☐ Single Lane - 2 Direction

☐ Multi-Lane

☐ High Risk



\* Refer to OTM Book 7, Table B

NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to provide positive guidance
- ii) No testing requirements for barriers or delineators utilized
- iii) Typical layout to apply when dividing median present for opposing directional traffic
- iv) Temporary sidewalk to meet or exceed AODA requirements

Option 3A

Right Lane Closed

☐ Parking-Lane

☒ Thru-Lane

☐ Sidewalk Diversion

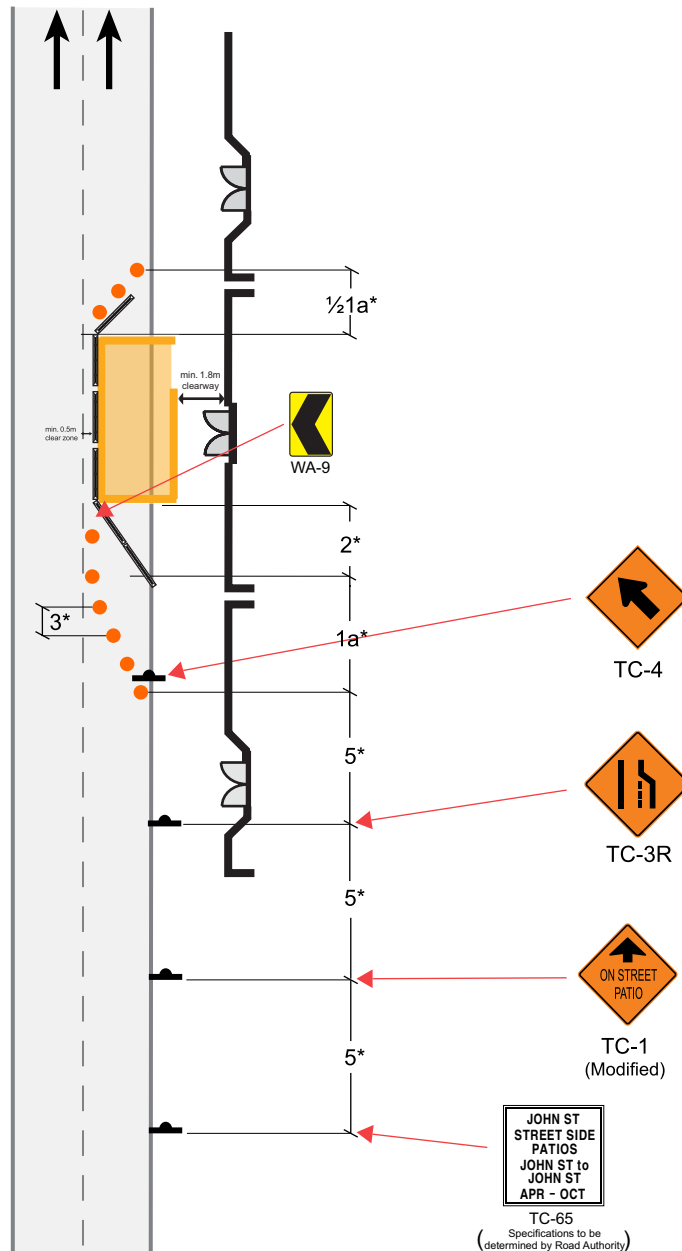
☒ No Sidewalk Diversion

☒ Single Lane - One Way

☐ Single Lane - 2 Direction

☐ Multi-Lane

☐ High Risk



\* Refer to OTM Book 7, Table B

NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-1 (or equivalent)
- ii) Typical layout to apply when dividing median present for opposing directional traffic

Option 3B

Right Lane Closed

☐ Parking-Lane

☒ Thru-Lane

☒ Sidewalk Diversion

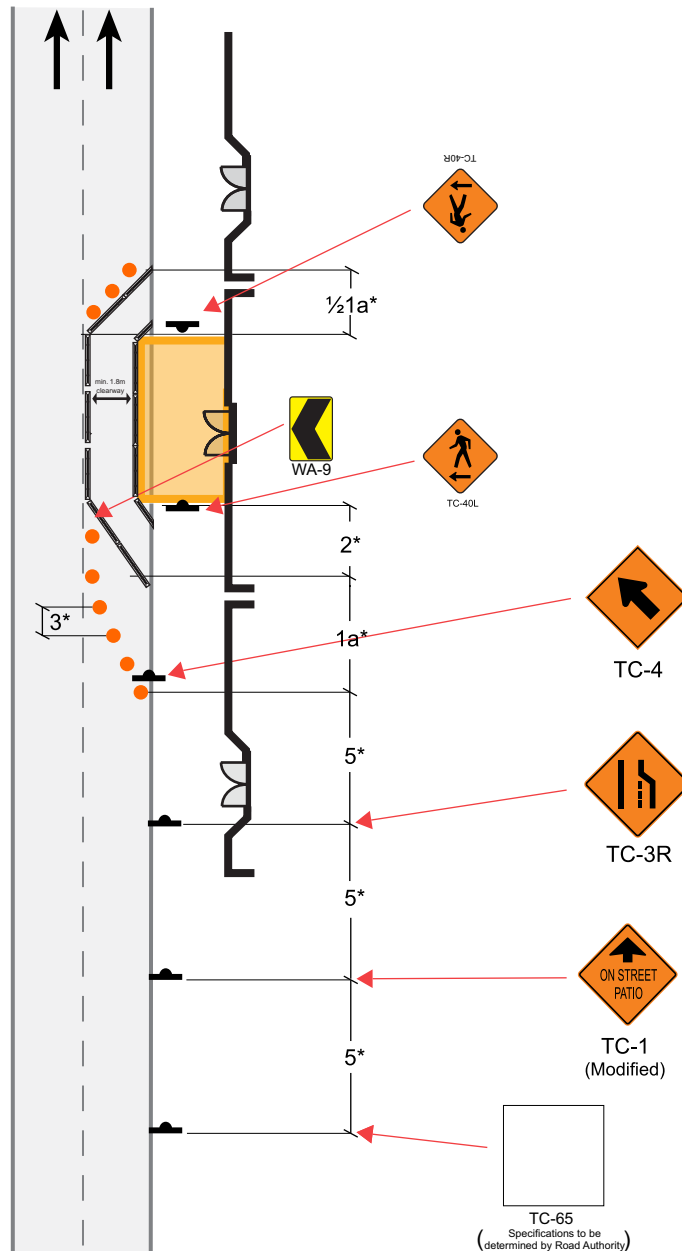
☐ No Sidewalk Diversion

☒ Single Lane - One

☐ Single Lane - 2 Di

lti-Lane

gh Risk



\* Refer to OTM Book 7, Table B

NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-1 (or equivalent)
- iii) Temporary sidewalk to meet or exceed AODA requirements
- iv) Typical layout to apply when dividing median present for opposing directional traffic

