



**The Corporation of the City of St. Catharines  
CITY COUNCIL AGENDA  
Regular, Monday, August 30, 2021  
Electronic Participation, 5:00 PM**

As part of the City's commitment to safety during the COVID-19 pandemic, this meeting of Council will be held electronically.

This Meeting may be viewed online at [www.stcatharines.ca/youtube](http://www.stcatharines.ca/youtube)

*Public Comments: The public may submit comments regarding agenda matters to the Office of the City Clerk by contacting [clerks@stcatharines.ca](mailto:clerks@stcatharines.ca) by Monday, August 30, 2021 before Noon. Comments submitted will be considered as public information and entered into public record.*

*Electronic Delegations: Those wishing to speak to an item on the agenda must complete the [City's Electronic Delegation Form](#) by Monday, August 30, 2021 before 9:00 a.m. and attend a test session with City staff on Monday, August 30, 2021 at 10:00 a.m.*

*His Worship Mayor Walter Sendzik takes the Chair and opens the meeting with a Land Acknowledgement*

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**1. Mayor's Report**

**2. Adoption of the Agenda**

**3. Adoption of the Minutes**

3.1 Regular Council, Minutes of [August 9, 2021](#)

3.2 General Committee, Minutes of [August 9, 2021](#)

**4. Declarations of Interest**

**5. Approval of 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 be moved to the list of Discussion Reports.

5.1 Planning and Building Services, Building and Development  
Appeal of Sign Variance Decision, pursuant to Sign By-law 2012-154,  
regarding 370 Ontario Street

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- 25 - 34      5.2      Legal and Clerks Services, Office of the City Clerk  
2022 Municipal and School Board Election – Alternative Voting Methods
- 35 - 82      5.3      Legal and Clerks Services, Office of the City Clerk  
Council Correspondence

**6. Public Meetings**

- 83 - 114      6.1      **Public Meeting pursuant to Planning Act**  
Planning and Building Services, Planning Services  
Planning Act Public Meeting and Recommendation Report RE:  
Application to Amend Official Plan and Zoning By-law 2013-283 Subject  
Lands: 18 and 20 Moote Street Owner: National Group (2000) Inc  
[Addenda]

**7. Presentations**

- 7.1      St. Catharines Public Library  
Strategic Plan Update

**8. Discussion Reports**

- 115 - 125      8.1      Financial Management Services, Billing  
Municipal Property Tax Software Replacement, Early 2022 Capital  
Budget Approval and Participation in Utility Billing Early Advisor Program

**9. Motions**

- 9.1      **Rescheduled Dates for September 20, 2021 and October 20, 2021  
Council (Budget) Meetings**

*Councillor Siscoe will present the following motion:*

WHEREAS City Council (Budget) meetings are scheduled for Monday, September 20, 2021 and Wednesday, October 20, 2021 at 6:00 p.m. to discuss the 2022 Operating and Capital Budgets; and

WHEREAS a federal election is now scheduled for Monday, September 20, 2021; and

WHEREAS City Council approved a motion at its meeting of November 4, 2019 stating, "that the City Council of the City of St. Catharines no longer hold Council meetings on the days of provincial or federal general elections";

THEREFORE BE IT RESOLVED that the City Council (Budget) meeting scheduled for Monday, September 20, 2021 be rescheduled for Wednesday, September 22, 2021 at 6:00 p.m.; and

BE IT FURTHER RESOLVED that the City Council (Budget) meeting scheduled for Wednesday, October 20, 2021 be rescheduled for Tuesday, October 19, 2021 at 6:00 p.m.; and

BE IT FURTHER RESOLVED that the City Clerk be directed to make the appropriate notifications.

**9.2 Comprehensive Marine Strategy**

*Councillor Phillips will present the following motion:*

WHEREAS Canadians depend on our waterways for leisure, sustenance, and their livelihood and our marine sectors contribute approximately \$31.7 billion annually in gross domestic product and account for close to 300,000 jobs; and

WHEREAS the federal government has consulted widely with the provinces and territories, Indigenous peoples, industry, conservationists, and all Canadians in the development of the Blue Economy Strategy; and

WHEREAS Quebec, British Columbia, and the Atlantic provinces have achieved great success in the emerging marine sector economy, and to remain competitive Ontario must capitalize on the economic potential of its marine sector; and

WHEREAS the marine industry is vital to Ontario's economy through the creation of jobs, increased supply chain efficiencies and resilience, and the ability to reduce greenhouse gas emissions and road congestions;

THEREFORE BE IT RESOLVED that St. Catharines City Council calls on the Government of Ontario to create a comprehensive Marine Strategy that will:

- Provide the Great Lakes with modern and competitive infrastructures, and
- Ensure efficient and ecosystem-friendly navigation of the Great Lakes, and
- Deliver sustainable development opportunities for maritime communities; and

BE IT FURTHER RESOLVED that St. Catharines City Council calls on the Government of Ontario to signal their commitment to the importance of the marine sector by appointing or creating an Ontario Marine Strategy Secretariat position to lead the consultations and oversee the strategy; and

BE IT FURTHER RESOLVED that a copy of this motion be forwarded to Premier Doug Ford; Vic Fedeli, Minister of Economic Development Trade

and Job Creation; Caroline Mulroney, Minister of Transportation; local MPPs; the Association of Ontario Municipalities (AMO); Ontario's Big City Mayors (formerly Large Urban Mayors Caucus of Ontario-LUMCO); the Niagara Region and all local area municipalities.

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

## **11. Report Requests**

### **11.1 Grey Water from Municipal Facilities**

*Councillor Phillips will request the following report:*

That staff be directed to prepare a report on the possibility of capturing grey water from municipal facilities, such as splash pads and the St. Catharines Kiwanis Aquatics Centre, into cisterns in order to irrigate municipal sports fields and gardens as well as hanging baskets and planters. In the report include information on the timing, locations and costs associated with capturing grey water.

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

### **12.1 Minutes to Receive:**

- Environmental Sustainability Committee, meeting of [August 18, 2021](#) (draft)
- Equitable Recovery Subcommittee, meeting of [August 16, 2021](#) (draft)
- Green Advisory Committee, meeting of [August 11, 2021](#) (draft)
- Heritage Advisory Committee, meetings of [April 8, 2021](#) (draft) and [June 10, 2021](#) (draft)
- LGBTQ2+ Advisory Committee, meeting of [August 4, 2021](#) (draft)
- Museum Advisory Committee, meeting of [June 11, 2021](#)
- Transportation Advisory Committee, meeting of [April 29, 2021](#) (draft)

[Addenda]

## **13. Closed Session**

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

- 13.1 Corporate Support Services, Director  
Human Resources Matter – Fire Services Staff  
(Closed Session report pursuant to By-law 2021-124, Section H3.1(b),  
Personal matters about an identifiable individual, including municipal or  
local board employees)

[Addenda]

## **14. Motion Arising from Closed Session**



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**15. By-laws**

126            15.1    Reading of By-laws  
                         [Addenda]

**16. Adjournment**



## Corporate Report City Council

**Report from:** Planning and Building Services, Building and Development

**Report Date:** August 10, 2021

**Meeting Date:** August 30, 2021

**Report Number:** PBS-132-2021

**File:** 56.2.5

**Subject:** Appeal of Sign Variance Decision, pursuant to Sign By-law 2012-154, regarding 370 Ontario Street

### Recommendation

That Council uphold the decision of the Director of Planning and Building Services to deny the applicants request to vary Sign By-law No. 2012-154, to allow the installation of two additional sign boxes onto an existing Pole Sign.

### Summary

The subject property has an existing pole sign erected in the late 1970s. Since that time, there have been four requests to add additional signage area over and beyond what is permitted by the City's previous and in-effect Sign By-laws.

The most recent request to expand the existing pole signage area will exceed the maximum permitted signage area by 22.36 m<sup>2</sup> (240.70 ft<sup>2</sup>) and have an overall signage area of 33.46 m<sup>2</sup> (360.20 ft<sup>2</sup>). This overage exceeds the maximum permitted signage area of 11.1m<sup>2</sup> (119.5 ft<sup>2</sup>) by 300% and as such, is not supported by staff. The request was denied by the Director of Planning and Building Services and subsequently appealed by the applicant to Council.

### Relationship to Strategic Plan

This report does not have an alignment with the St. Catharines Strategic Plan.

### Background

The applicant (Curbex Media) applied for a sign permit on December 10, 2020 to alter an existing Pole sign to include the installation of two additional signage boxes. Through the sign permit review process, it was confirmed that the overall signage area would exceed the maximum area of 11.1m<sup>2</sup> (119.5 ft<sup>2</sup>) of the City's in effect Sign By-law 2012-154.

A sign variance application was received by Planning and Building Services on March 4, 2021, circulated to internal commenting partners, evaluated by staff, and a technical staff

report prepared for and reviewed by the Director of Planning and Building Services on June 22, 2021. The technical staff report (attached as Appendix 1) recommended denial of the application and the Director of Planning and Building Services concurs with the staff recommendation.

In accordance with Sign By-law 2012-154, as amended by By-law 2014-215, an applicant may apply to the Director of Planning and Building Services for a variance from the requirements of the Sign By-law. Where the applicant disagrees with the decision of the Director, the applicant may appeal the decision to Council. The decision of Council is final. The owner (McCowan & Associates) appealed the decision to Council on July 9, 2021 (attached as Appendix 2).

## **Chronology**

The City's first Sign By-law 66-248 was in force and effect at the time that the City first issued a permit for the pole sign at 370 Ontario Street in 1977 and/or 1978. The City does not have any drawings/documents on record for this permit.

In 1991, the City approved a sign permit to relocate the existing pole sign. At the time of sign permit issuance, Sign By-law 91-195 was in effect. As per Section 4.2 of that By-law, no person shall erect, install, or maintain a pole sign which exceeds 25m<sup>2</sup> (269 ft<sup>2</sup>) in area. The City does not have any drawings/documents on record for this permit.

In 2000, the City approved a sign permit to alter the existing pole sign. This permit included the installation of a fourth sign box with an area of 6.97m<sup>2</sup> (75 ft<sup>2</sup>). At time of sign permit issuance, Sign By-law No. 99.39 was in effect. As per Section 4.2 of that By-law, the maximum permitted pole sign area was the greater of 11.1m<sup>2</sup> (119.5 ft<sup>2</sup>) or 0.1m<sup>2</sup> per 1m of street frontage to a maximum area of 25m<sup>2</sup> (269 ft<sup>2</sup>) or the greater of 11.1m<sup>2</sup> (119.5 ft<sup>2</sup>) or 1m<sup>2</sup> per 1500 ft<sup>2</sup> of lot area to a maximum area of 25m<sup>2</sup> (269 ft<sup>2</sup>). With the installation of the additional sign box, the overall approved signage area was 29.04m<sup>2</sup> (312.6 ft<sup>2</sup>) which did not comply with the in-effect Sign By-law of the time. It is unclear if this additional signage was installed and then removed or never installed as it does not exist today. The City has drawings/documents on record for this permit (attached as Appendix 3). The sign permit file also includes structural drawings for the pole sign with a drawings date of January 1991. The issued sign permit exceeded the permitted sign area under the in-effect by-law at the time.

In 2014, the City received a sign variance request for the installation of a new ground sign. Staff reviewed the sign variance request and confirmed issues with the location and sightlines. The sign variance request was cancelled on March 10, 2014.

In 2020, the City received a sign permit application from Curbex Media (applicant). The application was to permit the installation of two additional sign boxes which would add an additional signage area of 11.39m<sup>2</sup> (122.58 ft<sup>2</sup>). Section 4.2 of the current, in-effect Sign By-law No. 2012-154 indicates that the maximum pole sign area is the greater of 11.1m<sup>2</sup> (119.5 ft<sup>2</sup>) or 0.1m<sup>2</sup> per 1m of street frontage to a maximum area of 25m<sup>2</sup> (269 ft<sup>2</sup>) or the greater of 11.1m<sup>2</sup> (119.5 ft<sup>2</sup>) or 1m<sup>2</sup> per 1500 ft<sup>2</sup> of lot area to a maximum area

of 25m<sup>2</sup> (269 ft<sup>2</sup>). Using the lot frontage and lot area calculation methods, the maximum area permitted is 11.1m<sup>2</sup> (119.5 ft<sup>2</sup>).

The drawings submitted by Curbex indicate the three existing sign boxes. The existing signage area was calculated using the structural drawings (dated January 1991) which were included in the permit file from 2000. The subject sign permit currently under review pending Council's decision on the appeal is attached as Appendix 4.

## **Report**

### **Subject Property**

The subject property is located on the east side of Ontario Street, south of Scott Street West, and north of Carlton Street (Appendix 5). It is currently occupied by two, one-storey commercial buildings. The site is designated Commercial in the Garden City Official Plan and is zoned Arterial Commercial "C3". The original commercial building constructed in the 1960s is setback towards the rear of the property is currently being used as a gym and for multiple retail tenants. In 2000, a second one-storey commercial building was constructed along the property frontage and is currently being used as an automotive supply store.

There is currently one existing pole sign along the Ontario Street frontage which only advertises the automotive supply store. The existing pole sign is 10.62 m (34' -10") in height and has a total signage area per side of approximately 22.07 m<sup>2</sup> (237.60 ft<sup>2</sup>). The existing overall signage area exceeds the maximum permitted under Sign By-law No. 2012-154 by 10.97 m<sup>2</sup> (118.10ft<sup>2</sup>). The overall signage area will be increased from the existing 22.07 m<sup>2</sup> (237.60ft<sup>2</sup>) to a total signage area of 33.46 m<sup>2</sup> (360.20 ft<sup>2</sup>). The proposed signage area will then exceed the maximum permitted signage area by 22.36 m<sup>2</sup> (240.70 ft<sup>2</sup>) The overall signage area exceeds the maximum permitted signage area of 11.1m<sup>2</sup> (119.5 ft<sup>2</sup>) by 300%.

### **Input from Transportation and Urban Design Staff**

Staff from Transportation and Environmental Services (TES) and Planning Services were asked to review the requested variance.

### **Pedestrian and Vehicle Safety**

Transportation and Environmental Services (TES) has no concerns with the additional sign boxes.

### **Urban Design**

Urban Design Planning staff recommend that the variance for the additional signage boxes be denied as the proposal is oversized and will not improve the streetscape.

### **Staff Recommendation**

With an existing lot frontage of 47.24 m (155 ft), an additional ground sign or pole sign can be installed. As per Sign By-law No. 2012-154, one pole or ground sign can be installed per 20 m (65' - 7 3/8") of the frontage of the lot. The signage shall comply with the required overall height, signage area, setbacks and sightlines outlined in the Sign

By-law. The maximum signage area would be 11.1m<sup>2</sup> (119.5 ft<sup>2</sup>) for a pole sign or 9.3m<sup>2</sup> (100 ft<sup>2</sup>) for a ground sign. Since Ontario Street is a Regional road, Niagara Region approval will be required for any proposed ground signs or pole signs. Given the size of the existing pole sign, additional signage is not necessary and would only succeed in contributing to an already cluttered streetscape in this area.

Staff recommend that the applicant/owner modify the current approved signage area of 22.07 m<sup>2</sup> (237.6 ft<sup>2</sup>) to suit their tenant's needs. The existing signage area is sufficient to be divided to create more signage boxes for all building tenants.

## **Financial Implications**

There are no financial implications associated with this file.

## **Environmental Sustainability Implications**

There are no environmental implications associated with this file.

## **Conclusion**

The requested variance to the pole signage area exceeds the maximum permitted signage area of 11.1m<sup>2</sup> (119.5 ft<sup>2</sup>) by 300% and as such, is not supported by staff. Should Council consider granting the sign variance, a restriction should be incorporated which would prohibit the installation of any additional pole or ground signs on the property.

## **Notifications**

That McCowan & Associates be notified of Council's decision.

### **Prepared by**

Larissa Rojenko  
Building Inspector II

### **Submitted by**

Brian Thiessen, M.A.A.T.O, CBCO  
Manager of Plans Examination

### **Approved by**

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

## **Appendices**

- Appendix 1: Sign Variance staff report and Sign Variance Denial
- Appendix 2: Email from Owner requesting appeal of decision.
- Appendix 3: Approved drawings from sign permit issued in 2000
- Appendix 4: Proposed pole sign alterations
- Appendix 5: Location Map

**Report from the Building and Development****Date of Report:** June 7, 2021**Date of Meeting:** June 22, 2021

**Subject:** Request for Sign By-Law Variance  
 370 Ontario Street  
 Project No.: 21 102039 CF

**RECOMMENDATION:**

That the request for a variance for the installation of additional sign boxes to an existing pole sign be **DENIED**.

and that Lindsay Irving of Curbex Media (Authorized Agent) and McCowan & Associates (Property Owner), be so advised.

**BACKGROUND:**

On March 4, 2021, Building Section received a request for a variance from the City of St. Catharines Sign By-Law 2012-154 article 4.2 (b) to add additional signage area to an existing Pole sign located at 370 Ontario Street. Lindsay Irving of Curbex Media and McCowan & Associates wish to vary the requirements of the Sign By-Law to allow for two additional sign boxes to be installed within the existing Pole sign frame increasing the overall signage area.

**REPORT:**

The subject property is Zoned C3 and contains two one-storey commercial buildings. The original commercial building setback towards the rear of the property is mainly being used as a gym and for multiple retail tenants. In 2000, a second one-storey commercial building was constructed along the property frontage and is currently being used as an automotive supply store.

See **Appendix A** for an aerial view and street view of 370 Ontario Street.

There is currently one existing Pole sign along the Ontario Street frontage which only advertises the automotive supply store. It is unknown how long the pole sign has existed on the property but may date back to when the rear commercial space was constructed. In 2000, the City of St Catharines issued a sign permit to relocate the sign due to the newly construct commercial building. (Permit: 00 003527 SN).

See **Appendix B** for the design of the existing pole sign.

The existing pole sign is 10.62 m (34' -10") in height and has a total signage area per side of approximately 21.95 sm (236 sf). The existing overall signage area exceeds the maximum permitted under Sign By-law 2012-154

Curbex Media is proposing to install two additional sign boxes within the existing pole sign frame. The two additional sign boxes will measure 2.49 m (8'-2") x 4.57 m (15'-0") and will add an additional 11.33 sm (122 sf) of signage area.

The overall signage area will be increased from the existing 21.95 sm (236 sf) to a total signage area of 33.28 sm (358.25 sf). The proposed signage area will exceed the maximum permitted signage area by 22.18 sm (238 sf).

See **Appendix C** for the proposed alterations to the pole sign.

Ontario Street is a regional road therefore approval is required from the Niagara Region Traffic Section. A copy of Niagara Region approval for the proposed sign alterations has been submitted to the Building Section.

Based on the submitted drawings, the installation of the additional sign boxes would be in contravention of the Sign-Bylaw for the following reason:

1. Sign By-law 2012-154, article 4.2 (b) states that except as provided for in Section 5.2 (a) and 5.5 (a), no person shall erect or install a Pole Sign which exceeds:
  - (i) The greater of 11.1 sm (119.5 sf) OR 0.1 sm (10.8 sf) per 1.0 m (3'-3 3/8") of street frontage to a maximum area of 25.0 m (269.1 sf); or
  - (ii) The greater of 11.1 sm (119.5 sf) OR 1.0 sm (10.8 sf) per 1500 sm (16,146 sf) of lot area to a maximum area of 25.0 m (269.1 sf)

Using both the lot frontage and lot area methods, the calculated signage area is less than the 11.1 sm (119.5 sf) therefore the maximum signage area is capped at 11.1 sm (119.5 sf)

The following is a summary of the applicant's reason for requesting the variances:

1. The proposed sign display area is to increase advertising space for the tenants of the entire property.

Staff from Transportation and Environmental Services (TES) and Planning Services were asked to review the requested variances.

**PEDESTRIAN AND VEHICLE SAFETY:**

Comments provided by Steve Bittner, Transportation Technologist

Transportation and Environmental Services (TES) has no concerns with the additional sign boxes

**PLANNING SERVICES:**

Comments provided by Scott Richie, Urban Design Planner

Planning staff recommends that the variances be denied due to the proposal being oversized and will not improve the street.

**CONCLUSION:**

With the additional two sign boxes, the overall signage area will exceed the maximum permitted area by 22.18 sm (238 sf). The altered pole sign will be oversized for the streetscape. Staff recommends that the owner/applicant modify the current approved signage area of 21.95 sm (236 sf) to create more signage boxes.

Staff recommends the variance requested by the applicant be **denied**.

Report Prepared By:

  
 Larissa Rojenko  
 Building Inspector II



Submitted By:



Brian Thiessen  
Acting Chief Building Official  
Sr Manager of Building & Development

Report Approved By:



Tami Kitay  
Director of Planning and Building

#### APPENDIX A - AERIAL VIEW





APPENDIX A - STREETVIEW



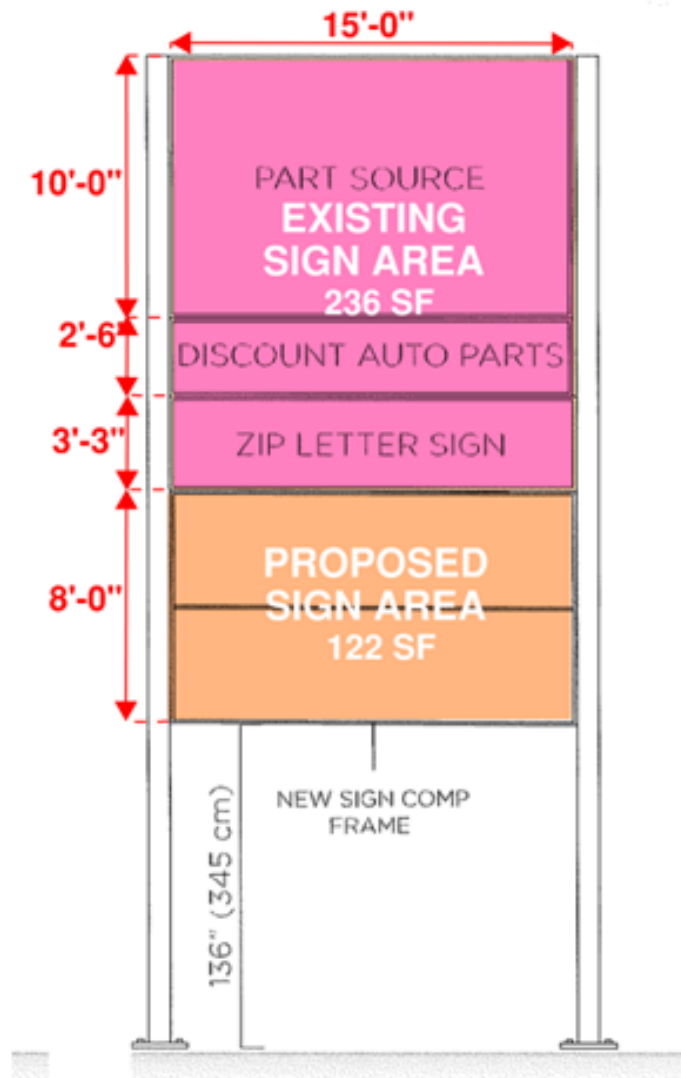
## APPENDIX B – EXISTING POLE SIGN



## APPENDIX C - PROPOSED ALTERATIONS



APPENDIX C - PROPOSED ALTERATIONS





McCowan and Associates Ltd  
158 Dunlop Street E  
Barrie, ON  
L4M 1B1

June 30, 2021

Dear Sir/Madam:

Re: Project Number: 21 102039 CF  
Application for Sign Variance  
370 Ontario Street, St. Catharines ON

Further to your request to vary Sign By-law 2012-154, as amended, with respect to 370 Ontario Street, please be advised that your request has been **denied** for the following reasons:

1. The proposed overall signage area will exceed the maximum permitted sign area by 22.18 sm (238 sf) which is oversized for the streetscape.

See enclosed Sign variance staff report

If you require any further information, please do not hesitate to contact me at 905-688-5601 ext 1603.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Brian Thiessen', written over a horizontal line.

Brian Thiessen  
Acting Chief Building Official/Sr Manager of Building and Development

Cc: File No. 21 102039 CF

PO Box 3012, 50 Church St., St. Catharines, ON L2R 7C2  
P: 905.688.5600 | F: 905.682.3631 | TTY: 905.688.4TTY (4889) | [www.stcatharines.ca](http://www.stcatharines.ca)

**McCowan**  
**& Associates**

July 5, 2021

**Mayor Walter Sendzik**

City of St.Catharines

PO Box 3012

50 Church Street

St.Catharines, Ontario L2R 7C2

sent via email: [mavor@stecatharines.ca](mailto:mavor@stecatharines.ca)

cc: Larissa Rojenko [rojenko@stecatharines.ca](mailto:rojenko@stecatharines.ca)

cc: Lyndsey Van Gennip [lyngennip@curbex.com](mailto:lyngennip@curbex.com)

**RE: Declined Request for Sign By-Law Variance – 370 Ontario Street – Project**  
**No.:21102039 CF**

Dear Mayor Sendzik;

This letter is written on behalf of Ron McCowan of McCowan and Associates Ltd., the owner of the property located at 370 Ontario Street, St.Catharines.

In March 2021 our signage contractor, Curbex Media submitted an application on the owner's behalf to add two sign boxes to the existing PartSource sign (see attached page 1 of rendering).

On June 22, 2021 Mr. McCowan received the report from the City of St.Catharines that the request to have these sign boxes installed was declined (see attached pages 2 through 8). We note that the Niagara Regional Traffic Section had no issues with the proposed sign boxes.

We understand and appreciate the City of St.Catharines Bylaws and Rules, however, the owner is asking that you kindly reconsider your decision and allow for the installation of the additional sign boxes.

World Gym located at the rear of the property has been struggling more so than most of the tenants due to the inability to operate during the governmental mandated closures from COVID-19 Pandemic for many months now.

**McCowan**  
& Associates

As a Landlord, the owner wants to do all that he can to assist these tenants pave the way for a successful future following these times of despair. Accordingly, he is trying to do his part by increasing the tenants exposure for advertisement, which will hopefully bring consumers attention to these tenant located at the property and their businesses will once again flourish.

We truly hope that the stance of the municipal government is not to encumber these businesses to which you serve, but, rather to help facilitate their success after these trying times. Accordingly, anything the municipality can do to allow for the addition of these sign boxes would be greatly appreciated by both the owner and the tenants.

Given the circumstances, time is of the essence and we look forward to your response.

Should you have any questions or concerns, please feel free to contact the undersigned at (905) 716-1143 or Ron McCowan at (705) 737-1057 X106.


Sincerely,



Jodi Watman  
McCowan & Associates

P.O. Box 982 Station Main  
Barrie, Ontario L4M 5E1  
Phone: (705) 737-1057 Fax: (705) 737-0484



<p><b>CITY OF ST. CATHARINES</b></p> <p>CITY HALL 50 CHURCH STREET PO. BOX 3812 ST. CATHARINES, ONTARIO L2R 7C2</p>	<p>TRANSPORTATION AND ENVIRONMENTAL SERVICES DEPARTMENT</p> <p>TEL: (905) 681-8001 EXT. 1660 FAX: (905) 681-4455</p> 
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**PERMIT**

PERMISSION IS HEREBY GRANTED TO OWNER OF LAND TO:

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Work Proposed: Alter Existing	Project #: 00 003527 SN
Business Pole	Sign
<b>POLE SIGN</b>	
Property Roll Number: 2629040038048000000	Application Date: July 12, 2000
Site Address: 370 Ontario Street Unit 0000 St. Catharines M4P 2V8	Issued: August 22, 2000
Legal Description: CON 4 PT LOT 21 2.60AC 155.00FR 730.00D	

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<b>Applicant: NEON PRODUCTS LTD.</b>		
555 ELLESMERE Road Scarborough ON M1R 4E8	Work: (416) 759-1111	Fax: (416) 759-0583
<b>Owner: Brian Draves Merchandising (DRAVES BRIAN)</b>		
370 ONTARIO ST St. Catharines ON M4P 2V8		
<b>Owner: CANADIAN TIRE CORP LTD</b>		
370 ONTARIO ST St. Catharines ON L2R 5L8		
<b>Sign Contractor: NEON PRODUCTS LTD.</b>		
555 ELLESMERE Road Scarborough ON M1R 4E8	Work: (416) 759-1111	Fax: (416) 759-0583

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On the said premise in accordance with plans and/or documents submitted to the Chief Building Official and subjected to the conditions in our letter dated:

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Foundation Inspection	Final Sign Inspection
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**IMPORTANT**

THE OWNER, CONTRACTOR OR AUTHORIZED AGENT OF THE OWNER SHALL NOTIFY THE BUILDING SECTION AT LEAST 48 HOURS IN ADVANCE OF THE ABOVE NOTED INSPECTIONS. PLEASE QUOTE YOUR PROJECT NUMBER.

