



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, May 30, 2022
Council Chambers and Electronic Participation, 5:30 p.m.**

This Meeting of Council will be held in person at Council Chambers and electronically for the Members of Council. Due to capacity limits due to the COVID-19 pandemic the public can only participate electronically.

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

Public Comments: The public may submit comments regarding agenda matters to the Office of the City Clerk by contacting clerks@stcatharines.ca by Monday, May 30, 2022 before Noon. Comments submitted will be considered as public information and entered into public record.

Electronic Delegations: Those wishing to speak to an item on the agenda must complete the [City's Electronic Delegation Form](#) by Monday, May 30, 2022 before 9:00 a.m. and attend a test session with City staff on Monday, May 30, 2022 at 10:00 a.m.

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

Page

1. Closed Session

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

1.1 Financial Management Services

Property Matter – Lease 17 Beech Street, Realty File No. 14.305

(Closed session report pursuant to By-law 2021-124, Section H3.1(c), a Proposed or Pending Acquisition or Disposition of Land by the Municipality or Local Board)

2. Motion Arising from Closed Session

3. Presentations

3.1 Sportsman and Athlete of the Year Presentation

4. Mayor's Report

5. Adoption of the Agenda

6. Adoption of the Minutes

6.1 Regular Council, minutes of [May 16, 2022](#).

7. Declarations of Interest

8. Motion to Move Consent Reports

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

9. Consent Reports

- | | | |
|---------|-----|---|
| 5 - 8 | 9.1 | Community, Recreation and Culture Services
Fairview Park and John Page Park Community Vision Update |
| 9 - 32 | 9.2 | Planning and Building Services
Demolition Permit of a Designated Part V Property in the Port Dalhousie
Heritage Conservation District – 132 Main Street |
| 33 - 38 | 9.3 | Planning and Building Services
The Creation of Administrative Penalties for Violations of the City's
Waste By-law and Long Grasses and Weeds By-law.
<i>(Approval of Report will set a Public Meeting for June 13)</i> |
| 39 - 41 | 9.4 | Legal and Clerks Services
Restricted Acts after Nomination Day (Lame Duck Council) |
| 42 - 60 | 9.5 | Legal and Clerks Services, Office of the City Clerk
Correspondence Report |

10. Public Meetings

- | | | |
|---------|------|---|
| 61 - 65 | 10.1 | Engineering Facilities and Environmental Services
Stopping up, Closing, and Release any City Interest in Part of the
Unopened Road Allowance between Lots 22 and 23, in the Third
Concession, Grantham, and Municipally known as 50 Henley Drive |
| 66 - 81 | 10.2 | Planning and Building Services
Vacant Building Registry By-law |

11. Discussion Reports

- | | | |
|---------|------|---|
| 82 - 88 | 11.1 | Economic Development and Government Relations
Implementation of the Municipal Accommodation Tax
[Addenda] |
|---------|------|---|

89 - 117

- 11.2 Planning and Building Services
Ontario Street Corridor Secondary Plan Study: Terms of Reference and Proposed Amendment to the Community Improvement Plan for 282 and 285 Ontario Street
(staff presentation will proceed discussion of the report)

12. Motions

12.1 Special Council Meeting - June 9, 2022

Councillor Garcia will present the following motion:

That Council approve a Special Council Meeting on Thursday, June 9, 2022, at 4:00 p.m.; and

That the special meeting be held electronically only for the purpose of a workshop and discussion related to municipal development corporations; and

That the City Clerk be directed to make the necessary notifications.

[Addenda]

12.2 Special Council Meeting - June 13, 2022

Councillor Garcia will present the following motion:

That Council approve a Special Council Meeting for Monday, June 13, 2022, at 5:00 pm; and

That the special meeting be for the purpose of holding the Annual Meeting of the Shareholder for St. Catharines Hydro Inc.; and

That the City Clerk be directed to make the necessary notifications.

[Addenda]

12.3 Association of Municipalities of Ontario (AMO) Board of Directors – Appointment of Councillor Dawn Dodge as Director, Large Urban Caucus

Councillor Phillips will present the following motion:

That City Council support the appointment of Councillor Dawn Dodge to the Association of Municipalities of Ontario (AMO) Board of Directors - Large Urban Caucus for the period of August 2022 to August 2024; and

That the costs of Councillor Dodge's participation on the AMO Board be paid by the City; and

That the Clerk be directed to provide a copy of this resolution to AMO in advance of its June 27, 2020 Board meeting.

[Addenda]

13. Call for Notices of Motion

14. Committee and Task Force Minutes

14.1 Minutes to Receive:

- Accessibility Advisory Committee, meeting of [April 27, 2022](#) (draft)
- Heritage Permit Advisory Committee, meeting of [April 28, 2022](#) (draft)

[Addenda]

15. Closed Session

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

15.1 Municipal Works

Ontario Power Generation Recreational Land Use Master License Agreement

(Closed session report pursuant to By-law 2021-124, Section H3.1(c) a Proposed or Pending Acquisition or Disposition of Land by the Municipality or Local Board; and (k), A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board)

16. Motion Arising from Closed Session

17. By-laws

17.1 Reading of the By-laws

[Addenda]

18. Adjournment



Corporate Report City Council

Report from: Community, Recreation and Culture Services, Business Planning and Strategic Services

Report Date: April 18, 2022

Meeting Date: May 30, 2022

Report Number: CRCS-072-2022

File: 68.31.164

Subject: Fairview Park and John Page Park Community Vision Update

Strategic Pillar:

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



Recommendation

That the budget for the Fairview Park and John Page Park Community Vision Update be increased by \$50,000, to a total of \$100,000; and

That in accordance with the 2021 Development Charges Background Study, \$75,000 (75%) of the funding be identified as coming from Development Charges; and

That a Development Charges Exemption Funding Reserve be established; and

That \$25,000 of the original levy funding be transferred to the Development Charges Exemption Funding Reserve; and

Further, that the \$75,000 of Development Charges for the project be funded with \$25,000 from the Development Charges Exemption Funding Reserve and \$50,000 from the Development Charges – Studies Reserve.

Summary

This report provides an update on the Negotiated Request for Proposal (NRFP) for the Fairview Park and John Page Park Community Vision. The project budget is currently \$50,000 which was previously accommodated within an approved operating budget. In response to the NRFP, the City received one proposal with a project cost of approximately \$100,000. Additionally, following this projects approval in the operating budget, it was subsequently included in the 2021 Development Charges Background

Study (DC Study) where it was identified as being eligible 75% Development Charge funding. By having this study included in the DC Background Study it provides an additional funding source for this project which is available to be utilized to a fund significant portion of total cost without needing to increase the amount of tax levy dollars required to complete the project. This is a good example of one of the many benefits that having DC's as a funding source for the completion of growth related projects and capital works. Therefore, staff recommend that project funding be revised to align with the DC Study which will enable staff to re-issue the NRFP for the Fairview Park and John Page Park Community Vision with an updated budget of \$100,000.

Relationship to Strategic Plan

The recommendation of this report supports the Social Well-Being pillar within the Strategic Plan:

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

Background

On March 1, 2022, staff issued a NRFP for the Fairview Park and John Page Park Community Vision which closed on March 24, 2022. In response to the NRFP, the City received one proposal with a project cost of approximately \$100,000 which exceeds the current budget by \$50,000.

On September 13, 2021, City Council approved the Development Charges Background Study through [Report FMS-133-2021](#), which included identification of the Fairview Park and John Page Park Community Vision as a growth related project. The report also recommended funding to cover grant, exemption and foregone revenue due to timing of the by-law and transitional rates be referred to operating budget deliberations.

Report

The Fairview Park and John Page Park Community Vision will provide a community vision for both Fairview Park and John Page Park and will be developed in consultation with the community and stakeholder groups. The Fairview Park and John Page Park Community Vision will provide clear guidance for future park investment and development and preservation and protection of environmental and archaeological resources. Following extensive community consultation and a multi-stage process, the Fairview Park and John Page Park Community Vision will ensure all scenarios are considered to produce a recommended best end use of the parkland.

Current NRFP Unable to Proceed

As the one proposal received for the current NRFP is approximately \$50,000 over the previously approved budget, staff cancelled the NRFP. If additional funding is approved by Council, staff will re-issue the NRFP to provide equal opportunity to all prospective proponents.

Future Timelines with Approved Funding

If Council approves the additional funding proposal, staff will re-issue the NRFP with the intent to have the successful proponent beginning community consultation in the early Fall of 2022 followed by a presentation to Council in the First Quarter (Q1) 2023.

If Council does not approve the additional funding proposal, staff are unable to accommodate this project within their current workplans and the project will be deferred to future years.

Project Funding

The Fairview Park and John Page Park Community Vision project was included in a previous operating budget at a cost of \$50,000, however was identified in the DC Study at a cost of \$75,000 with 75% of that (\$56,250) to be funded from Development Charges. While the costs of a project may come in higher or lower than the estimates in the DC Study, those projects should be funded proportionately as identified in the DC Study. Therefore, 75% of the costs for this project should come from Development Charges.

At a revised budget of \$100,000, this means that \$75,000 is to be funded from Development Charges. The balance of \$25,000 would come from the previously approved operating budget.

Development Charge Funding

The City has been collecting Development Charges since the start of 2022, however collections to date have been limited, with only approximately \$5,000 collected to date. Forecast collections through the balance of the year are approximately \$190,000. Staff are working on the development of an internal policy around how and when projects in the DC Study can move forward and what funding should be available.

The DC Study included growth occurring during 2021 as part of the growth and related revenue forecasts, and therefore, the City will need to fund approximately \$1.6M of growth-related costs from developments occurring in 2021 from sources other than collected Development Charges. Staff will be developing a policy with a proposed method for funding these amounts for Council's consideration.

In order to address the 2021 development related costs and impacts of exemption and transitional rates in the future, the establishment of a Development Charge Exemption Funding reserve has been recommended to ensure the funding of uncollected and exempted Development Charges and usage towards related growth projects is transparent. With the change in funding for the Fairview Park and John Page Park Community Vision project requiring \$25,000 less in levy budget funding, this provides an opportunity to transfer those funds to this proposed new reserve and use them for the same project they were originally intended, while reducing future uncollected and exemption Development Charge funding obligations.

Financial Implications

The Fairview Park and John Page Park Community Vision project budget is currently \$50,000 which was previously accommodated within an approved operating budget.

Staff have recommended both increasing the budget and revising the funding to align with the DC Study. As the increase in budget will be entirely offset with Development Charges, there is no levy impact to this update to the budget, however, there is some limited risk with committing Development Charge funds that have not yet been collected to a project.

If approved by Council, the total Fairview Park and John Page Park Community Vision project budget will be increased to \$100,000.

Environmental Sustainability Implications

There are no environmental sustainability implications associated with this report.

Conclusion

Fairview Park and John Page Park provide a significant greenspace area within the City that requires proper visioning and planning for future usage. The Fairview Park and John Page Park Community Vision project budget is currently \$50,000 which was previously accommodated within an approved operating budget. After the conclusion of the NRFP process, it is evident that the project cost is now approximately \$100,000. Additionally, the project was included in the DC Study and needs to have the funding updated accordingly.

Prepared & Submitted by

Eric Lamothe

Manager of Business Planning and Strategic Services

Adam Smith

Manager of Accounting and Payroll / Deputy City Treasurer

Approved by

Phil Cristi

Director of Community, Recreation and Culture Services

Kristine Douglas

Director of Financial Management Services / City Treasurer



Corporate Report City Council

Report from: Planning and Building Services, Planning Services

Report Date: April 29, 2022

Meeting Date: May 30, 2022

Report Number: PBS-078-2022

File: 21 120993 HERT

Subject: Demolition Permit for a Designated Heritage Property in the Port Dalhousie
Heritage Conservation District: 132 Main Street

Strategic Pillar:

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



Recommendation

That Council approve the Heritage Permit application to demolish the residential building at 132 Main Street, a property located within the Port Dalhousie Heritage Conservation District and designated under Part V of the Ontario Heritage Act.

Summary

Staff are recommending the approval of a demolition permit for the existing residence at 132 Main Street, a c.1938 residence located in the Port Dalhousie Heritage Conservation District.

Staff concur with the recommendation from the St. Catharines Heritage Permit Advisory Committee (SCHPAC) that the proposed demolition should be approved. The building has structural issues which do not allow for the construction of a rear addition that was previously approved by the Heritage Permit Committee. The demolition will allow the applicant to rebuild the residence to match the previously approved plans, however, with a new foundation and structural elements.

Relationship to Strategic Plan

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

4.1: Addressing Heritage Preservation.

Background

In December 2003, the Port Dalhousie Heritage Conservation District designation received final approval from the Ontario Municipal Board. The District is one of the largest heritage conservation districts in Ontario. The District has the natural boundaries of Lake Ontario and Martindale Pond and the southwestern boundary runs variously along Corbett Avenue, Johnston Street and Shelley Avenue.

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

By-law 2020-156 delegated the approval of heritage permits to the Director of Planning and Development Services; however, this authorization does not include the approval of demolitions, as is proposed with this application.

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

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

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

Report

An application has been submitted to demolish the existing residence at 132 Main Street. Appendix 1 shows an aerial view of the structure proposed for demolition. Appendix 2 provides a photographic overview of the property. Appendix 3 includes the application package with proposed plans and two structural reports provided by the owner.

St. Catharines Heritage Permit Advisory Committee

The proposed application was first brought before the SHPAC in December 2021. The owner received approval to construct a rear addition and make cosmetic updates to the existing facade. The rear addition involved extending the roofline of the existing one-storey residence in order to hide a second storey behind the façade, with a dormer added to create some additional space on the second floor. The alterations and addition were largely consistent with the guidelines of the heritage district and the Committee appreciated the creative solution that would maintain the general character of the residence. The Committee voted unanimously on the following motion:

“That the SCHPAC recommends approval of the proposed alterations to 132 Main Street.”

After staff granted the Heritage Permit, the applicant intended on constructing the rear addition as supported by the Committee in December 2021. Upon further investigation, it was determined that the building’s foundation was in a deteriorated state and is not structurally capable of supporting the loads that the addition would create. The owner provided two professional opinions from Engineers which support this claim. In order to follow through with their approved plans, the owners returned to the Heritage Permit Committee in April 2022 asking to demolish the existing building and to rebuild with a new foundation and structural components using the plans that were originally approved by the Committee in December 2021. The new plans included minor changes from the previously approved plans as the limitations of adaptively reusing the building would no longer be present if the building were to be demolished. The owner also offered to retain elements from the existing house where possible.

At the Heritage Permit Committee meeting in April 2022, the Committee unanimously passed the following motion:

“That the SCHPAC recommends approval of the proposed demolition of 132 Main Street,

And that the SCHPAC recommends approval of the proposed new residence, which will match the residence approved by the committee in December 2021, with minor changes as noted in the April 2022 application submission, and which will reuse interior materials and architectural elements where feasible.”

Garden City Plan

The City of St. Catharines Garden City Plan contains policies that guide the City’s approach to conserving cultural heritage. A number of general policies within Section 3 can be applied to the proposed demolition application. Most importantly, Section 3.1.4 states that “All development / redevelopment shall have regard for identified cultural heritage resources and shall wherever feasible, incorporate these resources into any development plan.” Given the property is designated under Part V of the Ontario Heritage Act and is regarded as a contributing heritage property within the Heritage District, the redevelopment of the property should incorporate the identified cultural heritage resource, if feasible. Though demolition is normally discouraged, the retention of the building and construction of an addition using the approved plans is not feasible due to the structural issues with the foundation.

Section 3.2 of the Garden City Plan addresses policies within the City’s Heritage Districts. Section 3.2.6 states that “Within a designated district, it is the intent of the City to conserve and enhance its unique heritage character. The City, in consultation with the district committee will encourage property owners to maintain, repair and restore

heritage buildings and seek government grants, loans and other incentive programs for eligible conservation work.”

The SCHPAC has been consulted on this application twice. The initial application in December 2021 saw the owners attempt to maintain the heritage building and construct a sensitive rear addition with cosmetic changes to the façade that are consistent with the guidelines of the heritage district. The April 2022 application involves the construction of an entirely new building using previously approved plans which are consistent with the guidelines of the heritage district. The proposed new residence will be consistent with the unique character of the Port Dalhousie Heritage Conservation District.

Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change (The Guidelines)

The property at 132 Main Street is located within the Port Dalhousie Heritage Conservation District and due to its 1938 construction date, it is a contributing building within the heritage district.

Section 4.1 of the Guidelines notes that, “For the purposes of these guidelines a heritage building is considered to be any structure built prior to 1950”. Furthermore, Section 5.1 notes, “As in many heritage districts throughout Ontario, residents and property owners of the Port Dalhousie are encouraged to work with existing buildings through sensitively adapting and altering them rather than demolishing and constructing new structures. While not prohibited by the Ontario Heritage Act the demolition of existing heritage structures and the creation of new buildings will be actively discouraged within the Port Dalhousie Heritage Conservation District.”

As the residence was constructed in 1938, the demolition of the residence is technically discouraged according to the guidelines. However, the first portion of the above paragraph notes that owners are encouraged to work with existing buildings through sensitively adapting and altering them rather than demolishing. The owner’s original intent was to do just that through a sensitive adaptation/alteration that was supported by the Committee and approved by staff. Demolition was not part of the owner’s original plans for the building. The need for demolition is entirely due to structural issues with the existing foundation (as confirmed by two engineers) in order to facilitate the construction of the approved plans.

The proposed demolition is unique in that the owner wishes to construct previously approved plans, but with the requirement to “start from scratch” due to structural issues with the residence. The approved alterations from December 2021 involved changing the aesthetic materials and appearance of the house, of which the Committee had no concerns. The question then lies in the value of the structural components of the residence. Unfortunately, the District Guidelines provide little to no input on the importance of structural components, and rather focuses mostly on aesthetics and exterior materials and design. Given the guidelines are largely concerned with the appearance of properties and the character of the neighbourhood and that the structural

components of the building do not contribute to this building's aesthetics, staff feel that the proposed demolition and rebuild of the residence using plans previously supported by the Committee is consistent with the Guidelines.

Financial Implications

There are no direct financial implications associated with this report.

Environmental Sustainability Implications

There are no environmental implications associated with this report.

Conclusion

The *Ontario Heritage Act* requires that the respective Municipal Heritage Committee be consulted prior to Council making a decision on a heritage permit application for demolition within a Heritage Conservation District. In this regard, the SCHPAC has been consulted with respect to the application to demolish the dwelling at 132 Main Street and recommends that the application be approved. Due to the structural issues with the residence, the recommendation being made to Council is consistent with the cultural heritage policies within the Garden City Plan and the guidelines of the Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change.

Planning and Building Services concurs with the recommendation of the SCHPAC based on the policies of the Official Plan and the District Guidelines and recommends the demolition permit be approved.

Notifications

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

Prepared by

James Neilson
Heritage Planner

Submitted by

Margaret Josipovic
Manager of Planning Services

Approved by

Tami Kitay
Director, Planning and Building Services

Appendices

- Appendix 1 - Location Plan for 132 Main Street
- Appendix 2 - Photos 132 Main Street
- Appendix 3 - Application package with proposed plans and two structural reports

Aerial Photograph (132 Main Street)

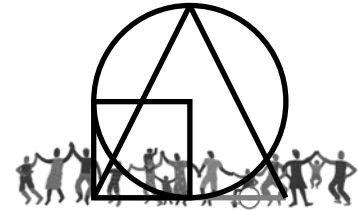


Photograph – 132 Main Street



April 20 ,2022

St Catharines
Heritage committee
St Catharines City hall
50 Church St,
St Catharines, Ontario.



DESIGN SPECTRUM INC.

Re: Heritage Permit 2nd Application for 132 Main St

Attention: Heritage committee members,

Thank you for reviewing our heritage permit application for the renovation to 132 Main St, Port Dalhousie Ontario.

In preparing for the building permit application phase of approval, we invited an Engineer (Seymour Home Consulting Inc) to assess the condition of the foundation of the existing house. Drywall was removed at 2 places in the basement and it was found that:

“The cement paste mix used appears to contain significant amounts of lime, which has been transported to the interior surface over decades due to moisture migration. The resulting wall is sandy, and scaling, and has lost 1.75” in thickness on the southern side. Bearing strength has been reduced below Code approved minimums.”

Based on his observations, the engineer concluded that:

“This foundation is not judged to be adequate for any new loads and is deemed to be approaching the end of its service life.”

The prudent course of action, and how we intend to meet the Heritage Committees requirements, is by demolishing the original building in total and replacing it with the renovated design as already approved by the Heritage Committee. We believe this will ensure that we are preserving the character of the neighbourhood as previously approved.

As you can imagine this was quite a surprise and disappointment for all of us, but we are grateful that the issues were discovered in our earliest due diligence, and not during the proposed renovations. Needless to say, we sought a second opinion from an independent structural engineering firm (Lakeland Engineers, Burlington), and this firm corroborated the conclusions of Seymour Home Consulting. Attached is the report from Seymour Home Consulting ltd and the report from Lakeland Engineers.

In summary, our proposal remains mainly identical to what was previously approved by the Heritage Committee and the Committee of Adjustments, with the exception of a minor interior alteration to the kitchen layout including a pantry (moving the bench and hooks adjacent to garage); repositioning the doorway to front study; repositioning two of the basement windows; increasing the basement ceiling height to 8'-6" throughout; and removal of the bench footings (no longer required). The balance of this application, especially the street facade, remains consistent with the approach previously submitted.

Despite the challenges presented by the current building's condition, we would be proud to carry this project forward to renew the community.

Item 3 a) Project Details:

132 Main St in Port Dalhousie is a 1½ story cottage style home with off white horizontal vinyl siding, Windows with shutters and a newer front door. There are no historical elements in the architectural details left on the building to my knowledge.

Mr and Mrs. Prendergast have bought this home as their family home, as they are retiring and moving back to Ontario to be closer to their family.

We have kept the single story façade instead of a 2nd floor addition at the front of the house in order to keep the roof line of the original house .We have also kept the existing window and door locations at the front and sides of the house in keeping with your guidelines .

One of Mr. and Mrs. Prendergast criteria was to have a front porch and a balcony on the 2nd floor where they could sit out and look over main St. these were deleted to maintain the existing roof line.

By extending the roof line to a 2nd floor rear addition, we found the mass of the front roof plain was quite substantial so we have created a peaked dormer in the roof plain with the only south facing window on the 2nd floor (over looking main street). The dormer is designed to create a bit more headroom as the existing roof line is quite low and Mr Prendergast is quite tall. The individual window in the dormer is similar to the size of the windows on the main floor.

The house will be have a "Charcoal dry stack" from King Masonry, face stone in grays and muted earth tone to just below the windows (not including the rear of the house). Above that will be an Align product with an aged gray horizontal siding with a wood grain texture .In the dormers will be a gray cedar shake look to break up the siding yet create continuity. Regarding windows, shutters, trim, soffit, fascia and eve will be white we believe this will give their home an age classic appeal that we hope meets your goals.

A garage is a critical part of their life style requirements .We have worked with your guidelines by recessing the garage back from the front of the house behind the existing side windows. We have kept it to a single storey addition and a low flat roof .We will be demolishing the existing shed and carport and are replacing them with the new garage on approximately the same area, maintaining green space at the rear of the house, due to the size of the lot. By doing so we are encroaching on the side yard setback .Alternatively we would have had to demolish a half of the front of the house façade to have a single car garage, while altering the entrance and original main floor.

Regarding demolition please find attached a letter from our P Engineer Mr. Joe Seymour who has been at the house and has advised that the extended bench footing for the main house do not meet code.

The 2 rear additions have no access or ventilation and the floor joists are at the risk of mold and rot in the crawl space .They have also found water coming in from the crawl space side in to the basement area.

We will remove the 2 rear additions and build a new foundation and 2 storey rear addition in a similar footprint.

Item 3 b)

By having a rear addition instead of a full 2nd floor addition, this will enable us to maintain the low façade and roof line on the Main St side of the house, as recommended by Mr. James Nielson (who was very helpful to us to navigate your guidelines and intentions)

We have recessed our garage considerably from the front yard to decrease the building elevation mass of the Front elevation .The garage will have a low flat roof to have it not be a dominant part of the front façade.

We have maintained the front hedge and walkway .We have kept the front window and doors in their locations as possible .Finally our use of materials and colours will add to the conservation intent of the heritage district.

Seymour
Home
Consulting Inc.
 HOME & BUILDING INSPECTIONS

4380 HARVESTER ROAD, UNIT 3
 BURLINGTON, ONTARIO
 L7L 4X2

TEL. 905-634-1414
 1-800-786-6919
 FAX 905-634-7670

July 19, 2021

Dev Bingham
 Design Spectrum Inc.
 193 Waldoncroft Crescent
 Burlington, ON L7L 3A6

Re: Foundation Review at 132 Main Street, St. Catharines, Ontario

Dev

I have reviewed the foundation where visible at the above property, for the purposes of determining the potential to add a second floor to the bench lowered foundation. For the purposes of this letter, the house is assumed to face east.

Existing Construction - Bench Footings

The original crawl space appears to have been lowered to a depth of 75" (+/-) by the addition of a poured concrete 6.5" deep by 46" tall bench on the north wall, southwest wall (at stair access) and block wall on the west. It is likely that these are different ages of benching.

Adding a second floor to a bench footing is always a concern due to the increased lateral loads which can cause a poorly dimensioned bench to fail. Essentially, the loads transmitted to the soil by the footings of any building are distributed vertically and horizontally into the soil at a roughly 45 degree angle (assuming that the soil is not very stiff clays or rock). As a result of this, the bench should be the same depth as height.

In this case, the bench is significantly thinner than tall, and stability is questionable, even for the current loading. Any new loads would require calculation of the existing bench steel (there may be none) in order to determine what sort of bracing would be required to be added to the system to allow for the new loads.

The addition of a sump on the north wall, with a weeper connection means that this portion of the basement is water managed. However, there is no guarantee (and recent leakage indicates that there is no weeper) that the system extends along the west, south or east walls.

Determination of Bench Design

Ground Penetrating Radar can be used to determine if there is any rebar in the wall, how much and at what depth and spacing. Once this information is known, then additional reinforcement design could be done. It is possible that there is no steel in the walls, in which case, the cost of reinforcement would likely be excessive. Coring the wall will be necessary to determine concrete thickness if there is sufficient bar.

Other Structural Issues Noted

In addition, the rear crawl space addition appears to have joists partially in the ground, and the risk of mold and rot in this crawl space is considered to be high. Further evaluation is recommended.

If you have any questions, please do not hesitate to call me at 905-638-4715, or email at joeseymour1990@gmail.com.

Regards,

A handwritten signature in black ink, appearing to read "Joe Seymour", followed by a horizontal line.

Joe Seymour, P. Eng.



LAKELAND
ENGINEERING

April 19, 2022

Mr. and Mrs. Prendergast
132 Main St
Port Dalhousie

Initial Site Visit: March 24, 2022

Dear Sir/Madam:

Lakeland Engineering has been retained to review the existing structure (framing and foundation) for the above noted address.

Background

A two storey addition and a new roof over the existing house is being proposed.

(Refer to drawings prepared by Design Spectrum Inc, Received by our firm February 24 2022.)

Observations

1. The existing basement concrete foundation walls are approximately 6'-4" high and 8" thick.
2. There is a functional driveway on both sides of the house. See figures 6 & 7.
3. An inspection hole was cut in the drywall of the west (basement stairs) foundation wall. The concrete appears to be low quality, weak (sandy) and can be easily chipped with a flat chisel. See figures 3 & 4.
4. There is a concrete wall "bench" placed adjacent to the existing wall approximately 3' above the finished floor. This footing/wall cannot be considered structural as the concrete above it is in poor condition. See figures 1,5
5. The existing basement windows are missing beams for main floor framing joists. See figure 2.

lakeland engineering
1100 sutton drive unit 1
burlington on L7L 6R6

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phone 905.332.8888
fax 905.332.6594



LAKELAND
ENGINEERING

April 19, 2022

Discussion/Conclusion

Based on the structural review the following is recommended:

1. The existing foundation should not be used to support any new structural loads. The current condition of the foundation proves to be inadequate for additional load.
2. Vehicles are being driven and/or parked on both sides of the house. Vehicle loading (surcharge) is being imposed on the foundation walls. The vehicles should be parked away from the walls if possible.
3. The floor joists above the windows require new beams to comply with the structural requirements of OBC.

Yours truly,

Sanjay Patel, P.Eng.

LAKELAND ENGINEERING



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LAKELAND
ENGINEERING

April 19, 2022



Fig 1.- Internal concrete wall (left)



Fig 2. - Existing window with no support beam for existing joists (boeing).



Figure 3. - existing concrete foundation wall.



Figure 4. - the concrete wall is easily chipped with hand tools.