Option 4A

Right Lane Closed

☐ Parking-Lane  
☒ Thru-Lane  
☐ Sidewalk Diversion  
☒ No Sidewalk Diversion

☐ Single Lane - One  
☐ Single Lane - 2 Di  

ulti-Lane  
gh Risk

\* Refer to OTM Book 7, Table B

NOTES

i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact

ii) Barriers installed to have minimum requirement of MASH test level TL-1 (or equivalent)



Option 4B

Right Lane Closed

☐ Parking-Lane

☒ Thru-Lane

☒ Sidewalk Diversion

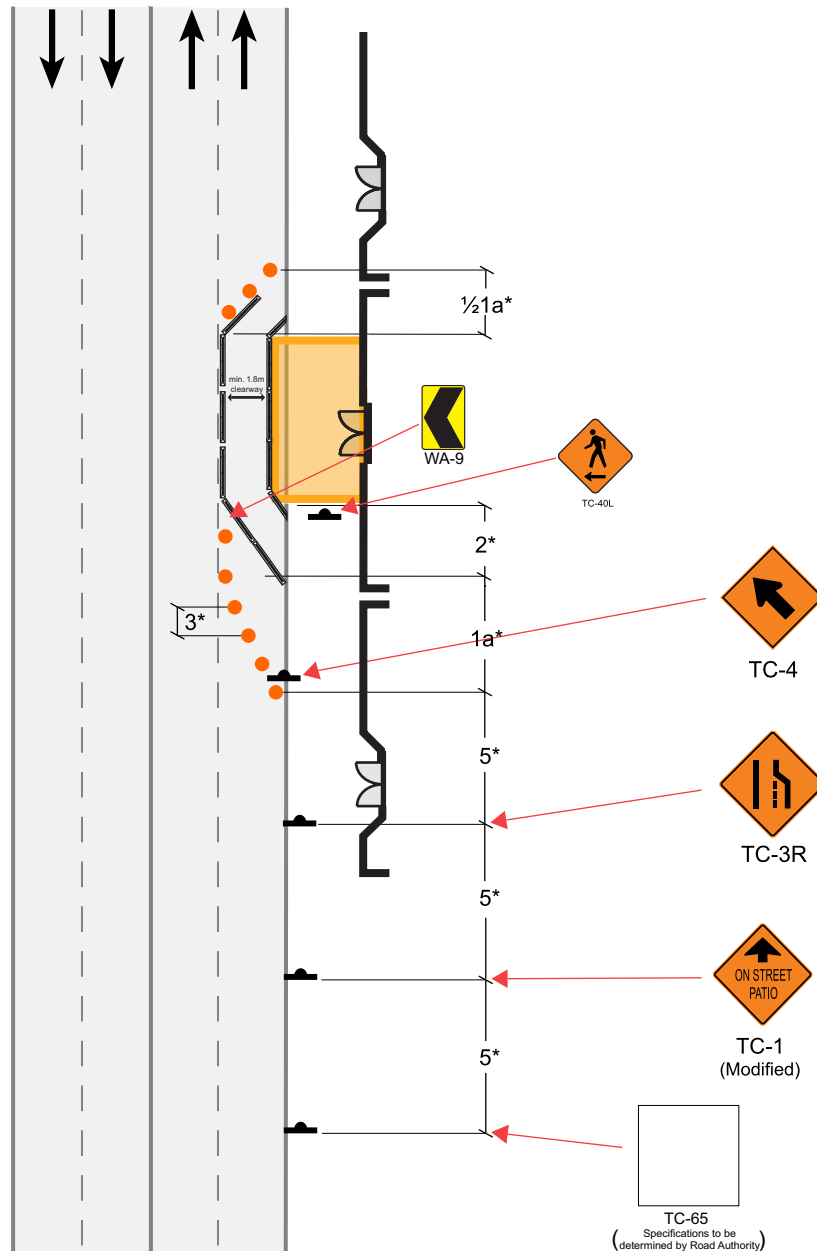
☐ No Sidewalk Diversion

☐ Single Lane - One

☐ Single Lane - 2 Di

lti-Lane

gh Risk



\* Refer to OTM Book 7, Table B

NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-1 (or equivalent)
- iii) Temporary sidewalk to meet or exceed AODA requirements