CALL 688-5601 Ext 1660

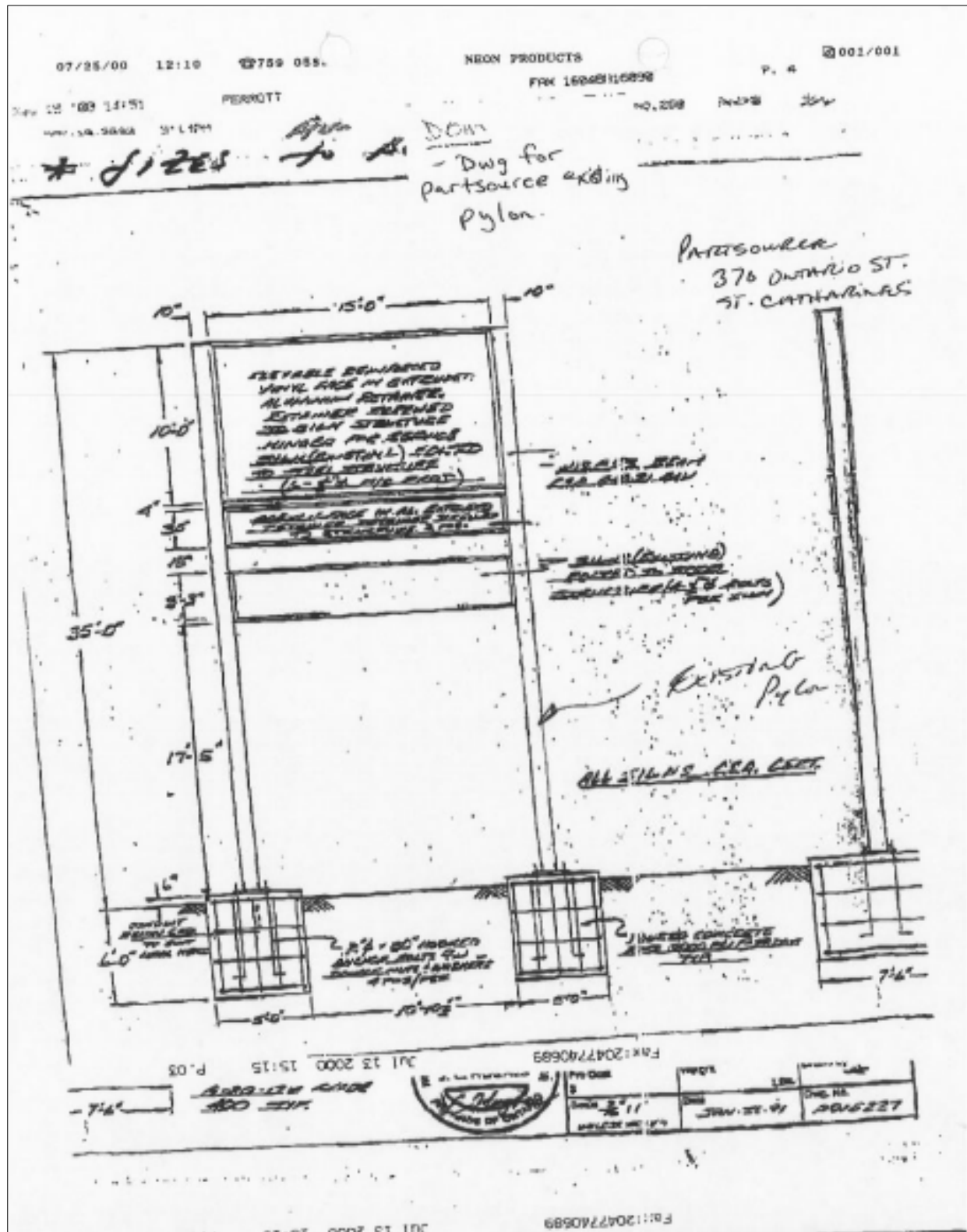
THE APPROVED PERMIT DRAWINGS MUST BE KEPT ON THE CONSTRUCTION SITE AND MADE AVAILABLE TO THE INSPECTOR. COVERING WORK PRIOR TO INSPECTION MAY RESULT IN DELAYS AND REMOVAL OF FINISHES

1. All work must be completed in accordance with plans and/or documents submitted to the Chief Building Official and/or authorized changes by the Chief Building Official.
2. This permit will be revoked after six months if the work described has not been seriously commenced or if the work is substantially suspended or discontinued for a period of time.
3. This permit is granted on the express condition that the said work is in all respects conforms to the provisions of the Ontario Building Code and any other relevant by-law of the City of St. Catharines.
4. Permission must be obtained from the City Engineer and/or the Regional Engineer to occupy the road allowance (the street, the boulevard and sidewalk) or effect changes to same.
5. The project is subject to the requirements of the Occupational Health and Safety Act.
6. The owner, contractor, or authorized agent shall be responsible for verifying that the proposed work will not interfere

Date Signed: <u>Aug 22/00</u>	Authorized Signature: <u>[Signature]</u>
	Chief Building Official

Office Copy





07/25/00 12:13 0759 0583

NEON PRODUCTS

P. 5

May 15 '09 14:52

FERRUT

May 18, 2003 3:13PM

NOTES: 1. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED, 2. ALL BOLTS ARE 1/2" DIA, 3. ALL BOLTS ARE TO BE 1/2" DIA, 4. ALL BOLTS ARE TO BE 1/2" DIA.

INFO TO BE VERIFIED

PART SOURCE  
370 ONTARIO ST  
ST. CATHARINES.

BASE TEMPLATE  
N.T.S.

14'-4 1/2"

15'-10 1/2"

17'-4 1/2"

24" 18 1/2"

18"

24"

BASE PLATE 1/1"

1/2" R

15M LTRAL VERTICAL  
10M HORIZONTAL  
BASE TO CEP  
A-BQ-128 GUNDE  
400 DIP.

7'-6"

ALL DIMENSIONS  
ARE TO CENTER  
UNLESS OTHERWISE  
NOTED

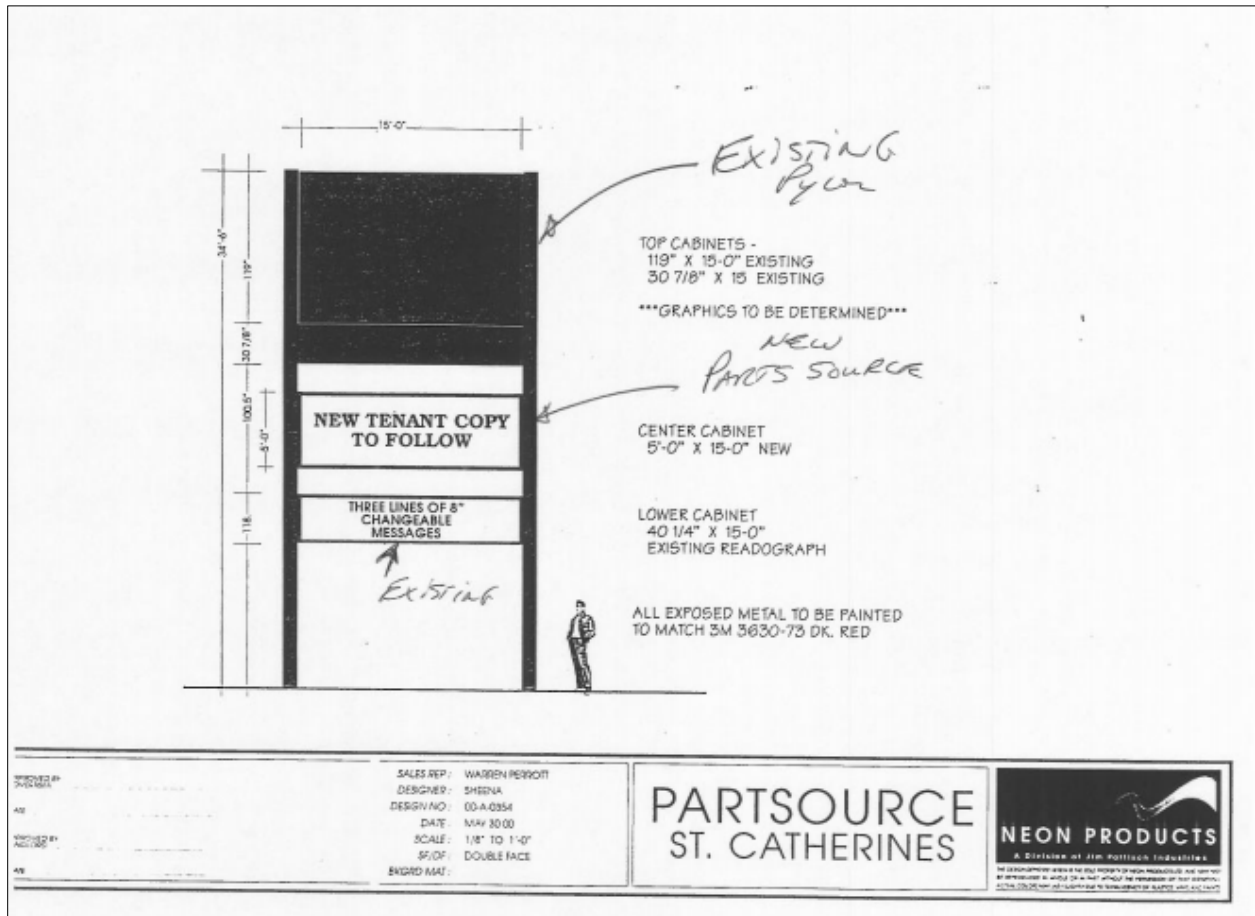
2" DIA  
FRAMET CENTER

2" DIA  
FOR 1/2" HOLE IN BASE

CANADIAN STEEL CORP  
375 FRANKLIN STREET, ST. CATHARINES

J.C. HUGHES  
PROFESSIONAL ENGINEER  
ON

375 FRANKLIN STREET AMAL, ONTARIO L3B 1Y5	
P.O. BOX 1	DATE
AMAL, ONTARIO L3B 1Y5	JAN 25 91
QTY 237	



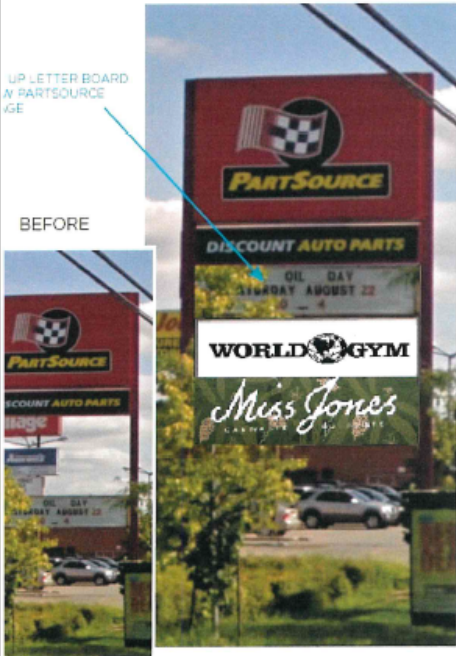

**PART SOURCE**  
70 ONTARIO ST., ST CATHERINE'S, ON

**SIGN COMP FRAME**

**AFTER**

UP LETTER BOARD  
N PARTSOURCE  
GE

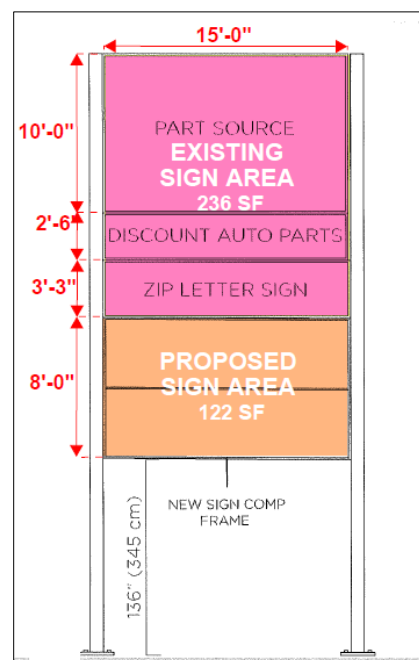
**BEFORE**

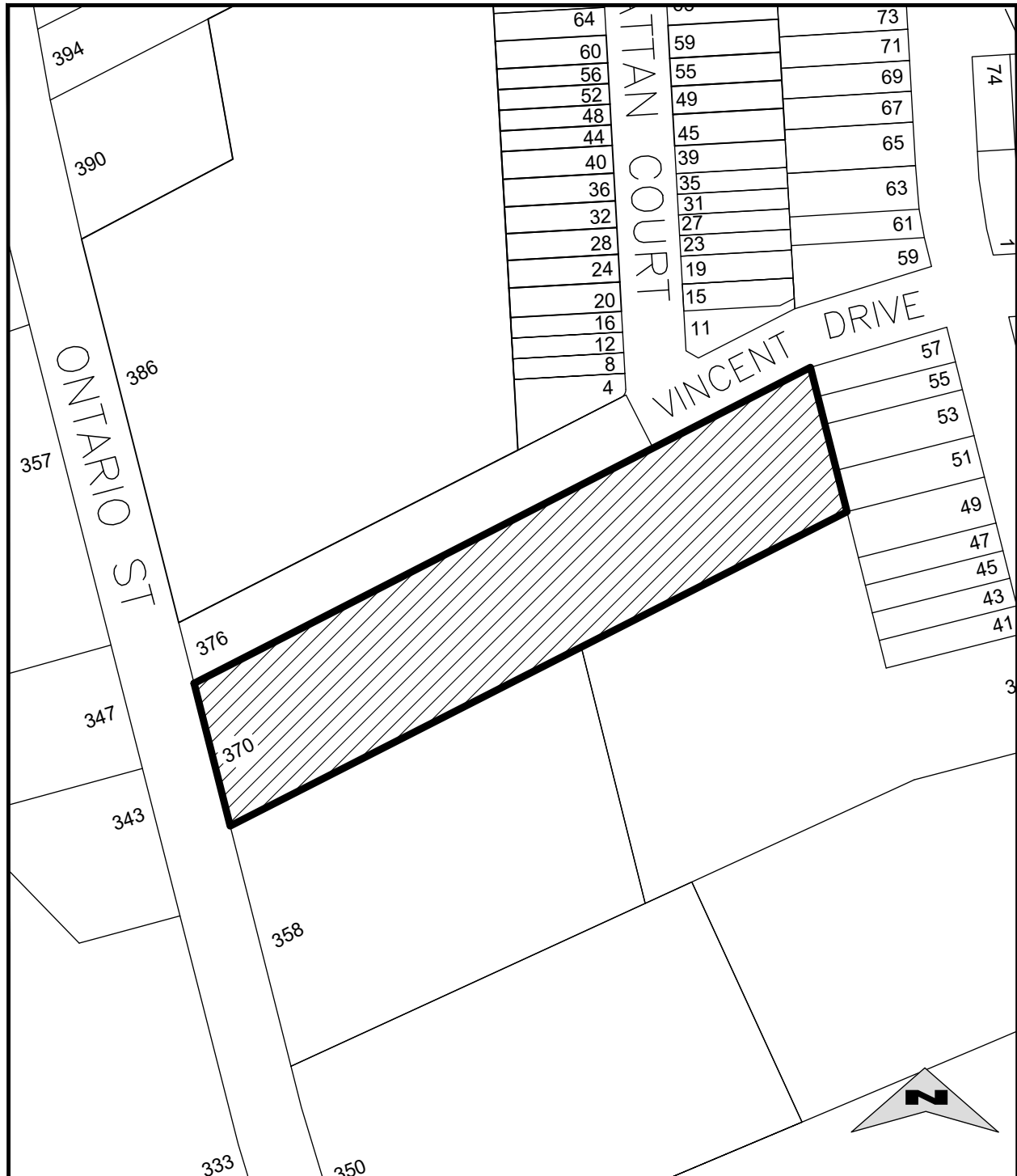
NEW Aluminum Signbox Comp Frame (2-sided);  
Internally Illuminated with white LEDs.  
OVA 180.125" x 98"

WITH Acrylic Inserts, Split Horizontally with  
Metal H-Bar;  
Approx. 180.125" x 49" ea.

PLEASE CHECK THIS PROOF CAREFULLY FOR ERRORS AND OMISSIONS. YOUR APPROVAL CONSTITUTES ACCEPTANCE OF FULL RESPONSIBILITY FOR ALL ERRORS, OMISSIONS AND LEGAL AND ETHICAL COMPLIANCE IN THIS DOCUMENT. DESIGNER WILL NOT ACCEPT LIABILITY FOR ERRORS OVERLOOKED AT THIS STAGE OF PROOFING. ANY CHANGES FROM YOUR PREVIOUSLY APPROVED COPY WILL BE CHARGED EXTRA ACCORDING TO BOTH TIME AND MATERIALS.



## Appendix 5 - Location Map



**Subject Lands**  
**370 Ontario Street**



## Corporate Report City Council

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

**Report Date:** August 3, 2021

**Meeting Date:** August 30, 2021

**Report Number:** LCS-131-2021

**File:** 10.50.99

**Subject:** 2022 Municipal and School Board Election – Alternative Voting Methods

### Strategic Pillar:

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



## Recommendation

That Report LCS-131-2021, regarding 2022 Municipal and School Board Election - Alternative Voting Methods, be received for information purposes.

## Summary

This report provides Council with an overview of possible alternative voting methods available in addition to in-person polls for the 2022 municipal and school board elections.

Community engagement was initially planned for early September; however, due to the Federal election the engagement period will begin on October 1, 2021. The engageSTC platform will be utilized, along with social media posts to obtain feedback on the method of voting that would be preferred by voters.

Staff will present Council a further report in November with a recommended method(s), taking into consideration the results from the community engagement, available resources, risks and opportunities for each method, as well as a detailed budget. Following a decision, a by-law to authorize the desired method would be prepared.

Alternative voting methods being considered include the following:

- Vote-by-mail
- Internet
- Telephone

## Relationship to Strategic Plan

Social – obtaining community engagement is an inclusive measure is important to the success of the election.

## Background

### The Municipal Elections Act

The *Municipal Elections Act* (MEA) provides that the City Clerk is responsible for conducting the election and establishing procedures, forms and providing for any matters necessary for conducting the election. There are certain matters related to elections that does require a decision from Council. Specifically, prior to each municipal election, Section 42 (1) of the MEA requires that:

The council of a local municipality may pass by-laws,

- a) authorizing the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators;
- b) authorizing electors to use an alternative voting method, such as voting by mail or by telephone, that does not require electors to attend at a voting place in order to vote.

A decision on vote-counting equipment and alternative voting methods has previously been required by May 1 in the year before the election. However, Bill 218 adjusted this date and the MEA now requires that this decision be made by May 1 in the year of the election.

### City Clerk's Authority to Make Decisions for the Election

The *Municipal Elections Act* (MEA) provides that the City Clerk is responsible for conducting the election and establishing procedures, forms and providing for any matters necessary for conducting the election. Of note, Section 12 of the MEA allows the Clerk to provide for any matter or procedure that is not otherwise provided for in an MEA or regulation, and that is, in the City Clerk's opinion, "necessary or desirable" for conducting the election.

Staff is of the opinion that with appropriate implementation of an alternative voting method, along with traditional in-person polls, the 2022 Municipal and School Board Elections can proceed in a manner that is consistent with the MEA and public health guidelines and recommendations.

## Previous Elections in St. Catharines

Since 2006, St. Catharines has used traditional paper ballots and optical vote scanning equipment to record and count votes in municipal and school board elections. The equipment, software, programming, and technical support provided during the previous four elections has been excellent. The support is always available and easily accessed and the equipment is reliable and simple to use with little to no issues reported. The City has established thorough procedures to ensure that vote tabulators are scanning and recording vote counts accurately prior to use at a voting location. Vote tabulators assist in ensuring each elector's vote is counted as the ballot is immediately tabulated at the polling station allowing voters to be notified if there is an error on the ballot such as an over-vote, blank ballot or an ambiguous mark. This provides voters with the opportunity to cancel their ballot and receive a new ballot.

In 2017, the City entered into a lease agreement with Dominion Voting for the supply and use of optical vote scanning equipment for both the 2018 and 2022 municipal elections. A multi-election approach reduced the administrative task of entering into a new contract for the 2022 election, since there are very few vendors in the marketplace that offer vote tabulators. The City was completely satisfied with the services and products provided in 2018. The agreement provides for flexibility, including options for the City to add vote by mail, internet voting, change the number of tabulators, and the lease of tabulators through a joint program between Elections Ontario at a substantial cost savings.

## Report

### Overview of Alternative Voting Methods

The City Clerk, as the Returning Officer for the City of St. Catharines, has several criteria to consider before making a recommendation on vote-counting equipment and alternative voting methods. The most important is whether a particular option upholds the principles of the MEA and its regulations. These principles are generally recognized as:

- a) the secrecy and confidentiality of the voting process is of most importance;
- b) the election must be fair and non-biased;
- c) the election shall be accessible to the voters;
- d) the integrity of the voting process shall be maintained throughout the election;
- e) the results of the elections shall reflect the votes cast; and
- f) voters and candidates must be treated fairly and consistently;

Other criteria that will be considered is the ability to effectively deliver and support an option (e.g., administration, technology, resources, etc.) and a consideration of the methods that other governments are using for elections.

After each election, the City Clerk's Office debriefs and notes items for suggested improvements in the following election. Due to the COVID-19 pandemic the discussion for 2022 has largely been centred around keeping the public safe while recognizing people may have conditions that prevent them from attending an in-person poll whether it be COVID-19 related or for another reason.

As staff consider improvements to the election process for 2022, it is timely for Council to consider whether an alternative voting method should be provided as an option for St. Catharines. Various voting methods are presently being reviewed and they are only being considered as alternatives which would be implemented in addition to traditional paper ballots at in-person polls (which includes provisions for voters to appoint a proxy). A description of each alternative voting method is provided as appendices to this report:

- vote-by-mail (Appendix 1);
- telephone (Appendix 2); and
- internet voting (Appendix 3);

As noted, the City of St. Catharines has not offered an alternative voting method in past elections, however there are several reasons why offering an alternative method is positive:

- All eligible voters would have the opportunity to cast their own ballot if they choose to. Offering only in-person voting may not meet this goal if voters are not be able to visit a poll on voting day for a variety of reasons.
- Eligible voters can cast their ballot at their convenience.
- Eligible voters may not be comfortable entering a busy polling location to cast their ballot, especially if they have health concerns. This demographic should not have to consider protecting their health concerns versus their ability to exercise their right to vote.
- Elections Canada and Elections Ontario both offer a mail-in ballot option and a home visit program. This report is not considering a home visit program.
- COVID-19 pandemic has emphasized the need for an alternative voting option. As noted above, the City Clerk has been observing how other municipalities across the province are approaching voting during a pandemic.

Staff recognize that any remote voting method is unsupervised and presents additional considerations associated with maintaining the integrity and security of the election process. The risk is present to different degrees with all voting methods, including in-person voting. Maintaining security and preventing fraudulent voting requires carefully developed and audited processes as well as voter responsibility which is addressed in the MEA and will form part of the Clerk's procedures.

### **Impact of Alternative Voting Methods on Voter Turnout**

Generally, voter turnout for municipal elections is lower than provincial and federal elections. In the 2018 municipal election, turnout in St. Catharines was 33.64% which is in line with municipalities of similar size with AMCTO's 2018 post-election survey reporting an average turnout of 33.95% for municipalities with populations between 100,000 to 299,999.

It is often thought that providing alternative voting methods, particularly internet voting, will improve voter turnout, however research does not definitively indicate this. While there have been some internet voting elections, for example, where voter turnout has increased, when other factors such as the apparent closeness of the race and interest in particular contests (e.g., a mayoral election without an incumbent) are taken into consideration, research suggests that internet voting does not generally cause non-



voters to vote. Instead, alternative voting methods are mostly used as a tool of convenience or accessibility for individuals who have already decided to vote.

### **Use of Alternative Voting Methods in 2018 in Other Jurisdictions**

Following the 2018 municipal election, the Association of Municipal Clerks and Treasurers of Ontario (AMCTO) surveyed 263 municipalities who reported use of the following voting methods (municipalities may have used more than one method):

- Paper ballots: 108 – including St. Catharines
- Internet voting: 107 (may include vote by phone)
- Paper ballots and internet voting: 25
- Vote by mail: 48
- Touch screen: 10

### **Impact of COVID-19 Pandemic on Elections**

As a global pandemic, COVID-19 has impacted virtually all aspects of society. As a result, government and City services have significantly changed since the onset of the pandemic and there continues to be uncertainty into the future. Optimistically, it is hoped that COVID-19 will have little impact on the 2022 municipal election. Realistically, however, it is difficult to predict the public health regulations that will be in place at that time, and it is prudent that staff plan for an election that will have different public health considerations than past elections and that could transition to an election that requires no in-person contact. This includes being prepared by developing contingency plans and incorporating health and safety precautions to protect the public, candidates, and election workers.

### **Voting Methods during COVID-19 Pandemic**

A number of municipalities have held by-elections since the start of the COVID-19 pandemic. A survey of these municipalities, including the position being elected, date and voting method used, is provided below:

- In person voting only:
  - o Cambridge – ward councillor – October 2020
  - o Windsor – ward councillor – October 2020
- In person voting and vote by mail:
  - o Pelham – ward councillor – September 2020
  - o Ottawa – ward councillor – October 2020
  - o Toronto – ward councillor – January 2021
- Vote by mail only:
  - o Welland – ward councillor – August 2021
- Internet voting only:
  - o Richmond Hill – school board trustee – October 2020

### **Community Engagement on Alternative Voting Methods**

In order to make an informed decision on whether an alternative voting method(s) in should be utilized, in addition to in-person polls in the 2022 election, staff propose to use the engageSTC platform along with social media posts to gauge community interest. A survey will be posted to the platform in early October for approximately two weeks and results will be part of the recommendation report for Council in November 2021.

The type of information staff would like to learn through the survey include a preference for a preferred voting method, understanding of voting methods, voters desire to vote remotely, suggestions for improvement based on past municipal elections, etc.

## **Recommendation for 2022 Municipal and School Board Elections**

As staff prepare for the 2022 municipal elections, it is timely for Council to consider whether an alternative voting method should be provided as an option for St. Catharines, in addition to in-person polls. There is no right answer for choosing to adopt an alternative voting method. Each method is permitted under the legislation.

Based on experience in other municipalities, it is not anticipated that an alternative voting method will increase voter turnout, rather including an alternative voting method is considered as part of a goal to enhance service delivery and make the voting process more accessible by eliminating the need to attend a poll, increasing flexibility for voters, mitigating the potential for long line-ups at polls and removing barriers for persons with disabilities. In addition, with the uncertain impact that the COVID-19 pandemic will have on the community in 2022, an alternative voting method would provide an option for voters who are unable to or who are uncomfortable with voting in-person.

Given the history of using traditional paper ballots at in-person polls in St. Catharines, staff would only recommend using an alternative voting method in addition to the option to vote using paper ballots at in-person polls. Given the experience in other municipalities, it is anticipated that even if an alternative voting method is implemented, the majority of voters will still attend an in-person poll to cast their ballot. As people become more familiar and comfortable with alternative voting methods there would likely be a gradual shift to remote voting during future elections if the selected method were to continue to be utilized going forward.

Obtaining public engagement on the method of voting that electors would use in 2022 will provide invaluable information for Council to make a future decision on this matter. Staff will conduct public engagement starting in the month of October 2021 and report back the results in November 2021. In addition, staff will consult directly with the Accessibility Advisory Committee and Equity and Inclusion Advisory Committee during this time.

## **Environmental Sustainability Implications**

There are no environmental sustainability implications associated with this report.

## **Financial Implications**

An election reserve fund was established with the intent of distributing the cost of the election over four years, instead of funding the entire cost of the election through the operating budget during the year of the election. The subsequent report expected in November 2021 after public engagement has been completed will address financial matters for the recommended method.

## Conclusion

Establishing an appropriate alternative voting method is a decision that would benefit from public consultation, as they are the voters that would be utilizing the service. An alternative voting method is not a mandatory requirement under the MEA, but rather a convenience tool for voters to encourage them to vote and / or remove any barriers voters may have to attending in-person polls. Staff intend to still offer in-person polls regardless if an alternative voting method is implemented, as many voters like to attend the polls to cast their ballots. Results of the public engagement campaign will be shared in November 2021, along with a recommended voting method for the 2022 election.

### Prepared by

Donna Delvecchio, Deputy Clerk

### Submitted by

Bonnie Nistico-Dunk, City Clerk

### Approved by

Heather Salter, Director of Legal and Clerks Services / City Solicitor

## Appendices

- Appendix 1 - Vote-by-Mail
- Appendix 2 - Telephone Voting
- Appendix 3 - Internet Voting

## Vote-by-Mail

To vote-by-mail, a voter would need to either complete a form requesting a mail ballot and submit it online or by mail to the City Clerk's Office. This form would have to be received by a set cut-off date, to ensure the vote-by-mail kit could be received and mailed back in time before Election Day. The City Clerk's Office would be processing requests to vote-by-mail and track who requests the kit on the voters' list for security purposes.

A kit consisting of instructions, voter declaration card, ballot, secrecy folder and pre-paid return envelope would be mailed voters that request a mail ballot prior to the cut-off date. When received, the voter would mark their ballot and seal it inside the secrecy envelope provided in the kit. They would also sign the voter declaration card and mail it along with the secrecy envelope back to the election office using the provided return envelope. The voter declaration card acts as an affidavit or solemn oath and must be signed in order for the ballot to be counted.