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3/5



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April 19, 2022



Figure 5. - Driveway



Figure 6. - Driveway

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April 19, 2022



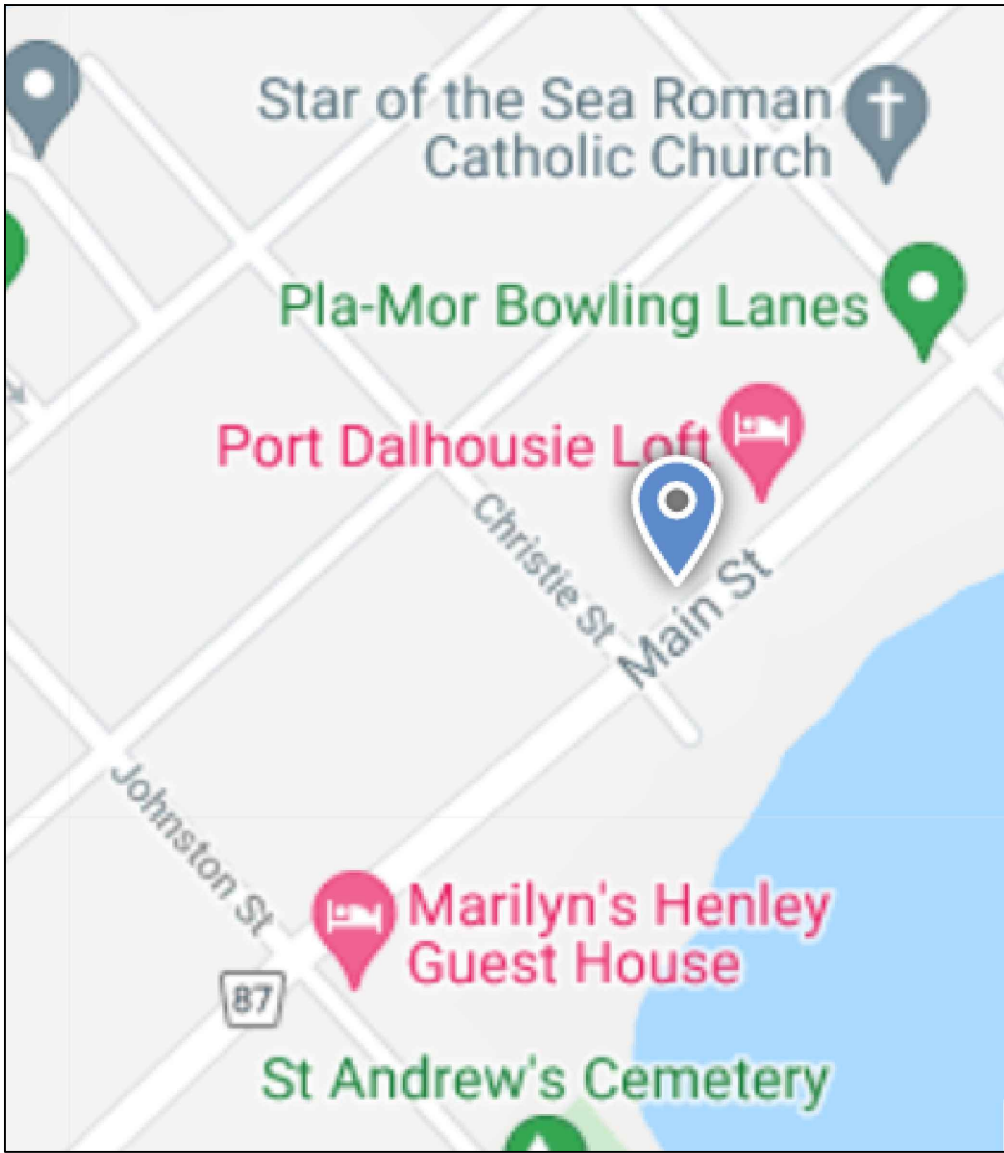
Figure 7. - Internal concrete wall

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burlington on L7L 6R6

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fax 905.332.6594

SITE STATISTICS

SITE STATISTICS -	
SITE ZONING DATA:	
	PROPOSED
LOT AREA	3789.17 SQ.FT (352.02 SQ M)
LOT FRONTAGE	12.19 M
LOT COVERAGE	PROPOSED
EXISTING LOT COVERAGE (TOTAL)	1535.57 SQ.FT (142.65 SQ.M) (40%)
PROPOSED ADDITION	370.74 SQ.FT (34.44 SQ.M)
PROPOSED GARAGE	252.42 SQ.FT (23.45 SQ.M)
EXISTING TO REMAIN DWELLING	593.34 SQ.FT (55.12 SQ.M)
COVERAGE TOTAL	113.01 SQ.M
COVERAGE PERCENTAGE	32 %
GROSS FLOOR AREA (G.F.A.)(OPEN AREAS REDUCED)	PROPOSED
BASEMENT (EXCLUDED FROM TOTAL)	976.31 SQ.FT (90.70 SQ.M)
GROUND FLOOR INCL. ADDITION	975.90 SQ.FT (90.66 SQ.M)
SECOND FLOOR	897.96 SQ.FT (83.42 SQ.M)
TOTAL G.F.A.	1873.86 SQ.FT (174.08 SQ.M)
SETBACKS	PROPOSED
FRONT YARD	2.63 M (EXISTING)
LOT FRONTAGE	12.19 M(EXISTING)
INTERIOR SIDE YARD	0.53 M / 1.09 M
REAR YARD	12.8 M (PROPOSED)
FRONT YARD LANDSCAPING	PROPOSED
TOTAL AREA	350.81 SQ.FT (32.59 SQ.M)
PATHWAYS	44.80 SQ.FT (4.16 SQ.M)
DRIVE WAY	105.96 SQ.FT (9.84 SQ.M)
PERCENTAGE	42 %



WATER SERVICE

ALL MATERIALS AND CONSTRUCTION METHODS MUST CORRESPOND TO THE CURRENT PEEL PUBLIC WORKS STANDARDS AND SPECIFICATIONS.

WATERMAINS AND/OR WATER SERVICES ARE TO HAVE A MINIMUM COVER OF 1.7 m WITH A MINIMUM HORIZONTAL SPACING OF 1.2 m FROM THEMSELVES OR OTHER UTILITIES.

WATERMAINS MUST HAVE A MINIMUM VERTICAL CLEARANCE OF 0.15 m OVER OR UNDER SEWERS AND ALL OTHER UTILITIES WHEN CROSSING.

SEWERS

EXISTING SANITARY SEWER TO BE USED PROVIDED A) APPROVAL FROM REGION OF PEEL.

EXISTING STORM SEWER TO BE USED PROVIDED A) APPROVAL FROM CITY OF MISSISSAUGA.

DEPTH OF SANITARY SEWER CONNECTION AT THE STREET LINE TO BE CONFIRMED IN FIELD PRIOR TO CONSTRUCTION TO ENSURE GRAVITY FLOW.

SUMP PUMP

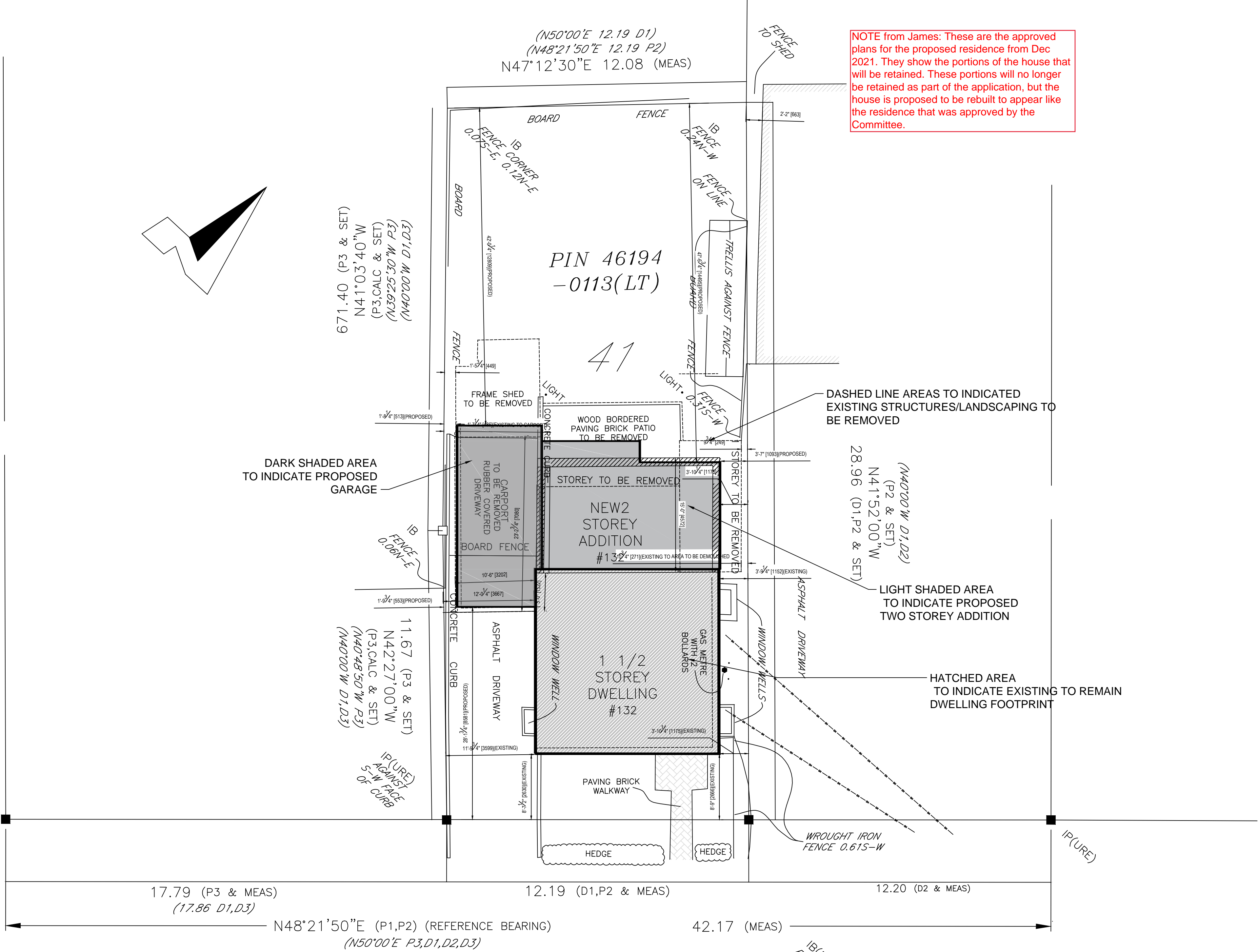
FOUNDATION WEEPERS TO BE SUMPED AND PUMPED TO THE SURFACE AND DISCHARGED ONTO A CONCRETE SPASH PAD.
RAIN WATER

ALL DOWNSPOUTS SHALL DISCHARGE ONTO SPLASH PADS AT GROUND LEVEL AT THE LOCATIONS INDICATED ON THIS PLAN.

FOUNDATION WEEPERS AND FLOOR DRAINS WILL BE SUMPED AND PUMPED TO THE REAR.

PROPOSED SWALES TO HAVE MAXIMUM 1:3 SIDE SLOPES.

CHRISTIE STREET



MAIN STREET

BY BY-LAW No 61-129 AS IN R068378
(formerly queen street by registered plan tp-7)
LIMITS CONFIRMED BY MUNICIPAL SURVEY No 835

NOTES

The applicant will be required to contact all Utility Companies to obtain all required locates prior to the installation of hoarding within the Municipal right of way.

Prior to any construction taking place, hoarding adjacent to existing properties to protect from construction activity, and all required hoarding in accordance with the Ontario Occupational Health and Safety Act and Regulations for Construction Projects must be erected and maintained throughout all phases of construction.

EXTERIOR LIGHTING

ALL EXTERIOR LIGHTING WILL BE DIRECTED ONTO THE SITE AND WILL NOT INFRINGE UPON THE ADJACENT PROPERTIES.

RETAINING WALLS

THE STRUCTURAL DESIGN OF ANY RETAINING WALL OVER 0.60m IN HEIGHT OR ANY RETAINING WALL LOCATED ON A PROPERTY LINE IS TO BE SHOWN ON THE SITE GRADING PLAN FOR THIS PROJECT AND IS TO BE APPROVED BY THE CONSULTING ENGINEER FOR THE PROJECT.

EASEMENTS

THERE ARE EXISTING EASEMENTS ON THE PROPERTY.

EXISTING GRADES

ALL EXISTING GRADES AROUND THE PERIMETER AND THE EXISTING GRADING PATTERN OF THE SITE SHALL BE MAINTAINED.

GRADING GRADES WILL BE MET WITHIN 33% MAXIMUM SLOPE AT THE PROPERTY LINES AND WITHIN THE SITE.

DRIVEWAY

THE PORTIONS OF THE DRIVEWAY WITHIN THE MUNICIPAL BOULEVARD WILL BE PAVED BY THE APPLICANT.

TREE PROTECTION NOTE

1. ALL EXISTING TREES WHICH ARE TO REMAIN SHALL BE FULLY PROTECTED WITH HOARDING, ERECTED BEYOND THEIR Drip LINE PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT. GROUPS OF TREES AND OTHER EXISTING PLANTINGS TO BE PROTECTED, SHALL BE TREATED IN A LIKE MANNER, WITH THE HOARDING AROUND THE ENTIRE CLUMP(S). AREAS WITHIN THE PROTECTIVE FENCING SHALL REMAIN UNDISTURBED AND SHALL NOT BE USED FOR THE STORAGE OF THE BUILDING MATERIAL AND EQUIPMENT.
2. NO RIGGING CABLES SHALL BE WRAPPED AROUND OR INSTALLED IN TREES AND SURPLUS SOIL, EQUIPMENT, DEBRIS OR MATERIALS SHALL NOT BE PLACED OVER ROOT SYSTEMS OF THE TREES WITHIN THE PROTECTIVE FENCING. NO CONTAMINANTS WILL BE DUMPED OR FLUSHED WHERE FEEDER ROOTS OF TREES EXIST.
3. THE DEVELOPER OR HIS/HER/ITS AGENTS SHALL TAKE EVERY PRECAUTION NECESSARY TO PREVENT DAMAGE TO TREES OR SHRUBS TO BE RETAINED.
4. WHERE LIMBS OR PORTIONS OF TREES ARE REMOVED TO ACCOMMODATE CONSTRUCTION WORK, THEY WILL BE REMOVED CAREFULLY IN ACCORDANCE WITH ACCEPTED ARBORICULTURAL PRACTICE.
5. WHERE ROOT SYSTEMS OF PROTECTED TREES ARE EXPOSED DIRECTLY TO OR DAMAGED BY CONSTRUCTION WORK, THEY SHALL BE TRIMMED NEATLY AND THE AREA BACKFILLED WITH APPROPRIATE MATERIAL TO PREVENT DESICCATION. IF NECESSARY, THE TREES WILL BE GIVEN AN OVERALL PRUNING TO RESTORE THE BALANCE BETWEEN ROOTS AND TOP GROWTH OR TO RESTORE THE APPEARANCE OF THE TREES.
7. IF GRADES AROUND TREES TO BE PROTECTED ARE LIKELY TO CHANGE, THE OWNER SHALL BE REQUIRED TO TAKE SUCH PRECAUTIONS AS DRY WELLING, RETAINING WALLS AND ROOT FEEING

NOTES

ANY LANDSCAPING WITHIN THE MUNICIPAL BOULEVARD WILL BE SUBJECT TO PRIOR APPROVAL BY THE PUBLIC UTILITIES CO-ORDINATING COMMITTEE.

THE APPLICANT WILL BE RESPONSIBLE FOR THE COST OF ANY UTILITIES RELOCATIONS NECESSITATED BY THE SITE PLAN.

ON SITE WASTE COLLECTION WILL BE REQUIRED THROUGH A PRIVATE WASTE HAULER.

AT THE ENTRANCES TO THE SITE, THE MUNICIPAL CURB AND SIDEWALK WILL BE CONTINUOUS THROUGH THE DRIVEWAY AND CURB DEPRESSION WILL BE PROVIDED FOR EACH ENTRANCE.

ALL PROPOSED CURBING (IF ANY) AT THE ENTRANCES TO THE SITE IS TO STOP AT THE PROPERTY LINE OR AT THE MUNICIPAL SIDEWALK.

ANY EXCESS EXCAVATED MATERIAL IS TO BE REMOVED FROM THE SITE.

ALL DAMAGED AREAS ARE TO BE REINSTATED WITH TOPSOIL AND SOD PRIOR TO THE RELEASE OF SECURITIES.

ALL EXISTING TREES OVER 0.15 m TRUNK DIAMETER WILL NOT BE REMOVED UNLESS OTHERWISE SHOWN.

GRADING AT THE BASE OF EXISTING TREES MUST BE PRESERVED ADJACENT THE CONSTRUCTION ZONE.

ALL SURFACE DRAINAGE WILL BE SELF CONTAINED, COLLECTED AND DISCHARGED AT A LOCATION TO BE APPROVED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

PROPOSED GRADES AND DRAINAGE PATTERNS SHALL NOT HAVE NEGATIVE IMPACT ON THE ADJACENT PROPERTIES.
- DIRECT DOWN SPOUTS TO THE FRONT OR REAR.
- DRAINAGE SWALE INVERTS SHALL BE 0.20 m BELOW THE ADJACENT GRADE ELEVATION.

NOTE from James: These are the approved plans for the proposed residence from Dec 2021. They show the portions of the house that will be retained. These portions will no longer be retained as part of the application, but the house is proposed to be rebuilt to appear like the residence that was approved by the Committee.

DASHED LINE AREAS TO INDICATED EXISTING STRUCTURES/LANDSCAPING TO BE REMOVED

LIGHT SHADED AREA TO INDICATE PROPOSED TWO STOREY ADDITION

HATCHED AREA TO INDICATE EXISTING TO REMAIN DWELLING FOOTPRINT

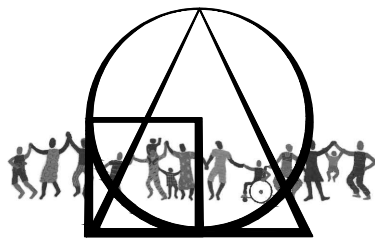
Hoarding must be inspected prior to removal of any tree protection hoarding from the site

The Owner is responsible for ensuring that tree protection hoarding is maintained throughout all phases of demolition and construction in the location and condition as approved by the Planning and Building Department. No materials (building materials, soil, etc.) may be stockpiled within the area of hoarding. Failure to maintain the hoarding as originally approved or the storage of materials within the hoarding will be cause for the Letter of Credit to be held for two (2) years following completion of all site works.