Option 5A

Right Lane Closed

☐ Parking-Lane

☒ Thru-Lane

☐ Sidewalk Diversion

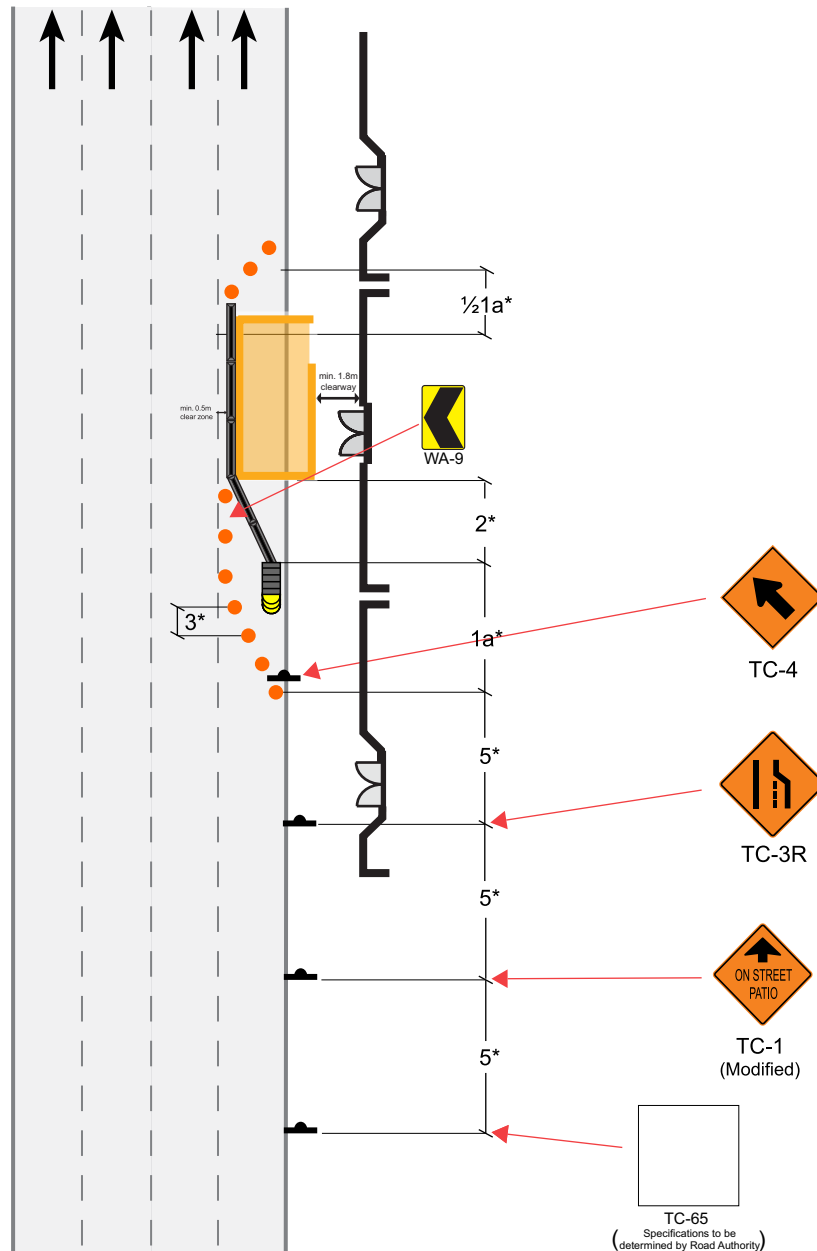
☒ No Sidewalk Diversion

☐ Single Lane - One

☐ Single Lane - 2 Di

ulti-Lane

gh Risk



\* Refer to OTM Book 7, Table B

NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-2 (or equivalent)
- iii) Attenuator/Crash cushion to have minimum requirement of MASH test level TL-2 (or equivalent)

Option 5B

Right Lane Closed

☐ Parking-Lane

☒ Thru-Lane

☒ Sidewalk Diversion

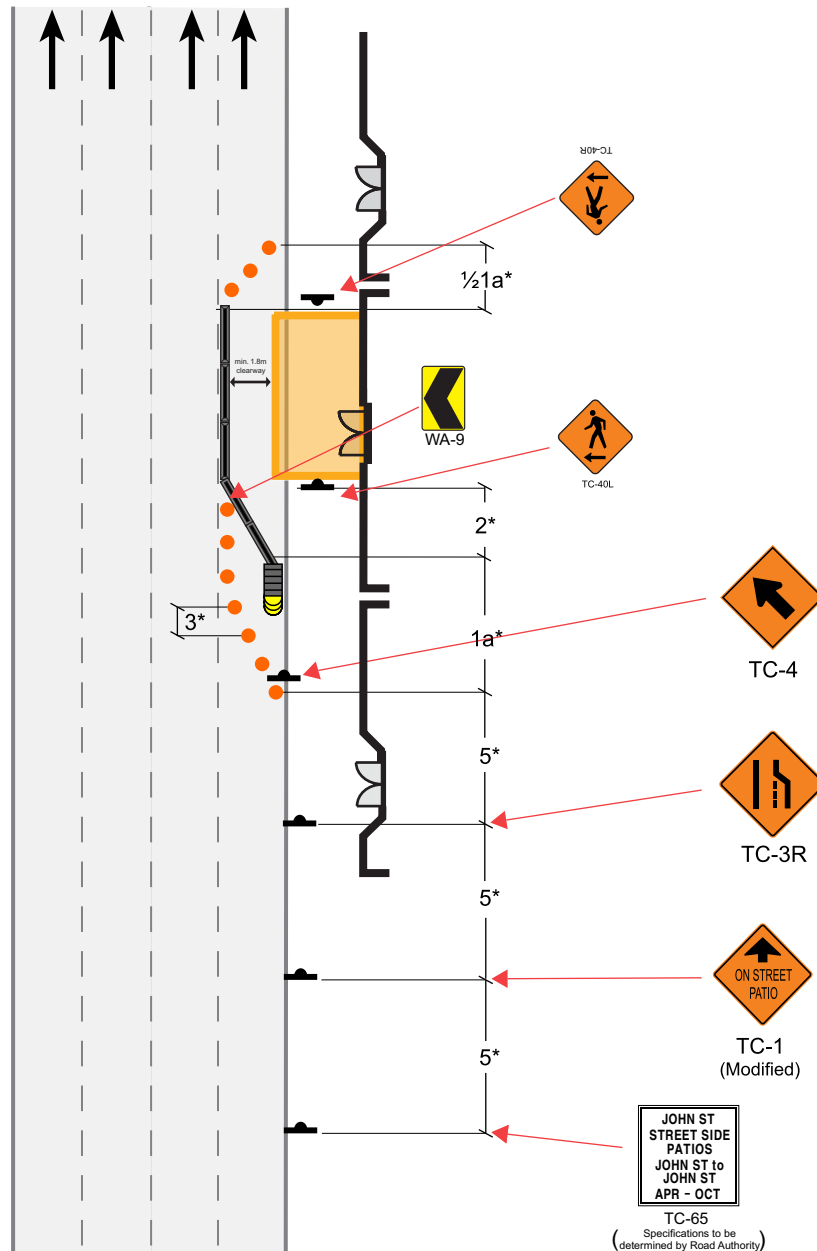
☐ No Sidewalk Diversion

☐ Single Lane - One Way

☐ Single Lane - 2 Direction

☒ Multi-Lane

☒ High Risk

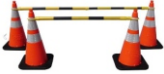






\* Refer to OTM Book 7, Table B


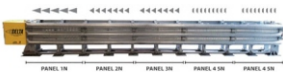

NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-2 (or equivalent)
- iii) Attenuator/Crash cushion to have minimum requirement of MASH test level TL-2 (or equivalent)
- iv) Temporary sidewalk to meet or exceed AODA requirements




Delinators No Mash Testing

	The retractable bar is made of durable ABS plastic and wrapped in reflective sheeting for night-time visibility. Each end of the retractable bar has a rugged 3.25" loop that easily drops over any traffic cones or delineator posts. The bar comes in 2 telescoping lengths: 4' to 6½' and 5' to 10½'
	The stem of the Grabber-Tubes are made of flexible yet durable fluorescent low density polyethylene material, with UV inhibitors to minimize fading. The recessed areas on the stem protect the reflective bands, minimizing rips and scratches. The extra large flange at the bottom of the stem allows the rubber base to hold it firmly in place.
	Commercial duty, sturdy rolling planter cafe Barrier. Nicely finished to both sight and touch. Planter are lined for durability and many, many-years of plant growth. The product comes with original wood grain. It is ready for customizing color with spray paint or stain. Wood has been treated for outdoor use.
	TC-54 Premium Traffic Barrel with Handle Used in conjunction with standard Tire Base and 25 lb Rubber Octagon Base
	The Crowdcade Barricade is a 6' long multi-functional barricade system that is easy to set up and store. This device features heavy-duty rubber feet that rotate and lock for stacking purposes. The Crowdcade Barricade comes with holes on one side for mounting signs 24"W x 18"H and can be used wherever crowd control, pathways, and blockades are needed.