When election officials receive the returned envelope, they will open the vote by mail package and separate the voter declaration card from the ballot, which is kept secret and sealed in the secrecy envelope. Election officials will review and scan the voter declaration card to strike the voter off the voters list. The secrecy envelope containing the ballot will be placed in a ballot box until Election Day.

On Election Day, the ballots which are anonymous and separated from anything identifying the voter, would then be opened and tabulated. Procedures will be developed in advance should a tabulator return a ballot due to an ambiguous mark, etc.

At the close of polls, the vote-by-mail results would be counted and announced at the same time as unofficial results.

Vote-by-mail is gaining popularity for 2022 as an alternative voting method as it adheres to public health protocols without requiring significant additional resources or greater technology.

### Telephone Voting

To vote by telephone, voter notification cards are mailed to all residents who are listed as eligible to vote based on the voters' list received by MPAC. A voter would use a touchtone phone to call a toll-free number provided on the notification card. They are prompted to input the voter ID noted on the notification card and are asked to answer a security question to verify their identity. The question is usually the date of birth which can be verified with the voters' list. Once the credentials are validated, the voter is provided with an audio version of the ballot.

The telephone voting system uses pre-recorded voice commands to guide the voter through the voting process. Voters are prompted to make their ballot selections from the list of candidates for each race. In a multi-member race, the voter is prompted to make their next selection from the list of available candidates until all their selections are complete for that race.

Once all races have been completed, the voter is provided the opportunity to review the full ballot prior to casting the ballot. They can return to the ballot and update their choices if so required.

Should the voter become disconnected before confirmation, the voting credentials are still valid, they simply re-access the telephone voting system and begin marking a new ballot.

Once the ballot is confirmed, the voter is struck off the voters' list and cannot receive another ballot either over the phone or in-person. The content of the ballot is stored on secure servers and an electronic audit trail can be used to audit, investigate or conduct a recount if necessary.

Telephone voting has become a less popular method of voting and is usually used alongside internet voting.

### Internet Voting

To vote by internet, voter notification cards would be mailed to all residents who are listed as eligible to vote based on the voters' list received by MPAC. The notification card would provide the voter with instructions on when and how to vote using a device such as a computer, laptop, tablet or smartphone to cast a ballot.

The voter would login to a registration site where personal information such as name, date of birth, voter ID (provided on the voter notification card) and the selection of a unique secret question would be required. Once the information is entered and submitted the request would be processed to ensure it matches the voter's list. In the event it does not, the voter will receive an error message and be directed to contact City Hall. When the request is approved the voter will receive an email link, with a PIN number and enter credentials to access the secure voting site, the voter is required to accept a declaration confirming they are eligible to vote prior to being given access to a ballot where a ballot will be made available.

When the voter receives the ballot it will include instructions on how to mark and navigate from one race to the next. Once the voter has completed all races, they are presented with a confirmation screen which provides an overview of how each race is marked and shows any warning messages if the voter has left any races blank, under-voted or over-voted. This is an opportunity to update the selections. Once everything is marked as intended the voter clicks the 'cast ballot' button. Similar to in-person paper ballots, once the ballot is cast the voter's name is struck off the voters' list. Ballot information is encrypted to protect the information on the ballot and coded to ensure the ballot is not altered by malicious intent before reaching the election servers and an electronic audit trail can be used to audit, investigate or conduct a recount if necessary.

This two-step process increases security by ensuring that a single voter credential cannot be used alone to access, mark and cast a ballot.

Internet voting is becoming an increasingly popular voting method and with the COVID-19 pandemic and a greater reliance on online services, it is expected this method of voting will be adopted by more municipalities in 2022 in some form. While there have been no proven instances of an internet voting system being compromised an audit or recount would entirely rely on a system that cannot be verified by another external process. A third-party cyber-security audit would be required to verify the technology.



## Corporate Report City Council

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

**Report Date:** August 20, 2021

**Meeting Date:** August 30, 2021

**Report Number:** LCS-138-2021

**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 individual outlined in the confidential memorandum from the Deputy Clerk to the Clean City Advisory Committee; and

That Council receive and file additional correspondence distributed for the meeting held August 30, 2021, which is available upon request. FORTHWITH

### Report

The Office of the City Clerk is submitting, for the approval of Council, correspondence received during the period of July 29, 2021 to August 19, 2021.

The information regarding an appointment for a vacancy on the Clean City Advisory Committee is being provided through confidential memorandum as discussion of the merits of individual applicants could be considered a personal matter about identifiable individuals. The memorandum will be placed in Council's SugarSync folder prior to the Council meeting of August 30, 2021. The appointment approved by Council will be published in the meeting minutes.

At the meeting of May 31, 2021, City Council approved a motion regarding "Lyme Disease National Awareness Month." Attached as Sub-Item #8 are resolutions from the following Ontario municipalities endorsing Council's motion: City of Belleville; Municipality of Tweed; Town of Lakeshore; and Township of Armour.

## Resolutions

1. City of Toronto – re. Building the Early Learning and Child Care System Toronto Needs
2. City of Toronto – re. Bill 177 Stronger Fairer Ontario Act Changes to Provincial Offences Act
3. County of Perth – re. Relationship with MPAC
4. Town of Lincoln – re. Transfer of Operating Authority Niagara Central Dorothy Rungeling Airport and Niagara District Airport
5. City of Mississauga – re. Terminate appeal of the 2019 Human Rights Tribunal Ruling
6. Municipality of Chatham-Kent – re. Affordable Internet
7. County of Northumberland - Early Resolution reforms in Bill 177 Stronger, Fairer Ontario Act

## Responses to Motions from St. Catharines City Council

8. Support for City Council's Motion - re. Lyme Disease National Awareness Month (motion passed at Council Meeting of May 31, 2021)

## Correspondence

9. Letter from Deputy Minister of Municipal Affairs and Housing – re. Main Street Recovery Act Proclamation of Amendments to the Municipal Act and City of Toronto Act
10. Letter from Coalition for a Better St. Catharines – re. Response to MECP and MTE GM Site Work Plan
11. AMO Watchfile – August 5, 2021
12. AMO Watchfile – August 19, 2021

## Memorandums from Staff

13. Memorandum from Government Affairs Advisor and Director of Economic Development and Government Relations – re. AMO Virtual 2021 AGM and Conference

## Reports Requested by Council

14. Outstanding Reports List – updated August 19, 2021

## Confidential Memorandums

(see SugarSync folder of August 30, 2021)

- Deputy Clerk – re. Vacancy appointment for the Clean City Advisory Committee

### Prepared by

Evan McGinty  
Council and Committee Coordinator

### Submitted and Approved by

Bonnie Nistico-Dunk  
City Clerk





John D. Elvidge  
City Clerk

City Clerk's Office

**Secretariat**  
Marilyn Toft  
Council Secretariat Support  
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Tel: 416-392-7032  
Fax: 416-392-2980  
e-mail: Marilyn.Toft@toronto.ca  
web: www.toronto.ca

**RECEIVED**

JUL 28 2021

CITY CLERKS OFFICE  
ST. CATHARINES, ONTARIO

In reply please quote:  
Ref.: 21-MM32.12

**ONTARIO MUNICIPALITIES:**

**Subject: Member Motion Item 32.12**  
**Building the Early Learning and Child Care System Toronto Needs (Ward All)**

City Council on May 5 and 6, 2021, adopted the following:

1. City Council reaffirm the City of Toronto's support for building a system of early learning and child care services that are high-quality, public and not-for profit, affordable, inclusive and accessible for all families.
2. City Council express its support for the Government of Canada's April 19, 2021 budget announcement to invest in building a Canada wide system of Early Learning and Child Care and Indigenous Early Learning and Child Care, that builds on City of Toronto policies and service plans, and has adequate and ongoing operating and capital funding.
3. City Council communicate to the Provincial and Federal Governments, the City of Toronto's interest in working collaboratively, and participating in tri-lateral discussions as soon as possible, with the goal of achieving intergovernmental agreements by Fall 2021, and City Council make these negotiations a priority in our intergovernmental strategies.
4. City Council direct the General Manager, Children's Services to include in the June 2021 Growth Strategy Update report to the Economic and Community Development Committee and City Council, the opportunities and funding the Federal announcement could provide to expedite the Growth Strategy in Toronto, and to report to the Budget Committee on the City's share of new committed funding for child care once it is known.
5. City Council direct the General Manager, Children's Services to work closely with, and leverage the expertise of partners including the Province, City divisions, school boards and service providers to expand existing and develop new licensed child care services.

6. City Council request the City Clerk to distribute City Council's decision to other municipalities in Ontario, the Ontario Municipal Social Services Association and the Association of Municipalities of Ontario.



for City Clerk

M. Toft/wg

Attachment

Sent to: Prime Minister of Canada  
Premier, Province of Ontario  
Executive Director, Ontario Municipal Social Services Association  
Executive Director, Association of Municipalities of Ontario  
Municipalities in Ontario

c. City Manager

## City Council

### Member Motions - Meeting 32

MM32.12	ACTION	Adopted		Ward: All
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### **Building the Early Learning and Child Care System Toronto Needs - by Councillor Mike Layton, seconded by Councillor Shelley Carroll**

#### **City Council Decision**

City Council on May 5 and 6, 2021, adopted the following:

1. City Council reaffirm the City of Toronto's support for building a system of early learning and child care services that are high-quality, public and not-for profit, affordable, inclusive and accessible for all families.
2. City Council express its support for the Government of Canada's April 19, 2021 budget announcement to invest in building a Canada wide system of Early Learning and Child Care and Indigenous Early Learning and Child Care, that builds on City of Toronto policies and service plans, and has adequate and ongoing operating and capital funding.
3. City Council communicate to the Provincial and Federal Governments, the City of Toronto's interest in working collaboratively, and participating in tri-lateral discussions as soon as possible, with the goal of achieving intergovernmental agreements by Fall 2021, and City Council make these negotiations a priority in our intergovernmental strategies.
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5. City Council direct the General Manager, Children's Services to work closely with, and leverage the expertise of partners including the Province, City divisions, school boards and service providers to expand existing and develop new licensed child care services.
6. City Council request the City Clerk to distribute City Council's decision to other municipalities in Ontario, the Ontario Municipal Social Services Association and the Association of Municipalities of Ontario.

#### **Summary**

The lack of affordable, high-quality early learning and child care is one of the most significant challenges for families in our City. The pandemic has exacerbated the situation, and

accentuated the importance of child care for Toronto parents.

We have seen the gendered-impact of the pandemic on women. We have experienced the toll on parents, particularly mothers, because of the lack of access to child care. We know women will continue to face huge barriers to equitable participation in our economy if child care is not at the centre of COVID-19 recovery strategies. We also know that underserved communities, low-income and BIPOC families, people with disabilities, and those who are precariously-employed will not share in the benefits of economic renewal without access to affordable child care.

A broad consensus has emerged across all sectors, including business, academic, social service and feminist organizations, that a robust system of accessible, high-quality child care services is essential for Canada's economic renewal. The time is now to make long-awaited progress on child care for Toronto families.

The Government of Canada has recognized that investment in child care is urgently needed, and of national importance, for families and the economy. As part of the Budget 2021, it has committed to build a Canada-wide Early Learning and Child Care system that is affordable, high-quality and accessible for all families. The plan calls for \$30 Billion over 5 years, with an ongoing annual expenditure of \$8.3 Billion. The goal is to reduce fees by 50 percent by 2022, and achieve an average cost of \$10.00 per day by 2026.

The announcement is welcome news for women, their families, and cities across the Country. Toronto manages the second largest system of child care services in the Country, and it is important for our City to show its support for building a strong system of Early Learning and Child Care in Toronto and across Ontario – and that we are ready to work with the Federal and Provincial governments to achieve it.

City Council must reinforce the urgency, and express our willingness to be partners with all levels of government, and to act now, with urgency, to ensure this promise becomes a reality for Toronto children and families.

### **Background Information (City Council)**

Member Motion MM32.12

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-166359.pdf>)



John D. Elvidge  
City Clerk

City Clerk's Office

JUL 28 2021

CITY CLERKS OFFICE  
ST. CATHARINES, ONTARIO

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Marilyn Toft  
Council Secretariat Support  
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100 Queen Street West  
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Tel: 416-392-7032  
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e-mail: Marilyn.Toft@toronto.ca  
web: www.toronto.ca

In reply please quote:  
Ref.: 21-GL23.3

June 24, 2021

**ONTARIO MUNICIPAL AND REGIONAL COUNCILS:**

**Subject: General Government and Licensing Committee Item 23.3  
Report on Bill 177 Stronger Fairer Ontario Act Changes to Provincial  
Offences Act (Ward All)**

City Council on June 8 and 9, 2021, adopted the following resolution and has circulated it to all Municipal City Councils and Regional Councils in Ontario for support:

1. City Council request the Attorney General of Ontario to halt the proclamation of the Early Resolution reforms included in Bill 177, Stronger, Fairer Ontario Act.
2. City Council request the Attorney General of Ontario to review the Early Resolution provisions of the Provincial Offences Act and take action to streamline and modernize this section with a view to making it easier for the public and prosecutors to engage in resolution discussions, and to administer early resolution proceedings in Provincial Offences Court.
3. City Council request the Attorney General of Ontario to enact changes to the Provincial Offences Act and any related regulations, to permit the prosecutor and defendant or legal representative to agree, at any stage of a proceeding, to a resolution in writing for proceedings commenced under Part I of the Provincial Offences Act and to permit the Clerk of the Court to register the court outcome immediately upon receipt of the written agreement without requiring an appearance before a Justice of the Peace.



for City Clerk

M. Toft/wg

Attachment

c. City Manager

## General Government and Licensing Committee

GL23.3		Adopted on Consent		Ward: All
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### Report on Bill 177 Stronger Fairer Ontario Act Changes to Provincial Offences Act

#### City Council Decision

City Council on June 8 and 9, 2021, adopted the following:

1. City Council request the Attorney General of Ontario to halt the proclamation of the Early Resolution reforms included in Bill 177, Stronger, Fairer Ontario Act.
2. City Council request the Attorney General of Ontario to review the Early Resolution provisions of the Provincial Offences Act and take action to streamline and modernize this section with a view to making it easier for the public and prosecutors to engage in resolution discussions, and to administer early resolution proceedings in Provincial Offences Court.
3. City Council request the Attorney General of Ontario to enact changes to the Provincial Offences Act and any related regulations, to permit the prosecutor and defendant or legal representative to agree, at any stage of a proceeding, to a resolution in writing for proceedings commenced under Part I of the Provincial Offences Act and to permit the Clerk of the Court to register the court outcome immediately upon receipt of the written agreement without requiring an appearance before a Justice of the Peace.
4. City Council direct that this resolution be circulated to the all Municipal City Councils and Regional Councils in Ontario for support.

#### Committee Recommendations

The General Government and Licensing Committee recommend that:

1. City Council request the Attorney General of Ontario to halt the proclamation of the Early Resolution reforms included in Bill 177, Stronger, Fairer Ontario Act.
2. City Council request the Attorney General of Ontario to review the Early Resolution provisions of the Provincial Offences Act and take action to streamline and modernize this section with a view to making it easier for the public and prosecutors to engage in resolution discussions, and to administer early resolution proceedings in Provincial Offences Court.
3. City Council request the Attorney General of Ontario to enact changes to the Provincial Offences Act and any related regulations, to permit the prosecutor and defendant or legal

representative to agree, at any stage of a proceeding, to a resolution in writing for proceedings commenced under Part I of the Provincial Offences Act and to permit the Clerk of the Court to register the court outcome immediately upon receipt of the written agreement without requiring an appearance before a Justice of the Peace.

4. City Council direct that this resolution be circulated to the all Municipal City Councils and Regional Councils in Ontario for support.

### **Origin**

(May 7, 2021) Report from the City Solicitor and the Director, Court Services

### **Summary**

This report responds to the changes to the Provincial Offences Act under Bill 177 Stronger, Fairer Ontario Act for City Council to review and consider taking action on the staff recommendations contained herein.

### **Background Information (Committee)**

(May 7, 2021) Report from the City Solicitor and the Director, Court Services on Report on Bill 177 Stronger Fairer Ontario Act Changes to Provincial Offences Act

(<http://www.toronto.ca/legdocs/mmis/2021/gl/bgrd/backgroundfile-166871.pdf>)

Attachment 1 - Bill 177 Changes to section 5.1 of Provincial Offences Act as enacted and not proclaimed

(<http://www.toronto.ca/legdocs/mmis/2021/gl/bgrd/backgroundfile-166872.pdf>)



Office of the Warden  
Warden Jim Aitcheson

MPP Randy Pettapiece  
[randy.pettapiece@pc.ola.org](mailto:randy.pettapiece@pc.ola.org)

August 16, 2021

**RE: Relationship with MPAC**

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Dear MPP Pettapiece,

At the regular meeting of Council held on August 5, 2021, Perth County Council passed the following resolution brought forward from a Notice of Motion:

WHEREAS municipal governments in Ontario are obliged to receive property assessment services from the Municipal Property Assessment Corporation (MPAC); and

WHEREAS municipalities are funding the mandatory services of MPAC; and

WHEREAS the work of MPAC directly affects the equitability of property taxation in Perth County and in Ontario; and

WHEREAS the Government of Ontario has announced in its 2021 Ontario Budget, that it will be undertaking a Property Assessment and Taxation Review which will address MPAC's performance and will seek the input from all benefiting municipalities; and

WHEREAS the Council of the County of Perth endorses Ontario's expressed intention for a review, including a review of the accuracy and stability of property assessments and the strengthening of governance and accountability of MPAC; and

WHEREAS the County of Perth acknowledges that an evaluation of MPAC is warranted given there have been a number of performance and level of service concerns that need to be addressed;

NOW THEREFORE, be it resolved by the Council of the County of Perth:

THAT Staff be given direction to research and prepare a report in anticipation of the Province's request for input that achieves the following:

- Reviews the details of the financial performance (e.g., balance sheet and income statement reviews) of the Municipal Property Assessment Corporation to support our understanding of the viability of the Corporation and its alignment of spend and assets for their defined mission, mandate and objectives;

**Corporation of the County of Perth** 1 Huron Street, Stratford, Ontario, Canada N5A 5S4  
t. 519-271-0531 f. 519-271-6265 [www.perthcounty.ca](http://www.perthcounty.ca)



- Reviews level of service parameters and performance levels (e.g., key indicators related to accuracy, timeliness, process efficiencies, consistency of outcomes, land use classification revisions, and missed properties) of MPAC efforts in Perth County, collaborating with the lower tier municipalities of Perth County to support with data collection; and
- Clarifies the current governance model and accountabilities of MPAC's Board of Directors, including accountabilities for their performance and means of complaint submission and resolution.

AND THAT, a letter, including a copy of this resolution, be distributed to MPP Randy Pettapiece, Perth-Wellington; Hon. Steve Clark, the Minister of Municipal Affairs and Housing; and all municipalities in Ontario.

We thank you for your advocacy on this matter and look forward to supportive responses from our municipal counterparts and officials from all levels of government.

Sincerely,



Jim Aitcheson, Warden  
The Corporation of the County of Perth

CC:

Hon. Steve Clark – [Steve.Clark@pc.ola.org](mailto:Steve.Clark@pc.ola.org)  
Ontario Municipalities



Office of the Clerk  
Holly Willford  
hwillford@pelham.ca  
905-892-2607 x 315

July 29, 2021

City of Welland  
City of Port Colborne  
Town of Wainfleet

Sent via email: [clerk@welland.ca](mailto:clerk@welland.ca)  
Sent via email: [cityclerk@portcolborne.ca](mailto:cityclerk@portcolborne.ca)  
Sent via email: [wkolasa@wainfleet.ca](mailto:wkolasa@wainfleet.ca)

**Motions and Notice of Motions re: Rescind Previous Decision – Transfer of Operating Authority  
Niagara Central Dorothy Rungeling Airport and Niagara District Airport**

Please be advised that at their regular meeting of July 26, 2021 Council of the Town of Pelham passed the following:

**WHEREAS Town of Pelham Council approved a motion on July 20th, 2015 supporting the common position resolution regarding the uptake of governance and the transfer of operating authority of the Niagara Central Dorothy Rungeling Airport (NCDRA) and Niagara District Airport (NDA); and**

**WHEREAS the NCDRA Commission can be self-sustaining under proper management;**

**THEREFORE BE IT RESOLVED THAT the Council of the Town of Pelham rescinds the approved motion of council regarding the uptake of governance for the transfer and operating authority of the NCDRA and NDA to the Niagara Region;**

**AND THAT Town of Pelham Council approves retaining the governance and ownership of NCDRA;**

**AND THAT a copy of this resolution be forwarded to the City of Welland, City of Port Colborne and Township of Wainfleet, our three municipal partners who have all already supported and approved this motion for consideration and support;**

**AND FURTHER THAT a copy of this resolution be forwarded to the Niagara Region and Niagara Municipalities for support.**

If you require any further information, please contact the undersigned.

Yours very truly,

Holly Willford, BA  
Town Clerk

cc. Niagara Region, via email: [ann-marie.norio@niagararegion.ca](mailto:ann-marie.norio@niagararegion.ca)  
Local Area Municipalities  
Leo Van Vliet, Chair of the NCDRA Commission [leo.vanvliet@welland.ca](mailto:leo.vanvliet@welland.ca)



MISSISSAUGA

RESOLUTION 0155-2021  
adopted by the Council of  
The Corporation of the City of Mississauga  
at its meeting on June 30, 2021

0155-2021

Moved by: P. Saito

Seconded by: C. Parrish

**WHEREAS** The City of Mississauga operates on the Treaty and Traditional Territory of the Mississaugas of the Credit First Nation and Anishinaabe peoples, the Haudenosaunee Confederacy and the Huron-Wendat First Nation. We recognize that these peoples, and their ancestors live and lived on these lands since time immemorial on these lands called Turtle Island. The City of Mississauga is home to many First Nations, Métis and Inuit peoples; and

**WHEREAS** the residents of the Town, now City, of Mississauga chose for their name an anishinaabemowim name which speaks to the shared settler and Indigenous history within these lands; and

**WHEREAS** the City of Mississauga has committed to a path towards Reconciliation with Indigenous Peoples and has responded to the Truth and Reconciliation Commission's Calls to Action; and

**WHEREAS** the City of Mississauga is committed to speaking truths about our history to further our collective understanding of the past to help create a better future; and

**WHEREAS** the terrible uncovering of over one thousand unmarked and forgotten children burials at residential schools which have been reported over the past month is a truth about Canada's past; and

**WHEREAS** because of these truths the government of Canada has declared this year's Canada Day should be a time of reflection and focus on reconciliation; and

**WHEREAS** Gimaa Stacey LaForme of the Mississaugas of the Credit First Nation has called for this to be a time for supporting each other and contemplating the legacy and future of Canada; and

**THEREFORE BE IT RESOLVED** that the City of Mississauga will mark Canada Day virtually this year in a manner that provides an opportunity for reflection on our shared history and commitment to a better future:

- Singing of National Anthem
- Greetings and Opening Remarks, Mayor Bonnie Crombie
- Comments from Mayor of Kariya, Japan Takeshi Inagaki
- Comments from Gimaa Stacey LaForme
- Oath of Reaffirmation performed by Members of Council
- Closing Remarks, Mayor Bonnie Crombie
- Lighting the Clock Tower orange to remember those lives lost and changed forever as a result of residential schools

- Changing the digital signage at the Square to “As we mark Canada Day, the City of Mississauga stands in solidarity with Indigenous communities across Canada.”

**AND FURTHER** to mark this Canada Day:

That the Council of the City of Mississauga call upon the Government of Canada to terminate its appeal of the 2019 Human Rights Tribunal Ruling, ordering Ottawa to pay compensation to First Nations Children and their families, separated in a chronically underfunded child welfare system that sees Indigenous children making up more than half the children in foster care even though they comprise only 7% of all the children under the age of 15 in Canada.

**AND** That this Resolution be sent to all municipalities in Canada.

<b>Recorded Vote</b>	<b>YES</b>	<b>NO</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Mayor B. Crombie	X			
Councillor S. Dasko	X			
Councillor K. Ras	X			
Councillor C. Fonseca	X			
Councillor J. Kovac	X			
Councillor C. Parrish	X			
Councillor R. Starr	X			
Councillor D. Damerla	X			
Councillor M. Mahoney	X			
Councillor P. Saito	X			
Councillor S. McFadden	X			
Councillor G. Carlson	X			

Unanimous (12, 0)

Municipality of Chatham-Kent  
Darrin Canniff, Mayor/CEO  
315 King Street West, P.O. Box 640  
Chatham ON N7M 5K8  
Phone: 519.436.3219

August 11, 2021

The Right Honourable Justin Trudeau  
Prime Minister of Canada  
[Justin.Trudeau@parl.gc.ca](mailto:Justin.Trudeau@parl.gc.ca)

Federal Cabinet  
Via email to each Minister

The Honourable François-Philippe Champagne  
Minister of Innovation, Science and Industry  
[Francois-Philippe.Champagne@parl.gc.ca](mailto:Francois-Philippe.Champagne@parl.gc.ca)

**Re: Council Resolution Supporting Affordable Internet**

Please be advised the Council of the Municipality of Chatham-Kent at its regular meeting held on August 9, 2021 passed the attached resolution.

Internet is a necessity, not a luxury for the vast majority of Canadians – a fact that has been highlighted throughout the ongoing COVID-19 pandemic. However, despite being an essential utility, too many people are struggling to afford reliable internet services, while some don't have access to broadband internet at all. Ontario residents, and Canadians from coast to coast to coast, should never have to choose between paying their internet bill and other essentials such as food, medication, or housing expenses.

On May 27<sup>th</sup>, the Canadian Radio-television and Telecommunications Commission (CRTC) arbitrarily reversed its 2019 Rates Order concerning wholesale internet rates charged by Canada's largest carriers to smaller companies. This decision was devastating for consumers as it effectively guarantees internet prices will continue to rise despite the fact that Canadians already pay some of the highest internet prices in the world. Additionally, this decision directly impacts many smaller internet service providers (ISPs) and threatens hundreds of well-paying jobs and tens of millions in investments that would benefit communities in Ontario.

Issued in August of 2019, the CRTC's 2019 Rates Order confirmed the large carriers [systematically broke](#) rate-setting rules to grossly inflate their costs of providing network access. The CRTC set new rates and ordered the large carriers to repay amounts they overcharged competitors during its proceeding. The 2019 Rates Order was based on a rigorous, evidence-based, 4-year long regulatory process. It was upheld on appeals by the Federal Court of Appeal, the Supreme Court of Canada, and the Federal Cabinet and was widely expected to be implemented this year. Instead, the CRTC arbitrarily and completely reversed the 2019 Rates Order, a decision that harms competition, reduces customer choice, and ignores the real and urgent need for affordable internet in Canada.

Not only do rural and remote communities continue to struggle to gain access to affordable broadband internet, the digital divide and lack of affordability remain an issue across all communities in Ontario, and Canada. For example, [a recent report by the Brookfield Institute at Ryerson University](#) found that more than a third of households in Toronto are worried about paying their home internet bills over the next few months. More than half of the city's low-income households also have download speeds below the national target of 50 megabits per second. Many rural and remote communities don't have access to broadband, or any internet services, at all. This would be problematic in the best of times, but is even more so now as the pandemic has made high-speed, affordable internet a necessity for education, work, and health care.

[A 2020 price study prepared by Wall Communications Inc.](#) for ISED found that internet prices increased across all service baskets over 2019, making Canada an international outlier among its peer countries. Without intervention from the federal government, who in 2019 promised to reduce internet prices for all Canadians, there is no doubt that this trend will continue.

The Federal Cabinet must overturn the decision now to ensure that affordable internet becomes a reality, not just an ideal. We are sharing this letter and Council resolution with representatives of, and leaders in, communities across Canada. We urge you and them to make this important issue your own, as it directly affects the people in their regions, and across Canada. As you all know, internet is now a necessary utility to all Canadians similar to gas, hydro, water and electricity. The CRTC decision has impacted over 1,200 small ISP's across Canada, thousands of jobs in your communities and negatively impacts millions of Canadians ability to receive affordable internet.

We would welcome the opportunity to discuss this critical issue with you at your earliest convenience, and to work together in making our concerns heard in support of affordable internet for all.