DATE: _____ SIGNED: _____

NOTES

- a. No grading, structures, retaining walls, construction or site/construction access are permitted on or from the municipal parkland.
- b. The placement of unapproved materials or structures within municipal greenbelt/woodland blocks is not permitted by Community Services at any stage of development. This includes, but is not limited to, topsoil stockpiling, construction trailers and vehicles, construction materials and debris, sales/promotional trailers and signage.
- c. The contractor is responsible for maintaining park and tree preservation hoarding in an approved and functioning condition as required by the Community Services Department through all phases of construction.
- d. Inform the Community Services Dept. of the Construction Schedule as it pertains to the municipally owned parkland, its protective hoarding, clean ups, reinstatement and issues affecting parkland use, construction and maintenance. It is the responsibility of the applicant to arrange for Community Services – Planning and Heritage Section inspections and approvals as required.
- e. Remove construction related debris or litter that has migrated or has the potential to migrate into the adjacent municipally owned p-126 Rattray Marsh. Should the contractor/applicant fail to do so, arrangements will be made to draw on the submitted park protection and reinstatement securities to fund park clean up activities.
- f. Prior to the release of securities, the Community Services Department is to inspect and approve any required restoration, reinstatement and/or clean up works including hoarding removal and off-site disposal, conducted at the shared property line with and within P-126 Rattray Marsh.



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455 SANDLEWOOD RD., OAKVILLE, ONTARIO, CANADA, L6L 3S3
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DO NOT SCALE DRAWINGS

Contractors & Manufacturers must check & verify all onsite dimensions & be responsible for the reporting of any discrepancies to Design Spectrum Inc.

Contractor to provide all shop drawings to complete the project & must submit these drawings to Design Spectrum Inc., for approval prior to commencing work.

CLIENT APPROVAL

The information indicated in the drawing is Approved.

Approved with revisions as noted.

Approval when given is restricted to the acceptability of general design intent only, & does not relieve the client of its responsibility for the verification of all site dimensions & conditions which may affect the design & construction & for the contracting & or the subcontracting or work based on these plans.

Client:

Date:

CODES AND STANDARDS

Work is to be done in accordance with the current editions of the National Building Code of Canada the Ontario Building Code and all codes and standards included within the context of the document.

Conform to the latest issue of codes and standards specified, and all relevant and applicable codes, ordinances and bylaws as amended and revised as of the date of Building Permit Application.

REVISIONS

R 1 7.11.16 DITCH DISCHARGE AND MATERIAL STORAGE

huis | design studio

CUSTOM HOME DESIGN

Development Type:

Residential addition

Municipal Address:

132 Main St
St Catharines Ontario

Legal Description:

Lot 41 Reg'd Compiled Plan 699

Project Name:

Prendergast Residence

Drawing Title:

Floor Plans

Project No. 1115 160830

Drawing No.

Date.

2

Drawn By.

DSB

Scale.

1:100

Drawing 1 of 4

Contractors & Manufacturers must check & verify all onsite dimensions & be responsible for the reporting of any discrepancies to Design Spectrum Inc.

Contractor to provide all shop drawings to complete the project & must submit these drawings to Design Spectrum Inc., for approval prior to commencing work

The information indicated in the drawing is

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Client: _____ Date: _____

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Scale. 1/4"=1'-0" Drawing 2 of



Municipal Address:
132 Main St
St Catharines Ontario

Legal Description:
Lot 41 Reg'd Compiled Plan 699

Project Name: **Prendergast Residence**

Drawing Title:
Floor Plans

Project No. 21132

Date. 10.11.21

Drawn By DSI

Drawing No.

2

Drawing 2 of

Contractors & Manufacturers must check & verify all onsite dimensions & be responsible for the reporting of any discrepancies to Design Spectrum Inc.

Contractor to provide all shop drawings to complete the project & must submit these drawings to Design Spectrum Inc., for approval prior to commencing work

The information indicated in the drawing
Approved.

Approved with revisions as noted.

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Client

Date:

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REVISIONS

Development Type:
Residential addition

Municipal Address:
132 Main St
St Catharines Ontario

Legal Description:
Lot 41 Reg'd Compiled Plan 699

Project Name: **Prendergast Residence**

Drawing Title:
Elevations

Project No. 21132

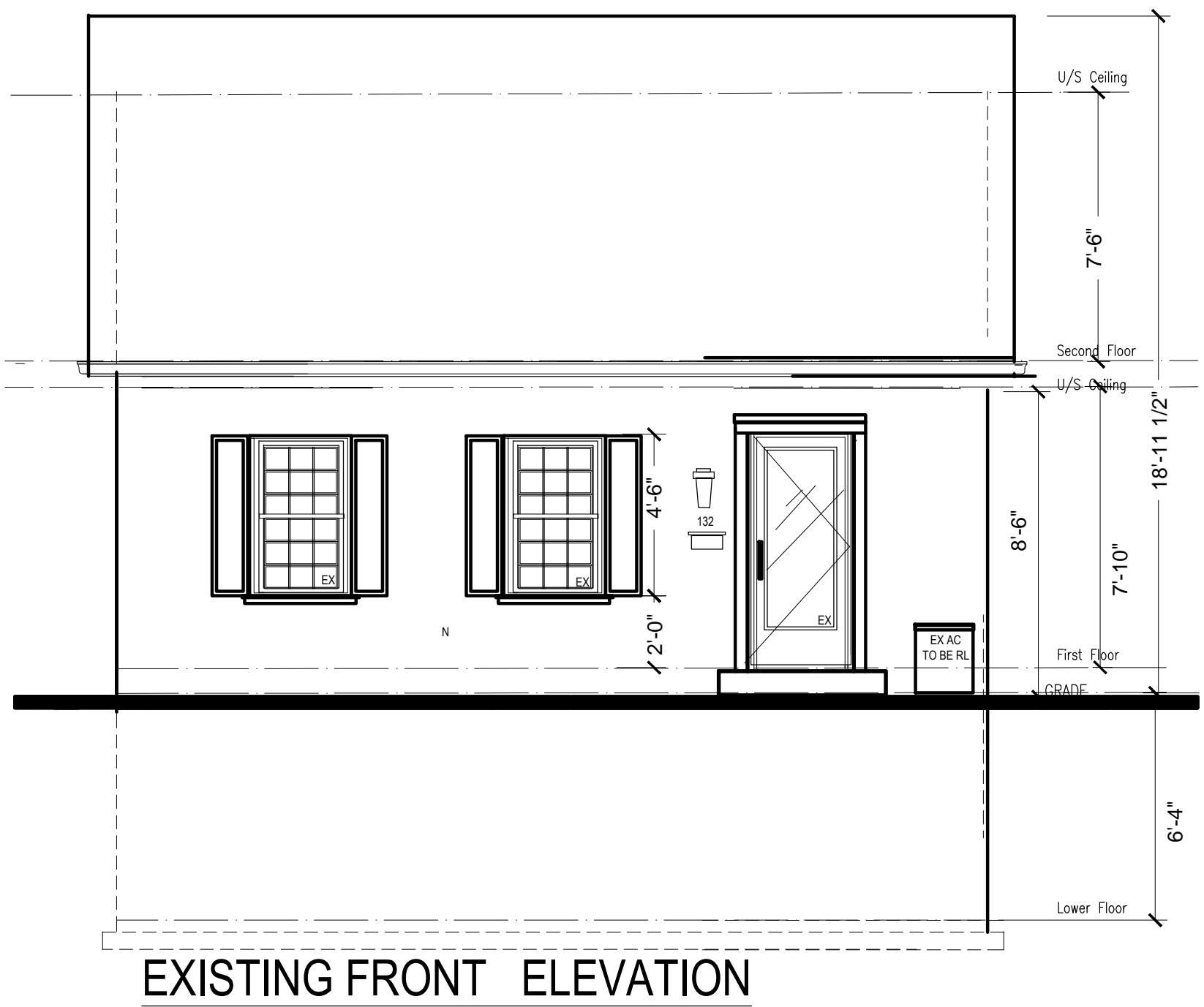
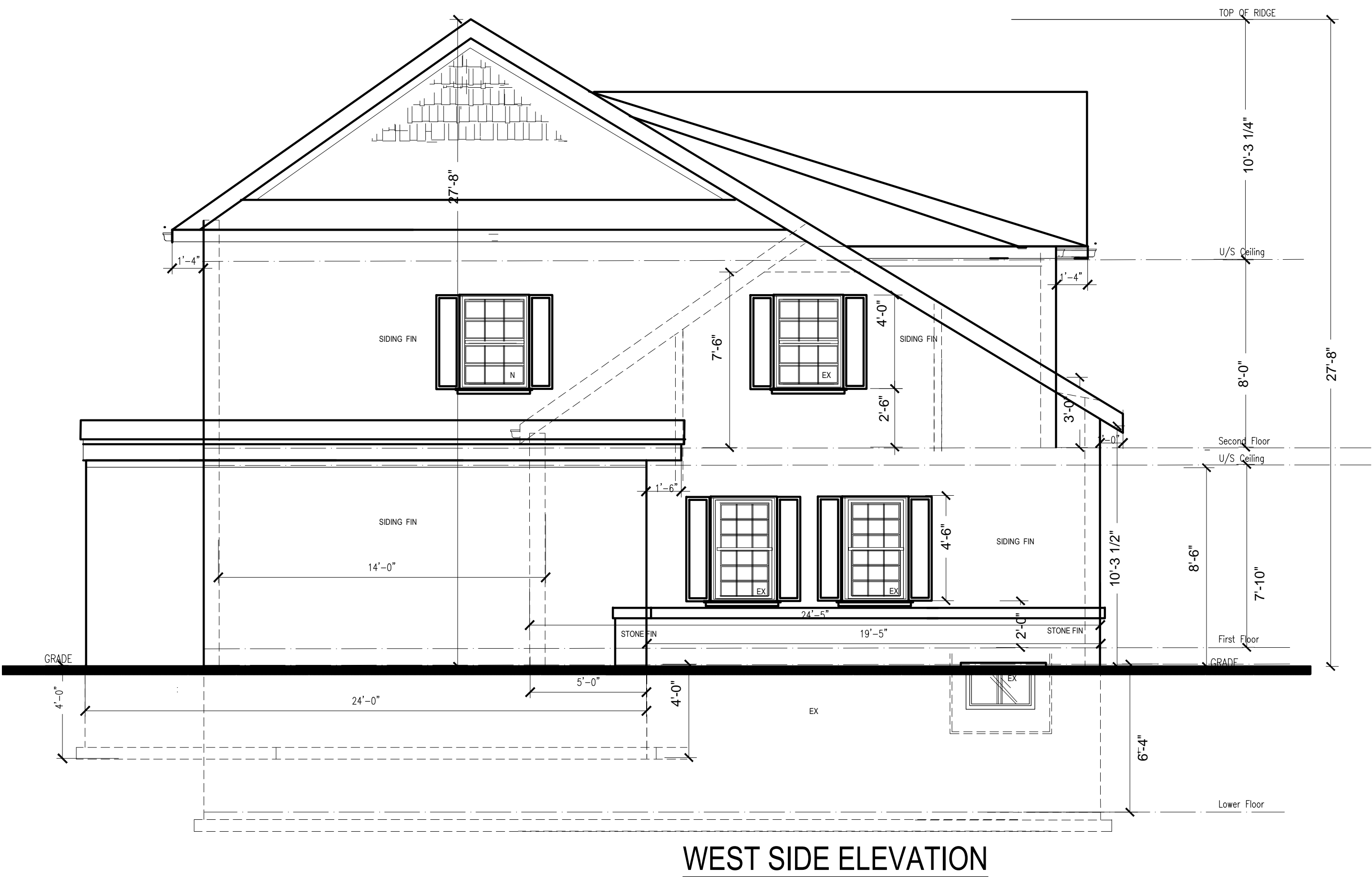
Date. 10.11.21

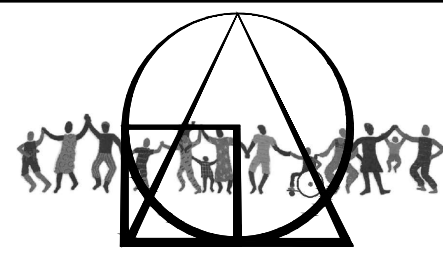
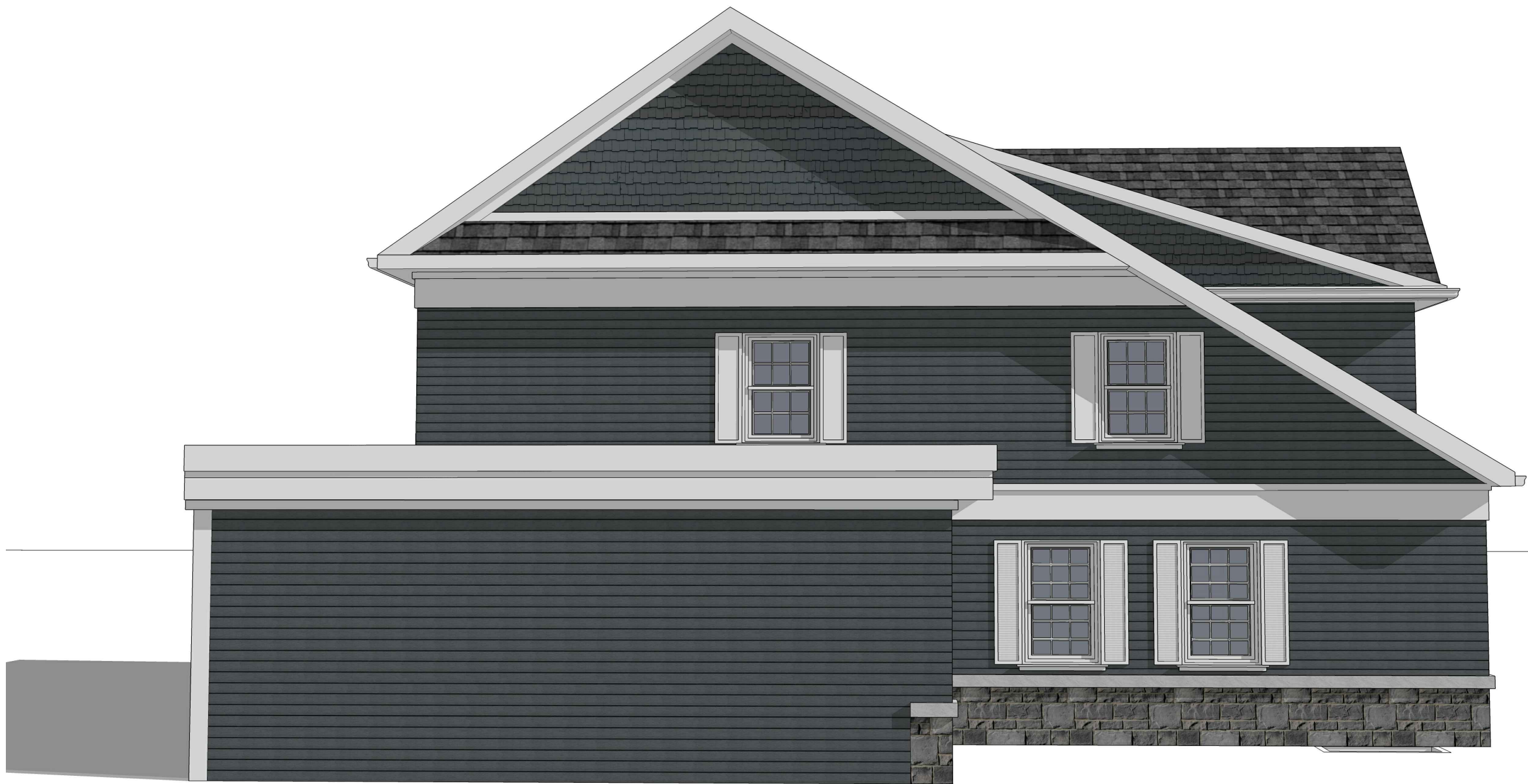
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Drawing No.

2

Drawing 3 of





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193 Waldencroft Crescent, Burlington, Ontario Canada, L7L 3A6
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Contractors & Manufacturers must check & verify all onsite dimensions & be responsible for the reporting of any discrepancies to Design Spectrum Inc.

Contractor to provide all shop drawings to complete the project & must submit these drawings to Design Spectrum Inc., for approval prior to commencing work.

CLIENT APPROVAL

The information indicated in the drawing is Approved.

Approved with revisions as noted.

Approval when given is restricted to the acceptability of general design intent only, & does not relieve the client of its responsibility for the verification of all site dimensions & conditions which may affect the design & construction & for the contracting & or the subcontracting or work based on these plans.