Water filled sled/ Sand attenuators (TL3 Mash Tested)

	The Big Sandy Attenuator/Crash Cushion Sand Barrel is MASH Tested, Passed and Eligible, and meet the crash worthy requirements of NCHRP 350. Big Sandy Sand Barrels go above and beyond these requirement to provide the best in highway safety.
	The Delta Crash Cushion consists of a series of steel thrie-beam fender panels supported by steel diaphragms. It attenuates energy evenly for all vehicle types with shear bolts tearing through cut-outs of various sizes and shapes. Quick and easy installation reduces exposure to traffic. Multi-directional object marker comes in Chevron, Left or Right angles, and can be quickly changed in the field.
	The Sentry Longitudinal Energy Dissipater (SLED) is a narrow, water-filled non-redirective gating crash cushion that is a MASH Tested, Passed, and Eligible.TL1 / TL2 / TL3

Mash Containment Level TL2 products

	The SLED Mini is MASH Tested and Passed for Uni- and Bi-Directional applications as well as TL-2 End Treatment for the Traffix Water-Cable Barrier™ or Concrete Median Barrier
	The Lo-Ro Water-Cable Barrier is intended for applications where low deflection of barrier walls is desired. The durable design of the Lo-Ro Water-Cable Barrier's interlocking knuckles minimize rotation between modules to ensure maximum stability, while also having the lowest deflection of any MASH TL-2 Water-Filled Barrier at 11' 9½" (3.6m). Each Lo-Ro module has three galvanized steel cables that minimize vehicle penetration into the work zone, has a low profile height of only 36" to provide increased visibility for motorists in urban areas, and molded-in stacking lugs for
	The Water-Wall Barrier is an economic and easy to install crash barrier system. The Water-Wall Barrier is a durable side protective temporary crash barrier system that can be used in many situations; from protecting the public surrounding a construction site, to work-zone safety on roads and highways.

Mash Containment Level TL1 products

	The Urban Barrier is a unique product that provides a straightforward, robust interlinking of barrier units with the help of its coupling arrangement – reducing the working width when compared to traditional construction barriers. This in turn provides more space for pedestrians and cyclists to pass the work site. The Urban Barrier is an ideal solution for work zones, bike lines, restaurant patios, and more!
	The Water-Cable Barrier is designed with three (3) molded in galvanized steel cables that strengthen the water-cable barrier to resist vehicle penetration during an impact. The hinges are designed to allow a 30° pivot between sections and each hinge features a double wall knuckle design that greatly minimizes breakage. Each wall includes one (1) galvanized steel T-pin to securely link Water-Cable Barrier sections together.

# B

## **Appendix B: MASH Compliant Hardware**



Engineering  
for **people**

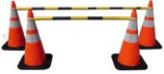




## OTC Restaurant Patio Guidelines within the Right of Way

The following is a list of safety products that represents some of the products available for use with restaurant patios. This appendix will be updated with products as they are made available to Ontario Traffic Council. If you have recommendations to add to the list, please contact the OTC at [traffic@otc.org](mailto:traffic@otc.org) .


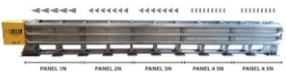



Engineering  
for **people**




Delinators No Mash Testing

	The retractable bar is made of durable ABS plastic and wrapped in reflective sheeting for night-time visibility. Each end of the retractable bar has a rugged 3.25" loop that easily drops over any traffic cones or delineator posts. The bar comes in 2 telescoping lengths: 4' to 6½' and 5' to 10½'
	The stem of the Grabber-Tubes are made of flexible yet durable fluorescent low density polyethylene material, with UV inhibitors to minimize fading. The recessed areas on the stem protect the reflective bands, minimizing rips and scratches. The extra large flange at the bottom of the stem allows the rubber base to hold it firmly in place.
	Commercial duty, sturdy rolling planter cafe Barrier. Nicely finished to both sight and touch. Planter are lined for durability and many, many-years of plant growth. The product comes with original wood grain. It is ready for customizing color with spray paint or stain. Wood has been treated for outdoor use.
	TC-54 Premium Traffic Barrel with Handle Used in conjunction with standard Tire Base and 25 lb Rubber Octagon Base
	The Crowdcade Barricade is a 6' long multi-functional barricade system that is easy to set up and store. This device features heavy-duty rubber feet that rotate and lock for stacking purposes. The Crowdcade Barricade comes with holes on one side for mounting signs 24"W x 18"H and can be used wherever crowd control, pathways, and blockades are needed.



Water filled sled/ Sand attenuators (TL3 Mash Tested)

	The Big Sandy Attenuator/Crash Cushion Sand Barrel is MASH Tested, Passed and Eligible, and meet the crash worthy requirements of NCHRP 350. Big Sandy Sand Barrels go above and beyond these requirement to provide the best in highway safety.
	The Delta Crash Cushion consists of a series of steel thrie-beam fender panels supported by steel diaphragms. It attenuates energy evenly for all vehicle types with shear bolts tearing through cut-outs of various sizes and shapes. Quick and easy installation reduces exposure to traffic. Multi-directional object marker comes in Chevron, Left or Right angles, and can be quickly changed in the field.
	The Sentry Longitudinal Energy Dissipater (SLED) is a narrow, water-filled non-redirective gating crash cushion that is a MASH Tested, Passed, and Eligible.TL1 / TL2 / TL3

Mash Containment Level TL2 products

	The SLED Mini is MASH Tested and Passed for Uni- and Bi-Directional applications as well as TL-2 End Treatment for the Traffix Water-Cable Barrier™ or Concrete Median Barrier
	The Lo-Ro Water-Cable Barrier is intended for applications where low deflection of barrier walls is desired. The durable design of the Lo-Ro Water-Cable Barrier's interlocking knuckles minimize rotation between modules to ensure maximum stability, while also having the lowest deflection of any MASH TL-2 Water-Filled Barrier at 11' 9¾" (3.6m). Each Lo-Ro module has three galvanized steel cables that minimize vehicle penetration into the work zone, has a low profile height of only 36" to provide increased visibility for motorists in urban areas, and molded-in stacking lugs for
	The Water-Wall Barrier is an economic and easy to install crash barrier system. The Water-Wall Barrier is a durable side protective temporary crash barrier system that can be used in many situations; from protecting the public surrounding a construction site, to work-zone safety on roads and highways.

Mash Containment Level TL1 products

	The Urban Barrier is a unique product that provides a straightforward, robust interlinking of barrier units with the help of its coupling arrangement – reducing the working width when compared to traditional construction barriers. This in turn provides more space for pedestrians and cyclists to pass the work site. The Urban Barrier is an ideal solution for work zones, bike lines, restaurant patios, and more!
	The Water-Cable Barrier is designed with three (3) molded in galvanized steel cables that strengthen the water-cable barrier to resist vehicle penetration during an impact. The hinges are designed to allow a 30° pivot between sections and each hinge features a double wall knuckle design that greatly minimizes breakage. Each wall includes one (1) galvanized steel T-pin to securely link Water-Cable Barrier sections together.





## **Appendix C: Sample Application Forms**



Engineering  
for **people**

## CITY OF CAMBRIDGE SIDEWALK PATIO APPLICATION FORM

This application form operates in conjunction with the City of Cambridge Sidewalk Patio Guidelines. Please consult the Sidewalk Patio Guidelines for more detailed information on standards for sidewalk patios.