Sincerely,



Darrin Canniff, Mayor/CEO  
Municipality of Chatham-Kent

Attachment: Council Resolution Supporting Affordable Internet

C: (via email)  
Honourable Doug Ford, Premier of Ontario  
Dave Epp, MP, Chatham-Kent-Leamington  
Lianne Rood, MP, Lambton-Kent-Middlesex  
Rick Nicholls, MPP, Chatham-Kent-Leamington  
Monte McNaughton, MPP, Lambton-Kent-Middlesex  
Association of Municipalities of Ontario (AMO)  
Federation of Canadian Municipalities (FCM)  
All Ontario Municipalities

Attachment: Council Resolution Supporting Affordable Internet

**Whereas** internet connectivity is a basic necessity and essential utility for the vast majority of Canadians;

**Whereas** too many Canadians struggle to afford reliable, high-speed internet services, or do not have access to broadband internet at all;

**Whereas** the need for high-speed and affordable internet is always critical, but is even more so now as the COVID-19 pandemic has shown it is required for education, work, and health care;

**Whereas** independent studies have consistently shown that Canadians pay some of the highest prices for internet in the world and that internet prices have increased year over year;

**Whereas** the Canadian Radio-television and Telecommunications Commission's (CRTC) 2019 Rates Order set wholesale internet prices that would facilitate greater competition and promote innovative broadband services and more affordable prices for consumers;

**Whereas** the 2019 Rates Order was based on a rigorous, evidence-based, 4-year long regulatory process, and was upheld on appeal by unanimous decision of the Federal Court of Appeal, while the Supreme Court of Canada and the Federal Cabinet declined to review it;

**Whereas** on May 27, 2021, the CRTC decided to reverse its 2019 Rates Order, effectively guaranteeing that internet prices will continue to rise for consumers;

**Now therefore be it resolved that** the Municipality of Chatham-Kent call on the Federal Cabinet, Prime Minister Justin Trudeau, and ISED Minister Francois-Phillippe Champagne to overrule the CRTC's reversal and immediately implement the evidence-based 2019 Rates Order.

**Be it further resolved that** the Premier of Ontario, Ontario Minister of Industry, local MPPs, the Association of Municipalities of Ontario, all 444 Ontario municipalities and the Federation of Canadian Municipalities be sent correspondence of Council's resolution along with the attached letter.





## Finance & Audit Committee Resolution

**Committee Meeting Date:** July 6, 2021  
**Agenda Item:** 9b  
**Resolution Number:** 2021-07-06-465  
**Moved by:** R. Crake  
**Seconded by:** W. Cane  
**Council Meeting Date:** July 21, 2021

**“That** the Finance and Audit Committee, having considered Report 2021-115, ‘Municipal Court Managers’ Association / POA Advocacy’ recommend that County Council request the Attorney General of Ontario to halt the proclamation of the Early Resolution reforms included in Bill 177 Stronger Fairer Ontario Act and take immediate action to streamline and modernize this section of the legislation by making it easier and more convenient for the public and prosecutors to engage in resolution discussions, and by making it more effective and efficient to administer early resolution proceedings for Part I and Part II offences in the Provincial Offences Court; and

**Further That** the Committee recommend that County Council request the Attorney General of Ontario to enact changes to the Provincial Offences Act and any related regulations to permit the prosecutor and defendant or legal representative to agree, at any stage of a proceeding, to a resolution in writing for proceedings commenced under Part I or Part II of the POA, and to permit the Clerk of the Court to register the court outcome immediately upon receipt of the written agreement without requiring an appearance before a justice of the peace; and

**Further That** the Committee recommend that County Council request the Ministry of Transportation in consultation with Municipalities consider suspending (temporarily) the imposition of demerit points for persons who pay their ticket in cases where they have no previous relevant convictions; and

**Further That** the Committee recommend that County Council direct staff to forward a copy of this resolution to the Ministry of the Attorney General, MPP David Piccini (Northumberland – Peterborough South), and all Ontario municipalities.”

Carried *W. Cane*  
Committee Chair's Signature

Defeated \_\_\_\_\_  
Committee Chair's Signature

Deferred \_\_\_\_\_  
Committee Chair's Signature



## Council Resolution

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Moved By J. Henderson

Agenda  
Item 10

Resolution Number  
2021-07-21-491

Seconded By S. Arthur

Council Date: July 21, 2021

"**That** County Council adopt all recommendations from the five Standing Committees, as contained within the Committees' Minutes (July 5, 6, 7, 2021 meetings), with the exception of any items identified by Members, which Council has/will consider separately, including Item 9f of this agenda, the 'Thompson Bridge Closure'."

Recorded Vote  
Requested by

\_\_\_\_\_  
Councillor's Name

Carried

  
\_\_\_\_\_  
Warden's Signature

Deferred

\_\_\_\_\_  
Warden's Signature

Defeated

\_\_\_\_\_  
Warden's Signature

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## Report 2021-115

**Report Title:** Municipal Court Managers' Association / POA Advocacy

**Committee Name:** Finance and Audit Committee

**Committee Meeting Date:** July 3, 2021

**Prepared by:** Randy Horne, Court Services Manager

**Reviewed by:** Glenn Dees, Director of Finance/Treasurer

**Approved by:** Jennifer Moore, CAO

**Council Meeting Date:** July 21, 2021

**Strategic Plan Priorities:** Leadership in Change

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### Recommendation

**“That** the Finance and Audit Committee, having considered Report 2021-115, ‘Municipal Court Managers’ Association / POA Advocacy’ recommend that County Council request the Attorney General of Ontario to halt the proclamation of the Early Resolution reforms included in Bill 177 Stronger Fairer Ontario Act and take immediate action to streamline and modernize this section of the legislation by making it easier and more convenient for the public and prosecutors to engage in resolution discussions and by making it more effective and efficient to administer early resolution proceedings for Part I and Part II offences in the Provincial Offences Court; and

**Further That** the Committee recommend that County Council request the Attorney General of Ontario to enact changes to the Provincial Offences Act and any related regulations to permit the prosecutor and defendant or legal representative to agree, at any stage of a proceeding, to a resolution in writing for proceedings commenced under Part I or Part II of the POA and to permit the Clerk of the Court to register the court outcome immediately upon receipt of the written agreement without requiring an appearance before a justice of the peace; and

**Further That** the Committee recommend that County Council request the Ministry of Transportation in consultation with Municipalities consider suspending (temporarily) the imposition of demerit points for persons who pay their ticket in cases where they have no previous relevant convictions; and

**Further That** the Committee recommend that County Council direct staff to forward a copy of this resolution to the Ministry of the Attorney General, MPP David Piccini (Northumberland – Peterborough South), and all Ontario municipalities.”

---

## **Purpose**

Immediate regulatory and legislative changes are critical to delivering services to the public by putting in place the most modern, efficient, and effective justice system attainable.

The proposed Early Resolution reforms in Bill 177 Stronger, Fairer Ontario Act do not fully support the objectives of the Ministry of the Attorney General pertaining to creating a modernized and efficient justice system. These changes create procedural barriers that prevent reasonable and effective access to court procedures by replacing a simplified process currently in place with a complex lengthy process.

## **Background**

Northumberland County is not currently opted into the formal Early Resolution process as provided for in the Provincial Offences Act (POA). Early Resolution discussions occur informally, scheduled with the Prosecution Team for all defendants (or their agents) who indicate option 3 (Trial) in response to a Part I (or Part II) charge.

The existing Early Resolution legislation (formal process) provides persons charged with minor offences under Part I (or Part II) of the POA with an option to meet with the prosecutor to resolve matters without the necessity of a trial proceeding. The informal early resolution regime has largely been successful in Northumberland County; providing timely access to justice and being the first POA proceedings to resume during the COVID -19 emergency. The number of Part I matters processed through the early resolution option is approximately 25% of all new charges filed annually and the resolution rate (pre-Trial) is approximately 90%. Approximately 20% of charges Fail to Respond and are convicted in absentia, while 55% of charge fines are paid without a Resolution Meeting or Trial.

The level of public participation in exercising an Early Resolution option in Northumberland County is a clear indication that whether opted into the formal Early Resolution process, or not, the rules under the existing Early Resolution section of the POA are easy for the public to understand and provides access to the justice system for minor offences.

## **Consultations**

The Municipal Court Managers Association (MCMA) has conducted a detailed review of the impact the proposed changes will have on administrative processes and resources. The Bill

177 changes to the formal Early Resolution section of the POA will increase processing steps from the existing 15 administrative processes to over 70 processes. This represents an increase in processes of over 400%. Although Northumberland County has digitized and modernized administrative processes to permit the defendant to file their request digitally, the POA court remains dependent upon the Province's antiquated adjudicative case management system (ICON). Given the lack of a modern adjudicative case management system, the impact of the additional and complex legislative processes under the proposed changes to the Early Resolution section of the POA would likely require additional full time Court Clerks to administer the proposed lengthy and complex early resolution process, should Northumberland County choose to opt into the formal Early Resolution process to take advantage of proposed efficiencies in the legislation.

Simplifying the POA to provide for a more efficient, effective justice system with more convenience and proportionate options to the public for minor offences under Part I of the POA, should not require an increase in processes. Permitting any (formal or informal) early resolution meeting to be held in writing and permitting the filing of written agreements between the prosecutor and defendant to be registered administratively as a court outcome by the Court Clerk immediately provides an accessible streamlined efficient and modern court system to the public.

## **Legislative Authority/Risk Considerations**

The current legislative framework for formal (opted-in) Early Resolution consists of one (1) section with 27 subsections or paragraphs supported by approximately 15 administrative processes. This legislative framework permits a defendant to request a meeting with the prosecutor, request a change to the appointment date once, attend a meeting with the prosecutor and have the outcome of the early resolution meeting recorded by the court on the same day as the meeting.

The proposed changes to the Early Resolution section of the POA under Bill 177 creates a more complex legislative framework for formal Early Resolution process, with five (5) sections and 43 subsections, paragraphs or subparagraphs. This represents an approximate 60% increase to the number of rules.

## **Discussion/Options**

**Operational pressures that existed prior to the pandemic have become more pronounced and need to be met with legislative reforms to enable timely recovery of Provincial Offences Courts**

POA Courts has long advocated for legislative reforms streamlining and modernizing Provincial Offences Courts in support of equitable and timely access to justice. Immediate regulatory and legislative changes are critical to delivering services to the public by putting in place the most modern, efficient, and effective justice system attainable. The attached MCMA request seeks to align and validate the POA courts position on the following legislative barriers:

1. Halting the proclamation of the Early Resolution reforms included in Bill 177 and requesting to take immediate action to streamline and modernize this section of the

legislation. Under the proposed amendment, complex time periods and rules will be introduced including a redundant abandonment period, and delay in recoding of court outcomes which will result in multiple defendant appearances.

2. Enact changes to the *Provincial Offences Act* and any related regulations to permit the prosecutor and defendant or legal representative to agree, at any stage of a proceeding, to a resolution in writing. By so conserving court time and judicial resources.
3. Ministry of Transportation in consultation with municipalities consider suspending (temporarily) the imposition of demerit points for persons who pay their ticket in cases where they have no previous relevant convictions.

Throughout 2020, three separate orders were issued by the Ontario Court of Justice and the Province adjourning all court matters, suspending all *Provincial Offences Act* timelines and later extending these timelines into 2021.

The Chief Justice of Ontario and the Province of Ontario issued separate emergency orders in response to the pandemic throughout 2020 directly impacting Court Services operations.

A set of orders issued by the Chief Justice of Ontario and the Province built on each other and affected the legislative timelines under the *Provincial Offences Act*, meaning that the typical timeframe to respond to a ticket or other court matters governed by the *Provincial Offences Act* no longer applied. The orders extended timelines from March 16, 2020 through to and including February 26, 2021.

Simultaneously, the Chief Justice of Ontario also issued a set of orders that adjourned all court matters from March 16, 2020 until January 25, 2021. This resulted in postponing of over 2,000 trial matters until 2021, at the earliest. As part of court recovery, the Chief Justice advised Provincial Offence Courts that non-trial matters could go ahead by audio hearings by September 28, 2020 and that the resumption of remote trials could go forward as early as January 25, 2021, dependent on local judicial approval and court readiness. In-person trials would continue to be adjourned until the court schedule is approved by the Regional Senior Justice of the Peace, and all health and safety measures have been implemented.

The recovery of Provincial Offence courts was impeded by lack of timely direction from the Province concerning the resumption of services. While the provincial objective was to provide a consistent approach to the resumption of Provincial Offences Courts, priority was given to resuming Criminal Court operations. This often resulted in changing timelines and direction. Coupled with the existing issue of limited judicial resources which was intensified throughout the pandemic, Court Services could not effectively respond to the growing volume of pending cases which directly impacted the public's access to justice.

### **Bill 177 aims to modernize and streamline the Provincial Offences Courts**

Legislative amendments to the *Provincial Offences Act* were passed by the Ontario Legislature in December 2017 under Schedule 35 of Bill 177 *Stronger, Fairer Ontario Act*. These amendments include reforming of the Early Resolution process, improving the collection of default fines, and expanding the powers of the clerk of the court. However, the proposed Early

Resolution reforms came short as they do not fully support the objectives of the Ministry of the Attorney General pertaining to creating a modernized and efficient justice system.

In December 2019, the Ministry of the Attorney General advised that it intends to implement Bill 177 amendments through a phased approach. To date the Attorney General has only proclaimed and implemented section 48.1 allowing for use of certified evidence for all Part I proceedings. The rest of Bill 177 amendments are scheduled to be proclaimed later in 2021.

**Bill 177 reforms to the legislated Early Resolution process will prevent reasonable and effective access to court procedures by creating a complex and lengthy process**

Early Resolution is an optional program Provincial Offences Courts can offer allowing defendants who opt to dispute their charges to request a meeting with a prosecutor to resolve the charges prior to a trial.

Under the proposed amendment, when a defendant attends a meeting with the prosecutor, the outcome is not recorded by the court immediately and there is a myriad of rules to navigate that result in a court outcome. For example, depending on the agreement, a defendant may have to appear before a Justice of the Peace to register the agreement and there are potential additional appearances required by the defendant and the prosecutor before an outcome is registered by the court. In addition, there are multiple complex time periods and myriad of rules including a redundant abandonment period before an outcome is registered. The inclusion of a proposed abandonment period is redundant as fairness and administrative of justice principles already exist in other sections of the *Provincial Offences Act* including the right to appeal a conviction or a sentence. The complexity of the numerous additional rules will not be easily understood by the public and will hinder access to justice.

Early Resolution process could aid in municipal Provincial Offences Court recovery if the section amendments were edited to make it easy and more convenient for the public and prosecutors to engage in resolution discussions. Northumberland County Court Services would reconsider offering a formal Early Resolution option if the Ministry of the Attorney General were to make it more effective and efficient to administer Early Resolution proceedings.

**Closure of courts due to the pandemic resulted in a decrease in fine payments and increased pending caseload**

The extension of *Provincial Offences Act* timelines, along with the continued closure of court hearings impacted many of Court Services operational drivers. While court front counters were reopened in 2020 to provide essential administrative services, the ability to process charges and to address pending caseload was greatly impeded.

In turn, court revenue was impacted by operational instabilities such as, extension of the requirement to pay and defaulting of a fine. It is important to note that this is considered a deferred revenue as all outstanding fines are debt to the Crown owed in perpetuity and never forgiven. The ability to collect on debt diminishes the older a fine becomes.

There is an understanding that defendants request trials to seek resolutions that reduce demerit points. If demerit points were suspended for a period for those acknowledging their guilt and

paying the ticket, it may encourage defendants to pay their traffic ticket, thus reducing trial requests and pressures faced by trial courts. Details such as the time period for offences to which this would apply, what to do if a person receives multiple tickets, as well as determining whether a person without any convictions within 3 or 5 years of payment is to be treated as a first offender could be determined by the ministry.

## **Financial Impact**

The recommendations contained in this report have no financial impact.

## **Member Municipality Impacts**

Legislative change allowing any (formal or informal) early Resolution Meeting to be held in writing and permitting the filing of written agreements between the prosecutor and defendant to be registered administratively as a court outcome by the Court Clerk would benefit Member Municipalities in their Part II/Bi-Law proceedings in alignment with County Part I and II Early Resolution Proceedings.

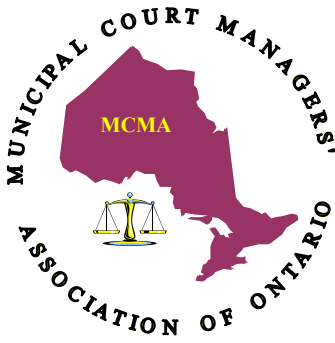
## **Conclusion/Outcomes**

In response to a the MCMA request for Joint Advocacy on behalf of all Ontario Municipal POA Courts, staff request that the Committee recommends that County Council pass a resolution in support for the listed MCMA recommendations.

## **Attachments**

1. Letter: MCMA Request for Joint Advocacy





## Municipal Court Managers' Association of Ontario

c/o Seat of the President  
Regional Municipality of York  
17150 Yonge St  
Newmarket ON L3Y 8V3

May 6, 2021

Dear Members,

Re: POA Streamlining and Modernization

In response to the increased pressures resulting from COVID 19, MCMA is seeking the support of POA Courts to actively lobby the Province for immediate regulatory and legislative changes. As you know, our ability to respond to Increasing caseload and declining fine revenue is limited. These proposed changes will enable flexibility for municipalities to respond to local pressures.

It is important that we leverage this opportunity to create a modern, efficient, and sustainable justice system that meets the needs of court users. The proposed changes include:

1. Halting the proclamation of the Early Resolution reforms included in Bill 177 Stronger Fairer Ontario Act and take immediate action to streamline and modernize this section of the legislation.
2. Enacting changes to the Provincial Offences Act and any related regulations to permit the prosecutor and defendant or legal representative to agree, at any stage of a proceeding, to a resolution in writing for proceedings.
3. Requesting the Ministry of Transportation in consultation with Municipalities, consider suspending the imposition of demerit points for persons who pay their ticket in cases where they have no previous relevant convictions.
4. Make regulatory changes to allow for camera-based offences to be administered through the administrative monetary penalties.

The MCMA board has prepared some templated documents to assist in your efforts. Attached you will find: Draft Council Resolution, draft council report for ER Courts and some key messages to support discussion. We understand that support for one or all may vary depending on individual priorities and appreciate your consideration.

Should you have any questions or would like to discuss further please feel free to reach out to any member of the MCMA board.

Lisa Brooks  
MCMA President

***"Excellence in Court Administration"***



RECEIVED

JUL 08 2021

CITY CLERKS OFFICE  
ST. CATHARINES, ONTARIO

CORPORATE SERVICES DEPARTMENT  
TELEPHONE 613-968-6481  
FAX 613-967-3206

City of Belleville

169 FRONT STREET  
BELLEVILLE, ONTARIO  
K8N 2Y8

July 5, 2021

Bonnie Nistico-Dunk, City Clerk  
PO Box 3012  
50 Church St.  
St Catharines, ON L2R 7C2

Dear Bonnie:

**RE: Request the Government of Ontario to Expand Testing to All Strains of Lyme Disease and Improve the Level of Treatment and Care for Those Diagnosed with This Crippling Disease**  
**Council Information Matters**  
**8.c.1.c), Belleville City Council Meeting, June 28, 2021**

Please be advised that at the Council Meeting of June 28, 2021, Council passed a resolution to "receive" your correspondence. To "receive" means Council will take no further action regarding this matter and your correspondence will remain on file with the City Clerk's Department.

I trust this is sufficient.

Yours truly,

A handwritten signature in black ink, appearing to read 'Matt MacDonald', written over the words 'Yours truly,'.

Matt MacDonald  
Director of Corporate Services/City Clerk

MMacD/nh

The Corporation of the  
**MUNICIPALITY OF TWEED**

**AGENDA ITEM #5.3**

255 Metcalf St., Postal Bag 729  
Tweed, ON K0K 3J0  
Tel.: (613) 478-2535  
Fax: (613) 478-6457



Email: [info@tweed.ca](mailto:info@tweed.ca)  
Website: [www.tweed.ca](http://www.tweed.ca)  
[facebook.com/tweedontario](https://facebook.com/tweedontario)

July 16, 2021

City of St. Catharines  
PO BOX 3012  
St. Catharines ON L2R 7C2

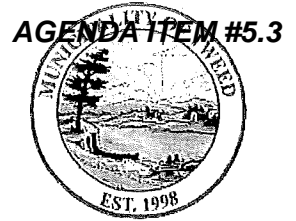
Attention: Maureen Beatty  
Council and Committee Coordinator

Dear Maureen Beatty

I wish to advise that Council, at their regular meeting held June 22, 2021, passed a resolution in support of the City of St. Catharines resolution regarding Lyme Disease Awareness month.

Lucas Wales  
Deputy Clerk / Corporate Services

Municipality of Tweed Council Meeting  
Council Meeting



Resolution No.

445.

Title:

City of St. Catharines - St. Catharines, ON

Date:

Tuesday, June 22, 2021

---

Moved by

J. Palmateer

Seconded by

J. DeMarsh

BE IT RESOLVED THAT Council support the Resolution of the City of St. Catharines to call on the Ontario government to expand testing to all strains of Lyme Disease and improve the level of treatment and care for those diagnosed with this crippling disease.

Carried

Mayor

A handwritten signature in cursive script, appearing to read 'J. Allert', is written over a horizontal line.



June 24, 2021

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

Attn: Bonnie Nistco-Dunk, Clerk

Dear Ms. Nistco-Dunk:

**RE: Support for Building an Awareness Campaign for Lyme Disease**

At their meeting held June 22, 2021 the Council of the Municipality of Lakeshore passed the following resolution:

**211-06-2021**

Support the resolution by the City of St. Catharines regarding building an awareness for Lyme Disease.

Carried Unanimously

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

Sincerely,

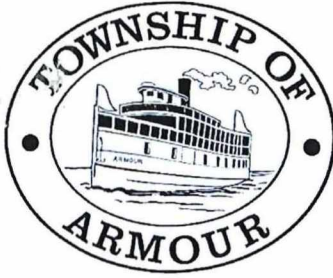
Brianna Coughlin  
Manager of Legislative Services

**LAKESHORE.CA**

**Municipality of Lakeshore**

419 Notre Dame Street, Belle River, ON N0R 1A0  
519.728.2700 Toll Free: 1-877-249-3367 [www.lakeshore.ca](http://www.lakeshore.ca)





DISTRICT OF PARRY SOUND

56 ONTARIO STREET  
PO BOX 533  
BURK'S FALLS, ON  
POA 1C0

(705) 382-3332

(705) 382-2954

Fax: (705) 382-2068

Email: [info@armourtownship.ca](mailto:info@armourtownship.ca)

Website: [www.armourtownship.ca](http://www.armourtownship.ca)

**RECEIVED**  
**MAYOR'S OFFICE**

JUN 29 2021

*Council*

June 23, 2021

**City of St. Catharines**

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

**Re: Support Resolution**

At its meeting held on June 22, 2021, the Township of Armour passed Resolution #5 approving the request from the City of St. Catharines.

A copy of Council's Resolution #5 dated June 22, 2021 is attached for your consideration.

Sincerely,

Danika Hammond  
Administrative Assistant  
(Enclosed)



## CORPORATION OF THE TOWNSHIP OF ARMOUR

### RESOLUTION

**Date:** June 22, 2021

**Motion #** 5

That the Council of the Township of Armour supports the City of St. Catharines in requesting that the Province expand testing to all strains of Lyme Disease and improve the level of treatment and care for those diagnosed with this crippling disease.

**Moved by:**

Blakelock, Rod ☐  
 Brandt, Jerry ☒  
 MacPhail, Bob ☐  
 Ward, Rod ☐  
 Whitwell, Wendy ☐

**Seconded by:**

Blakelock, Rod ☒  
 Brandt, Jerry ☐  
 MacPhail, Bob ☐  
 Ward, Rod ☐  
 Whitwell, Wendy ☐

**Carried /  
 Defeated**

**Declaration of Pecuniary Interest by:**

**Recorded vote requested by:**

Recorded Vote:

Blakelock, Rod  
 Brandt, Jerry  
 MacPhail, Bob  
 Ward, Rod  
 Whitwell, Wendy

For

☐  
☐  
☐  
☐  
☐

Opposed

☐  
☐  
☐  
☐  
☐

Ministry of Municipal  
Affairs and Housing

Ministère des Affaires  
Municipales et du Logement

Sub-Item 9

Office of the Deputy Minister

Bureau du ministre

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7100

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél. : 416 585-7100



August 3, 2021

**SUBJECT:     *Main Street Recovery Act: Proclamation of Amendments to the  
Municipal Act and City of Toronto Act***

Dear Chief Administrative Officers and Clerks:

As you may know, in fall 2020, the government introduced amendments to the *Municipal Act, 2001* and *City of Toronto Act, 2006* through [Bill 215, Main Street Recovery Act, 2020](#). I am writing to update you that these legislative changes are scheduled to come into force on **September 19, 2021**.

As we collectively work to recover from the impacts of the pandemic, these legislative changes will help support economic recovery on main streets across Ontario and help ensure that important goods can continue to be delivered to businesses in our communities as efficiently as possible. Past pilot projects, which worked with municipal partners, have shown that the changes could also help reduce rush-hour traffic, lower fuel costs for businesses, and reduce greenhouse gas and other emissions.

From September 19, 2021 onwards, municipalities will not be able to regulate noise related to the delivery of goods to the following destinations:

1. Retail business establishments;
2. Restaurants, including cafes and bars;
3. Hotels and motels; and
4. Goods distribution facilities.

These changes will come into force on the same day as the expiry of temporary regulations (O. Reg. 70/20 and O. Reg. 71/20). These regulations, introduced at the outset of the pandemic, limit municipalities from regulating all noise related to the delivery of goods. From September 19, 2021 onwards, once the temporary regulations expire, municipalities will again have the authority to regulate delivery noise to destinations other than the four categories listed above.

Many municipalities, as well as business and logistics sector stakeholders, have expressed support for providing more flexibility for deliveries because of the benefits they offer Ontario's main street businesses and the local communities these businesses serve. Local businesses also have an interest in working to ensure that they continue to be good neighbours while planning for deliveries of goods to their businesses.

.../2



- 2 -

Prior to these amendments coming into force and for clarity for your stakeholders, your municipality may wish to review any applicable bylaws and consider whether any changes are necessary to align with the new framework. If your municipality has any questions on these changes, I would encourage you to contact your local [Municipal Services Office](#).

We will continue to monitor the implementation of this new framework. The Minister of Municipal Affairs and Housing has regulation-making authority to authorize municipalities to regulate delivery noise to the businesses noted above. No regulations are proposed to be made at this time to minimize burden for municipalities and businesses but may be considered in the future if deemed necessary.

Thank you for your continued support and collaboration as we work to support economic recovery in Ontario's communities.

Yours truly,



Kate Manson-Smith

Deputy Minister

c: Laurie LeBlanc, Deputy Minister, Transportation  
Giles Gherson, Deputy Minister, Economic Development, Job Creation and Trade  
Brian Rosborough, Executive Director, Association of Municipalities of Ontario  
Bill Bond, President, Municipal Law Enforcement Officers' Association  
Jonathan Lebi, Assistant Deputy Minister, Local Government and Planning Policy Division, Ministry of Municipal Affairs and Housing  
Hannah Evans, Assistant Deputy Minister, Municipal Services Division, Ministry of Municipal Affairs and Housing

## Coalition for a Better St Catharines

*The city is yours*



### Coalition for a Better St Catharines

#### Response to the MECP/MTE GM Site Work Plan

On June 29, for the first time, the St Catharines city council saw a detailed plan to identify and eliminate the significant source of PCBs leaking from the GM site into 12 Mile Creek. This document, “Revised Work Plan – Evaluation of PCBs in Storm Water Effluent”, provided by the consultant MTE, included two attachments: “Responses to MECP Comments on MTE Technical Memo” and “ETPS PCB Source Evaluation – Proposed Schedule.” Together, the material presents a more detailed analysis of the current GM situation than what was presented to Council by MECP spokesperson Kim Groombridge.

Given that the “revised memo was prepared considering the comments received from the Ministry of the Environment, Conservation and Parks (MECP) for a previously submitted work plan dated April 9, 2021” and that all key points as contained here were well known to the to MECP prior to their presentation to Council on June 28, that presentation should be considered incomplete and therefore of little value.

Since the full workplan and attached documents were not received by the council until after the June 28 MECP presentation, making it impossible to address informed questions and concerns to the MECP representative, we wish to call to the attention of Mayor and Council several important elements of the material that shed new light on the problem:

1. **The High concentrations escaping from the site into 12 Mile Creek are of considerable concern.** Perhaps most critical is the repeated concern expressed by the Ministry in terms of the level of PCBs escaping the site: “preliminary sampling...has identified very high PCB concentrations in water (1)” sampled. That this concentration has led the Ministry to express urgency in identifying and eliminating the PCB source is contained in the Ministry’s rejection of the original MTE schedule the contained financial and timeframe qualifiers: “In fact, the MECP would like to see the work completed in a more expedited manner than the proposed schedule. The schedule also seems to be quite lengthy with the last task being completed in June 2022. The MECP would like to see the work needed to locate the PCB source made a priority and completed faster (2).”
2. **The source of the PCB’s originating from the GM site is unknown.** While the Ministry acknowledges that “very high PCB concentrations” are flowing off the site, the Ministry does not know the location of their source nor the volume of PCBs that are at the root of the problem: “No potential sources have been identified to date, so priority needs to be focused on trackdown sampling to identify the potential sources

(3).” This concern is included in the MTE document itself: “the tasks outlined in this work plan have been revised and reorganized...to meet the MECP’s request to prioritize the PCB source assessment activities (4).”