Client:

Date:

CODES AND STANDARDS

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Conform to the latest issue of codes and standards specified, and all relevant and applicable codes, ordinances and bylaws as amended and revised as of the date of Building Permit Application.

REVISIONS

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CUSTOM HOME DESIGN

Development Type:
Residential addition

Municipal Address:
132 Main St
St Catharines Ontario

Legal Description:
Lot 41 Reg'd Compiled Plan 699

Project Name:
Prendergast Residence

Drawing Title:
3D IMAGES

Project No. 21132

Date. 10.11.21

Drawn By. DSB

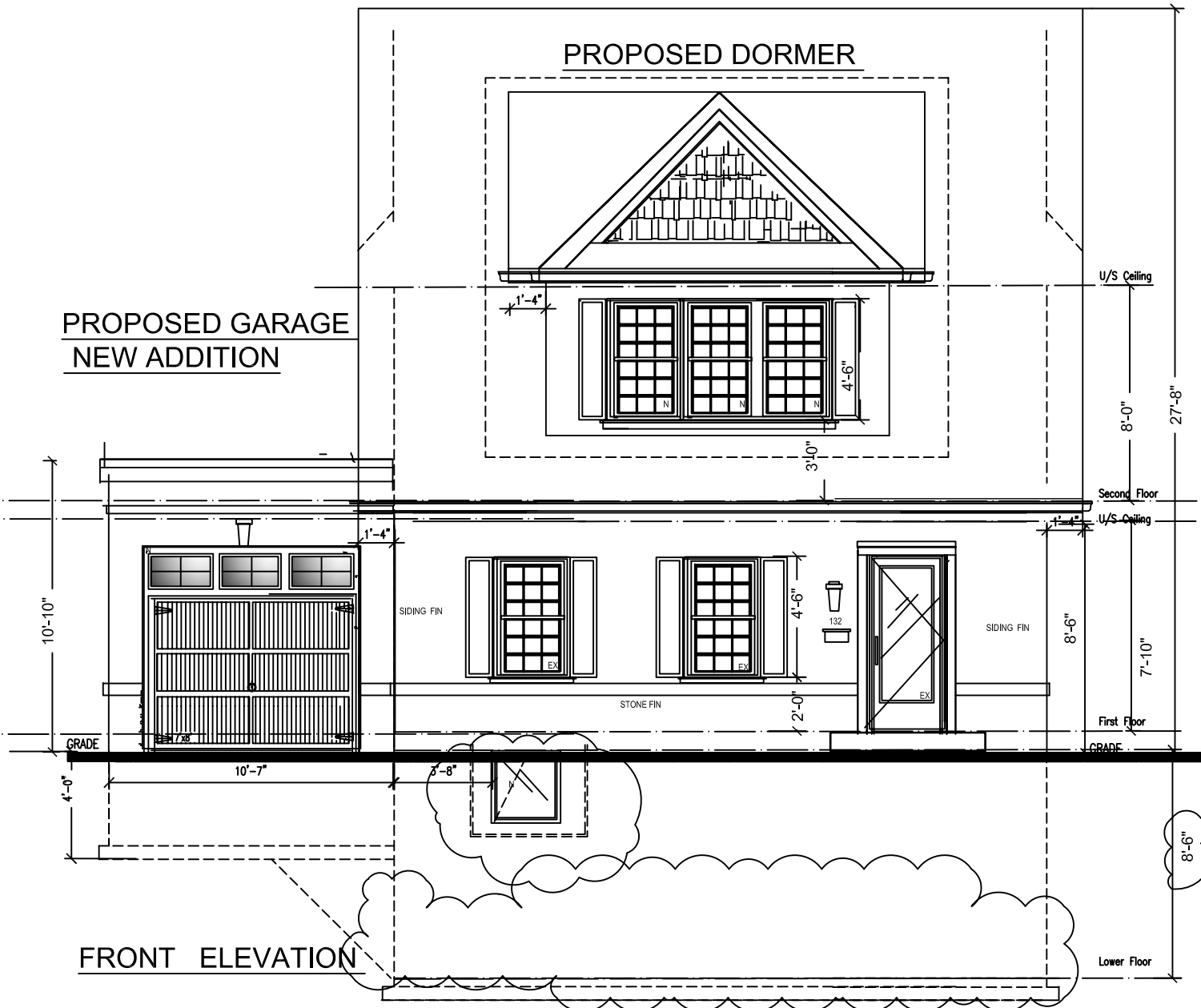
Scale. 1/4" = 1'-0"

Drawing No.

2

Drawing 4 of

AGENDA ITEM #92



Contractor, Suppliers & Engineer shall check & verify data noted herein with the site conditions & will be responsible for reporting any discrepancies to the designer prior to the submission of tender bid, commencement of work to proceed only with written authorization.



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Prendergrast Residence

132 Main St
St Catharines Ontario

Lower Floor REVISED

PROJECT NO.

SCALE: NTS

DRW. DSI

DATE .4.20.22

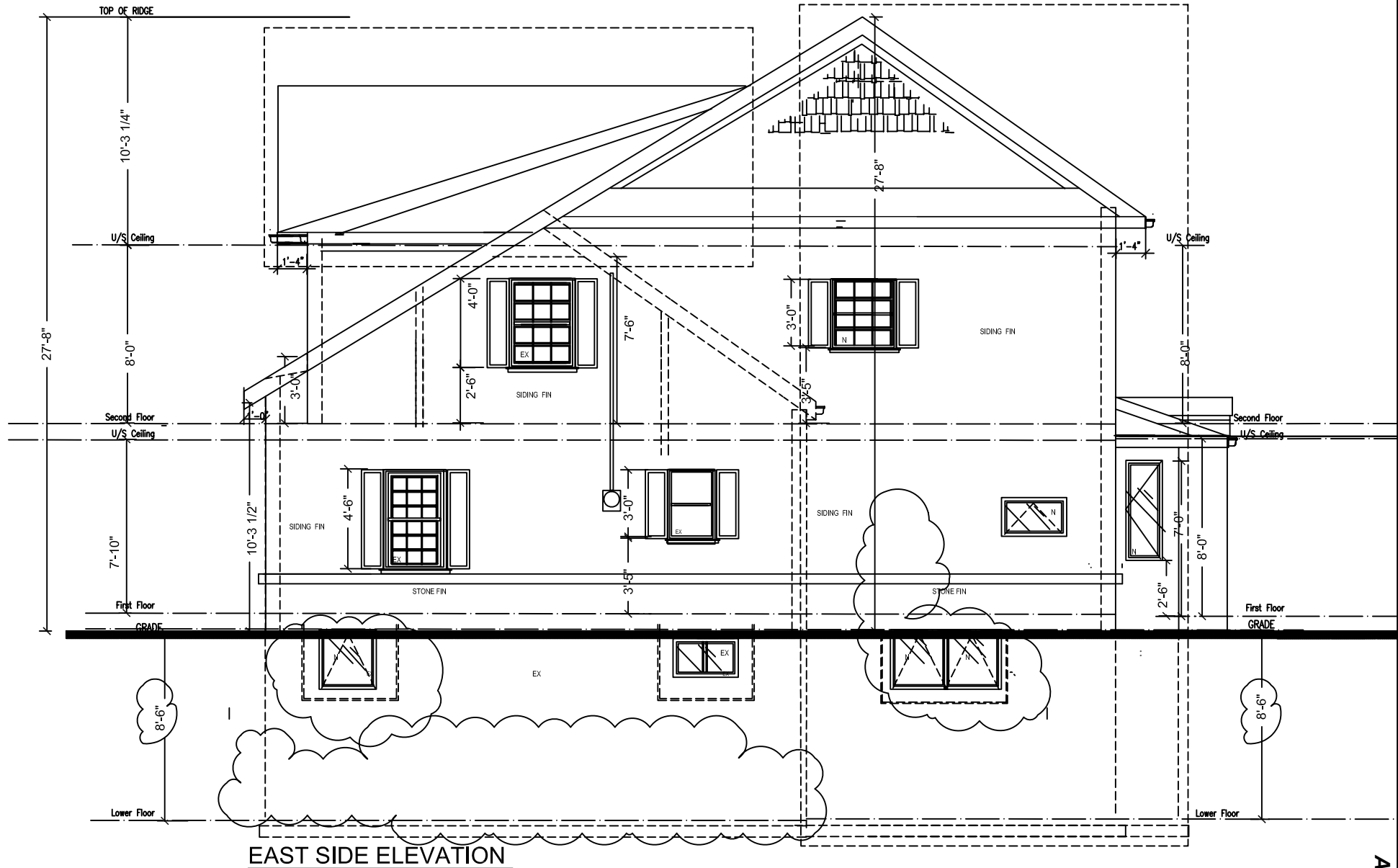
REVISION



Basement hgt. to 8'-6" & window R	
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PROPOSED DORMER

PROPOSED NEW ADDITION



Contractor notes & conditions
 Contractor, Suppliers & Engineer shall check & verify data noted herein with the site conditions & will be responsible for reporting any discrepancies to the designer prior to the submission of tender bid, commencement of work to proceed only with written authorization.



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Prendergrast Residence

132 Main St
 St Catharines Ontario

PRELIMINARY

Concept 5.4
 2nd Floor Plans

PROJECT NO.

SCALE: NTS

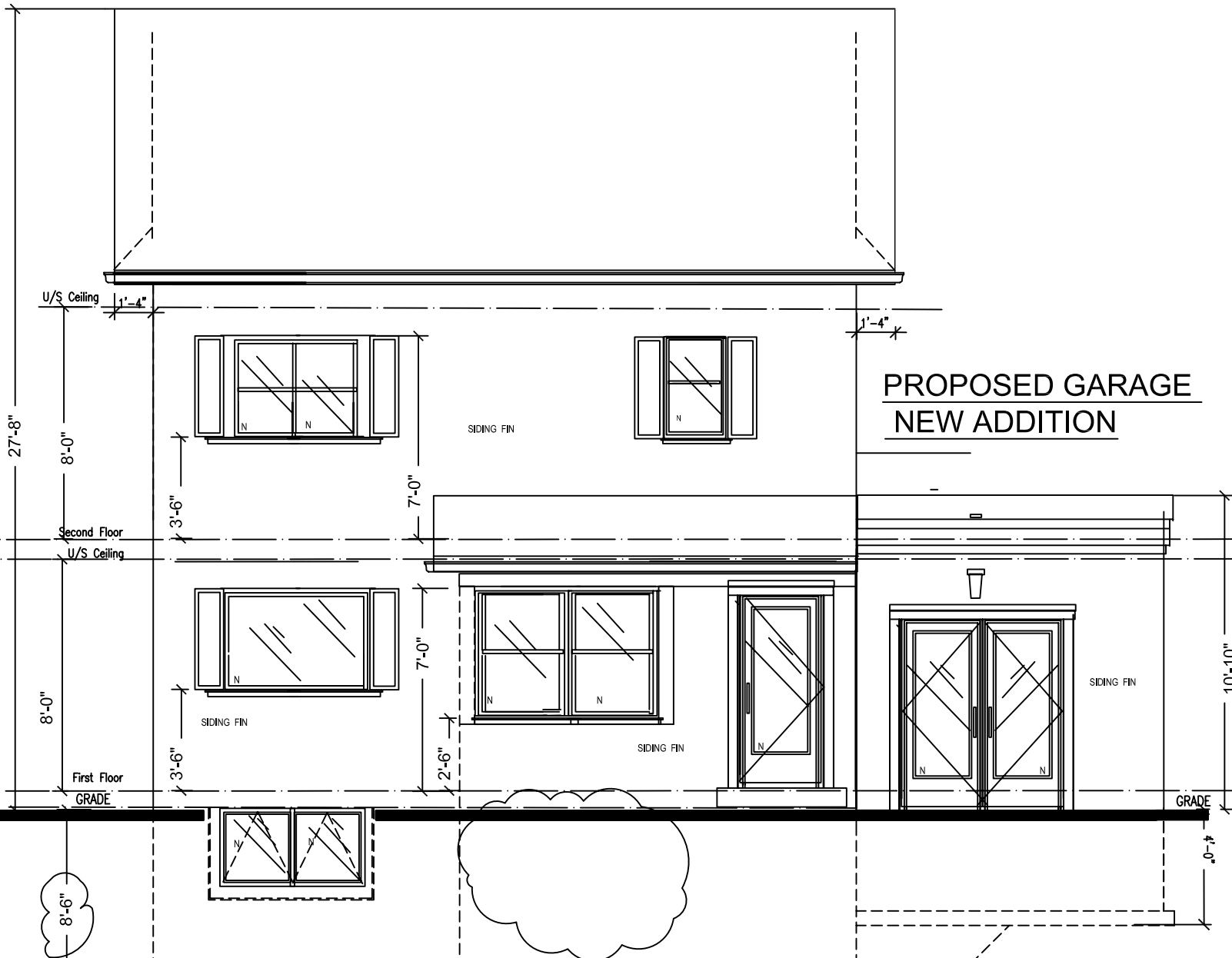
DRW. DB

DATE 4.20.22

REVISION

1 basement window RL&delete 1 side window

Replace basement window & basement height to 8'



Contractor notes & conditions
Contractor, Suppliers & Engineer shall check & verify data noted herein with the site conditions & will be responsible for reporting any
discrepancies to the designer prior to the submission of tender bid, commencement of work to proceed only with written authorization.



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Prendergrast Residence
132 Main St
St Catharines Ontario

Rear Elevations

PROJECT NO.

SCALE: NTS

DRW. DB

DATE 4.20.22

REVISION

1. basement HGT TO 8'-6" window RL

NEW ADDITION

PROPOSED NEW ADDITION

NEW AD

NEW GARAGE

NEW KITCHEN addition

DINING ROOM

BATH RM

REDO BATH RM W/ FLUSH SHOWER



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Prendergrast Residence
132 Main St
St Catharines Ontario

Main Floor REVISED

PROJECT NO.

SCALE: NTS

DRW. DB

DATE 4.20.22

REVISION

1 new pantry ,bench location and interior door

Contractor notes & conditions
Contractor, Suppliers & Engineer shall check & verify data noted herein with the site conditions & will be responsible for reporting any discrepancies to the designer prior to the submission of tender and commencement of work to proceed only with written authorization.



Corporate Report City Council

Report from: Planning and Building Services, Administration

Report Date: May 5, 2022

Meeting Date: May 30, 2022

Report Number: PBS-081-2022

File: 68.31.1 & 68.81.1

Subject: The Creation of Administrative Penalties for Violations of the City's Waste By-law and Long Grasses and Weeds By-law.

Strategic Pillar:

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



Recommendation

That Report PBS-081-2022, regarding The Creation of Administrative Penalties for Violations of the City's Waste By-law and Long Grasses and Weeds By-law be referred to City Council for consideration of the Staff Recommendation after a public meeting to be scheduled for June 13, 2022, for which notice will be duly given.

Staff Recommendation

That Council approves an amendment to Schedule "B" of the Non-Parking Administrative Penalties By-law 2021-68, to include the City of St Catharines Waste By-law 2020-106 as amended, and the City of St. Catharines Grasses and Weeds By-law 2014-22 as amended, as Designated By-laws as attached in Appendix "1"; and

That the City Solicitor be directed to prepare the necessary by-law amendments.

Relationship to Strategic Plan

The recommendation of Report PBS-081-2022 supports the Social Well-Being strategic goal of Council's Strategic Plan to building and support strong, inclusive neighbourhoods that provide high quality of life for residents of all ages.

Background

The By-law Enforcement section of the Planning and Building Services Department is embarking on a review of existing municipal by-laws. In 2021, Council approved a Non-

Parking Administrative Penalties By-law 2021-68 to set the foundation for a modernization of by-law enforcement efforts. The first Administrative Monetary Penalty System (AMPS) application was to the City's Short-term Rental By-law. As the summer season approaches, the next by-laws to be included in the AMPS by-law is the City's Waste By-law and Grasses and Weeds By-law. Further municipal by-laws will be reviewed and added accordingly. The purpose of this report is the inclusion of the City's Waste By-law and Long Grasses and Weeds By-law into the Non-Parking Administrative Monetary Penalty System for more effective enforcement.