### 1. SIDEWALK PATIO APPLICANT INFORMATION

Name of Business: \_\_\_\_\_

Business Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant is Owner ☐ or Authorized Agent of Owner ☐

#### Property Owner Information (if different than applicant):

Name of Property Owner: \_\_\_\_\_

Property Owner Mailing Address: \_\_\_\_\_

### 2. PATIO INFORMATION

Location: Façade Patio: ☐

Curb Side Patio: ☐

Both: ☐

Do you have a valid Business License: Yes ☐ No ☐

Do you have a valid Liquor License (if applicable): Yes ☐ No ☐

(Please provide a copy if yes, required for insurance purposes)

Anticipated Installation Date (opening date): \_\_\_\_\_

### 3. PATIO DESIGN INFORMATION

A patio plan is required showing the location of the proposed patio. Please provide a sketch or pdf drawing of your proposed patio layout including the following information and dimensions.

Location of the patio on the sidewalk	Building information including façade length, building entrance (door location), Siamese connections and exits from building, if applicable.
Minimum Clear Path of Travel (public outdoor sidewalks (or walkways) designed and constructed for pedestrian travel and are intended to serve a functional purpose)	
Fence location and all access points	Location of existing street trees, grates, manholes/catch basins, utility valves and curb line.
Location of all furniture (chairs and tables)	
Location of any planters	
Bus shelters	* <b>All dimensions are to be metric</b>

#### 4. APPLICATION DECLARATION AND CONDITIONS

I confirm by my signature below that the information contained in this application, including plans, details, patio location and setback information, is to my knowledge true, complete and in conformity to the City of Cambridge Sidewalk Patio Guidelines. I have read and understand the information provided and agree to abide by the conditions and provisions listed in this application form and Patio Permit. I further understand this is an application process and that an application for a patio does not guarantee installation is feasible and that the patio permit conditions may be subject to change.

##### Sidewalk Patio Application Conditions:

1. The Sidewalk Patio application must be in the name of the person or persons representing the patio business.
2. The Sidewalk Patio Applicant is responsible for the cost to install, maintain and to remove the patio area.
3. All patios shall be regulated on a seasonable basis during the period commencing March 15<sup>th</sup> to October 31<sup>st</sup>
4. The Sidewalk Patio Applicant is responsible to maintain the patio area in original site condition and will be required to remove all furniture and equipment following the patio season deadline.
5. The Sidewalk Patio Applicant is responsible to maintain the patio layout in accordance with the approved patio plan.
6. The Sidewalk Patio Applicant must provide an insurance certificate showing proof of liability insurance and naming "The Corporation of the City of Cambridge" and "The Regional Municipality of Waterloo" as additional insured as outlined under Insurance Requirements.

7. The Sidewalk Patio is subject to all applicable legislation such as The Liquor Control Act, The Alcohol and Gaming Regulation and Public Protection Act, The Ontario Fire Code, The Ontario Building Code Act, Region of Waterloo Public Health and The Accessibility for Ontarians with Disabilities Act. It is the permit holder responsibility to ensure compliance with all applicable legislation
8. The Sidewalk Patio area shall be subject to inspection by the City of Cambridge and/or any regulatory agency noted in #7 above. The City of City of Cambridge has the ability to warn, relocate and remove the patio fencing and furniture or revoke the permit.
9. The owner and occupant will indemnify and save harmless the City of Cambridge and Region of Waterloo from all claims, actions, costs (including legal costs on a solicitor-client basis), demands and liabilities with respect to any personal injury, death or property damage done or sustained by anyone with respect to the said lands of the City of Cambridge and Region of Waterloo.

**Insurance Requirements:**

The owner and occupant will maintain a comprehensive policy of public liability and property damage insurance acceptable to the City of Cambridge providing occurrence-based insurance coverage in an amount of not less than \$2,000,000.00 (\$5,000,000.00 for liquor licensed patio/café) per occurrence exclusive of interest and costs. Such policy shall protect the City from all loss, damage, claims or actions arising howsoever out of use and maintenance of the leased lands and shall name the City of Cambridge and Region of Waterloo as an additional insured there under. Such policy shall provide, for the following endorsements: Cross Liability with a Severability of Interests Clause, Contractual Liability, Host Liquor Liability and a 30-day notice of cancellation clause.

**Patio Application Submissions Process:**

A completed patio application form must be submitted to [hop@cambridge.ca](mailto:hop@cambridge.ca) for review and processing with the following items:

- Patio Design Plan
- Certificate of Insurance
- A copy of Liquor License (if applicable)

**Signature of applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name: (print):** \_\_\_\_\_

## **2021 Temporary Patio Application Package**

### Introduction:

The BWG 2021 Temporary Patio Program is designed to provide assistance to restaurant owners negatively affected by the prolonged economic impacts of the COVID-19 pandemic, by increasing their serving space to safely accommodate additional patrons.

The 2021 program will commence on April 15, 2021 and conclude on November 1, 2021.

There is NO FEE to apply. This program requires that businesses adhere to all provincial orders and guidelines from the Simcoe Muskoka Health Unit, in the delivery of their services.

### Private Patio Application:

Restaurant owners wishing to establish their temporary patio on private property (i.e. parking lots or rear of restaurant) can select PRIVATE from the menu below and complete the accompanying fields.

You will need to attach:

- A drawing of your proposed patio (JPG or PDF)

### Public Patio Applications (for sidewalk patios in the downtown core):

Restaurant owners in the vicinity of the 'four corners' of Holland Street and Barrie Street / Simcoe Road, who would like to establish a sidewalk patio can select PUBLIC from the menu below and complete the accompanying fields.

You will need to attach:

- A drawing of your proposed patio (JPG or PDF)
- Proof of General Liability Insurance from an insurer licensed in Ontario, for \$3 million per occurrence with an aggregate limit of no less than \$5 million to the Corporation of the Town of Bradford West Gwillimbury against any liability for property damage or personal injury, negligence including death, which may arise from the applicants' operation under this agreement.

### Private and Public Patio Applications:

Restaurant owners in the downtown core that also have spaces in the rear of the building can apply for both patios by selecting PRIVATE & PUBLIC and complete the accompanying fields.

You will need to attach:

- A drawing of your proposed patio (JPG or PDF)
- Proof of General Liability Insurance from an insurer licensed in Ontario, for \$3 million per occurrence with an aggregate limit of no less than \$5 million to the Corporation of the Town of Bradford West Gwillimbury against any liability for property damage or personal injury,

negligence including death, which may arise from the applicants' operation under this agreement.