3. **The GM plant was a registered “Major Site” for the storage of PCBs.** As detailed in the MTE memorandum, “The Ministry of Environment document ‘*Ontario Inventory of PCB Storage Sites, 1991*’ indicates that the General Motors St. Catharines plant was a Ministry-Registered PCB Storage Site, defined as a ‘Major Site’ with greater than 1 tonne of liquid PCB storage. Through a review of available documentation, it was also determined that large quantities of PCBs and PCB-containing equipment were transported to the General Motors St. Catharines engine foundry property for destruction in the late 1990s (5).” While it is not clear if this heavy load of documented PCBs on site is a source of PCB outflow into 12 Mile Creek, it seems odd that the MECP omitted this important fact as part of their June 28 presentation.
4. **The extent of damage to the environment from the PCBs dumped into Twelve Mile Creek is not known.** During the presentation to Council Kim Groombridge admitted that MECP did not know how long this significant leak has been discharging into Twelve Mile Creek. It could be days, months or years and the cumulative damage to the environment and aquatic habitat downstream could require significant restoration work.
5. **Removal of demolition materials and structures is required to fully investigate pollution sources.** The MTE document made it clear that the existing piles of debris covering the surface has made it impossible to determine pollution sources: “The various piles of debris and other demolition materials on Site had been limiting the ability to observe some areas of the Site surface and further evaluate potential surface storm sewer connections and/or sources of PCBs. Peters Construction Group has been retained to complete the Site structures demolition and surface materials clean-up work (6).”
6. **Groundwater contamination cannot be ruled out as a potential threat to surrounding residential areas.** Assurances that contaminated groundwater and subsurface aquifers are migrating entirely into 12 Mile Creek are not warranted as the location of the source of PCBs is not known, and contaminated groundwater can flow in any direction (12). The recognition that PCBs may well have infiltrated groundwater is reflected in this MTE comment: “Based on the depth to groundwater and the depths of storm sewers at the site, there is a potential for groundwater infiltration (into storm water sewers) through poor connections or damaged pipes (7).” Given the proximity of the location of the identified concentrations of PCBs in storm sewers to a playground and daycare centre, this should be an area of great concern to the City.
7. **GM is now involved.** The MTE memorandum points the need to obtain records from GM and raises questions about a remediation fund: “Some aspects of the plant decommissioning, removals and clean-up are governed by an Environmental Remediation Fund Agreement between the Property Owner and General Motors as part of the Agreement of Purchase and Sale (8).”
8. **The work plan includes monthly reports from the contractor.** The contractor’s work plan requires regular reporting to MECP on progress toward completing the activities necessary to affect a comprehensive and timely cleanup as identified by the Ministry-approved schedule: “Monthly reports will be prepared and submitted by the 15th of the following month summarizing the results of activities that were undertaken

(9).” The City should be privy to these reports to ensure work is proceeding in a sustained and timely manner. It is critical that these reports be shared with the community to give citizens confidence that progress is being made.

**9. Dangerous containment ponds are to be finally cleaned and filled.** More than 30 concrete pits dot the 55-acre site. The MTE workplan acknowledges the importance of properly disposing of the liquid in the pits and completely filling them: “To further assess and eliminate the pits as a potential source of PCBs, the pits will be pump[ed]-out and cleaned as necessary to allow for visual inspection. The concrete pit structures will subsequently be removed and the remaining voids will be backfilled (10). “

**10. The Time frame and cost of cleanup may have been grossly underestimated by MECP.** While details of expenses involved in effecting the cleanup as detailed in the memo and activity schedule were not included, the scope of work suggests that their completion – especially to the memo’s stated “intention of filing of Records of site Condition for residential use (11)” – will be an expensive project. Also, as the Ministry comments, even the original schedule of activities, which the Ministry rejected, is “quite lengthy.” Again, it is critical that the City establish a monitoring process to ensure the cleanup work is sustained and completed in a timely manner.

**In summary what the MTE documents reveal:**

- The source, location and volume of PCB contamination are not known.
- The MECP has acknowledged there is a serious problem and has asked the contractor to speed up work to find and stop the discharge.
- After dismissing the groundwater concerns, MECP has now asked for investigation of groundwater as a vector of PCB migration and it is not possible to rule out the possibility that contaminants are entering the neighbourhood via groundwater migration (12).
- The extent of environmental damage from the discharge of PCBs into 12 Mile Creek is not known but could be extensive.
- A workplan has been negotiated that contains a schedule of specific activities that are to be completed by specific dates with requirements for regular reporting. It is imperative the City monitors compliance to ensure comprehensive and timely cleanup.

---

**References**

1. Attachment A: Responses to MECP Comments on MTE Draft Technical Memo (April 9, 2021), MECP Comment, p. A1
2. *ibid*, p. A3
3. *ibid*, p A1
4. *ibid*, MTE Response, p. A1
5. Revised Work Plan – Evaluation of PCBs in Storm Water Effluent, p. 2
6. *ibid*, p. 5
7. *ibid*, p. 4
8. *ibid*, p. 7
9. Attachment B: ETPS PCB Source Evaluation – Proposed Schedule

10. Revised Work Plan, p. 6

11. *ibid*, p. 8

12. National Research Council: Alternatives for Ground Water Cleanup. Washington, DC: The National Academies Press, 1994.

Sincerely,

Dennis Van Meer

A handwritten signature in cursive script that reads "Dennis Van Meer".

Director, Coalition for a Better St. Catharines



August 5, 2021

### In This Issue

- Consultations ongoing for Notice of Project Requirements / Head Protection.
- AMO 2021 Training: AMO is working to bring members what they need.
- The countdown to AMO 2021 - 5 days left to register!
- Only one day left to submit your Ministers' Forum questions!
- Joint Health and Safety Committee eLearning bundle training.
- Risk Management Symposium - (em)Powering Change.
- Canoe Vendor Spotlight: Doosan Industrial.
- New High Interest Savings Account (HISA) with National Bank.

### Provincial Matters

MLTSD has posted consultations on Proposal to Amend Ontario Regulation 213/91 - Construction Projects to Modernize the Notice of Project Requirements and Harmonization of Head Protection Requirements under the *Occupational Health and Safety Act*. Municipalities are encouraged to participate by September 10, 2021.

### Eye on Events

AMO has been piloting a number of training offerings in 2021 including: Human Rights and Equity, Indigenous Cultural Competency, leadership through crisis and more! You can see what we have developed with you in mind. Spaces are filling fast.

On August 16th AMO will launch its 2021 Conference. Hosted by the City of London this year's incredible program line up brings you the conversations addressing your most pressing issues. Haven't registered yet? You have until noon August 12th to do so.

AMO 2021 includes 3 Ministers' Forums focused on issues that matter to your council and communities. Registered delegates who are municipal councillors or Heads of Council are invited to submit questions through this on-line form. **Do so by noon on Friday August 6.** Don't miss this year's incredible program line-up. There is still time to register for AMO 2021.

We have booked our keynote speaker for the virtual Risk Management Symposium this October. Dr. Blair Feltmate is the Head of the Intact Centre on Climate Adaptation. We have many sessions and panel discussions, all to help empower your decision-making in relation to climate change and your municipality.

4S Consulting Services, AMO's occupational health and safety service partner, is offering JHSC online training at member preferred pricing. Use the code **AMO2021** at checkout.

## LAS

Canoe Procurement Group has added Doosan Industrial as a vendor under the Public Utility Equipment category. Forklifts and other material handling equipment covered by this contract can handle between 3,000 and 55,000 lbs. Keep your community working safely and efficiently with the right equipment for the job. Contact Tanner for more information.

## ONE Investment

ONE brings another HISA provider onboard: National Bank in the coming weeks. Submit your interest and questions today by emailing one@oneinvestment.ca. The account is fully liquid with no transactional or monthly fee that provides higher interest on deposits than a typical savings account.

## 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 Watch File 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 Tel: 416.729.5425

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.



August 19, 2021

### In This Issue

- 2021 AMO federal Gas Tax/Canada Community-Building Fund award.
- PJ Marshall Award recipients at 2021 AMO Conference.
- 2021 annual emergency exercises requirements.
- AMO Blue Box update webinar on August 24, 2021.
- The road ahead for climate adaptation.
- Joint Health and Safety Committee eLearning bundle training.
- Technology and workplace health and safety.
- Canoe Vendor Open House: Sharp Canada.
- New High Interest Savings Account (HISA) with National Bank.
- Careers: Windsor, North Dundas and Haliburton.

### AMO Matters

An innovative energy-saving project has earned the [City of London](#) a 2021 AMO federal Gas Tax/Canada Community-Building Fund (CCBF) award. London invested \$4.5 million from the CCBF to install an Organic Rankine Cycle (ORC) System at its Greenway Pollution Centre. The ORC turns heat generated by burning sewage sludge into energy.

The PJ Marshall Awards acknowledge municipalities that have demonstrated creativity and success in implementing new, innovative ways of serving the public. Four municipalities received awards: the [Township of the Archipelago](#) for its *Tale of a Thousand Turtles* project; The [City of Kitchener](#) for its *Housing for All* project; The [City of Markham](#) for its *Single-Use Plastics Reduction Plan*; and [Renfrew County](#) for its *Virtual Triage and Assessment Centre*.

### Provincial Matters

The Ministry of the Solicitor General has announced that there will be no exemption in 2021 for annual emergency exercises under [O. Reg 380/04](#) of the *Emergency Management and Civil Protection Act*.

### Eye on Events

Join AMO, CIF, and RPRA from 12:30 - 3:30 pm for an update on The Blue Box program. There will be presentations from prospective Producer Responsibility Organizations to assess program impacts. [Register now!](#)

There is a body of scientific evidence that shows climate change is occurring and



human activities are a contributing factor putting our man-made and natural environment at risk. Learn this and more at the virtual [Risk Management Symposium](#) October 5 and 6. [Register now](#).

4S Consulting Services, AMO's occupational health and safety service partner, is offering [JHSC online training](#) at member [preferred pricing](#). Use the code **AMO2021** at checkout.

#### **LAS**

As a municipality, technology helps you communicate your message consistently. It helps you create customized training courses with interactive visual representations for easier communication of key messaging. [Read more here](#).

[Canoe Procurement Group](#) vendor Sharp Canada is hosting two virtual open house info sessions for Ontario municipalities. Join Sharp and LAS staff to learn more about available products and how buying through Canoe saves time and money. Follow the links to join [August 24](#) @ 10am or [September 15](#) @ 10am.

#### **ONE Investment**

ONE brings another [HISA provider](#) onboard: National Bank in the coming weeks. Submit your interest and questions today by emailing [one@oneinvestment.ca](mailto:one@oneinvestment.ca). The account is fully liquid with no transactional or monthly fee that provides higher interest on deposits than a typical savings account.

#### **Careers**

[Executive Director of Housing and Children's Services - City of Windsor](#). The Executive Director will be responsible to direct the administration and delivery of housing, homelessness, and children's services in Windsor and Essex County. An online application is available and must be submitted by no later than the September 9, 2021 at 4:30 PM. To apply for this position, click [APPLY NOW](#). If you require assistance to apply online, please contact [recruitment@citywindsor.ca](mailto:recruitment@citywindsor.ca) or call (519) 255-6515.

[Director of Corporate Services/Clerk - Township of North Dundas](#). Bordering the City of Ottawa, North Dundas enjoys a blend of rural and urban lifestyle. As Director of Corporate Services/Clerk, you are an important member of our Department Head Team, responsible for performing all statutory duties of the Clerk in accordance with the *Municipal Act* and other legislation. This includes acting as the Returning Officer for Municipal Elections. To apply to become part of our team, please submit your resume and cover letter by 10:00 am on August 30, 2021 to [careers@northdundas.com](mailto:careers@northdundas.com).

[Director of Economic Development & Tourism - County of Haliburton](#). Reporting to the CAO and working closely with County Council, the newly created position is responsible for providing advice and guidance required to develop and shape the County's economic and tourism development strategies and programs. For complete

responsibilities and requirements of the position please visit [our website](#). Please submit a detailed resume indicating your skills and experience no later than September 10, 2021 to: [Sarah Hume](#), HR Specialist.

### 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 Watch File](#) Tel: 416.971.9856

[Conferences/Events](#)

[Policy and Funding Programs](#)

[LAS Local Authority Services](#)

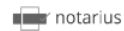
[MEPCO Municipal Employer Pension Centre of Ontario](#)

[ONE Investment](#)

[Media Inquiries](#) Tel: 416.729.5425

[Municipal Wire, Career/Employment and Council Resolution Distributions](#)

### AMO's Partners



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## Memorandum

**To: Mayor and Council**

**Cc: Senior Leadership Team**

**From: Melissa Wenzler, Government Relations Advisor  
Brian York, Director of Economic Development and Government Relations**

**Date: August 18th, 2021**

**Subject: AMO Virtual 2021 AGM and Conference**

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This memo serves to provide a brief update on the annual 2021 Association of Municipalities of Ontario (AMO) Conference.

AMO is a non-profit organization representing Ontario's 444 municipal governments. The annual AMO conference is an opportunity for municipal officials to work together to address common challenges, to learn through speakers, sessions and workshops, and network with municipal leaders from across the province. The 2021 conference was conducted virtually for the second time due to the COVID-19 pandemic.

This year, Mayor Sendzik was accompanied by councillors Dawn Dodge (AMO Board Member), Carlos Garcia, Lori Littleton, Greg Miller, Karrie Porter, Mathew Siscoe, Kevin Townsend, and Bruce Williamson. The city attended a record number of delegations with the province, including:

- Ministry of Health, Hon. Michael Tibollo, Associate Minister of Mental Health and Addictions, to discussing city efforts to address mental health, addiction issues, and homelessness
- Ministry of Economic Development, Job Creation and Trade, Donna Skelly, Parliamentary Assistant to the Minister of Economic Development, Job Creation and Trade (Job Creation and Trade) to discuss an Ontario marine strategy
- Ministry of Infrastructure, Hon. Kinga Surma, Minister of Infrastructure to discuss IT Infrastructure Deficit and disaster recovery, Consolidated CRM and the City's Transportation Master Plan
- Solicitor General, Hon. Sylvia Jones to discuss funding for fire training and travel, PTSD, Diversity in firefighting

- Ontario Ministry of Agriculture, Food and Rural Affairs, Hon. Lisa Thompson, Minister of Agriculture, Food and Rural Affairs to discuss soil management policies, brownfield remediation, greenbelt protection, and West STC Irrigation Strategy
- Ministry of Economic Development, Job Creation and Trade, Hon. Nina Tangri, Associate Minister of Small Business and Red Tape Reduction to discuss Digital Main Street & STC Enterprise Centre effectiveness
- Ministry of Municipal Affairs and Housing, Hon. Steve Clark, Minister of Municipal Affairs and Housing to discuss Affordable Housing, Modernizing Planning and Municipal Services
- Ministry of Heritage, Sport, Tourism and Cultural Industries, Parliamentary Assistant Vincent Ke, to thank the ministry for recovery funding to date, and request continued support
- Ministry of Transportation, Hon. Caroline Mulroney, Minister of Transportation to discuss intermunicipal transit and continuation of GO services and infrastructure

Participants at the conference were also addressed by the Premier, various cabinet ministers, and the leaders of the Ontario NDP, Liberal, and Green parties. Highlights such as the Women's Leadership Forum and multiple Ministers' Forums returned, and more time was allocated for networking.

Staff are currently following up with ministers' offices to further engage on issues of importance to the city.

# City Council Outstanding Reports List

Sub-Item 14

## Reports by Strategic Pillar

Cultural	1	Economic	8
Environmental	3	Social	12

Reports Related to Strategic Plan 24

Reports Unrelated to Strategic Plan 2

Updated: August 19, 2021

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Economic	2019-22	15-Jul-19	Townsend	Amend sign by-law to permit digital signage on City-owned properties and buildings, including the appropriateness and ability to include third-party advertising as part of digital signage on City-owned properties.	PBS / COMMS	Q1 2022	Appeal Information Report - Application for Sign By-law Variance; 142 St. Paul Street; Owner: 2400795 Ontario Inc. was deferred 8-12-19 until ORL #2019-22 is presented to Council. Requested return Q4 2019
Economic	2020-11	10-Aug-20	Porter	Support programs for musicians and live music venues, including but not limited to property tax relief or rebate programs for live performance venues	CRCS / FMS	Q4 2021	
Economic	2021-11	10-May-21	Social Pillar	That the diverse supplier policy proposal from the Anti-Racism Advisory Committee, as amended, be sent to City Council to request a report back by the end of Q4 2021 from City staff on the development of a Diverse Supplier Policy	FMS	Q4 2021	Requested return date of end of Q4 2021
Economic	2021-14	10-May-21	Surplus Lands Dev TF	That staff be directed to prepare a report regarding 2 Facer Street, including condition of the facility and the potential to declare the property surplus with consideration to not displacing the existing tenant.	FMS / EFES	Q3 2021	
Economic	2021-15	14-Jun-21	Miller	Report back on the City's current remuneration formula for members of Council, including how and when the formula was developed, as well as the remuneration for Councillors at comparator municipalities.	FMS	Q1 2022	Include information on reimbursement for committee chairs and administrative supports for Councillors at other municipalities
Environmental	2020-18	16-Nov-20	Townsend / Sorrento	That staff be directed to prepare a report on the costs associated with beautifying the Bunting Road corridor between Scott Street and the Garden City Skyway to include tree planting, grassed boulevards, floral, etc.	EFES	Q3 2021	From Nov. 18, 2020 GC meeting (formerly BSC) - That \$50,000 for a visioning or master streetscape plan to recommend improvements to the Bunting Road corridor be included in the Draft 2022 Operating Budget
Environmental	2020-31	22-Dec-20	Siscoe / Porter	Report back on opportunities to improve the stormwater system in the city.	EFES	Q3 2021	Staff will provide a memo to Council. Anticipated return date September 2021
Social	2019-29	09-Sep-19	Littleton	Report back on the existing street naming process with ways to include more public engagement, perhaps similar to the park naming process	PBS	Q4 2021	
Social	2020-10	27-Jul-20	Porter	Strategy and options for the relocation of the Private Watson statue	CRCS	Q3 2021	See Council Minutes from July 27, 2020 for list of groups to be consulted for the report
Social	2020-14	19-Oct-20	Kushner	The approval of a Cannabis grow-op at the corner of St. Paul Street West and Vansickle Road	PBS	Q3 2021	Include information on roll of Canada Health, zoning and notification of ward councillors. Will likely be a memo to Council.
Social	2021-02	18-Jan-21	Miller	Repeal / review and update the City's loitering by-laws and report back to Council	MW	Q4 2021	Staff to provide a memo to Council in August or September 2021 noting issue will be included in Pilot study with Gateway of Niagara (Deputy CAO to speak to Gateway)
Social	2021-04	18-Jan-21	Social Pillar	Produce a report on amending Facility and Design Standards (FADS) in the following sections: Section 4.2.7 Universal Washrooms and Section 4.5.2 Outdoor Recreational Facilities – Playground	CRCS / EFES	Q4 2021	See Council Minutes of January 18, 2021 for what is to be included in the report
Social	2021-12	10-May-21	Social Pillar	Amend the current by-law for the erection of signs and other advertising devices to state that no person shall display or cause to be displayed a sign that bears a hate message or a logo, crest or graphic that would convey such a message	PBS / LCS	Q4 2021	
Social	2021-13	10-May-21	Social Pillar	That staff provide a report by Q4 2021 on the options for improving accessibility of the Carousel to make it more inclusive	CRCS / EFES	Q4 2021	
None	2019-47	16-Dec-19	Miller / Mayor Sendzik	That the request for funds to be used to record in-camera meetings be referred to 2020 for a report including the upgrading of screening services for all meetings (open and closed sessions).	LCS		

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Social	2021-18	9-Aug-21	Social Pillar	Amend By-law 2007-295 (a By-law to address Public Nuisances) under Section 2 "Prohibitions" to add: "No person shall, in a public place, unnecessarily interfere with another person's use and enjoyment of the Public Place by using abusive or insulting language as a personal invective." Staff report to also include information on adding "aggressive behaviour" to the Public Nuisances by-law	LCS	Q1 2022	

### Follow Up Reports

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Economic	2020-16	09-Nov-16	Garcia	That staff report back in 2021 on remediation costs for applications that are a minimum of 5% of total past and future project costs.	PBS	Q4 2021	Follow up report to PBS-154-2020. See General Committee minutes of November 9, 2020
Economic	2020-17	09-Nov-16	Mayor Sendzik	That Council bring back the Accessory Dwelling Unit Program in 2022 to come back as part of an update on the overall CIP program annual report.	PBS	Q4 2021	Follow up report to PBS-154-2020. See General Committee minutes of November 9, 2020
Economic	2021-10	10-May-21	Siscoe	That staff report back on removing the owner occupant requirement for rural properties	PBS	Q3 2021	Follow up report to PBS-029-2021. See Council Minutes of May 10, 2021. Will likely be a memo to Council.
Environmental	2021-16	28-Jun-21	Siscoe	Report back in Q4 2021 on the Ontario Street Secondary Plan launch including scope, preliminary workplan, public engagement strategy, and study partnership options	PBS	Q4 2021	
Social	2020-07	24-Feb-20	Porter	Revised Graffiti Program: Consult with the community, the relevant cultural committees and downtown stakeholder groups to modernize the graffiti program and by-law by 2021.	PBS	Q1 2022	Follow up report. Initial report (PBS-010-2020) approved February 10, 2020
Social	2020-10	26-Apr-21	Phillips	Update report on the City's Beach Strategy	CAO	Q4 2021	Follow up report. Initial report (CAO-058-2021) approved April 26, 2021. See minutes of April 26, 2021 Council Meeting for information on what is to be included in the report
None	2021-01	18-Jan-21	Social Pillar / Siscoe	That staff be directed to prepare a report on the current protections in place to deal with harassment directed at Mayor and members of Council, and the resources it would require to provide further support to Mayor and members of Council who are subjected to harassment, intimidation and threats.	LCS	Q3 2021	Report Request part of motion arising from Integrity Commissioner report from January 18, 2021. See Council Agenda Item 7.1. Report to go to Equity and Inclusion Committee for feedback prior to going to Council.

### Reports Affected by COVID-19

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Social	2019-12	15-Apr-19	Porter	Review of Citizen Appointments to Boards and Committees Policy	LCS	2021	Report was postponed due to COVID-19. See Council Minutes of April 15, 2019, Item 8.2, for original motion. On hold pending new equity staff position.
Social	2019-23	15-Jul-19	Littleton	Opportunities and strategies for the City to support neighbourhood associations and neighbourhood-based community groups, including best practices and information gathered from the forum	CRCS	TBD	Staff report will come forward following the neighbourhood association forum. Forum was scheduled for March 28, 2020 but was postponed to a later date due to the COVID-19 pandemic
Cultural	2020-15	19-Oct-20	Littleton / Siscoe / Harris	Report back on excluding 101 Oakdale Avenue, 25 Duke Street and 160, 168, 174, 176 St. Paul Street from the register of non-designated cultural heritage properties. Report to include update on the request for the property owners of 101 Oakdale Avenue and 25 Duke Street to attend a Heritage Committee meeting about their request to be excluded. Report to include update on correspondence from 160, 168, 174, 176 St. Paul Street requesting exclusion from the register.	PBS	Q4 2021 / 2022	Follow-up report to PBS-111-2020. See General Committee minutes from October 19, 2020. Due to the effects of the COVID-19 pandemic on downtown businesses, staff will report back to Council once the downtown economic climate strengthens. Staff will report back on 25 Duke Street upon completion of renovations at the property



## Corporate Report City Council

**Report from:** Planning and Building Services, Planning Services

**Report Date:** August 20, 2021

**Meeting Date:** August 30, 2021

**Report Number:** PBS-119-2021

**File:** 20 119726 ZA and 20 119727 OP

**Subject:** Planning Act Public Meeting and Recommendation Report RE: Application to Amend Official Plan and Zoning By-law 2013-283 Subject Lands: 18 and 20 Moote Street Owner: National Group (2000) Inc

### Strategic Pillar:

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



## Recommendation Official Plan

That Council approve an amendment to the City of St. Catharines Official Plan (the Garden City Plan) for the lands described as Lots 40 and 41 on Plan 129 and Part of Lot 4 on Plan 17 in the City of St. Catharines, Region of Niagara, municipally known as 18 and 20 Moote Street, as follows:

- a) That Schedule E3, North Planning District, be amended by changing the land use designation of 18 and 20 Moote Street from Low Density Residential to Medium Density Residential as identified in Appendices 6 and 7 of this report; and
- b) That Part E, Section 15.1.3 of the Garden City Plan be amended to add new subsection f) as outlined in Appendix 10 of this report; and

## Zoning By-Law

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, for the lands described as described as Lots 40 and 41 on Plan 129 and Part of Lot 4 on Plan 17 in the City of St. Catharines, Region of Niagara, municipally known as 18 and 20 Moote Street, as follows:

- a) That Section 15.1, Schedule A (A15), Zoning Maps, be amended by changing the zoning of 18 and 20 Moote Street from Low Density Residential – Suburban Neighbourhood (R1) to Medium Density Residential with Special Provision 163 (R3-163) as outlined in Appendix 9; and
- b) That Section 13.1 'List of Special Provisions', be amended by adding Special Provision 163, as outlined in Appendix 11; and

That the Mayor and City Clerk be authorized to execute the necessary By-laws to give effect to Council's decision; and

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

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

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

## Summary

This report considers applications for Official Plan Amendment and Zoning By-law Amendment related to the privately owned lands located at 18 and 20 Moote Street (Appendix 1). The applicant is requesting that the Official Plan designation of the subject lands be changed from Low Density Residential to Medium Density Residential, and that the zoning of the subject lands be changed from Low Density Residential – Suburban Neighbourhood (R1) to Medium Density Residential with a special provision (R3-163) to permit an existing single storey, industrial building at 20 Moote Street to be converted to a single storey, five-unit apartment building. The existing detached dwelling at 18 Moote Street will continue to provide one dwelling unit. 18 and 20 Moote Street will be merged on title and are intended to function as one site, with a total of six dwelling units on site. The applicant also requests that a Special Provision be applied to address certain site-specific matters, including, but not limited to setbacks and parking. The proposed six dwelling units represent a density of 68 units per hectare.

Staff are recommending approval of the application, on the basis that it has regard for matters of Provincial interest, is consistent with the Provincial Policy Statement, conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe, and conforms to and does not conflict with the Region of Niagara's Official Plan and meets the intent and guiding policies of the City of St. Catharines Official Plan, subject to the staff recommendations herein.

## Relationship to Strategic Plan

**Economic Sustainability:** The proposed development supports private investment through redevelopment of underutilized lands. Future residents of the proposed development will support transit and local business.



**Social Sustainability:** The proposed development contributes to the connectivity of people, places and neighbourhoods by providing additional residential units and taking advantage of proximate transportation routes. Future residents will benefit from the local bike lanes, transit and community facilities.

## Report

### Proposed Development

The applicant is proposing a six-unit development at 18 and 20 Moote Street. An existing single storey industrial building at 20 Moote Street is proposed to be converted into five apartment units with one common amenity/utility room. The neighbouring dwelling at 18 Moote Street will be incorporated into the site and will continue to be used as one dwelling unit (for a total of six units on site). The proposal includes three at-grade parking spaces on the property. A common outdoor amenity area and bicycle parking area is provided in a courtyard behind 18 Moote Street. The existing buildings on the site will undergo some improvements to their facades and rooflines. No expansion or enlargement of the existing buildings is proposed. A conceptual site plan is attached as Appendix 2.

The applicant has indicated that the proposed development will be affordable and accessible. The applicant has not identified how the units will be administered to ensure affordability. Staff do note that the size of the units and amenities available on the property are consistent with other affordable housing units recently built in the city. Staff also note that there are a number of federal, provincial, and regional government funding programs available to encourage and support private development of affordable housing. The applicant has not indicated that any government funding for affordable housing has been secured at this time for the proposed development. For accessibility, the single-storey design, unit layout and site plan suggest that the five apartment units will be able to meet accessibility requirements, as established by the Ontario Building Code.

### Location and Site Description

The lands are comprised of two lots under common ownership known municipally as 18 and 20 Moote Street. They are located on the south side of Moote Street, between Vine Street and Rolls Avenue. The combined area of the lands is approximately 880 square metres (0.088 ha) and the combined frontage along Moote Street is 20.1 metres. The combined properties have common lot lines with seven neighbouring properties, all of which are residential.

Currently, 18 Moote Street is occupied by a single storey detached dwelling. This dwelling is proposed to remain as one dwelling unit in this application. No additions to this dwelling are proposed. The existing building at 20 Moote Street has a long-standing industrial use dating to the 1940s. It has been enlarged several times, contributing to the irregular shape and rooflines of the building. The lot at 20 Moote Street has been enlarged to accommodate expansion of the building contributing to its irregular shape. The existing building has been constructed with minimal setbacks to the lot lines. the current warehousing and storage uses are non-conforming to Zoning By-law 2013-283. The reduced setbacks, lot coverage and parking deficiencies can be considered non-complying to Zoning By-law 2013-283. No additions are proposed to 20 Moote Street in this application.