Report

The City's Waste By-law 2020-106 and Grasses and Weeds By-law 2014-22 can be included as Designated By-laws under the City's Non-Parking Administrative Penalties By-law 2021-68. As such, administrative penalties can be imposed on a non-compliant property and may expedite compliance based on the monetary penalty amounts that can be accumulated. A modernized progressive penalty system is recommended (tier 1, tier 2, tier 3), to address problematic properties. As non-parking administrative penalties are added to the property tax roll if not paid, the municipality not only has leverage to ensure penalty payment, but a tiered system also holds repeat offenders more accountable based on increasing penalty amounts. A tiered penalty system mitigates issues with property owners who rely on a process of waiting for a citizen complaint to be filed, waiting for an Order to be issued by a By-law Officer, and then the City performing the work after a period of non-compliance. This approach is sometimes purposely utilized as it can be more costly to employ a property maintenance company for an entire season to ensure the minimum standards are met, as opposed to a few documented occurrences per year which will result in a bill from the City. In matters of repeat non-compliance, an administrative penalty can be issued in addition to an Order for non-compliance requiring remedial action and can also be issued for every day that the violation continues.

Penalties

With respect to Local Area Municipalities (LAMs), at least seven other municipalities in the Niagara Region have administrative penalties for waste on property and long grass / weeds:

Municipality	Penalty Amount for Waste	Penalty Amount for Long Grass
Welland	\$400-\$800	\$400-\$800
Thorold	\$200	\$150
Fort Erie	\$500	\$500
Wainfleet	\$300	\$100
NOTL	\$200	\$200
West Lincoln	\$200	\$200
Port Colborne	\$300	\$300
St. Catharines	\$250-\$750	\$250-\$750

The City of Welland is the only municipality in Niagara Region that has a tiered system for clean-yards related violations, where it is \$400 for a first offence and \$800 for every second and subsequent offence. The proposed penalty structure (Appendix "1") for the City of St. Catharines, has a similar progressive penalty structure ranging from \$250-\$750 for non-compliance.

Repeat Offenders

The tiered AMPS penalty structure provides additional enforcement tools for the By-law Enforcement Division to address problematic properties and repeat offenders. Properties that receive repetitive attendance for non-compliance where compliance with an Order to Comply was obtained, but the conditions return a few weeks later, can receive a penalty notice in addition to receiving an Order to Comply to remedy the issue.

Financial Implications

Administrative Penalties administered for non-compliance will be collected in the same manner as property taxes. Utilizing an AMPS for waste and long grass complaints will require less By-law Division staff time to prepare prosecution briefs and attend court for matters of non-compliance. In addition, the ability to serve a penalty notice by mail or posting to property without a requirement to personally serve, reduces staff time lost attempting to serve court documents and those purposely evading prosecution. A five-year sample taken from 2017-2021 revealed that on average there are 634 long grass and weeds complaints and 740 waste on property complaints received by the By-law Enforcement Division annually, for a total of 1,374 complaints. Based on a voluntary compliance rate of 95%, it is estimated that approximately 69 AMPS penalty notices would be issued per year for long grass / weeds and waste. Not including repeat offenders for higher penalties, that would be approximately \$17,250 in monetary penalties administered annually for non-compliance.

Conclusion

The City's By-law Enforcement most effective method to ensure landowners maintain minimum maintenance standards on their property requires administrative penalties for non-compliance. Implementing AMPS for the City's Waste By-law and Grasses and Weeds By-law violations will decrease timelines to obtain compliance based on increased penalties for non-compliance and will significantly decrease the amount of time required to prosecute for matters of non-compliance. Furthermore, penalties that can be applied directly to the tax roll of the property, will result in a higher probability of recovering monetary penalties imposed and obtaining compliance from property owners.

Prepared and Submitted by

Paul Chudoba
Manager By-law Enforcement and Licensing

Approved by

Tami Kitay
Director Planning and Building Services

Sandor Csanyi
Acting Director Clerks and Legal Services

Appendices

- Appendix “1” - Amendment to Schedule “B” of the City of St. Catharines By-law 2021-68.

X. DESIGNATED BY-LAW PROVISIONS – WASTE BY-LAW [BY-LAW 2020-106]

For the purposes of this By-law:

X.1 Column 1 in the following table lists the provisions in the corresponding by-law that are hereby designated for the purpose of establishing an administrative monetary penalties system.

X.2 Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in column 1.

X.3 Column 3 (“Administrative Penalty Tier 1”) sets out the Administrative Monetary Penalty amounts that are payable for the first (1st) contravention of the designated provision listed in Columns 1.

X.4 Column 4 (“Administrative Penalty Tier 2”) sets out the Administrative Monetary Penalty amounts that are payable for a second (2nd) contravention of the designated provisions listed in Column 1 by the same person(s) within a six (6) month period since the penalty notice was issued for the first (1st) contravention of the designated provision in Column.

X.5 Column 5 (“Administrative Penalty Tier 3”) sets out the Administrative Monetary Penalty amounts that are payable for a third (3rd), or greater, contravention of the designated provisions listed in Column 1 by the same person(s) within a one (1) year period since the previous penalty notice was issued for the second (2nd), or greater, contravention of the of the designated provision in Column 3.

ITEM	COLUMN 1 Designated Provisions	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty Tier 1	COLUMN 4 Administrative Penalty Tier 2	COLUMN 5 Administrative Penalty Tier 3
1.	5.1	Fail to comply with a Waste By-law Order	\$250	\$500	\$750
2.	5.7	No person shall hinder or obstruct an officer	\$300	\$500	\$750

X. DESIGNATED BY-LAW PROVISIONS – MAINTENANCE OF GRASSES AND WEEDS [BY-LAW 2004-122]

For the purposes of this By-law:

X.1 Column 1 in the following table lists the provisions in the corresponding by-law that are hereby designated for the purpose of establishing an administrative monetary penalties system.

X.2 Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in column 1.

X.3 Column 3 (“Administrative Penalty Tier 1”) sets out the Administrative Monetary Penalty amounts that are payable for the first (1st) contravention of the designated provision listed in Columns 1.

X.4 Column 4 (“Administrative Penalty Tier 2”) sets out the Administrative Monetary Penalty amounts that are payable for a second (2nd) contravention of the designated provisions listed in Column 1 by the same person(s) within a six (6) month period since the penalty notice was issued for the first (1st) contravention of the designated provision in Column.

X.5 Column 5 (“Administrative Penalty Tier 3”) sets out the Administrative Monetary Penalty amounts that are payable for a third (3rd), or greater, contravention of the designated provisions listed in Column 1 by the same person(s) within a one (1) year period since the previous penalty notice was issued for the second (2nd) or greater, contravention of the of the designated provision in Column 3.

ITEM	COLUMN 1 Designated Provisions	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty Tier 1	COLUMN 4 Administrative Penalty Tier 2	COLUMN 5 Administrative Penalty Tier 3
1.	3	Fail to ensure grasses and weeds on land are no more than 20cm in height	\$250	\$500	\$750
2.	3.1	Fail to ensure grasses and weeds on abutting boulevard are no more than 20cm in height	\$250	\$500	\$750



Corporate Report City Council

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

Report Date: May 4, 2022

Meeting Date: May 30, 2022

Report Number: LCS-087-2022

File: 10.50.1

Subject: Restricted Acts after Nomination Day (Lame Duck Council)

Recommendation

That Section 275 of the Municipal Act, 2001 (MEA) relative to restricted Acts after Nomination Day be delegated to the Chief Administrative Officer (CAO);

That the attached By-law prescribes the specific delegated authority;

That a report be prepared by the CAO outlining any expenditures and dispositions that were approved under this delegated authority; and

That the City Solicitor be directed to prepare the necessary by-law.

Summary

This report is intended to provide Council with information as it relates to Section 275 of the *Municipal Act, 2001* (the Act), Restricted Acts after Nomination Day, commonly referred to as a Lame Duck Council.

Background

Section 275 of the Act provides that certain actions are restricted after the first day during the election for a new council on which it can be determined that the new Council will include less than three quarters of the members of the outgoing Council. In the case of St. Catharines there would have to be less than ten members returning or nominated.

There are two time periods during an election year that would determine if a Restricted Act period would apply:

1. after nomination day but before voting day, based on the nominations to the new council that have been certified and any acclamations made to the new council; or
2. after voting day, based on the results of the elections and any acclamations.

Report

In the event that Council was to be subject to the restrictions set out in the Act, the following restrictions would apply for the remainder of its term:

1. Council cannot appoint or remove from office any officer of the municipality.
2. Council cannot hire or dismiss any employee of the municipality.
3. Council cannot dispose of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, unless the disposition was included in a budget adopted by Council prior to August 19, 2022.
4. Council cannot make any expenditure or incur any other liability exceeding \$50,000 unless the liability was included in a budget adopted by Council before August 19, 2022.

However, the Act does provide for the following, regardless if a Restricted Act Period applies:

- Council may take all necessary and appropriate action in the event of an emergency. An emergency would be applicable in accordance with the definition found in the *Emergency Management and Civil Protection Act*.
- A person or body exercising authority delegated by Council is not prevented from acting. For example, where staff has specific delegated authority to hire or dismiss employees, dispose of property or incur expenditures without going to Council, this authority will not be affected.

The above noted restrictions may prevent the current Council from completing some outstanding matters. These potentially may include the award of contract or expenditures of money required to complete necessary work, which may not be specifically budgeted. In the case of completing a real estate transaction, the matter could proceed to close if council passed a by-law approving the execution of the agreement of purchase and sale in advance of the Restricted Act period.

To avoid delay in those matters, staff recommend that Council delegate authority to the CAO for the Restricted Act period, until the new Council assumes office on November 15, 2022. This delegation would only be in effect if the Restricted Act criteria is triggered as outlined above. If this is the case, the CAO would provide a report to Council identifying all expenditures that were approved throughout this delegated authority during the Restricted Acts period.

Financial Implications

There are no financial implications associated with this report.

Environmental Sustainability Implications

There are no environmental implications associated with this report.

Conclusion

Other than those matters identified in section 275 of the Act, there are no other restrictions on Council's ability to make decisions or exercise powers during the election. To ensure that the Corporation can continue to effectively operate, staff recommend that Council delegate certain powers to the CAO should a Restricted Acts period come into effect.

Prepared by

Donna Delvecchio
Deputy Clerk

Submitted by

Bonnie Nistico-Dunk
City Clerk

Approved by

Sandor Csanyi
Acting Director Legal & Clerks Services / City Solicitor



Corporate Report City Council

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

Report Date: May 20, 2022

Meeting Date: May 30, 2022

Report Number: LCS-088-2022

File: 10.12.1

Subject: Council Correspondence

Strategic Pillar:

Recommendation

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

That Council receive and file additional correspondence distributed for the meeting held May 30, 2022, which is available upon request.

Report

The Office of the City Clerk is submitting, for the approval of Council, correspondence received during the period of May 6, 2022 to May 20, 2022.

At the special Council meeting of April 7, 2022, City Council directed that Council's resolution regarding Report PBS-059-2022, "St. Catharines Response to Ontario Housing Affordability Task Force Recommendations," be forwarded to all Ontario municipalities for endorsement. Attached as Sub-Item #3 is a supporting resolution from the Township of Huron-Kinloss and the Township of McNab / Braeside.

Resolutions

1. City of Niagara Falls – re. City-Wide Amendment to the City's Official Plan and Zoning By-law
2. City of Niagara Falls – re. Cross Border Travel and ArriveCAN

Response to Motions from St. Catharines City Council

3. Support for City Council's Motion – re. St. Catharines Response to Ontario Housing Affordability Task Force Recommendations
(motion passed at Special Council Meeting of April 7, 2022)

Correspondence

4. Landscape Ontario – re. Proposed Development Charges for Agriculture
5. AMO Watchfile – May 12, 2022
6. AMO Watchfile – May 19, 2022

Reports Requested by Council

7. Outstanding Reports List – updated May 20, 2022

Prepared by

Sarah McWilliams

Council and Committee Coordinator

Submitted and Approved by

Bonnie Nistico-Dunk

City Clerk



NOTICE AND EXPLANATORY NOTE OF THE ADOPTION OF OFFICIAL PLAN AMENDMENT NO. 142 AND THE PASSING OF ZONING BY-LAWS NO. 2022-45 to 2022-49

City-Wide Amendment to the City's Official Plan and Zoning By-laws
City File(s): OPA No. 142 & AM-2022-004
Applicant: City of Niagara Falls

The Council of the Corporation of the City of Niagara Falls on the 10th day of May, 2022 passed By-law No. 2022-44, under Section 17 of the *Planning Act* which provided for the adoption of Official Plan Amendment No. 142 (OPA 142), and passed By-laws No. 2022-45 to 2022-49 inclusive, under Section 34 of the *Planning Act*.

PURPOSE AND EFFECT

The purpose of OPA 142 is to amend the City's Official Plan to permit cannabis cultivation and production in the Industrial designation subject to specific criteria outlined in the amendment.

The purpose of By-law No. 2022-45 is to amend By-law 79-200 to permit cannabis cultivation and production in the General Industrial (GI) and Heavy Industrial (HI) zone subject to specific criteria outlined in the by-law.

The purpose of By-law No. 2022-46 is to amend By-law 1538 (Crowland) to permit cannabis cultivation and production in the YARD STORAGE AND HEAVY MANUFACTURING DISTRICT zone subject to specific criteria outlined in the by-law.

The purpose of By-law No. 2022-47 is to amend By-law 356 (1996) for Willoughby Township to permit cannabis cultivation and production in the INDUSTRIAL zone subject to specific criteria outlined in the by-law.

The purpose of By-law No. 2022-48 is to amend By-law No. 70-69 (Humberstone) to include new definitions for Licensed Cannabis Production Facility and Designated Medical Growth of Cannabis.

The purpose of By-law No. 2022-49 is to amend Site Plan Control By-law 2011-113 to have cannabis cultivation and production operations subject to Site Plan Control.

MORE INFORMATION

Copies of the Official Plan Amendment and the by-laws are available in Planning, Building & Development, City Hall, between the hours of 8:30 a.m. and 4:30 p.m., if you wish to review them.

LEGAL NOTICE

Official Plan Amendment No. 142 is exempt from approval by the Regional Municipality of Niagara. The decision of Council is final if a notice of appeal is not received before or on the last day for filing a notice of appeal.

Individuals, corporations and public bodies who made oral or written submissions to Council prior to the adaption of the Official Plan Amendment and/or passage of the by-law may appeal the Official Plan Amendment and/or the by-law to the Ontario Land Tribunal in respect of the Official Plan

-2-

Amendment and/or by-law by filing a Notice of Appeal no later than the **2nd day of June, 2022** with the Clerk. The appeal must set out the objection to the Official Plan Amendment and/or the by-law and the reasons in support of the objection(s), together with the Ontario Land Tribunal filing fee of \$1,100.00 in the form of a certified cheque or money order, made payable to the Minister of Finance. An Appellant may request a reduction of the filing fee to \$400.00, if the Appellant is a private citizen or eligible community group. The request for a reduction in the fee must be made at the time of filing the appeal. A Request for Fee Reduction form can be found on the Ontario Land Tribunal website <https://olt.gov.on.ca/wp-content/uploads/2021/05/OLT-Request-for-Fee-Reduction-Form.html>.

Only individuals, corporations and public bodies who made oral or written submissions to Council prior to the adoption of the Official Plan Amendment and/or passage of the by-law may appeal the Official Plan Amendment and/or by-law to the Ontario Land Tribunal. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the Appeal unless, before the Official Plan Amendment was adopted and/or the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to Council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

A Notice of Appeal, including the filing fee, must be submitted by the date set out above in order to constitute a valid Appeal. Failure to submit a complete Notice of Appeal or the fee of \$1,100.00 (or a reduced fee of \$400.00 for qualified Appellants) or both, on or before the date set out above will result in an incomplete Appeal application and will not be processed further. A separate filing fee is required for each appeal.

Dated at the City of Niagara Falls this 13th day of May, 2022.