**Application Type (Select one):**

- Private
- Public
- Private & Public

Application Date:

Registered Name of Business:

Operating Name of Business:

Applicant Name:

Phone:

Email:

Mailing Address:

For Emergencies or Urgent Notification, we require a 24-Hour Contact

Name:

Phone:

Email:

**Property Owner**

I have permission from the owner to operate a patio. Checkbox field

Name:

Title/Position:

Phone:

Email:

I have received permission from the owner to establish a patio

**Patio Information**

Date of Installation:

Length of Patio (in metres):

Width of Patio (in metres):

Proposed Number of Tables:

Proposed Maximum Seating Capacity:

Please attach a drawing of the proposed patio, in JPG or PDF. If you are applying for both private & public patios, please include both drawings in one file.

**Liquor Licensing**

I am licensed to sell alcohol at my restaurant

- Yes
- No

If yes Please enter your liquor license number

**Insurance**

I have the required insurance in the amount of \$3 million per occurrence with an aggregate limit of no less than \$5 million to the Corporation of the Town of Bradford West Gwillimbury against any liability for property damage or personal injury, negligence including death, which may arise from the applicants' operation under this agreement.

Please attach insurance certificate in JPG or PDF

**Encroachment Agreement**

Please review the terms of the Town's ENCROACHMENT AGREEMENT to permit patios on public property.

I understand and agree to the terms of the Town's Encroachment Agreement

Please review the LIMITATIONS & UNDERTAKINGS of the 2021 Temporary Patio Program

I have reviewed and will comply with the General Conditions of the 2021 Temporary Patio Program

Please review the GENERAL CONDITIONS for the 2021 Temporary Patio Program.

I have reviewed and will comply with the General Conditions of the 2021 Temporary Patio Program

I understand that Section 3.2 of the Town's Noise By-law will permit music during the hours of 9 am to 11 pm and that music must cease outside of these hours.

I understand and agree that as part of these conditions, my patio will be subject to inspection by the Town's Enforcement and Fire Services, and that it may be shut down if I am not in compliance

I acknowledge that all personal information on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purposes of administering the Patio Program. Questions regarding this collection may be directed to Michael Kemp, Office of Economic Development, 100 Dissette Street, Unit 4, 905-775-5366 ext. 1302.

I acknowledge that the BWG Office of Economic Development will be promoting participating restaurants and may require applicants to complete a follow-up survey.

I acknowledge that by completing and submitting this form electronically that the Town of Bradford West Gwillimbury is accepting my electronic signature and that the electronic signature will be the legally binding equivalent of my handwritten signature for the purpose of submitting this form to the Town.

I, THE UNDERSIGNED HAVE READ AND UNDERSTOOD THE INFORMATION PROVIDED AND AGREE TO ABIDE BY ALL GENERAL CONDITIONS, SPECIAL PROVISIONS AND ALL CONDITIONS LISTED IN THIS PERMIT APPLICATION PACKAGE.

Temporary patios can not be built until permission is granted.

Applicants will receive a confirming email indicating that the application package has been received.

Once Town staff verify that the application is deemed complete and that it meets all the requirements of the 2021 Temporary Patio program, applicants will be notified by phone or email and provided a permit number that must be displayed on an exterior wall or made available upon request.





## WHAT YOU NEED TO START

- ☐ Complete the below application
- ☐ Application Fee or Renewal Fee
- ☐ Apply for CIP Funding if available
- ☐ Be able to obtain and provide \$5 million dollars liability insurance, naming the City as additional insured with a 30 day cancellation certificate.
- ☐ Attached a sketch/site plan of the proposed encroachment with accurate measurements
- ☐ Registration of Encroachment may be required – Fee for Registering on Title responsibility of applicant

## 1. APPLICATION

<b>Applicant</b>	
<b>Name</b>	
<b>Address</b>	
<b>Phone Number</b>	
<b>Email Address</b>	
<b>Owner</b>	
<b>Name:</b>	
<b>Address:</b>	
<b>Phone Number:</b>	
<b>Email Address:</b>	

## 2. THE ENCROACHMENT

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

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

### 3. SITE PLAN

☐ Site Plan Attached


### 4. SIGNATURE

Date:	
Print Name:	
Signature:	

### 5. OFFICE USE ONLY

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Form Complete      | <input type="checkbox"/> Site Plan complete          | <input type="checkbox"/> Registered on Title Fee Paid       |
| <input type="checkbox"/> Owner of property  | <input type="checkbox"/> Building Permit Required    | <input type="checkbox"/> \$5 Million Insurance              |
| <input type="checkbox"/> Tenant of property | <input type="checkbox"/> CIP Funding available       | <input type="checkbox"/> Non-Residential Encroachment \$357 |
| <input type="checkbox"/> Seaway Property    | <input type="checkbox"/> New Application             | <input type="checkbox"/> Renewal \$102                      |
| <input type="checkbox"/> Regional Property  | <input type="checkbox"/> Zoning Compliance           |   |
| <input type="checkbox"/> Reviewed By: _____ | <input type="checkbox"/> Other: please specify _____ |   |



## WHAT YOU NEED TO START

- ☐ Complete the below application
- ☐ Application Fee
- ☐ Be able to obtain and provide \$5 million dollars liability insurance, naming the City as additional insured with a 30 day cancellation certificate.
- ☐ Attached a sketch/site plan of the proposed encroachment with accurate measurements

## 1. APPLICATION

Name	
Address	
Phone Number	
Email Address	
Name:	
Address:	
Phone Number:	
Email Address:	

## 2. THE ENCROACHMENT

Location of the Encroachment		
Address:		
Roll Number		
PIN#		
Legal Description		
Type of Encroachment		
<input type="checkbox"/>	<input type="checkbox"/>	Tables and Chairs – No Alcohol
<input type="checkbox"/>	<input type="checkbox"/>	Tables and Chairs – Alcohol is being served
<input type="checkbox"/>	<input type="checkbox"/>	Encroachment located on St. Lawrence Management Corporation Property
<input type="checkbox"/>	<input type="checkbox"/>	Other - Specify
<input type="checkbox"/>	Duration of Encroachment	

Temporary – COVID-19	
Specify dates	
Other:	

### 3. SITE PLAN

☐ Site Plan Attached


### 4. SIGNATURE

Date:	
Print Name:	
Signature:	

### 5. OFFICE USE ONLY

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Owner of property  | <input type="checkbox"/> Site Plan complete       | <input type="checkbox"/> COVID-19 Encroachment \$51 |
| <input type="checkbox"/> Tenant of property | <input type="checkbox"/> Building Permit Required | <input type="checkbox"/> Form Complete              |
| <input type="checkbox"/> Seaway Property    | <input type="checkbox"/> \$5 Million Insurance    | <input type="checkbox"/> Reviewed By: _____         |
| <input type="checkbox"/> Regional Property  | <input type="checkbox"/> Zoning Compliance        | <input type="checkbox"/>                            |

1. Applicant Information

Applicant is the:

- ☐ Landowner.
- ☐ Authorized agent of the owner.
- ☐ Tenant who has been given permission from the registered landowner(s) of the below noted property to make an application for a patio.