Surrounding land uses include:

North: Detached dwellings fronting onto Moote Street

East: Detached dwellings fronting onto Vine Street

South: A detached dwelling fronting onto Vine Street

West: Detached dwellings fronting onto Moote Street

## **Planning Policy Context**

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

For Council's reference, the land use planning framework in Ontario, as it relates to this application, is outlined in Appendix 3.

## **Provincial Policy Statement**

The Provincial Policy Statement, 2020 (the PPS), provides direction on matters of Provincial interest related to land use planning and development. Section 3(5) of the Planning Act stipulates that decisions of Council "shall be consistent" with the PPS.

The subject lands are located within a settlement area under the PPS. Sections of the PPS, which are particularly relevant to the subject proposal, are summarized below.

## **Settlement Areas**

Under the PPS, settlement areas are the focus for growth and development. Land use patterns in settlement areas, including both new development and redevelopment, shall be based on a mix of densities that efficiently use land, are appropriate for, and efficiently use, planned or available infrastructure and public service facilities, minimize negative impacts to air quality and climate change, support active transportation and are transit supportive. Settlement areas are to accommodate a significant supply and range of housing options through intensification and redevelopment by using existing building stock, subject to appropriate development standards. Minimum intensification targets and redevelopment within settlement areas are to be established.

## **Housing**

The PPS requires municipalities to provide an appropriate range and mix of housing types and densities to meet needs of current and future residents, including the provision of affordable housing. This can be accomplished by municipalities permitting and facilitating housing options that meet social, health, economic and well-being requirements of residents, including special needs requirements. The PPS further stipulates that new housing should be directed to areas where infrastructure is available, where active transportation and transit-supportive development can be

achieved, and establishing standards for residential intensification and redevelopment that minimize the cost of housing and facilitate compact built form.

### **Implementation and Interpretation**

The PPS indicates the importance of Official Plans and Zoning By-laws in implementing the policies of the Province. Land use designations and policies of Official Plans, along with development standards of zoning by-laws, are important tools to protect and advance Provincial interests and direct development to suitable areas.

### **PPS Summary Opinion**

Staff are of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the policies of the Provincial Policy Statement because policies related to intensification, growth, and housing are upheld.

At a density of approximately 68 units per hectare, this redevelopment and intensification of an existing building will use existing infrastructure, public service facilities, promote active transportation and is transit-supportive development. The proposed units will contribute to the range of housing options and affordability by providing compact units designed to accommodate residents with accessibility requirements.

### **Provincial Growth Plan for the Greater Golden Horseshoe**

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

Guiding principles within the Growth Plan direct compact and well-designed development to prioritize intensification. The subject lands are located within a Provincially-designated Built Up Area. Growth and development should be directed to established built-up areas to avoid expanding existing urban boundaries where possible by encouraging intensification. Within settlement areas, growth will be focused in delineated built-up areas, strategic growth areas, locations with existing or planned transit and areas with existing or planned public service facilities.

The Growth Plan further establishes that a diverse range of housing options and densities, including affordable housing, be provided to meet current and future needs of residents. Multi-unit residences are to incorporate a mix of unit sizes to accommodate diverse household sizes and incomes.

The following provides an overview of the Growth Plan as it applies more specifically to the subject applications for Official Plan and Zoning By-law Amendment.

- Support the achievement of complete communities that support healthy and active living and meet people's needs throughout an entire lifetime.
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land, infrastructure and transit.

- Support a range and mix of housing options to serve all sizes, incomes and ages of households.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

## **Growth Plan Summary Opinion**

The subject lands are located outside of a strategic growth area, in a low density residential neighbourhood, which presents limited opportunities for intensification. The subject lands are within a delineated built-up area, and are proximal to public transit routes and public service facilities, which suggests context-sensitive intensification is appropriate. The proposed increase in density is an efficient use of a currently underutilized parcel at 20 Moote Street that conflicts with surrounding land uses. The proposed modifications to the subject lands improve compatibility to the existing neighbourhood through urban design. The result is five new residential units at 20 Moote Street that increase the mix, range and affordability of housing types available in St Catharines. The development will be held to high design standards, to be applied and enforced through the Site Plan Approval process and agreement. The policies of the Growth Plan are upheld.

## **Regional Official Plan**

The subject lands are within a Settlement Area under the 2020 Provincial Policy Statement (PPS) and the Built Boundary under the 2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan). Within the Regional Official Plan (ROP), the subject lands are within the urban area boundary for the City of St. Catharines and are designated Built-Up Area. A full range of uses including residential, commercial, and industrial uses is generally permitted within these areas, subject to the availability of servicing and infrastructure. Provincial and Regional policy states that a minimum of 40% of all annual residential development in the Niagara Region is to be located within the built-up areas. Specifically, residential intensification through a mix of housing types and densities is encouraged in such areas to meet the current and future needs of a diverse population and housing incomes.

The ROP's policies on housing identify need for a variety of housing types within urban communities to serve a variety of people as they age. To this end, the Region supports and encourages local municipalities to support public and private sector development of affordable housing, including housing for individuals who have physical disabilities. The Region further encourages the development of attractive, well designed residential development that provides for active transportation within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools, is accessible to all persons, incorporates the principles of sustainability in building design, provides an attractive, interconnected and active transportation friendly streetscape and balances the need for private and public space.

The proposed Official Plan and Zoning By-law Amendment will facilitate residential development that makes efficient use of underutilized urban serviced lands, as permitted within the urban area boundary and built-up areas for the City of St. Catharines. The proposed development is considered intensification and will count towards the City's annual residential intensification targets as set out by the Growth Plan and ROP. Further, the proposed residential redevelopment will serve to provide additional housing options, including accessible and generally at a more affordable rental rate, promote active transportation in a thoughtfully designed apartment complex located close to existing public services and commercial areas.

## **Official Plan (Garden City Plan)**

The subject lands are designated as Neighbourhood Residential (Appendix 4) by the City's Official Plan, The Garden City Plan (GCP). The North District plan further identifies the lands as Low Density Residential (Appendix 5).

The Official Plan Amendment application seeks to change the land use designation from Low Density Residential to Medium Density Residential (Appendix 6). This amendment is requested to allow medium density development and apartment buildings to facilitate the proposed six-unit complex on site, which has a density of 68 units per hectare. The application proposes to cap the number of units on the site at six, which will prevent additional units being added to the site without a further amendment to the Official Plan.

The current Low Density Residential designation of the GCP permits detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land with a building height limit of 11 metres. The proposed Medium Density Residential designation of the GCP permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land with a building height limit of 20 metres.

Section 16.1 of the Garden City Plan outlines general policies to be considered in evaluating an Official Plan Amendment application. This application for amendment to the Plan has been evaluated against these considerations, as follows:

<b>Garden City Plan Policy (16.1)</b>	<b>Planning Comment</b>
i) The degree of conformity of the proposed amendment to the general intent, purpose and philosophy of this Plan, particularly the vision, planning principles and general policies of the Plan	Part B, 'Vision and Guiding Principles', describes the general intent of the Plan and the basis for which the land use policies of the Plan have been prepared. It establishes priorities including the accommodation of growth and change, housing, and achieving a sustainable community. Part D of the Plan, 'Land Use Policies', emphasizes more compact, innovative and alternative design to

	<p>manage development. The proposed change to Medium Density Residential will permit an increase in density to 68 units per hectare and allow apartment dwellings to be developed. This represents an efficient use of an existing industrial building, that through innovative design, will be redeveloped to rental housing with an emphasis on accessibility.</p> <p>Existing public infrastructure and services, including nearby transit, are available. Community uses as well as parks and recreation facilities are in proximity. A variety of commercial services and retail uses are available in close proximity to the subject lands.</p>
ii) Consistency with Provincial and upper tier government plans, policies and legislation	<p>The Garden City Plan is reflective of Provincial and Regional policies as it is required to conform to them. As demonstrated in earlier sections of this report, the proposal complies with Provincial and Regional land-use policies.</p>
iii) The availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use	<p>The subject lands are in an established residential neighbourhood. The site is irregularly shaped and is occupied, in part, by an industrial building that takes advantage of the irregular shape. The redevelopment of the site to residential will remove conflicting land uses. The increase in density and permission of an apartment building on the subject lands will allow five additional dwelling units to be added to the city's housing stock. The size and design of the units lends to their affordability and the adaptive reuse of an existing building demonstrates the feasibility of the proposal.</p> <p>There is limited supply of vacant land in the City with Medium Density Residential designation. Redevelopment of this site will add dwelling units to an area of the city that is already fully developed,</p>

	presenting a limited opportunity to add units to an established neighbourhood.
iv) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses	<p>The adjacent uses to the subject lands are exclusively low density residential. Dwelling types are primarily detached dwellings, with some semi-detached dwellings in the immediate area around the subject lands. Accessory apartments are permitted in this area.</p> <p>With five new dwelling units at 20 Moote Street and the existing dwelling unit at 18 Moote Street, the proposal represents an increase in permitted density from a current max of 32 units to 68 units per hectare. The increase in density is mitigated by the proposed design of the apartment building. It is limited to one storey in height and will have a peaked roof added to give the appearance of a detached dwelling from the streetscape. The limited parking on site will prevent an expansive parking area along the frontage of the property and allow some landscape areas to remain in the front yard. A site plan agreement will allow staff to ensure adequate fencing, screening and landscaping is provided to further soften the impact of the development on surrounding properties.</p>
v) The potential of the proposal to cause instability within an area intended to remain stable	<p>The proposal will see a single storey industrial building redeveloped into a five-unit apartment building. By removing the non-conforming industrial use from a residential neighbourhood this application will actual make increase the stability of the area. The addition of five new dwelling units to this area will not cause destabilization. The apartment building is designed to blend with the existing neighbourhood. The reduced parking area further compliments the site. The availability of transit and nearby commercial and community services, as well as parks, mitigates the reduced parking provision. The subject lands are a</p>

	unique site and the proposed application is intended to closer integrate into the neighbourhood.
vi) The ability of the City's infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure and public service facility improvements in other areas of the City	Development engineering staff are satisfied that the existing capacity of services is sufficient for the proposed number of units. A Functional Servicing Report has been submitted and accepted by Development Engineering staff. Any required upgrades in services to the site will be at the expense of the applicant.
vii) The financial implications, both cost and revenues, to the City	Any improvements to municipal infrastructure to the site which may be necessary to accommodate the development will be at the sole cost of the applicant. The redevelopment of the industrial building to residential uses may result in an increase to the assessed value of the property, and in-turn, increase tax revenues for the City.
viii) The degree to which approval of the amendment would establish an undesirable precedent	The approval of this application does not establish an undesirable precedent. The review is based on the individual context and circumstances of the area. It facilitates the adaptive reuse of an existing industrial building. There are a limited number of sites in the area with similar shape, size and characteristics of the subject lands. The removal of a non-conforming industrial use from a residential neighbourhood is further evidence that an undesirable precedent will not be set by this application.

In addition to the evaluation of a proposal against Section 16.1 of the Garden City Plan, there are additional policies that need to be considered. An analysis of policies of Section 7.2 is conducted in the zoning by-law section of this report. Relevant policies from Sections 4.2 and 4.3 are assessed below.

Policy 4.2 (b) calls for "innovative, sustainable and context sensitive building, site, streetscape and neighbourhood design" and 4.2 (d) identifies the need for "compatibility of new development and redevelopment within established areas". The proposed Official Plan Amendment accomplishes these policies by pursuing adaptive reuse of an existing industrial building, rather than proposing new construction. This lessens the environmental impact of the development and improves the project's sustainability. The proposed improvements to the existing building demonstrate context sensitivity by



maintaining a single-storey structure, with a pitched roof and an appropriate setback from the street. The building has an appearance from the street of a detached dwelling, which is the predominate land use on surrounding properties. The redevelopment further achieves compatibility by converting a non-conforming industrial use to a residential use.

Policy 5.2 (i) calls for a “range of choices for housing and transportation”. This application proposes five new dwelling units that are being built to appeal to residents that may have mobility issues and require accessible apartments. It is also appealing to residents that do not have cars and rely on alternative methods of transportation.

Section 4.3 of the Garden City Plan speaks specifically to the built form that development and redevelopment much achieve. The scale, height, and massing of the proposed apartment building at 20 Moote Street are appropriate for the site context. As a single storey building, the proposed apartment building will not dominate the streetscape or skyline of the neighbourhood. The single storey structure will also minimize sun shadows, light trespass and glare and wind effects. The proposed pitched roof will complement surrounding dwellings and contribute to the apartment building improving the existing streetscape. Actual design elements, including windows, doors, colours and textures will be regulated through the site plan approval process. The detached dwelling at 18 Moote Street is remaining unchanged in both use and general appearance, and currently fits into the neighbourhood context.

Based on the policy evaluation above, staff are satisfied that the proposed Official Plan Amendment meets the intent of the Official Plan and recommend approval.

## **Zoning By-law**

Both 18 and 20 Moote Street are currently zoned Low Density Residential – Suburban Neighbourhood (R1) by Zoning By-law 2013-283 (Appendix 8). The R1 zone permits a variety of residential uses including detached, semi-detached, quadruplex and townhouse dwellings. Private road developments with the aforementioned dwelling types are also permitted. Each dwelling type, apart from those in a private road development, are permitted to have one accessory dwelling unit.

The current building at 20 Moote Street was built in the 1940s and has been expanded several times. It is a long-standing industrial warehousing use that is considered non-conforming. The reduced setbacks, lot coverage and reduced parking are similarly non-complying. The existing detached dwelling at 18 Moote Street similarly has non-complying setbacks.

## **Proposed Zoning By-law Amendment**

The proposed Zoning By-law Amendment seeks to change the zoning for 18 and 20 Moote Street to Medium Density Residential (R3). The change to R3 zoning will permit detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse dwellings as well as apartment buildings. Private road developments with the aforementioned dwelling types and apartment buildings are also permitted in the R3 zone, as well as long-term care facilities.

This change is being sought to permit the existing industrial building at 20 Moote Street to be converted to a five-unit, single storey apartment building. A special provision is being sought to address existing zoning deficiencies for 20 Moote Street, a reduction in the required parking for apartment buildings and to limit future development of the site. The proposed special provision (R3-163) is outlined below and in Appendices 10 and 11. A diagram illustrating the reduced setbacks is found in Appendix 7.

Special Provision	Zone	Schedule A	Location	By-law
163	R3	15	18 and 20 Moote Street	
Notwithstanding the definition of an apartment building, an apartment building includes five units divided vertically and the following applies:				
1.	Minimum lot area		880.0 m <sup>2</sup>	
2.	Minimum lot frontage		20 m	
3.	Minimum easterly side yard setback (existing)		0.15 m	
4.	Minimum westerly side yard setback (existing)		0.32 m	
5.	Minimum front yard		8.1 m	
6.	Minimum rear yard (existing)		0.27 m	
7.	Maximum building height		4.5 m	
8.	Maximum number of dwelling units on site		6	
9.	Minimum number of parking spaces on site		3	

Section 7.1 (c) of the GCP states that development and redevelopment within the Urban Area shall be evaluated having regard for building, site, streetscape, and neighbourhood context sensitive design to ensure:

- i) integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood;
- ii) Adverse impacts on adjacent properties are minimized in regard to grading, drainage, location and design of service utilities and areas, access and circulation, parking, transition in height, privacy, views, vistas, microclimatic conditions, and protection of the natural features, functions and hazards.
- iii) Adequate and appropriate lot size, shape and configuration, access, on-site facilities and outdoor amenity areas to accommodate use;
- iv) Provision of parking areas that do not dominate the site physically or visually, and maximize opportunities for perimeter and internal landscaping.

The proposed change from R1 to R3 and site-specific provisions have been evaluated below against these priorities and directions from the GCP:

### **Built Form and Integration into Neighbourhood**

The proposed conversion of the existing industrial building at 20 Moote Street to a single storey, five-unit apartment building is designed to be sensitive to the surrounding neighbourhood. The special provision proposes to limit the height of the building to a single storey to prevent additional height being added without a public process. Limiting the building to a single storey will ensure that the structure will correspond in scale, height and massing with surrounding dwellings. The proposed façade improvements and addition of a peaked roof will give the apartment building a similar street-facing appearance to a single storey detached dwelling. The proposed reduction inside yard and rear yard setbacks recognize the existing location of the building. A site plan agreement will be employed to minimize impact and privacy concerns caused by these reduced setbacks through appropriate fencing, landscaping and window placement and screening. The existing detached dwelling at 18 Moote Street is already integrated into the neighbourhood.

### **Adverse Impacts on Neighbouring Properties**

As described above, the design of the proposed upgrades to the existing industrial building will minimize adverse impacts on neighbouring properties. The industrial building is existing and is not being made larger. There are no substantial changes proposed for the grades of the property. Additional measures to reduce impacts to privacy can be addressed in the site plan agreement. Parking will be dealt with in a section below.

### **Building Setbacks and Buffering**

To facilitate the redevelopment of the subject lands, the application proposes several special provisions to the R3 zone to permit the existing building at 20 Moote Street to be converted to an apartment building.

The minimum lot area for an apartment building is proposed to be 880.0 square metres. This is not a reduction from an R3 requirement, but it is establishing that 20 Moote Street must be combined with 18 Moote Street to be used as an apartment building. The lot at 20 Moote Street cannot operate as an apartment building on its own. The same applies to the minimum lot frontage of 20 metres.

The proposed minimum easterly and westerly side yards are proposed to be reduced from “half the height of the building” (approximately 2.1 metres), as required in the R3 zone, to 0.25 metres and 0.38 metres, respectively. Similarly, the minimum rear yard is proposed to be reduced from the “height of building” (approximately 4.2 metres), as required in the R3 zone, to 0.27 metres. These reductions reflect the footprint of the existing building at 20 Moote Street. The zoning setbacks are established to prevent building massing from crowding the lot line and to provide a buffer for privacy, landscaping and drainage. With the proposal seeing the existing building being redeveloped, the required setbacks cannot be met. Privacy will be considered in the site plan agreement by requiring screening on windows to prevent overlook into rear yards of surrounding properties. Similarly, a

perimeter fence where viable will be required to further enhance privacy. It should be noted that the proposed windows are existing window openings in the building.

The proposed minimum front yard of 8.1 metres is an increase from the required minimum front yard of 5 metres in the R3 zone. The greater minimum yard will ensure that the existing building is not made any larger, and no new additions will be constructed towards the street. This, in turn, will protect the long-term viability of the parking spaces at the front of 20 Moote Street.

Finally, the maximum building height of 4.3 metres and maximum number of units on the combined site of six (five in the existing industrial building at 20 Moote Street and one in the existing detached dwelling at 18 Moote Street) will serve to prevent further units being added to the site without further planning applications.

### **Parking**

Apartment buildings require a minimum parking ratio of 1.25 parking spaces per dwelling unit. When applied to the proposed six units in this development, a minimum of eight parking spaces are required to be provided. The special provision is seeking permission for a minimum of three parking spaces for six units.

The Garden City Plan provides policies that reductions in parking need to be assessed against. These policies stipulate that reduction or elimination of parking will be considered where are:

- i) shared parking is possible;
- ii) transit is readily available or where transit facilities are provided;
- iii) bicycle parking and facilities, or community facilities, are provided;
- iv) land, beyond minimum requirements, is dedicated for safe active transportation facilities and connectivity;
- v) land, beyond minimum requirements, is dedicated for greening and landscaping initiatives.

**Shared parking:** Staff have identified potential for shared parking in the area with several institutional and commercial parking lots within 200 metres to 350 metres of the subject lands. While this distance may prevent daily use of these parking facilities, they can serve as occasional parking for higher-traffic events. Shared parking arrangements would be between the property owners and tenants. The City would not be a party to, nor facilitate these arrangements. On-street parking is also available on Moote Street and Rolls Avenue.

**Transit:** The subject lands are approximately 175 metres to 225 meters from transit stops at the Vine Street and Carlton Street intersections. Two bus routes can be accessed from these stops. One route offers inbound and outbound service from the downtown bus terminal seven days per week with evening and holiday service. The other route offers inbound service to the Fairview Mall bus terminal weekdays and Saturday daytime. The Niagara Street and Facer Street intersection is about 425 metres from the subject lands, at which another bus route can be accessed, offering inbound

and outbound service from the downtown bus terminal during weekdays. Intercity bus lines offered by GO Transit are available at the Fairview Mall bus terminal. This terminal is about 1.5 kilometres from the subject lands and is also served by one of the bus routes accessible from the site.

**Bicycle parking and facilities:** The proposal shows parking or storage areas for seven bicycles in the courtyard area. Additional storage for bicycles and other mobility devices would be available in each unit. Vine Street between Carlton Street and Niagara Street currently has a bicycle route marked by “sharrows”. The City’s Transportation Master Plan recommends upgrading this part of Vine Street to have marked bicycle lanes. Vine Street north of Carlton Street has marked bicycle lanes. Carlton Street, between Geneva Street and Niagara Street is recommended for marked bicycle lanes in the Transportation Master Plan. Carlton Street is part of the Region’s bicycle network.

**Active transportation:** While the development promotes active transportation, the site is not large enough, nor located to provide active transportation facilities and connections.

**Landscaping:** The minimum landscape open space requirements for apartment buildings fronting on to local roads in the R3 zone is 35% of the lot area. The proposed development has a landscaped open space of 35.6% of the lot area. While this is a marginal increase, given the existing structures that must be worked around, any additional parking added to the site would come at the expense of the landscaping in the front yard. The reduction in parking requirements will preserve landscaping and greening on the site.

**Parking:** In addition to the above policies, the Garden City Plan also has a policy stating that the City will consider alternative requirements for residential lot standards in the implementing Zoning By-law which would support the provision of affordable housing. The City has previously relaxed parking requirements for various affordable housing developments. Close to the subject lands, the Niagara Regional Housing property at 479 Carlton Street has 211 dwelling units and 125 parking spaces, a parking ratio of 0.59 spaces per unit. The Niagara Regional Housing property at 436 Scott Street has 60 dwelling units and 36 parking spaces, a parking ratio of 0.6 spaces per unit. While located in a different part of the city, 268 Oakdale Avenue has a parking ratio of 0.64 spaces for unit. Niagara Regional Housing’s building at 14 Centre Street has 132 dwelling units and 22 parking spaces, a ratio of 0.17 spaces per unit.

The reduction in parking contributes to the affordability of the units and increases the housing options for residents that do not own personal vehicles. The proposal meets the City’s policies for reducing parking requirements.

## Site Plan Control

Should the requested amendments to the Official Plan and Zoning By-law be approved, an application for Site Plan approval will be required for converting the site to multi-unit residential use.

Site plan control is the City's primary tool for implementing City standards and urban design guidelines; it regulates the placement of buildings, architectural elevations, access, parking, site servicing, grading, drainage, lighting, landscaping, fencing, storage of waste and other details of site design. Appendix 2 provides the proposed conceptual site design.

A public information session relating to the detailed designs of the sites will be hosted by staff as part of the site plan processes. Through that forum, Planning Services staff and the applicant will present the refined designs to the public for information purposes. A site plan includes the registration against the title of the lands that will be legally binding upon the existing and future property owners. The applicant will be required to post securities to ensure the terms of the agreements are carried out.

## Circulation of Applications

The applications were circulated to all relevant departments and agencies in accordance with the Planning Act. No department or agency has objected to the proposed Official Plan and / or Zoning By-law Amendments. The feedback that has been received is outlined below and has been considered in the recommendation of this report.

## Niagara Region

No objection to the proposed Official Plan and Zoning By-law Amendments.

## Community, Recreation and Culture Services (CRCS)

No objection to the proposed Official Plan and Zoning By-law Amendments. CRCS is also supportive of the reduction of parking to allow additional landscaping in the front yard. Landscape design, fencing and boulevard plantings will be addressed through the site plan agreement.

## Development Section of Planning and Building Services

Development staff have no objection to the application for Official Plan Amendment and Zoning By-law Amendment. Detailed drainage design and servicing drawings will be required through the site plan process. The City will be requiring a dedication of land approximately 0.762 metres in width to add to the Moote Street right-of-way. This will require the parking spaces to be adjusted by the same distance, which may require some modifications to the front porch on the detached dwelling.

## Traffic

No objections to the proposed Official Plan and Zoning By-law Amendments.

## Building Services

A preliminary Building Code review of the proposed apartment building has been conducted to determine the feasibility of adapting the industrial building for residential

use. The identified issues can be addressed at the building permit stage and in the site plan process. The Building Services comments also note that a record of site for residential development will be required to deem the industrial building safe for residential occupancy. A record of site condition was filed for 20 Moote Street in October 2020.

## Public Consultation

A public notice advising of a public open house was mailed to residents within 120 metres of the property on March 3, 2021. Over 120 notices were mailed to surrounding property owners. This public notice was also shared through the City's digital channels and appeared on the City's website.

A digital public open house was held by Planning and Building Services over the Zoom platform on March 25, 2021. The purpose of the open house was to present the applicant's proposed Official Plan Amendment, Zoning By-law Amendment and conceptual site plan and afford an opportunity for attendees to ask questions and provide comments before staff recommendations are presented to Council for consideration. Members of the public were required to register in advance to speak to the applications at the public open house. As an alternative, the public was also invited to submit written or emailed comments and questions. While the open house was conducted over the Zoom platform, it was live streamed on the City's YouTube channel and has been available for viewing on YouTube since the open house.

The City received written or emailed comments from 10 members of the public. Six members of the public registered to speak at the public open house, of which five attended to speak.

The questions and concerns raised at the public open house and in written or emailed submissions are condensed into similar themes below followed by a staff response.

**Concern:** Lack of on-site parking will cause additional on-street parking on Moote Street and other streets in vicinity. Lack of parking for delivery vehicles

**Response:** Staff have evaluated the request to reduce parking requirements against relevant policies in the Official Plan and found the request is supportable. On-street parking on Moote Street and surrounding streets is available on first-come first-served basis. Spaces are not reserved and do not have time limitations. While there is a limited number of on-street parking spaces on Moote Street, there is greater supply on Rolls Avenue (on-street parking is not permitted on Vine Street). On-street parking is not always a reliable alternative for on-site parking for residents. However, the proposal is geared toward tenants that do not own personal vehicles. Delivery vehicles can park on the street or in available parking spaces on site.

**Concern:** Moote Street is a narrow street that can be difficult to drive down in winter or when work trucks are being used. This can cause difficulty for emergency vehicles responding to incidents on Moote Street. Further

concerns about Moote Street being used by motorists avoiding the Vine Street and Carlton Street intersection.

**Response:** The City recognizes that the Moote Street right-of-way is substandard in width. Access issues are existing and will not be caused or worsened by the proposed development. Emergency services have methods for ensuring access is available on municipal streets. Use of Moote Street is not limited to residents. Concerns about traffic safety can be addressed outside of this planning process.

**Concern:** Why was a traffic impact study not required for this application?

**Response:** The addition of five residential units to the subject lands does not meet the threshold for requiring a traffic impact study. No capacity issues have been identified on area roads that this development would impact.

**Concern:** What impact will this development have on property taxes?

**Response:** The Municipal Property Assessment Corporation has up to 200 factors that are considered when determining the assessed value of a residential property. Any impact caused by this development will be reflected in future reassessments conducted by MPAC. Such calculations cannot be made at this time.

**Concern:** The existing building at 20 Moote Street is in disrepair. Cracks in perimeter walls are visible. The building is also full of rodents that neighbours must contend with.

**Response:** The condition and structural integrity of the building at 20 Moote Street will need to be assessed at the building permit stage. Any required repairs will be made at that time. The applicant was made aware about the rodent problem.

**Concern:** How high will the building be and how will privacy impacts be dealt with?

**Response:** The proposed apartment building will be limited in height to a single storey. The intention is to re-use the existing industrial building. A peaked roof will be added, but not a second storey. Privacy fencing, window screening and landscaping will be addressed through the site plan process. The City usually requires privacy fences around the perimeter of multi-unit residential developments.

**Concern:** Is the environmental report deeming the building safe available for viewing?

**Response:** All supporting documentation submitted with the application was posted on the City's website in the development information section. This includes the Phase I Environmental Site Analysis. The link to this part of the City's website was included in the public notice and alternative arrangements were made available to residents that do not have internet access.



**Concern:** Lack of identity about the applicant is a cause for concern given various troubled developments in the city. The City should look into the officers of the corporation and review previous projects they have undertaken.

**Response:** The identity and owners of properties cannot be a factor when evaluating an application. Similarly, previous application history and other projects undertaken by applicants cannot be considered. There is no policy framework that supports this approach to planning in Ontario.

**Concern:** Public notice sign was not placed at 18 Moote Street to notify of public open house.

**Response:** 18 Moote Street and 20 Moote Street are under common ownership. Posting sign at 18 Moote Street was not pursued because of frozen ground. Sign was posted in accordance with *Planning Act* immediately adjacent to 18 Moote Street at 20 Moote Street. Public notice was also mailed in accordance with the *Planning Act*.

**Concern:** Proposed apartment courtyard has potential for parties. Niagara Regional Police Service should review application. Fire Services should also review application.