Kira Dolch, MCIP, RPP, CNU-A
 Director of Planning, Building & Development
 City of Niagara Falls
 4310 Queen Street, P.O. 1023
 Niagara Falls, ON L2E 6X5

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May 16, 2022

Public Health Agency of Canada
130 Colonnade Road
A.L. 650 1H
Ottawa, ON K1A 0K9

To Whom It May Concern:

Re: Cross Border Travel and ArriveCAN

Please be advised that at the May 10, 2022 meeting of Niagara Falls City Council, the following motion was passed:

Ordered on the motion of Councillor Vince Kerrio, Seconded by Councillor Chris Dabrowski that Council endorse the letter received from the Niagara Falls Bridge Commission and the Buffalo and Fort Erie Bridge Authority to ask the Government of Canada to continue to market the ArriveCAN application as an “optional” tool when crossing the border and that it no longer be a mandatory requirement; And that a copy of the letter and Council’s motion be forwarded to the Public Health Agency of Canada, bordering municipalities across Ontario, Members of Parliament for Niagara and Local Area Municipalities in Niagara for support.

The background to the above motion is relating to the current mandatory ArriveCAN application at border crossings to enter Canada. A copy of the letter from the Niagara Falls Bridge Commission and the Buffalo and Fort Erie Bridge Authority is attached.

If you have any questions, please contact me directly.

Sincerely,

William G. Matson
City Clerk

cc.

Tony Baldinelli, MP, Niagara Falls tony.baldinelli@parl.gc.ca

Wayne Gates, MPP, wgates-co@ndp.on.ca

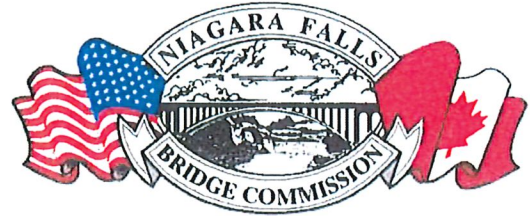
City of Windsor, mayoro@citywindsor.ca

City of Sarnia, mayor@sarnia.ca

Local Area Municipalities

Working Together to Serve Our Community

Clerks
Ext 4342 Fax 905-356-9083
billmatson@niagarafalls.ca



May 10, 2022

VIA EMAIL

Mayor Jim Diodati and Councillors
City of Niagara Falls
4310 Queen Street
Niagara Falls Ontario
L2E 6X5

Dear Mayor Diodati and Councillors

Re: Cross Border Travel and ArriveCan

The Covid-19 pandemic has decimated cross border traffic. Even after the Covid testing requirements to enter Canada were lifted on April 1, 2022, auto traffic for the month of April was down 52% at the bridges of the Niagara Falls Bridge Commission and 43% at the Peace Bridge, compared to pre-pandemic April 2019. This has had a devastating impact on our toll revenues, the tourism industry and other border dependent businesses.

The Government of Canada's **mandatory** ArriveCan app to enter Canada is a major contributing factor to depressing discretionary travel. This is due to a number of factors:

- For travelers by air, airlines require and assist passengers in completing ArriveCan and in airports people are much easier to move than cars. ArriveCan simply works better and is more applicable at an airport than at a land port of entry.
- ArriveCan is not known in the U.S. The result is people arriving at the border without ArriveCan and then completing it at the inspection booth or having technical difficulties (especially prevalent at borders with competing U.S. and Canadian cell towers and roaming) resulting in inordinately long processing times, sometime exceeding ten minutes. Meanwhile, compliant drivers behind such a vehicle have no place to go and are also delayed leading to lengthy border wait times. CBSA processing times have increased dramatically compared to pre-pandemic processing.
- The technology discriminates against a large population of senior travelers. A January 2022 PEW Research survey found *"that 96% of those ages 18 to 29 own a smartphone compared with 61% of those 65 and older, a 35 percentage point difference."* 50% of Niagara tourism revenue comes from Americans and with 39% of Americans over 65 not having a smartphone it will undoubtedly have a negative impact on their ability to enter Canada and therefore Niagara tourism revenue. 40,000 people in the Niagara Region rely on tourism to provide for their families.

- Even for people aware of ArriveCan, the requirement to use the app for every border crossing is a disincentive to discretionary travel. Unlike air travel, the nature of this bi-national community is being able to cross frequently to visit friends or family, for dinner, a show, a winery tour, a baseball game, shopping, beach, etc without going through the process and inconvenience of having to file with ArriveCan each and every time. People just won't bother to cross the border for discretionary travel as they have enjoyed for decades.
- CBSA/Government of Canada will at some point declare success and say that a high percentage of travelers are using ArriveCan. That will **not** account for the half of the population that has decided it is no longer worth the inconvenience and delays to cross the border. That will be devastating to the Niagara tourism industry and other border dependent businesses.
- While CBSA has not provided us with the American/Canadian split of entrants to Canada, we believe, based on our license plate observations, that it is overwhelmingly Canadians returning to Canada after spending time and money in the U.S., as the U.S. is much simpler and easier to enter with no digital app requirement.

ArriveCan was developed in April 2020, to provide mandatory travel information before and after entry to Canada including the filing of quarantine plans. As of April 25, 2022 it is no longer necessary to file a quarantine plan to visit Canada or for Canadians returning to Canada. Both Canada and the U.S. only allow vaccinated individuals to cross the border. The exception is Canadians who are able to return to Canada unvaccinated but at this stage that number would be very small. Accordingly, ArriveCan now provides very little public health benefit while depressing border traffic and the tourism economy. ArriveCan does have potential traffic facilitation benefits for CBSA as it relates to pre-arrival information and for this reason it should be marketed as such and made optional at the land border.

The Victoria Day and Memorial Day holidays are only couple of weeks away. This is also the traditional start of the summer tourist season. Continuing to mandate ArriveCan will insure another disappointing season for traffic and tourism, not much better than the pandemic summers of 2020 and 2021.

Yours truly,



Kenneth Bieger
CEO
Niagara Falls Bridge Commission



Ron Rienas
General Manager
Buffalo and Fort Erie Public Bridge Authority



The Corporation of the Township of Huron-Kinloss

P.O. Box 130
21 Queen St.
Ripley, Ontario
N0G2R0

Phone: (519) 395-3735

Fax: (519) 395-4107

E-mail: info@huronkinloss.com

Website: <http://www.huronkinloss.com>

Bonnie Nistico-Dunk, City Clerk Legal and Clerks Services, Office of the City Clerk
City of St. Catharines
50 Church Street
St. Catharines, L2R 7C2

Via Email emcginty@stcatharines.ca

Re: Copy of Resolution #403

Motion No.: 403

Moved by: Jeff Elliott Seconded by: Jim Hann

THAT the Township of Huron-Kinloss supports the City of St. Catharines in their response to the Ontario Housing Affordability Task Force Recommendations AND further directs staff to distribute as they see fit.

Carried

Sincerely,

Kelly Lush
Deputy Clerk



Regular Council Meeting Resolution Form

Date: May 3, 2022 No: RESOLUTION - 177-2022

Moved by Councillor Oliver Jacob Disposition: CARRIED

Seconded by Councillor Heather Lang Item No: 10.3

Description: Request for Support #3 - St. Catharines - Response to Ontario Housing Affordability Task Force Recommendations

RESOLUTION:

THAT Council support St. Catharines in their effort to have the Housing Affordability Task Force recommendations further evaluated and analyzed, and recommends that substantial Provincial investment be provided to support municipalities to fund anticipated infrastructure upgrades to accommodate new goals outlined in the Task Force's recommendations.

MAYOR

Recorded Vote Requested by:

Declaration of Pecuniary Interest:

	Yea	Nay
T. Peckett	_____	_____
B. Armsden	_____	_____
H. Lang	_____	_____
S. Brum	_____	_____
O. Jacob	_____	_____

Disclosed his/her/their interest(s), vacated
he/her/their seat(s),
abstained from discussion and did not vote



7856 Fifth Line South, RR 4, Milton, ON L9T 2X8
 Phone: 905-875-1805 • Fax: 905-875-3942
 www.landscapeontario.com

May 12, 2022

Re: Proposed Development Charges for Agriculture, Regional Municipality of Niagara

Dear Mayor and Council:

Landscape Ontario Horticultural Trades Association represents over 200 nurseries that produce over \$270 million in farm gate sales. A significant portion of these farms are in the Niagara area. These growers represent the foundation of the broader Nursery/Landscape/Horticultural value chain that employs over 100,000 individuals and contributes 8.7 billion dollars to Ontario's economy.

We learned last week of proposed changes to the Region's development charges for agricultural buildings through a meeting of the Regional Development Charges Policy Task Force. The consultant proposed that the **Region amend Section 11 of the current By-law to remove agriculture from the exemptions list** as it does not align with the Region's incentive priority areas. Further, we learned that the proposed amendments include the **application of development charges in the 'commercial' category, at a rate of \$8.76-\$18.44 per square foot**. It is our understanding that the Task Force has approved the background study, including the proposed changes to agriculture's status.

This is alarming.

We are unaware of any consultation with agricultural sectors over the last year and have been advised that local municipalities within the Region were also uninformed with regards to this proposed change. The entire agriculture sector is a key driver within the Region, creating jobs, contributing to the GDP, and on a more personal level – contributing to the Region's community, green spaces and culture. The proposed development charges would effectively destroy the potential for future growth of the agriculture sector in the Region. Under Ontario's *More Homes for Everyone Act* (2022), there increased prioritization of home building, however, it is shocking to think that this priority will come at the expense of agriculture and its contribution to the Region.

Agricultural sectors are communicating our concerns to the Region's Council and Task Force and are requesting that the agricultural sector maintain its exemption in the proposed 2022 By-law. However, in this communication, we wanted to ensure your awareness of this issue and would appreciate your support through your municipality's representation at the Region.

Sincerely,

Tony DiGiovanni
 Executive Director
 Landscape Ontario Horticultural Trades Association



May 12, 2022

In This Issue

- Provincial Election watch.
- Call for nominations to AMO Board of Directors.
- PJ Marshall Awards - Call for submissions for 2022.
- AMO 2022 Early Bird registration rate ends tomorrow!
- Request for provincial delegation meetings now open.
- Advanced Land Use Planning Training - A Deeper Dive: May 31 virtual session.
- Jump-start your digital transformation with an e-signature solution.
- Have you reported your energy consumption yet?
- Canoe vendor spotlight: CORE, Vaisala.
- Streetlogix info session May 26.
- Blog - Let's talk about Energy Training.
- A digital CRM/311 solution for municipalities.
- Register for OMSSA's Anti-Black Racism workshop.
- Careers: Wellington North, MNDMNR, Huron East and Clarence-Rockland.

AMO Matters

Visit the AMO website to review [AMO's 2022 Provincial Election Strategy](#) and election monitoring updates. Follow AMO on [Twitter](#) and [LinkedIn](#) and share election updates with your networks.

Please be advised that in accordance with the Association's governing by-law, the Secretary-Treasurer is requesting nominations to the 2022-2024 AMO Board of Directors. [Nomination package available here.](#)

Every year at the AMO Conference the [PJ Marshall Awards](#) recognize municipal excellence and innovation in capital projects, operating efficiencies, and new approaches to service delivery. If you have something you are proud to share, the deadline for [2022 submissions](#) is May 27, 2022.

Eye on Events

You have until tomorrow, Friday May 13 to take advantage of the AMO 2022 [early bird registration rate](#). That is soon! The City of Ottawa awaits AMO delegates August 14 - 17, 2022.

Registered AMO conference delegates can now [request an in-person meeting](#) with a minister or parliamentary assistant at the AMO conference. The deadline to submit

your request is June 24, 2022.

AMO has developed advanced land use planning training that supports Ontario's elected officials in the strategic decision making and management of the many facets of land use planning. Limited space available. Register [here](#).

As municipalities move from paper to electronic filing, authentication of these files is a critical challenge. On May 25 at 12 pm ET, join AMO's partner, Notarius, and learn how ConsignO Cloud can reduce the signing time of documents and allow anyone to sign legally reliable documents electronically with a phone, a tablet, or a computer. [Register here](#).

LAS

Get a jump on energy reporting! The Ministry of Energy is now accepting annual energy reports under [O. Reg. 507/18](#). Reporting is for energy used in 2020 and due by July 1, 2022. Ministry hosted reporting webinars will be from 11 am to 12 pm on [June 7](#) and [21](#). For questions, email BPSsupport@ontario.ca.

We're pleased to welcome two new vendors to the [Canoe Procurement Group](#). CORE offers revenue management, POS, citizen engagement, payment processing, and other services. Vaisala provides monitoring, detection, and warning systems for lightning and thunderstorms. [Contact Simon](#) to learn more about these services, and how buying through Canoe saves time and money.

The [LAS Road & Sidewalk Assessment](#) Service helps you to expertly manage your most expensive assets. Join us on May 26 for a deep dive into the Streetlogix software - learn how to plan projects, set service levels, and project future budget scenarios. [Register here](#).

LAS' customer service representative interviews our [Energy Training Workshop partner](#) to learn how municipal staff can help municipalities efforts to be more energy efficient.

AMO Partnerships

[Frequency Foundry](#) offers members a scalable, intuitive, and affordable digital citizen relationship management (CRM)/311 solution through its [Signal system](#). Built on the Microsoft Dynamics 365 and Azure platforms, Signal allows you to manage service requests and engage with residents seamlessly. Contact [Charles Finstad](#) for more information and preferred pricing.

Municipal Wire*

On May 24 and 25, learn how to create inclusive environments while contributing to positive work spaces for people of colour through OMSSA's Anti-Black Racism: Building Understanding workshop. [Register today](#).

Careers

Chief Administrative Officer - Township of Wellington North. Responsible for the strategic leadership and efficient delivery of all the municipality's administrative and operational services. Apply to careers@waterhousesearch.ca by May 30.

Manager, Transportation Infrastructure Unit - Ministry of Northern Development, Mines, Natural Resources and Forestry. Provides direction on transportation and infrastructure in Northern Ontario and in the delivery of transportation infrastructure programs, including the Northern Highways Program and the Northern Ontario Resource Development Support Fund. Apply online by May 20.

Director of Finance/Treasurer - Municipality of Huron East. Responsible for performing all statutory duties of the Treasurer in accordance with the Municipal Act and other legislation. Apply to cao@huroneast.com by May 30.

Chief Administrative Officer - City of Clarence-Rockland. Must have the vision to develop and implement operational plans and ensure the coordination of services which align to and support our strategic priorities. Apply to pgauthier@prescott-russell.on.ca by May 27.

About AMO

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

AMO Contacts

AMO Watchfile Tel: 416.971.9856

Conferences/Events

Policy and Funding Programs

LAS Local Authority Services

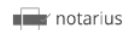
MEPCO Municipal Employer Pension Centre of Ontario

ONE Investment

Media Inquiries

Municipal Wire, Career/Employment and Council Resolution Distributions

AMO's Partners



*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.



May 19, 2022

In This Issue

- Provincial election watch.
- Call for nominations to AMO Board of Directors.
- PJ Marshall submission deadline is May 27, 2022.
- Request for provincial delegation meetings now open.
- Jump-start your digital transformation with an e-signature solution.
- Energy reporting deadline only 6 weeks away.
- Canoe vendor spotlight: VFA Inc.
- Streetlogix info session May 26.
- Flood Hazard Identification and Mapping Program May 31 webinar.
- A digital CRM/311 solution for municipalities.
- Careers: Southwold, Wilmot and Pembroke.

AMO Matters

Visit the AMO website to review [AMO's 2022 Provincial Election Strategy](#) and election monitoring updates. Follow AMO on [Twitter](#) and [LinkedIn](#) and share election updates with your networks.

Please be advised that in accordance with the Association's governing by-law, the Secretary-Treasurer is requesting nominations to the 2022-2024 AMO Board of Directors. [Nomination package available here](#). To participate in the AMO Board of Directors election and caucus lunches, make sure to choose your caucus when [registering](#) for the 2022 AMO Conference.

The PJ Marshall Awards recognize municipal excellence and innovation in capital projects, operating efficiencies and new approaches to service delivery. If you have a project for submission, the deadline for [2022 submissions](#) is May 27, 2022.