Name:

Mailing address:

Email:

Phone:

2. Business and Proposed Sidewalk Patio Information

Legal business name:

Business address:

Type of patio proposed:

- Frontage:

☐
- Curbside:

☐
- Parklet:

☐

# of parking spaces to be used:
- Frontage with walkway:

☐

# of parking spaces to be used:

Will liquor be served on the proposed patio premise? **AGENDA ITEM #9.1**

☐ Yes      ☐ No

If Yes to the above, has applicant received a liquor license from the Alcohol and Gaming Commission of Ontario (AGCO) to serve on the patio premise?

☐ Yes      ☐ No

Will food be prepared outside the main kitchen?

☐ Yes      ☐ No

If Yes to the above, has applicant received a temporary food permit from Algoma Public Health (APH).

☐ Yes      ☐ No

**11. Signature**

I, \_\_\_\_\_ (**print name**) hereby declare that the information provided in this application are, to the best of my knowledge, a true and complete representation of the purpose and intent of this application. I submit this application with the acknowledgement that the information contained in this application will be on file in the City of Sault Ste. Marie Legal Department, will be circulated to various departments and agencies for comments, and will be made available to the public upon request.

**Signature**

**Date**

**Please do not write below. Office use only**

**Payment received :**      ☐ Yes      ☐ No      ☐ N/A

Agency authorization:  
Planning: \_\_\_\_\_  
Building: \_\_\_\_\_  
Public Works: \_\_\_\_\_  
Accessibility Committee: \_\_\_\_\_  
Police Services: \_\_\_\_\_  
Fire Services: \_\_\_\_\_  
Algoma Public Health: \_\_\_\_\_

- ☐ **1. APPLICATION FEE.** Patio application fee is \$250. Proposals utilizing on-street parking for either a patio or pedestrian walkway are subject to an additional fee of \$220 per space.
- ☐ **2. PROOF OF LIABILITY INSURANCE.** A minimum of \$2,000,000 is required. Patios utilizing a parking space or patios serving alcohol require a minimum of \$5,000,000.
- ☐ **3. COLOUR PHOTOGRAPHS** of the business street frontage (showing adjacent businesses).

#### 4. SITE PLAN

- ☐ Dimensions of the sidewalk patio area and measurements from the curb.
- ☐ Identify any municipal fire connections, infrastructure, within or nearby the proposed sidewalk patio area such as parking meters, utility poles, bus stops, trees/landscaping, tree planters or other notable obstructions.
- ☐ Setback measurements between any of these obstructions and the edge of the proposed sidewalk patio are required.
- ☐ Table and seating plan layout and any patio entrances/exits.
- ☐ **5. BCIN CERTIFIED DRAWING.** If a temporary pedestrian walkway or a parklet patio is proposed in a parking space, a drawing by a BCIN certified designer is required.
- ☐ **6. NEIGHBOUR CONSULTATION.** If the patio requires the use of on-street parking spaces or extends beyond the side property lines, written consent from adjacent property owners is required.
- ☐ **7. INFORMATION ON MATERIALS USED.** Description/details and measurements regarding tables, chairs, umbrellas, fencing, partitions, signs, lighting and heating elements.

#### 8. OTHER AGENCY REQUIREMENTS (if applicable).

- ☐ Approval from Algoma Public Health.
- ☐ Liquor license from the Alcohol and Gaming Commission of Ontario.

For a quick evaluation and decision, all materials submitted must be clear, legible and precise. Rough sketches are not acceptable.

**Only complete applications will be accepted.**



## Application for Temporary Patio During COVID-19

### Application for Approval for a Temporary Patio to January 1 2021

This application requests a temporary outdoor patio permitted to operate on private property up to and including January 1, 2021. The temporary status is in response to the impact of COVID-19 on local businesses and enables restaurants, bars and similar food and beverage businesses to open as soon as possible once Provincial orders permit with additional space to allow for physical distancing.

### Conditions of Approval and Inspection

Should this application be approved, occupancy is permitted on the date of the approval subject to the conditions of approval (e.g. compliance with the approved patio plan and any conditions that may apply). Inspection will follow after approval and, should the temporary outdoor patio not pass the inspection, the approval may be suspended, and occupancy may be prohibited until such time as compliance is achieved to the satisfaction of the City.

### Term of Approval

Should this application be approved, the approval will automatically lapse on January 1, 2021 at 3 a.m..

### Conversion of a Temporary Outdoor Patio permitted to January 1, 2021 to a Permanent Patio

Should the applicant want to convert an approved temporary outdoor patio on private property to a permanent patio after January 1, 2021, a separate application is required and the standards terms and conditions may vary from those applicable to a temporary outdoor patio.

1. Legal Name of Business:

---

2. Name of the contact person for the business and relationship (i.e. Owner, Manager etc.). Must have legal authority to represent the business.

---

3. Address:

---

4. Contact Email:

---

5. Contact Phone:

---

6. Is the Address in 3 above the location of the proposed temporary outdoor patio?

a)            Yes                      No

b)        If No, please provide the address for the proposed temporary outdoor patio.

---

7. Is the proposed temporary outdoor patio located **on private property**

Yes                      No

a)        **If Yes**, are you the owner of the property where the temporary outdoor patio is proposed?

Yes                      No

b)        **If No, you are not the owner**, please provide a letter from the owner of the property authorizing you to apply for a temporary outdoor patio (see attached as Appendix 1).

8. Is the proposed temporary outdoor patio located **on public property**

(City sidewalk, public parking space etc.)

Yes                      No

a)        **If Yes**, you are required to submit a Certificate of Insurance including all matters outlined in Appendix 3.

9. Do you have a valid business license from the City?

Yes                      No

a)        **If No**, your application for a temporary outdoor patio will be delayed pending the issuance of a valid business license from the City. Please refer to the [City's website](http://www.stcatharines.ca) for further information on obtaining a business license.

10. Do you have a valid Liquor License from the Alcohol and Gaming Commission of Ontario (AGCO)?

a) Yes No

b) **If you are licensed** by AGCO:

- i. Include a copy of your current license
- ii. Is the proposed temporary outdoor patio a reallocation of some or all of your licensed seats from inside to outside (no increase in total seating capacity licensed by AGCO)?

Yes

No

- iii. **If No**, please advise how many more seats are proposed within the temporary outdoor patio, that exceed the existing licenced seating capacity from AGCO

\_\_\_\_\_

- iv. Identify the number of licensed seats:

Proposed Inside \_\_\_\_\_

Proposed Outside \_\_\_\_\_

TOTAL \_\_\_\_\_

- v. AGCO requires a minimum of 1.1 square metres per person for occupancy within a licensed temporary outdoor patio. Do you comply with this requirement?

Yes

No

If No, you will have to redesign the proposed temporary outdoor patio to comply with this requirement.

b) **If you are not licensed** by AGCO:

- i. Do you intend to serve alcoholic beverages on your proposed patio? Yes No

- ii. If Yes, your application for a temporary outdoor patio will be delayed pending the issuance of a valid liquor license from the AGCO. Please refer to the [AGCO's website](http://www.agco.ca) for further information on obtaining a liquor license.