**Response:** Potential for social events in the courtyard is no greater than potential for parties at other residences. Outside of pandemic restrictions, social events other forms of gathering are generally permitted on residential properties in accordance with local by-laws. The Niagara Regional Police Service does not review planning applications. There is no requirement for such a review and there is no policy framework that could be used to approve or deny an application based on a review by a police service. Fire Services was included in the circulation for comments on this application and provided no comments. Fire Services is involved in reviewing all site plan applications.

**Concern:** Concern about format of public meeting being conducted electronically.

**Response:** The meeting was conducted in accordance with changes to the *Planning Act* and City by-laws to allow planning applications to continue to be processed during the Covid-19 pandemic.

**Concern:** Why did the applicant pursue this development, why not fewer units, or a different building form?

**Response:** Property owners can apply for whichever type of development they choose. Each application is evaluated based on its own merits. While staff can make recommendations on what sort of development to pursue in the pre-submission consultation meeting required by the *Planning Act*, the applicant is not obliged to follow staff's suggestions.

**Concern:** Is this development going to be affordable housing? How will tenants be screened and controlled?

**Response:** The applicant's intention is for this project to be affordable housing and is being designed to accommodate individuals who may have mobility issues. The adaptive reuse of an existing building and reduction in on-site parking contribute to the affordability of the proposal. Actual terms and arrangements for tenancy, including rent, have not been identified. Tenants will be made aware that no on-site parking is available and on-street parking is not guaranteed to always be available.

## **Second Planning Opinion Advisory**

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

## **Financial Implications**

There are no financial implications associated with this report.

## **Environmental Sustainability Implications**

Adaptive reuse of an existing build contributes to environmental sustainability by preventing demolition of a building and landfill waste generated by building materials.

## **Conclusion**

In summary, staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment to permit the development of a six-unit complex, subject to the recommendations set out in this report.

These applications for Official Plan Amendment and Zoning By-law Amendment have regard for matters of provincial interest, are consistent with the Provincial Policy Statement, conform to and do not conflict with the Growth Plan for the Greater Golden Horseshoe, and conform to and do not conflict with the Region of Niagara's Official Plan, subject to the staff recommendations herein.

## **Notifications**

It is in order to advise Greg Hynde, the owner's agent.

### **Prepared by**

Evan Acs, MA MSc  
Planner I

### **Submitted by**

Margaret Josipovic, MPA  
Manager of Planning Services

**Approved by**

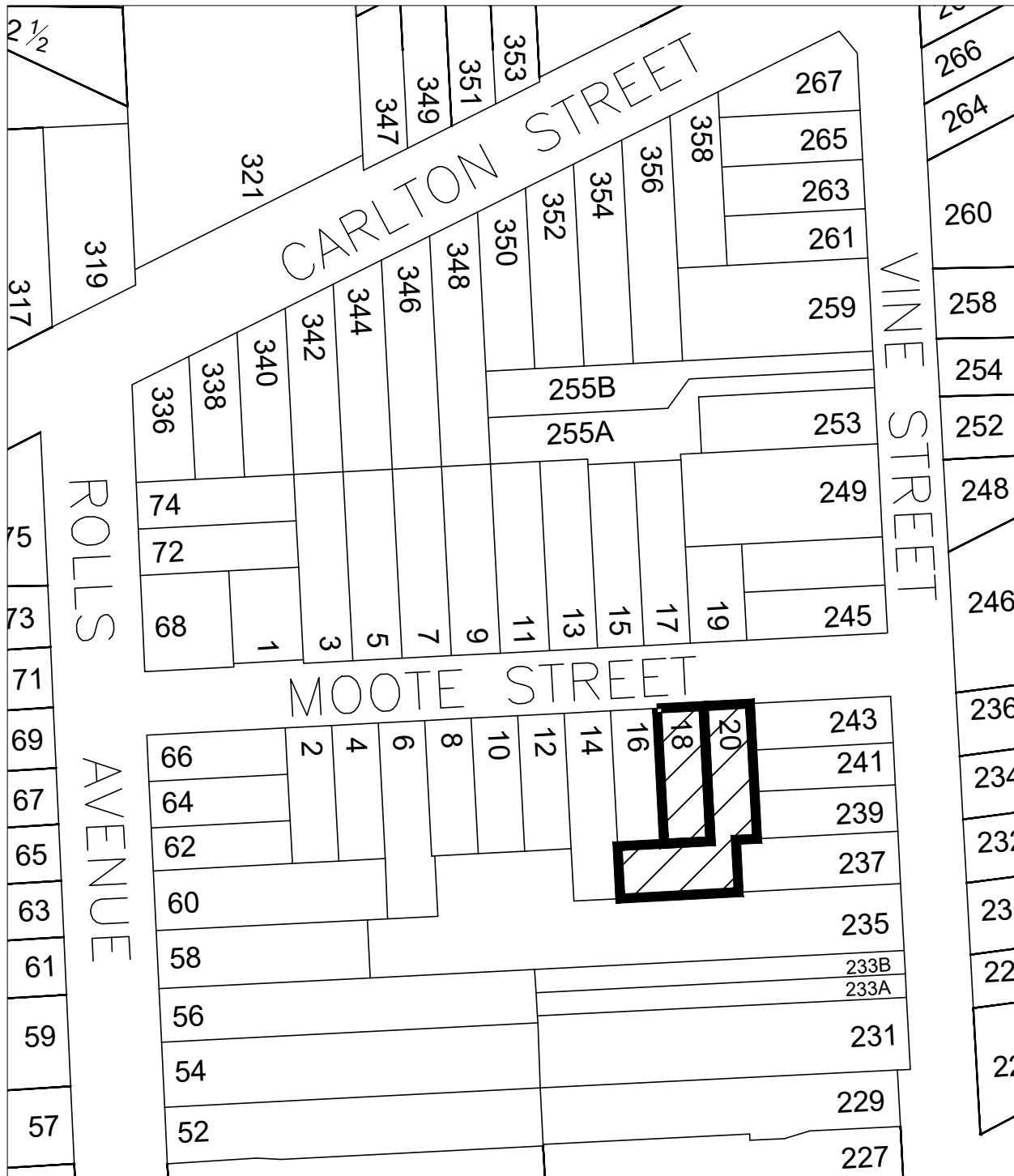
Tami Kitay, MPA MCIP RPP

Director of Planning and Building Services

## **Appendices**

- Appendix 1 – Location Map
- Appendix 2 – Conceptual Site Plan
- Appendix 3 – Ontario Planning Framework
- Appendix 4 – Official Plan Schedule D1
- Appendix 5 – Official Plan Schedule E3
- Appendix 6 – Proposed Official Plan Schedule E3
- Appendix 7 – Location of Reduced Building Setbacks
- Appendix 8 – Existing Zoning
- Appendix 9 – Proposed Zoning
- Appendix 10 – Official Plan Amendment – New Clause
- Appendix 11 – Zoning Amendment – Special Provision

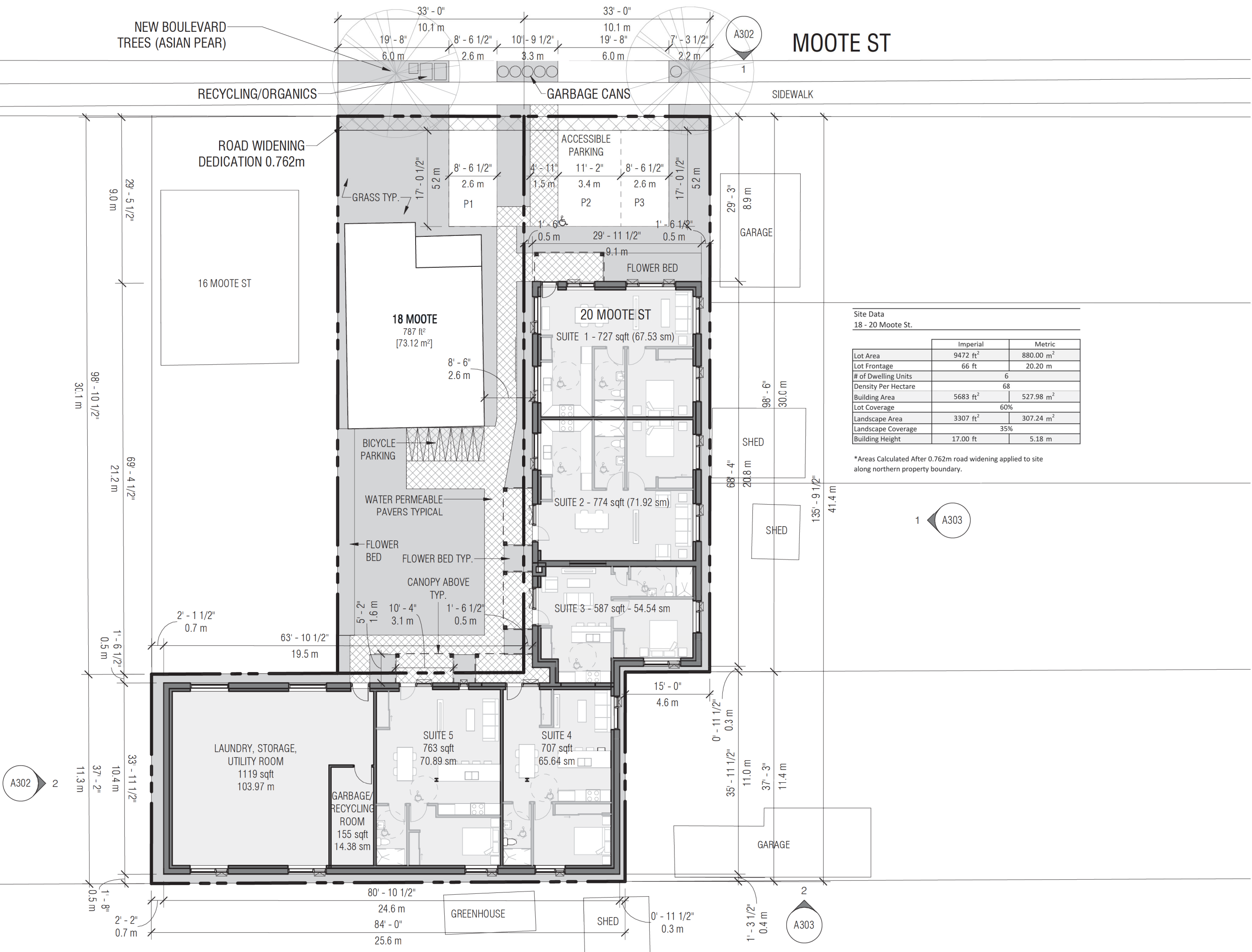
# Location Map



Subject Lands

ADDRESS: 18 Moote Street & 20 Moote Street

File: 20 119727 OP & 20 119726 ZA



MATTHEW SCHMID  
ARCHITECTURE

6087 MAIN ST, NIAGARA FALLS, ON ©2020

PROJECT:

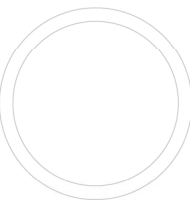
## MOOTE ST APARTMENTS

18-20 MOOTE ST, ST. CATHARINES

DATE: 07/12/2020  
PROJECT NO 1702

NOTES:

NOT FOR CONSTRUCTION



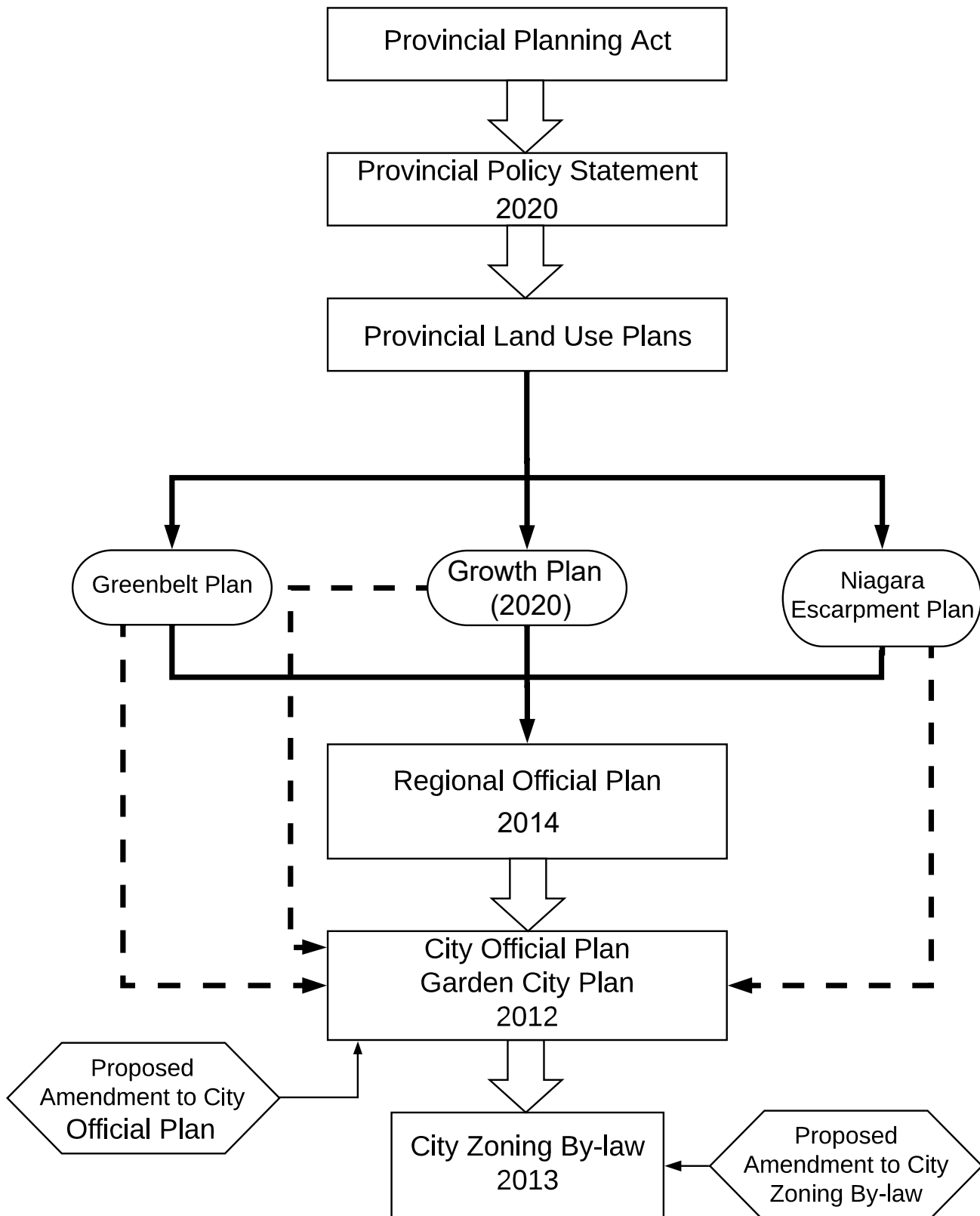
## PROPOSED SITE PLAN

SCALE: 1/16" = 1'-0"

# A101

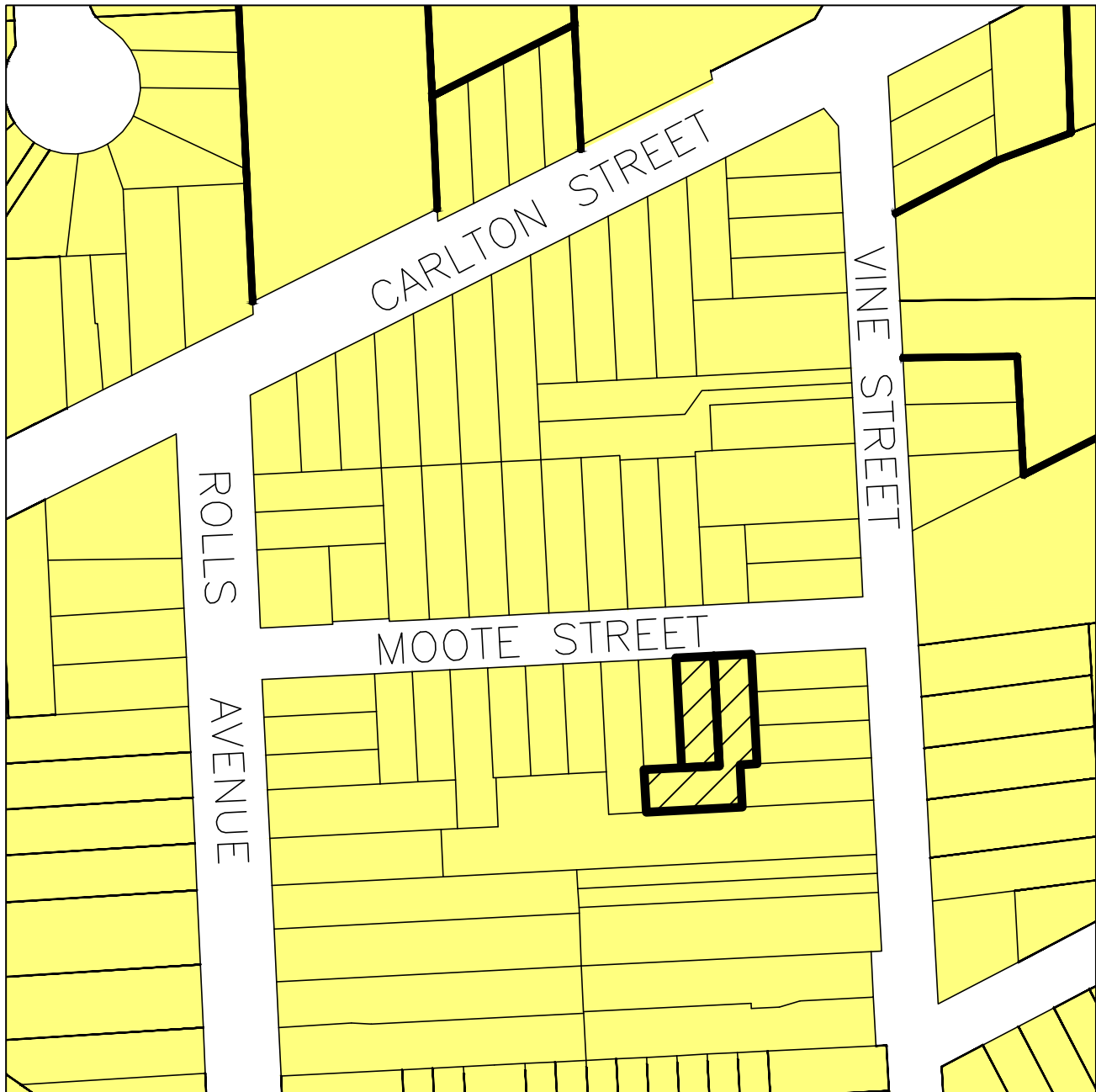
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# Ontario Land Use Planning Framework



# The Garden City Plan General Land Use Plan (D1)

4



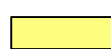
**Subject Lands**

18 Moote Street

20 Moote Street

Lands to remain Neighbourhood  
Residential

**Land Use Designations**



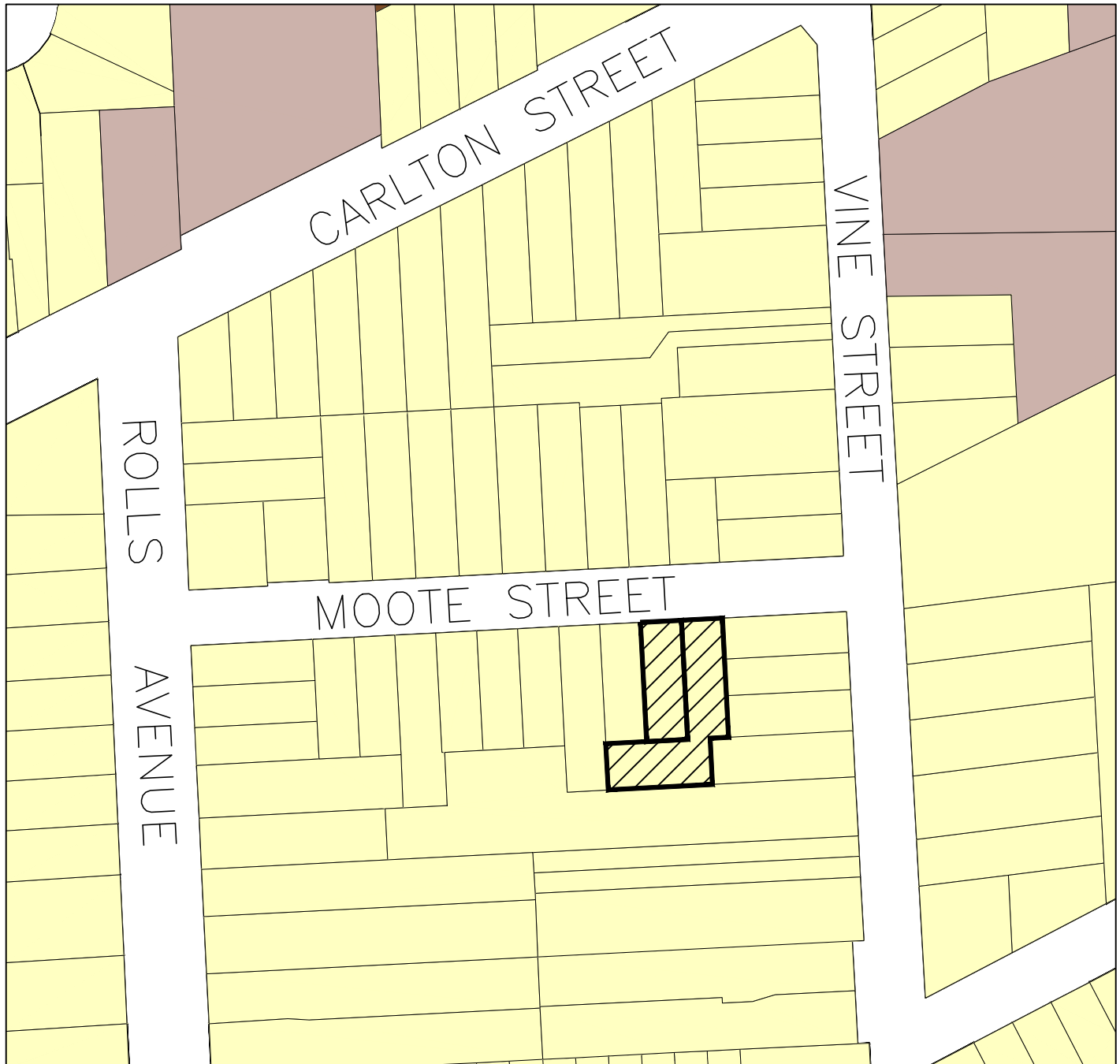
**Neighbourhood Residential**



# The Garden City Plan North Planning District (E3)

AGENDA ITEM #6.1

5



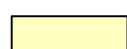
**Subject Lands**

18 Moote Street

20 Moote Street

Existing Land Use  
Designation Low Density Residential

## Land Use Designations



Low Density Residential



Medium Density Residential

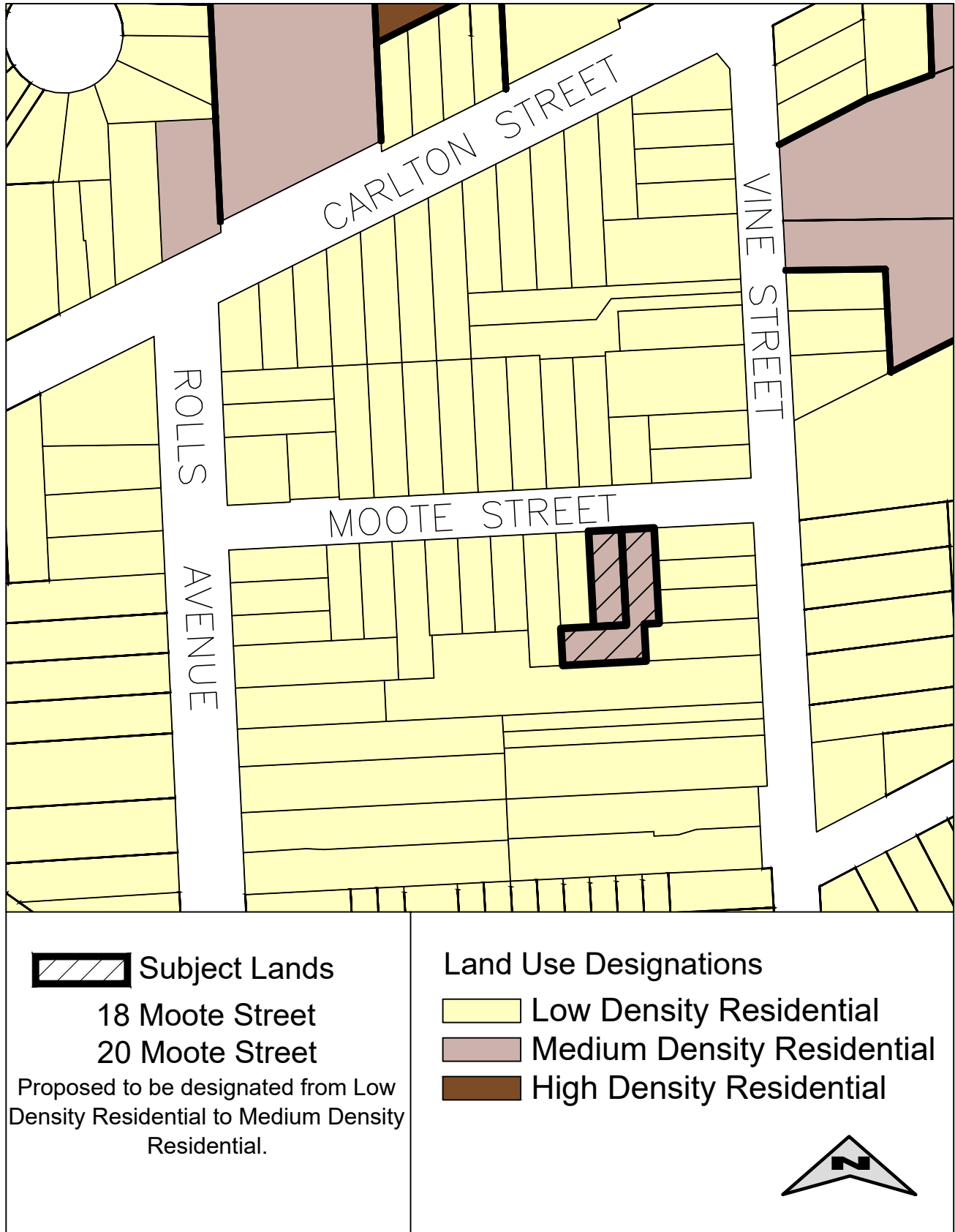


High Density Residential





# The Garden City Plan North Planning District (E3)



PLAN OF SURVEY OF  
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PART OF LOT 4, RANGE 1, REGISTERED PLAN CY -  
CITY OF ST. CATNARINES  
REGIONAL MUNICIPALITY OF NIAGARA


  
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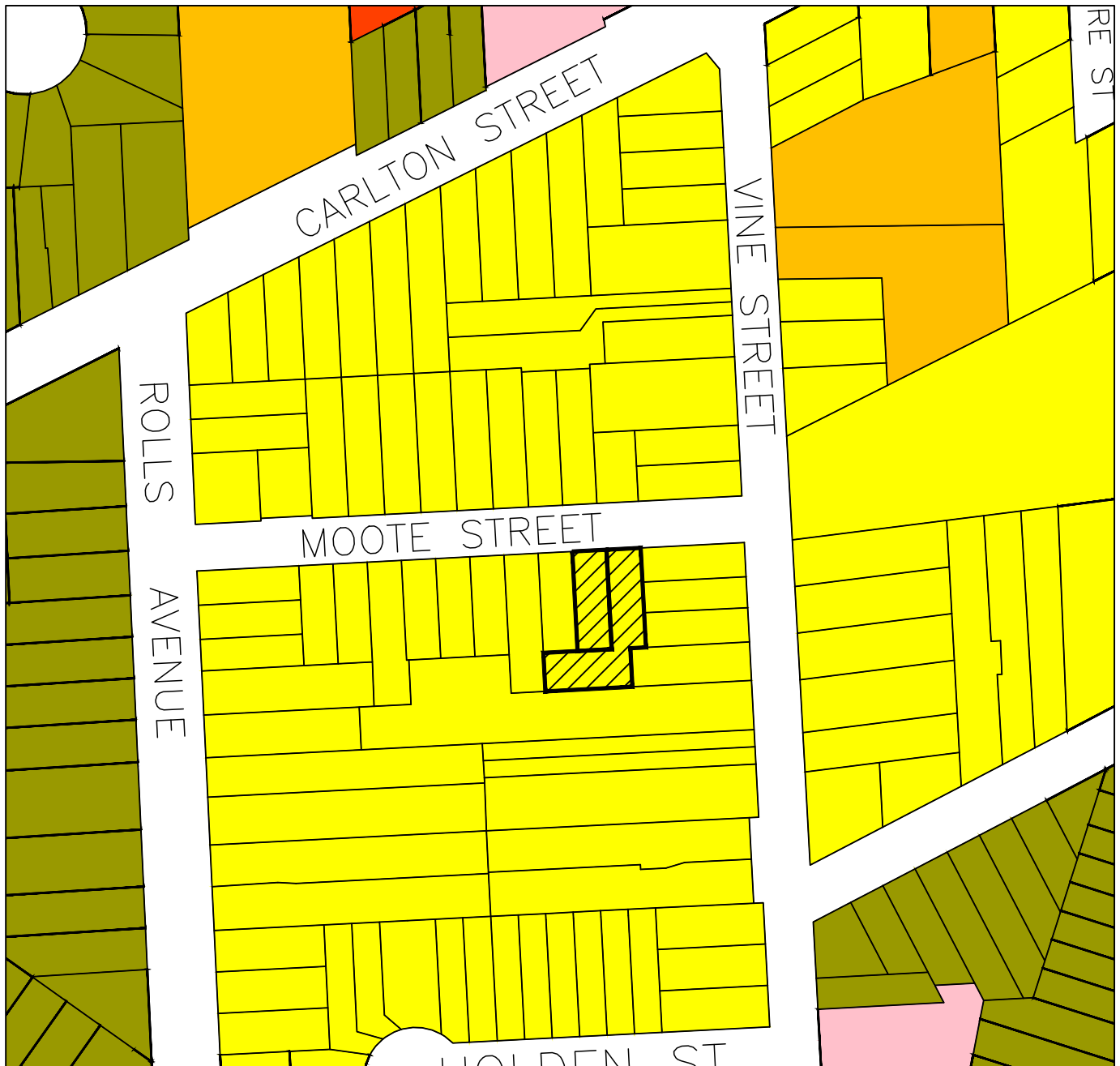
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APRILU, g William A. Massey  
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 ONT/RO LAND S-E, Y.O.