11. Include a plan **to scale and in metric**, outlining the layout of the proposed temporary outdoor patio. Please refer to the City's Guidelines for Temporary Patios During COVID-19, the Site Plan Checklist, and Example Plan.  
The plan needs to be dated and signed by the person who prepared the plan.

**This application is considered incomplete without the required plan and will not be accepted, reviewed or approved until such time as a plan acceptable to the City is submitted.**

#### DECLARATION

I, \_\_\_\_\_ of the City of

\_\_\_\_\_, solemnly declare that:

I have legal authority to represent the Business and that all statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as it made under oath and by virtue of the Canada Evidence Act.

The personal information collected herein is collected under the authority of Municipal Act, 2001 and will be used by and disclosed to any person or public body for the purposes of processing this application, enforcing the conditions of this permit and all applicable laws referenced in the permit, and for all related administrative purposes. This collection of personal information is authorized by the Municipal Act, 2001. Any questions related to this collection of personal information may be directed to the City Clerk.

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Position/Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

#### Owners Authorization, if applicable

If you are not the owner of the lands, please provide a letter from the owner granting the applicant authorization to apply for a temporary outdoor patio.

Questions regarding this application may be directed via email to  
[temporarypatios@stcatharines.ca](mailto:temporarypatios@stcatharines.ca)

## Appendix 1: Letter of Authorization

If the applicant is not the owner of the land that is subject of this application, the authorization set out below must be completed by the owner(s). All registered owners must complete the authorization form for it to be valid.

Please Note: If the owner is a Corporation, the application must be signed by an officer of the Corporation and the Corporation's SEAL (if any) should be affixed OR the words, "I have the authority to bind the Corporation" may be printed under the signing officer's name instead of affixing the Corporate seal.

I / We, the undersigned, being the registered owner(s) of the land that is subject to this application

---

Property Owner's Name(s)

---

(Legal description and/or municipal address)

Hereby authorize

---

First Name	Last Name	Company (if applicable)
------------	-----------	-------------------------

To make this application on the property known municipally as

---

For which I am/we are the registered owner(s).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Appendix 2: Acknowledgements**

### **Noise**

#### **>30 m from Residential Zone**

- ☐ Amplified noise, including but not limited to the use of musical instruments, or other mechanical or electrical music equipment, and dancing, theatrical performances or audiovisual presentations, music concerts and shows, shall not be permitted in areas designated for a commercial patio between the hours of 11 p.m. and 7 a.m. (in accordance with the City of St. Catharines Noise By-law 95-198, as amended).

#### **<30 m from Residential Zone**

- ☐ Amplified noise, including but not limited to the use of musical instruments, or other mechanical or electrical music equipment, and dancing, theatrical performances or audiovisual presentations, music concerts and shows, shall not be permitted in areas designated for a commercial patio.

### **Lighting**

- ☐ Lighting illuminating a commercial patio shall be arranged so as to deflect light away from all adjoining uses and streets
- ☐ Use of candles is not permitted

### **Encroachments**

- ☐ At no time shall any part of the patio, including seating, planters, umbrellas, extend beyond the limits of the patio and into an active path of travel for either vehicles, pedestrians or cyclists.

### **Fire:**

- ☐ No person shall obstruct or cause a fire hydrant to be obstructed
- ☐ No person shall obstruct or cause a fire department connection to be obstructed
- ☐ No person shall obstruct or cause an emergency exit to be obstructed

### **Building:**

- ☐ A minimum 1.1-metre access aisle shall be provided at all times from the open sidewalk to the building and all hydrants and fire department connections.

### **Municipal Right-of-Way:**

- ☐ No person shall dig up, cut or otherwise damage a highway or sidewalk or remove any asphalt, concrete, gravel, grass, turf, sod, earth, shrub or plant from the highway or sidewalk.



- ☐ No person shall damage, destroy or, without lawful authority, remove any utility pole, light standard, hydrant or other object or structure that is located on a highway or sidewalk.
- ☐ No person shall block or obstruct a highway by any means, or obstruct or construct a drain, ditch, gutter or watercourse on a highway.
- ☐ No person or group of persons shall obstruct a sidewalk or private entrance in such a manner as to impede the free movement of pedestrians on that sidewalk or private entrance or to pose a danger to the safety of other persons using the sidewalk, private entrance or other parts of the highway. It is the responsibility of the business to ensure that a minimum 2.4-metre-wide, clear path is maintained at all times for the sidewalk.
- ☐ No person shall deposit any sand, gravel, earth, stone, wood, coal or other material, substance or object on a highway or sidewalk.
- ☐ No person shall deposit any glass, nails, tacks, scrap metal, handbills, notices, advertisements, litter, debris, rubbish, refuse or waste on a highway or sidewalk, except in receptacles provided for this purpose or in accordance with the applicable by-law or by-laws regulating the collection, removal and disposal of waste.
- ☐ No person shall, either directly or indirectly, discharge or cause or permit the discharge or deposit of any prohibited substance into a land drainage works located on a highway.
- ☐ The City may remove any material or object deposited by a person on a highway at the expense of that person.

### **Social Distancing:**

- ☐ It is the responsibility of the owner/operator to ensure that social distancing, in accordance with Provincial guidelines, is maintained within the patio area.

### **Inspection:**

- ☐ The subject patio can be inspected by City staff at any time and if the commercial patio is found to be operating contrary to any of the above, the City may require that operations cease until staff are satisfied that all requirements have been met.

Owner / Applicant: \_\_\_\_\_ Date: \_\_\_\_\_



## Appendix 3 Certificate of Insurance Requirements

A valid Certificate of Insurance must be written on the comprehensive basis and contain the following:

- a) Name of Insurer (the insurance company);
- b) Policy number and Term of Policy;
- c) Type of Policy: General Liability Policy containing public liability and property damage insurance including personal injury liability, blanket contractual liability, non-owned automobile liability, products-completed operations and employers liability, with respect to the Licensed Area and the Permit Holder's use of the Licensed Area, with coverage including the activities and operations conducted by the Permit Holder and those for whom the Permit Holder is in law responsible and containing a severability of interests clause and cross-liability clause;
- d) Limit of Policy: \$5 million per occurrence;
- e) Named Insured (must be the organization that is listed as the organizer and participating businesses in the Outdoor Patio Permit application);
- f) Description of Outdoor Patio and activities to be insured;
- g) Dates of Outdoor Patio operation (include set up and take down dates);
- h) Location of Outdoor Patio (i.e. road closure, list of all roads that are being used, alleyway, etc.);
- i) The Corporation of the City of St. Catharines is added as an 'Additional Insured';
- j) Outdoor Patio that include alcohol must reference a Host Liquor Liability endorsement; and
- k) Signature of insurance provider or broker.