BEARINGS ARE 1:50,000 SCALE AND ARE REFERRED TO  
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**Subject Lands**

18 Moote Street  
20 Moote Street

Existing Zone Low Density Residential  
- Suburban Neighbourhood

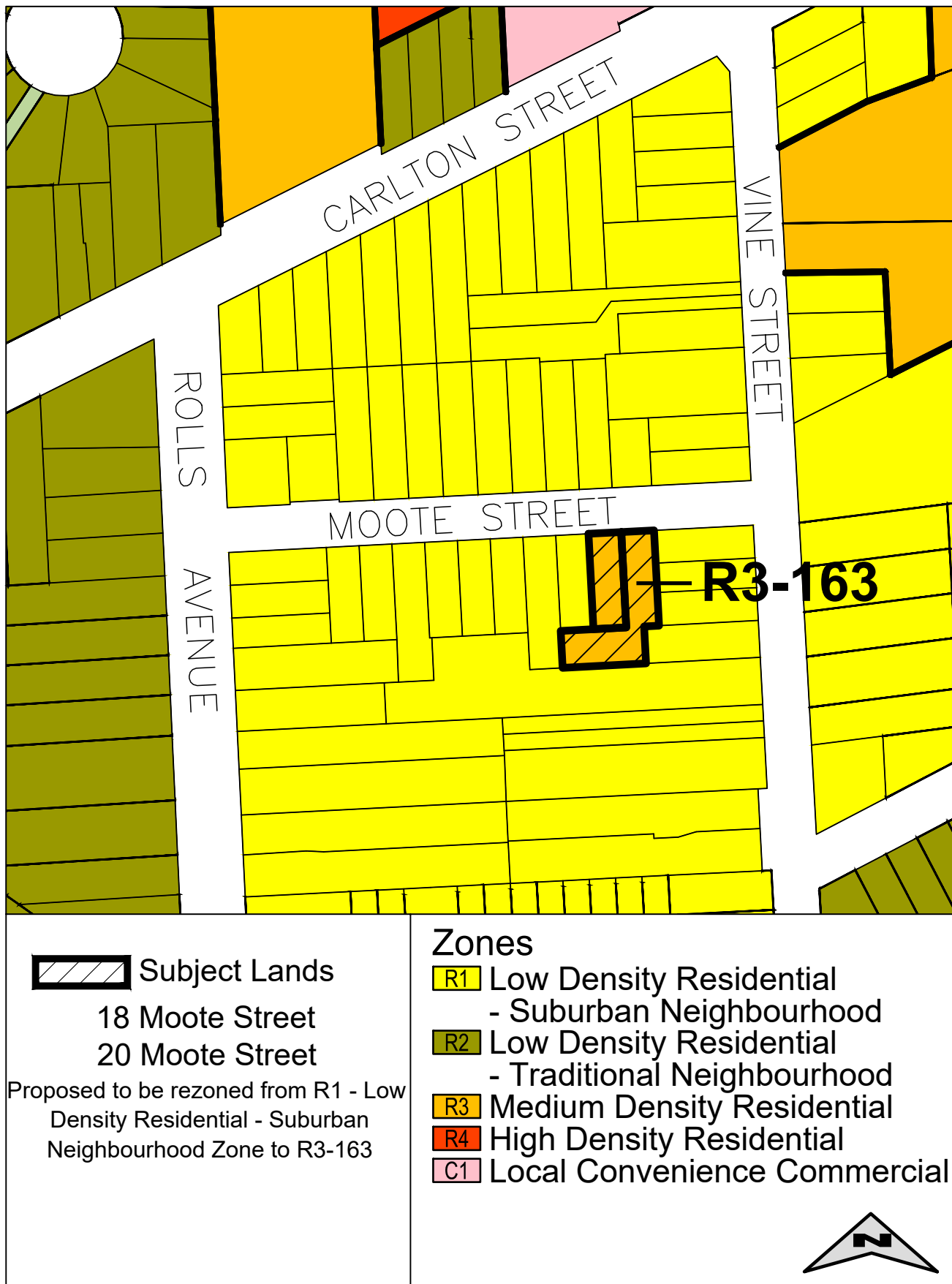
## Zones

- R1 Low Density Residential  
- Suburban Neighbourhood
- R2 Low Density Residential  
- Traditional Neighbourhood
- R3 Medium Density Residential
- R4 High Density Residential
- C1 Local Convenience Commercial



## Zoning By-Law 2013-283

9



**Official Plan Amendment – New Clause**

That Part E, Section 15.1.3 of the Garden City Plan be amended to add the following clause after Section 15.1.3 e):

- f) Notwithstanding the Medium Density Residential designation, a maximum of six dwelling units is permitted on 18 and 20 Moote Street.

**Zoning Amendment – Special Provision**

Special Provision	Zone	Schedule A	Location	By-law
163	R3	15	18 and 20 Moote Street	
Notwithstanding the definition of an apartment building, an apartment building includes five units divided vertically and the following applies:				
1.	Minimum lot area		880.0 m <sup>2</sup>	
2.	Minimum lot frontage		20 m	
3.	Minimum easterly side yard setback		0.15 m	
4.	Minimum westerly side yard setback		0.32 m	
5.	Minimum front yard		8.1 m	
6.	Minimum rear yard		0.27 m	
7.	Maximum building height		4.5 m	
8.	Maximum number of dwelling units on site		6	
9.	Minimum number of parking spaces on site		3	



## Corporate Report City Council

**Report from:** Financial Management Services, Billing

**Report Date:** August 3, 2021

**Meeting Date:** August 30, 2021

**Report Number:** FMS-122-2021

**File:** 68.41.4

**Subject:** Municipal Property Tax Software Replacement, Early 2022 Capital Budget  
Approval and Participation in Utility Billing Early Advisor Program

### Strategic Pillar:

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



### Recommendation

That Council approve the award of a sole source contract for Municipal Property Tax Billing Software and related modules to CentralSquare Canada Software Inc. with an implementation cost of \$517,000 plus HST and annual licensing costs of \$227,000 plus HST; and

That Council provide early 2022 Capital Budget approval in the amount of \$330,000 for the implementation of the property tax solution and related modules: and

That the Mayor and Clerk be authorized to execute the necessary contracts and any ancillary documents; and

Further, that the City Solicitor be directed to prepare or amend the necessary by-law(s).

### Summary

Property taxation and water billing are a municipality's two main sources of revenue to funds its operations. The City has used Vailtech as its Property Tax and Water Billing software for over 20 years. Since being implemented in 1998 for taxes, there have been no significant system enhancements, with the exception of occasional version updates. In 2015, the City upgraded to the web-based version of Vailtech for the property tax and general ledger modules, but it did not provide any enhanced features. The City is currently updating its water system to a cloud-based platform with Vailtech. Again, no

real enhancements are added, but it will provide the City with a more secure platform until the City can move to a new water billing software.

CentralSquare has built a companion product to its property taxes software and are currently looking for municipalities to offer a robust utility billing solution. Staff are notifying Council that the Water Billing Division of Financial Management Services (FMS) will be participating in the Early Advisors Program for Utility Billing and Collection software system with the Tempest Development Group, a Division of CentralSquare Canada Software Inc. The Director of Financial Management Services under delegated authorization is permitted to negotiate, enter, and execute any required documents and ancillary documents required to give effect thereto with Tempest Development Group (a division of CentralSquare Technologies) in a form satisfactory to the City Solicitor. Staff will report back to Council on the results of this program along with recommendations on how best to proceed with respect to the replacement of the City's Utility Billing software.

## **Relationship to Strategic Plan**

The movement to new property tax software and related modules provides improvements for the City to deliver customer centric services with a focus on efficiency and technology transformation for the City's main revenue source. In addition, participating in the Early Advisor Program for Utility Billing and Collection software system allows the City the opportunity to have a voice in the development of the product which assists in ensuring it meets the City's needs and requirements at a small investment of staff time over the next year to 18 months.

## **Background**

Since 1998, the City has used the Vailtech system for the administration of property tax billing and collection. The Vailtech software system currently manages more than 49,000 tax accounts and over \$273 Million in revenue for the City, Region, School Boards, and the Business Improvement Area (BIA). Property taxes are the largest revenue source for the City. The City also implemented the use of the Vailtech water system in 2000.

The Vailtech systems are no longer compatible with many newer technologies; staff has had to implement numerous manual procedures to maintain basic operations. Staff continue to rely heavily on internally created databases for extraction, manipulation, reporting, analysis and loading of large volumes of data. In addition, there is lack of support and responsiveness from the vendor. Vailtech has also not continued to develop their product over the years and the system is limited with respect to its ability to improve both the staff and taxpayer experience.

Although the system is stable, with minimal imminent risk of failure, the current state is not sustainable over the longer term and proceeding as-is for an extended period will increase the risk to billing and collecting taxation revenues and the ability to manage the City's assessment base.



For fiscal years 2019 and 2020, the City's auditors have indicated the need for the City to upgrade its financial system. With funding support through the Audit and Accountability Fund – Intake 2, in the early summer of 2021, the City engaged Ernst & Young to complete a consultant project to assist in identifying the associated effort of the City of St. Catharines to partner with the Region of Niagara to leverage the Region's Enterprise Resource Planning (ERP) system. In our two-tiered system the billing of taxation revenues rests with the lower tier (the City). The City's current financial software system also includes the billing and collection modules for both property taxation and water/wastewater revenues. Therefore, if the City were to move to the Region's ERP system it would still require property taxation, water billing and collection systems. Moving forward with the implementation of the property tax solution and participation in the Early Adopter Utility Billing Program currently are two of the necessary steps for the City to move forward with an upgraded ERP system. More details can be found in Appendix 1 on the Early Adopter Program.

Through the Capital Budget process, \$1 million has been previously approved by Council for the replacement of the tax software system. This will cover a significant portion of the software acquisition, implementation, and year one maintenance costs. It will be necessary for Council to provide early capital budget approval of additional funding dollars for this system implementation for this project to begin in September 2021. If this timeline is met, there is a strong possibility that the new property tax system will be implemented, tested and ready for use for the 2022 final tax billing which is scheduled to be processed in June of 2022.

As software vendors develop and enhance their products, many vendors have offered cloud-based options. In some cases, the vendors have moved to a cloud-based only strategy moving forward. Cloud based computing reduces or removes the need for expensive hardware and software at the customer's site. Many software solutions require additional supporting software and hardware such as operating systems, database software, data storage devices and application servers. IT resources are required to support and install the supporting software and hardware as well. The IT department has adopted a cloud-based strategy where possible to reduce the need for additional resources. Secondly, most cloud vendors provide seamless upgrades to cloud-based software ensuring the business always has the latest version which reduces the total cost of ownership over the lifetime of the software. Cloud vendors offer redundancy in case of failures which improves the overall redundancies of the City's applications and reduced downtime. In the longer term, adopting a cloud approach to software assists with elimination of legacy hardware and software such as unsupported database technology resulting in reduced risk of cyber security incidents.

## Report

Staff are recommending that the City proceed to work with CentralSquare for the purchase and implementation of their property tax software – Tempest and related modules for tax certificates, point-of-sale, and citizen engagement portal. The software's functionality, the vendor's commitment to developing and supporting the product, as well as the cost/benefits expected, contribute to a solution that can meet the City's

current and future needs. This initiative will result in the City having modern, dependable property tax software that can deliver better and more efficient services.

The City's Information Technology Division (IT) and Financial Management Services (FMS) have collaborated to actively review the potential software solutions and improvements for both tax and water billing software systems. This cloud-based software is hosted, maintained, and updated by the software vendor over the internet. With this solution, support will be moved to the vendor freeing up limited IT resources. The support of Vailtech applications consumes the equivalency of 1 full time IT resource per year. IT support consists of problem resolutions, journal balancing, maintenance, auditing and reporting. The IT application team provides both application support and development to the city with a multi-year backlog of pending requests from many departments. Moving these applications to the cloud will allow the development team to focus on the backlog of requests. These findings have been detailed in this report.

Staff have also consulted with other Ontario municipalities to determine the software used for Municipal Property Tax Billing and Collections. The result of this consultation has identified a limited number of software applications available in the Ontario market that would meet our current and future property tax requirements. After review of the current market, it shows many comparator municipalities are using the Vailtech system, same as the City of St. Catharines (Fort Erie, Cambridge, Oshawa, Thunder Bay and Guelph), while other municipalities commonly used solutions such as Amanda (Burlington and Oakville) Vadim (Lincoln, Niagara Falls) and Diamond (Barrie, Welland, Thorold, NOTL, Grimsby and Port Colborne). It should be noted that the Amanda taxation application is no longer being supported after 2020, while both Vadim and Diamond fall under the CentralSquare suite of products.

In its consultation, staff have determined that many other municipalities are in a comparable situation with respect to the age of their Municipal Tax Billing software and are also in the market for an improved solution. Any property tax billing solution would need to adhere to Provincial legislation: Municipal Act, 2001, Assessment Act and Education Act as well as municipal by-laws and policies, which stipulate the means utilized in the billing and collections of property taxes. It must also have the ability to load the assessment information each year from the Municipal Property Assessment Corporation (MPAC) using a specific format.

A few municipalities have participated in the "Early Adopter" now called "Early Advisor" for the Property Tax Solution with CentralSquare.

- City of Windsor - The first participant started summer of 2019. They dropped out as of January 2021 as they issued an RFP for a Property Tax system at the start of February 2021.
- Municipality of Chatham Kent - Joined after selecting CentralSquare via an RFP process in about the Fall 2019 timeframe and are actively using the tax system live today. When Chatham Kent went to market for a new property tax system, they received three submissions to their RFP bid call – CentralSquare was one and two from the US market. One of the US bids was disqualified immediately

and the second did not understand the Ontario Property Tax legislation, which is critical to successful implementation. CentralSquare was chosen as the successful bidder.

- The Town of Halton Hills after participation in the Early Adopter/Advisor program implemented CentralSquare in Spring of 2020 and are active on the tax system now.
- The City of Burlington joined in spring of 2020 and are active in the Early Adopters Program now and are currently evaluating their next steps.
- Hamilton joined in the fall of 2020 and are active in the Early Adopters Program.
- Caledon joined in January of 2021 and are active in the Early Adopters Program.

These other municipalities have led the way by partnering with CentralSquare to develop a much-needed property tax software solution for Ontario municipalities. The City of St. Catharines can learn from their experiences, save staff time and resources by going forward with a single source award at this time. The staff resources could be more effectively utilized by moving forward with project awards and implementation.

IT and FMS staff participated in a user group webinar that presented a project overview and demo of CentralSquare Property Tax. Staff were impressed by its functionality and the additional features and functions of the system, and the commitment of CentralSquare to continue to develop enhancements to the product. Although their priority is to implement a stable tax system to deliver on all the core functions, they are also expected to enable various self-service / online services for taxpayers as part of their product development. In speaking with a number of municipalities that were either part of the Early Adopter Program and/or contracted with CentralSquare there is genuine excitement around the software and its improved functionality over their legacy system.

## **Single Sourcing**

Based on this report, the Procurement Division is in support of proceeding with a single source contract and purchasing by negotiation with CentralSquare Canada Software Inc. Although a formal procurement process is conceivable, it is recognized that there is an absence of competition as there is an extremely limited presence for property tax software vendors in the Canadian Marketplace. The decision to single source is also reinforced by the limited timing and resources to achieve what is expected to yield the same outcome as the single source award.

As per the City's Procurement By-Law 2019-286, Section 17, Council approval to award is required where the award is for a sole source contract where the total cost of the contract exceeds \$150,000.

## **Staffing Resources Required for Implementation of Modules**

In discussions with the other municipalities that have proceeded with the implementation of CentralSquare's Property Tax Solution and related modules, the staff resources required are four to five staff for six months to one year. It would be necessary to backfill the identified staff positions on the implementation team at a cost range of \$225,000 for six months to \$450,000 for one year.

## Utility Billing Advisor Program

CentralSquare has built a companion product to their property taxes and are currently looking for municipalities to bring a robust utility billing solution to the market as a fully integrated solution to their successful and newly introduced Ontario property system.

There are also very few options in the marketplace for an integrated property tax system and utility system that work for Ontario municipalities. With a few the current providers abandoning the market, municipalities are left with few options.

CentralSquare is prepared to offer an Early Adopter Program without a formal financial commitment. They will set up a cloud instance of the solution for the City. Staff will be able to participate in key design sessions directly with their development team, gauge product use, look and feel and very importantly overall product operation. The City will be able to share our application needs and be in a great position to understand the system if the system already meets our needs, if not communicate those needs to them to see how those requirements can fit into product delivery and roadmap.

Through mutual requirement gatherings and discovery sessions at the development stage staff will be able to have the opportunity to drive the narrative around the system development in key areas and craft the solution around specific business needs without having to invest in expensive customization projects.

CentralSquare is requesting a formal commitment to the program from sign up through an 18-month development period. City staff involvement would be 12-16 hours per month from at least one staff member, ideally two or more staff would be involved at varying points. Existing staff resources in the City's Revenue Division of FMS would have the capacity to participate in this project. An initial requirement of IT staff would be required to review security and cloud-based architecture of the software. Legal Services will be required to review the user agreements for Early Advisor Program participation.

CentralSquare are not looking for an immediate financial commitment to join the advisor program and they just ask that the City work with them to develop their initial release of the utility software or a mutually agreeable point in time. The participation will allow staff to gain appreciation and the experience of working in a more robust utility system.

Upon completion of the City's participation in the Early Advisor Program, staff would report back to Council with the results of the program and recommendations on how best to proceed with respect to the City's Utility Billing Software.

## Early 2022 Budget Approval

To have the new property tax billing system implemented, tested and ready for the 2022 final property tax billing preparation, it is necessary to commence the property tax implementation this September. As part of the 2021 capital budget process, Council approved \$1 million for the replacement of the City's property tax system. As detailed in the financial implications section below, there is an additional \$330,000 required to implement the property tax solution, related modules and staffing resources. To proceed

with implementation of this software solution, Council approval is required for the additional funding amount needed of \$330,000. This amount is included in the draft 2022 capital budget that is scheduled to be presented to Council in mid-October 2021 and approval at this time would be early capital budget approval for 2022.

## Financial Implications

Participation in the Early Advisor Program for the Utility Billing does not require any financial obligation, only staff time and commitment. The estimated staff commitment is 12-16 hours per month over the 12-18 months. Existing staff resources in the City's Revenue Division of FMS would have the capacity to participate in this project. The City can choose to proceed with the CentralSquare product or pursue other options after participation in the Early Advisor Program is completed. The City also could step away from the Early Advisor program at any time.

Approved capital funding of \$1.0 million is available for the replacement of the existing property tax software solution. As shown in the table below, there is an additional funding of \$330,000 that is required to implement this solution. Implementation and annual maintenance costs are detailed in Table 1 below.

**Table 1 – System Cost Estimate**

<b>Module Category</b>	<b>Implementation Services and one-time fees</b>	<b>Annual Maintenance and/ or Hosting</b>	<b>Total</b>
Property Tax Solution	\$385,000	\$150,000	\$535,000
Point of Sale	\$ 75,000	\$ 49,000	\$124,000
Citizen Engagement Portal	\$45,000	\$15,000	\$60,000
Property Tax Developer Toolkit APIs	\$0	\$13,000	\$13,000
Tax Certificate Portal Integration	\$12,000	Included with Developer Toolkit	\$12,000
<b>Subtotal Software Costs</b>	<b>\$517,000</b>	<b>\$227,000</b>	<b>\$744,000</b>
Staffing Estimate			\$450,000
Contingency			\$120,000
Non-recoverable HST			\$15,210
<b>Total Estimated Project Cost</b>			<b><u>\$1,329,210</u></b>
<b>Approved Funding</b>			<b><u>(\$1,000,000)</u></b>
<b>Additional Funding Required</b>			<b><u>\$329,210</u></b>

The annual operating budget impact for maintenance and hosting commencing in 2023 will be a financial effect of \$227,000 plus non-recoverable HST, for a total amount of \$231,000. Based on 2021 tax rates that would have an impact on the median home with an assessed value of \$254,000 of \$3.30 or 0.21%.

It is anticipated that the Utility Billing solution would have a similar implementation and annual cost as the Property Tax Solution; however, no funds would be required until after the Early Advisor Program is completed and the City approves the implementation of this product. This will be brought back to Council for approval in a future report.

## **Conclusion**

Property tax staff have scanned the current environment and found that CentralSquare Canada Software Inc. is developing a robust, hosted system. City staff recommend that the City proceed with a single source acquisition of Tempest-CentralSquare Property Tax Solution, Point of Sale, Citizen Engagement Portal, Property Tax Developer Toolkit APIs, and Tax Certificate Portal Integration modules and that the City participate in CentralSquare's Utility Billing Early Advisor Program.

## **Notifications**

Purchasing staff will advise CentralSquare Canada through distribution of the purchase order after Council's approval of this report and City's staff participation in the Utility Billing Early Advisor Program.

### **Prepared and submitted by**

Lisa Read  
Manager of Revenue

Nav Singh  
IT Project Manager

### **Approved by**

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

Jeanette Pillitteri  
Director of Corporate Support Services

## **Appendices**

- Appendix 1 - Utility Billing Advisor Program



# Utility Billing Advisor Program

**We're looking for a few good Municipalities** to bring their dreams of an enterprise, cloud ready, and robust Utility Billing solution to market as a fully integrated companion to our very successful and newly introduced Ontario property tax system.

We understand there are very few options in the marketplace for an integrated Property Tax and utility billing solution that works in Ontario. And with most current providers abandoning the market, municipalities are left with few options.

CentralSquare has already delivered a new property tax solution to Ontario and we just need a few confident municipalities to help us deliver an integrated utility billing system to

Let's do something far more productive together than the often underwhelming and time consuming RFP process that offers little in the way of real-world product evaluation.

The screenshot displays the CentralSquare Property Tax software interface. The top navigation bar includes 'CentralSquare Property Tax' and a user profile 'Welcome, Ryan'. The main content area is titled 'Property Inquiry' and contains a search bar and a sidebar menu. The sidebar menu lists various sections: Property Taxes, Adjustment Batches, Inquiry and Maintenance, Reports, Menu Item, Utility Billing, and Municipal Billing. The main content area shows a 'Property Inquiry' form with fields for Property Number, PID, Owner, Email, and Address. Below the form, there is a 'Summary Details' table with columns for Description, Amount, and Tax Year. The table includes rows for various taxes and fees, such as '4-Ownering', 'OS Tax', 'Interest', and '2017 H2G Claimed'. The interface is clean and professional, with a purple header and a sidebar menu.



## Early Adopter Benefits

Deep Insight to the CentralSquare Utility Billing and Property Tax systems before you buy

Valuable contributor to the future Utility Billing solution for Ontario

Advanced testing and training opportunities using any data you like

Lowers both risk and overall effort

## Key Benefits of the Advisor Program

By being a product advisor, we are prepared to offer you a unique value proposition including:

### Try before you buy!

At CentralSquare, we are prepared to offer this early adopter program without a formal financial commitment. Specifically, we will setup your own cloud instance of the solution. You will then be able to participate in key design sessions directly with our development team, gauge product use, look and feel and, very importantly, overall product operation. You can also share your product needs and be in great position to understand if the system already meets your needs and, if not, communicate those needs to us and see how those requirements can fit into product delivery and roadmap.

### Advanced requirements gathering and fit analysis.

Through mutual requirements gathering and discovery sessions at the development stage you will have the opportunity to drive the narrative around system development in key areas and craft the solution around your specific business needs without having to invest in expensive customization projects.

### Advanced testing and training opportunities.

As we work on the utility billing system, you can also have the property tax system installed **with your own MPAC data**. You would also gain access to the advisor community for both utility billing and property taxes and other associated resources. You can gain familiarity of the system at your own pace, do system testing and provide meaningful system feedback that would directly impact product development. Of course, this would also lower your overall project risk.

### Lower risk and lower effort.

A good deal of discovery analysis, system familiarity and testing will be in place at the advisor stage. This leads to lower risk thanks to your valuable contributions in crafting the utility billing product.



## Your Commitment to the Advisor Program

Of course, it's important to know what the specifics of the advisor program entail. Here are the things you can expect from us and the things we expect from you:

### **Commitment**

We would ask for a formal commitment to the program from sign up through a roughly 18 month development period. Approximate time commitment is 12-16 hours per month from at least one of your staff (ideally 2+ of your staff would be involved).

### **Installation and training**

We setup a cloud based temporary use version of the Property Tax and Utility Billing system and assist with load of your own MPAC data. This is a cloud instance which will provide you with easy access from any device at any time. We have a number of recorded training sessions on property tax you will be able to use to gain familiarity with the solution.

We will also give you access to our online community and advisor support and we will occasionally install updated versions of the software in the cloud as we release new functionality.

### **Quality assurance testing**

We will provide a set of "light" test scripts/videos/notes to drive system testing and you can report those results to us during the scheduled interactions noted below. You can pencil in 6-8 hours per month per team member for this task.


### **Scheduled interactions**

We will schedule bi-weekly webinar interactions with advisors. The sessions will require a total of six to eight hours per month from at least one subject matter expert on your team.

### **Financial commitment**

We are **not** looking for an immediate financial commitment to join the advisor program and we just ask that you work with us through to our initial release or a mutually agreeable point in time.

**Our intent is to have a limited number of advisors so don't delay! Apply for the program today!**

Phone: [REDACTED]  
 Email: [REDACTED]  
 Web: [www.centalsquare.com](http://www.centalsquare.com)  
 **CENTRAL SQUARE**  
TECHNOLOGIES



## By-laws to be considered Monday, August 30, 2021

- (a) A By-law to amend By-law No. 2002-81 entitled "A By-law to appoint certain employees of the Canadian Corps of Commissionaires (Hamilton) as municipal law enforcement officers." (One reading – with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (b) A By-law to amend By-law No. 2021-108 entitled "A By law to appoint certain employees of 2467562 Ontario Inc. DBA Signal 88 Security of Ottawa as municipal by-law enforcement officers." (One reading – with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (c) A By-law to authorize the acceptance of a conveyance of certain lands from Taryan Real Estate Corporation for road widening along Welland Vale Road. (One reading – with respect to 119 Welland Vale Road. Delegation of Powers and Duties By-law No. 2020-156.)
- (d) A By-law to authorize the acceptance of a conveyance of certain lands from Rosa, John Mark and Nauta, Jonathan David for road widening along Smythe Street. (One reading – with respect to 10 Smythe Street. Delegation of Powers and Duties By-law No. 2020-156.)
- (e) A By-law to appoint Judy Green as Community Emergency Management Coordinator and to repeal By-law No. 2021-82. (One reading – with respect to change in personnel. A By-law to appoint a Municipal Emergency Control Group No. 2018-278.)
- (f) A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines. (One reading - with respect to 18 and 20 Moote Street. To be considered by Council, August 30, 2021.)
- (g) A By-law to amend By-law No. 2013-283 entitled "A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the City of St. Catharines." (One reading - with respect to 18 and 20 Moote Street. To be considered by Council, August 30, 2021.)
- (h) A By-law to authorize an Agreement with CentralSquare Canada Software Inc. (One reading - with respect to Municipal Property Tax Billing Software and related modules. To be considered by Council, August 30, 2021.)
- (i) A By-law to confirm the proceedings of council at its meeting held on the 30th day of August 2021. (One reading - with respect to confirming the proceedings of the meeting held on August 30, 2021.)