Eye on Events

Registered AMO conference delegates can now [request an in-person meeting](#) with a minister or parliamentary assistant at the AMO conference. The deadline to submit your request is June 24, 2022.

As municipalities move from paper to electronic filing, authentication of these files is a critical challenge. On May 25 at 12 pm ET, join AMO's partner, Notarius, and learn how ConsignO Cloud can reduce the signing time of documents and allow anyone to

sign legally reliable documents electronically with a phone, a tablet, or a computer. [Register here.](#)

LAS

There's still time left to report your buildings' energy use. The Ministry of Energy is now accepting annual energy reports under [O. Reg. 507/18](#). Reporting is for energy used in 2020 and due by July 1, 2022. Ministry hosted reporting webinars will be from 11 am to 12 pm on [June 7](#) and [21](#). For questions, email BPSsupport@ontario.ca.

We're pleased to welcome VFA, Inc. to the [Canoe Procurement Group](#). They offer facility condition assessment, ADA evaluations, energy assessments, capital planning & forecasting, and much more. Ensure your assets are safe and performing at their best. [Contact Simon](#) to learn more.

Join us on May 26 for a 'deep dive' into the software behind the [LAS Road & Sidewalk Assessment Service](#). See how the Streetlogix program helps optimize your surface assets, manage your work orders, engage with citizens, and plan for the future. [Register here.](#)

Municipal Wire*

On Tuesday, May 31 at 10:00 am Conservation Ontario is hosting a webinar for Conservation Authorities and Municipalities on the [Federal Flood Hazard Identification and Mapping Program \(FHIMP\)](#). You can [register here](#).

AMO Partnerships

[Frequency Foundry](#) offers members a scalable, intuitive, and affordable digital citizen relationship management (CRM)/311 solution through its [Signal system](#). Built on the Microsoft Dynamics 365 and Azure platforms, Signal allows you to manage service requests and engage with residents seamlessly. Contact [Charles Finstad](#) for more information and preferred pricing.

Careers

[Director of Corporate Services/Treasurer - Township of Southwold](#). Reporting to the CAO/Clerk to serve as principal policy advisor for fiscal, financial and accounting matters. Apply to hr@southwold.ca.

[Deputy Clerk - Township of Wilmot](#). The role is responsible for coordinating the operations of Information and Legislative Services Department and assisting the Clerk in implementing by-laws, resolutions, and decisions of Council. [Apply online](#) by May 31.

[Asset Management Coordinator - City of Pembroke](#). You will perform a variety of asset management and capital works related duties to assist in long term planning

and work prioritization activities for municipal assets. Apply to hr@pembroke.ca by June 1.

About AMO

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

AMO Contacts

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

AMO's Partners



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City Council Outstanding Reports List

Reports by Strategic Pillar

Cultural	1	Economic	4
Environmental	4	Social	22

Reports Related to Strategic Plan 31

Reports Unrelated to Strategic Plan 3

Updated: May 20, 2022

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
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	July 18, 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
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	June 13, 2022	Appeal Information Report - Application for Sign By-law Variance; 142 St. Paul Street; Owner: 2400795 Ontario Inc. was deferred 8-12-19 until ORL #2019-22 is presented to Council. COVID delayed.
Economic	2021-11	10-May-21	Social Pillar / Garcia	That the diverse supplier policy proposal from the Anti-Racism Advisory Committee, as amended, be sent to City Council to request a report back by the end of Q4 2021 from City staff on the development of a Diverse Supplier Policy.	FMS	Q3 2022	Council approved a complementary motion from Cllr Garcia at the meeting of February 28, 2022. See Council Minutes Item 10.1 from February 28 for full motion
Economic	2021-14	10-May-21	Surplus Lands Dev TF	That staff be directed to prepare a report regarding 2 Facer Street, including condition of the facility and the potential to declare the property surplus with consideration to not displacing the existing tenant.	FMS / EFES	Q2 2022	
Environmental	2020-18	16-Nov-20	Townsend / Sorrento	That staff be directed to prepare a report on the costs associated with beautifying the Bunting Road corridor between Scott Street and the Garden City Skyway to include tree planting, grassed boulevards, floral, etc.	EFES	Q2 2022	From Nov. 18, 2020 GC meeting (formerly BSC) - That \$50,000 for a visioning or master streetscape plan to recommend improvements to the Bunting Road corridor be included in the Draft 2022 Operating Budget
Environmental	2021-24	18-Oct-21	Porter	Prepare a report with information on the following: •Tree management and protection policy, with a focus on construction •Feasibility of a fee for service agreement with the Region to have city take over tree planting and maintenance on Regional Roads •Mandatory tree planting on boulevards	MW	Q2 2022	Information will be provided as a memo
Environmental	2022-10	25-Apr-22	Townsend	Report back on a workplan to plant 100,000 trees over the next 10 years – developed as a Corporate-wide focus for all appropriate departments, with information on financial and staffing resources required, and potential community partnerships and grants to achieve the planting goal. Include information on the reforestation of Walkers Creek and Malcolmson Eco-Park and an enhanced maintenance plan for trees	MW / EFES / CRCS / FMS		Residents, businesses, organizations and schools to be challenged to commit to planting to total of 500,000 trees in 10 years in the city (inclusive of the City's 100,000 promise). Efforts of the community-wide challenge be monitored and promoted by the City.
Social	2019-12	15-Apr-19	Porter	Review of Citizen Appointments to Boards and Committees Policy	LCS	Q2 2022	Report postponed due to COVID-19. See Council Minutes of April 15, 2019, Item 8.2, for original motion. Report to include info on a "statement of interest" for future appointments of elected officials to boards and commissions
Social	2019-23	15-Jul-19	Littleton	Opportunities and strategies for the City to support neighbourhood associations and neighbourhood-based community groups, including best practices and information gathered from the forum	CRCS	Q4 2022	Staff report will come forward following the neighbourhood association forum. Forum was scheduled for March 28, 2020 but was postponed to a later date due to the COVID-19 pandemic
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	July 18, 2022	
Social	2021-02	18-Jan-21	Miller	Repeal / review and update the City's loitering by-laws and report back to Council	MW	Q2 2022	Staff to provide a memo to Council noting issue will be included in Pilot study with Gateway of Niagara
Social	2021-04	18-Jan-21	Social Pillar	Produce a report on amending Facility and Design Standards (FADS) in the following sections: Section 4.2.7 Universal Washrooms and Section 4.5.2 Outdoor Recreational Facilities – Playground	CRCS / EFES	Q2 2022	See Council Minutes of January 18, 2021 for what is to be included in the report

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Social	2021-12	10-May-21	Social Pillar	Amend current by-law for erection of signs and advertising devices to state that no person shall display or cause to be displayed a sign that bears a hate message or a logo, crest or graphic that would convey such a message	PBS / LCS	Q2 2022	
Social	2021-13	10-May-21	Social Pillar	That staff provide a report by Q4 2021 on the options for improving accessibility of the Carousel to make it more inclusive	CRCS / EFES	Q2 2022	Information will be provided as a memo
Social	2021-18	9-Aug-21	Social Pillar	Amend By-law 2007-295 (a By-law to address Public Nuisances) under Section 2 "Prohibitions" to add: "No person shall, in a public place, unnecessarily interfere with another person's use and enjoyment of the Public Place by using abusive or insulting language as a personal invective."	LCS	Q2 2022	Staff report to also include information on adding "aggressive behaviour" to the Public Nuisances by-law
Social	2021-21	27-Sep-21	Garcia	Review issues with bird feeders and seed		2022	Include what other municipalities are doing
Social	2021-23	18-Oct-21	Siscoe	Stop signs for Coronation Boulevard at Vansickle Road North and options for the creation of a safe crosswalk and other appropriate traffic calming measures in the school zone at the intersection of Dufferin and George Street	EFES	Q3 2022	Appropriate Councillors have been contacted to advise that the required studies and collection of data can only be done in the Spring / Summer
Social	2021-22	4-Oct-21	Miller	Prepare a report exploring options for improving accessibility for those with invisible disabilities, including, but not limited to, providing closed captioning on livestreamed videos and identification options for those with invisible disabilities who are working at or otherwise accessing City facilities	CAO	2022	Consult with the Accessibility Advisory Committee in the creation of the report.
Social	2021-26	15-Nov-21	Social Pillar	Prepare a report regarding the Anti-Racism Advisory Committee's recommendations on a Racist / Hate Incident Response Protocol	CAO	2022	See Social Sustainability Minutes of November 4, 2021, page 45, for the Committee's recommendations on a Racist / Hate Incident Response Protocol.
Social	2021-28	15-Nov-21	Social Pillar	What Council can do to support initiatives in the motion from Anti-Racism Advisory Committee, and referred by the Social Sustainability Committee, regarding Calls to Action in the Wake of the London Islamophobic Attack.	CAO	2022	See Social Sustainability Minutes of November 4, 2021, page 40, for the Committee's recommended Calls to Action in the Wake of the London Islamophobic Attack.
Social	2021-30	29-Nov-21	Siscoe	Traffic calming on Dufferin Street East	EFES	Q3 2022	Appropriate Councillors have been contacted to advise that the required studies and collection of data can only be done in the Spring / Summer
Social	2021-31	29-Nov-21	Dodge	Prepare a report on the suitability of modifying Bylaw 89-2000 to permit vehicles to legally park within the confines of a residential driveway apron subject to specific safety and operational constraints	EFES	Q4 2022	
Social	2022-04	17-Jan-22	Porter	Report back on a policy for warming / cooling centres	CRCS / EFES	Q3 2022	
Social	2022-05	07-Mar-22	Littleton	Alternatives to current road configuration on Oakdale Avenue, including crosswalks, traffic calming, traffic humps and bike lanes.	EFES	Q3 2022	Appropriate Councillors have been contacted to advise that the required studies and collection of data can only be done
Social	2022-07	28-Mar-22	Porter / Garcia	Prepare a report regarding item of correspondence from Friends of 12 Mile Creek with information on the questions posed in the item of correspondence.	CAO	Q2 2022	See Council Correspondence Report from March 28, 2022, Sub-Item 6, for the item of Correspondence.
Social	2022-11	25-Apr-22	Miller	Update Housing Action Plan to include emphasis on affordable housing	PBS	Q3 2022	
Social	2022-12	25-Apr-22	Mayor	Prepare a report on the creation of an Indigenous Relations Advisor position, including a job description developed in collaboration with the Niagara Regional Native Centre and a potential workplan. Workplan to include possibility of collaborating with St. Catharines Library and FirstOntario Performing Arts Centre	CAO / CSS		Requested return date of Q3 2022. Funding for the position to be referred to the 2023 annual operating budget deliberations
None	2021-27	15-Nov-21	Williamson	Respond to the item of correspondence from Marianne Murray regarding Regional Road 87, including the legal questions raised by Ms. Murray	LCS	2022	Item of correspondence included as additional correspondence from meeting of November 15, 2021
None	2019-47	16-Dec-19	Miller / Mayor Sendzik	That the request for funds to be used to record in-camera meetings be referred to 2020 for a report including the upgrading of screening services for all meetings (open and closed sessions).	LCS	2022	
None	2022-06	07-Mar-22	Porter	Information on a lobbyist registry for St. Catharines and the possibility of a fee-for-service agreement with the Niagara Region	LCS	2022	Information will be provided as a memo

Follow Up Reports

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Economic	2020-17	09-Nov-20	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		Follow up report to PBS-154-2020 and PBS-048-2022.
Environmental	2021-16	28-Jun-21	Siscoe	Ontario Street Secondary Plan launch, including scope, preliminary workplan, public engagement strategy, and study partnership options	PBS	Q2 2022	Follow up report to PBS-111-2021. See General Committee minutes of June 28, 2021. Requested return 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	September 12, 2022	Follow up report. Initial report (PBS-010-2020) approved February 10, 2020. Delayed due to COVID.
Social	2022-03	17-Jan-22	Phillips	That staff report back with additional information on the boat launch	CAO	2022	Follow up report to CAO-004-2022. See Council minutes of January 17, 2022

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



Corporate Report City Council

Report from: Engineering, Facilities and Environmental Services, Geomatics

Report Date: April 18, 2022

Meeting Date: May 16, 2022

Report Number: EFES-073-2022

File: 77.44.99

Subject: Stopping up, Closing, and Release any City Interest in Part of the Unopened Road Allowance between Lots 22 and 23, in the Third Concession, Grantham, and Municipally known as 50 Henley Drive

Strategic Pillar:

Recommendation

That the Staff Recommendation in Report EFES-073-2022, regarding the Stopping up, Closing, and Release of interest, if any, of Part of the Unopened Road Allowance between Lots 22 and 23, in the Third Concession, Grantham, and Municipally known as 50 Henley Drive, be referred to City Council for consideration of the Staff Recommendation after the public meeting scheduled for May 30, 2022, for which notice will be duly given.

Staff Recommendation

That Council authorize the stopping up and closing of part of the un-opened Road Allowance between Lots 22 and 23, Concession 3, lying within Instrument Number 0778271 and contained within Part 1, Plan 30R-15672 (PIN 46188-0272 (R)) all in the former Geographic Township of Grantham, now in the City of St. Catharines, Regional Municipality of Niagara; and

That Council authorize the release of any City of St. Catharines interest in the subject lands to the owners of Instrument Number 0778271, being Part 1, Plan 30R-15672 and All of PIN 43188-0272 (R)); and

That the City Solicitor be directed to prepare the necessary by-law and documents.

Relationship to Strategic Plan

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

Background

Staff are in receipt of a request from Mr. H.A. Patrick Little of Heelis Little Almas Murray LLP, who represent the owners of 50 Henley Drive, to assist with the removal of the cloud on his client's property due to previous oversight by the Municipal organizations and errors in previous surveys that failed to recognize the existence of a land locked section of the Road Allowance between Lots 22 and 23, in Concession 3, lying within Instrument Number 0778271 and now contained within Part 1, Plan 30R-15672 and outlined in red on Appendix 1.

Report

The misdescription became evident with the preparation of a Surveyors Real Property Report and the subsequent preparation of Plan 30R-15672 by the owners of 50 Henley Drive to consolidate their holdings that are described as part of a Part of Lot 24, Plan TP174 and Part of Lot 22, Concession 3 described by metes and bounds which restricts any development potential.

The section of road allowance highlighted on Appendix 2 has not been dealt with and the surveyors who laid out the subdivision PlanTP 174 (registered March 24, 1944) and Plan 30M-54 who believed the road allowance was located further west and in error the plans were only abstracted on Lot 22, Concession 3. The private ownership and the description of the land now registered as Instrument Number 0778271 has been recognized by the Registry Office since 1920 when it was a part of the former Township of Grantham and prior to their passing of the Subdivision Control By-law 1072 on April 26, 1950.

To clear up this title issue, the subject road allowance will have to be formally stopped up and closed by the City of St. Catharines and to secondly release any residual interest the City of St. Catharines may have in the subject lands.

The City of St. Catharines does not have any registered interest in the subject road allowance that is wholly within the lands owned by the applicant and because the lands are still in Registry as a non-convert. Staff are recommending that a Quit Claim deed be utilized to release any interest the City may have for nominal consideration, subject to Registry Office approval.

This is all contingent on the Registry Office accepting the following description:

Part of the un-improved Road Allowance between Lots 22 and 23, Concession 3, lying within Instrument Number 0778271 and contained within Part 1, Plan 30R-15672 (PIN 46188-0272 (R)) all in the former Geographic Township of Grantham, now in the City of St. Catharines, Regional Municipality of Niagara

If the above description is not acceptable for registration purposes, the applicant will be responsible for the preparation of a registerable description to satisfy the requirements of the Registry Office.

Financial Implications

The applicant is responsible for any fees associated with the preparation of the necessary Legal agreements and registration in the Registry Office for Niagara North in accordance with the current Schedule of Rates and Fees.

Environmental Sustainability Implications

There are no environmental implications associated with this report.

Notifications

The owners of 50 Henley Drive, as represented by Mr. H.A. Patrick Little of Heelis Little Almas Murray LLP, should be notified of Council's decision.

Prepared and Submitted by

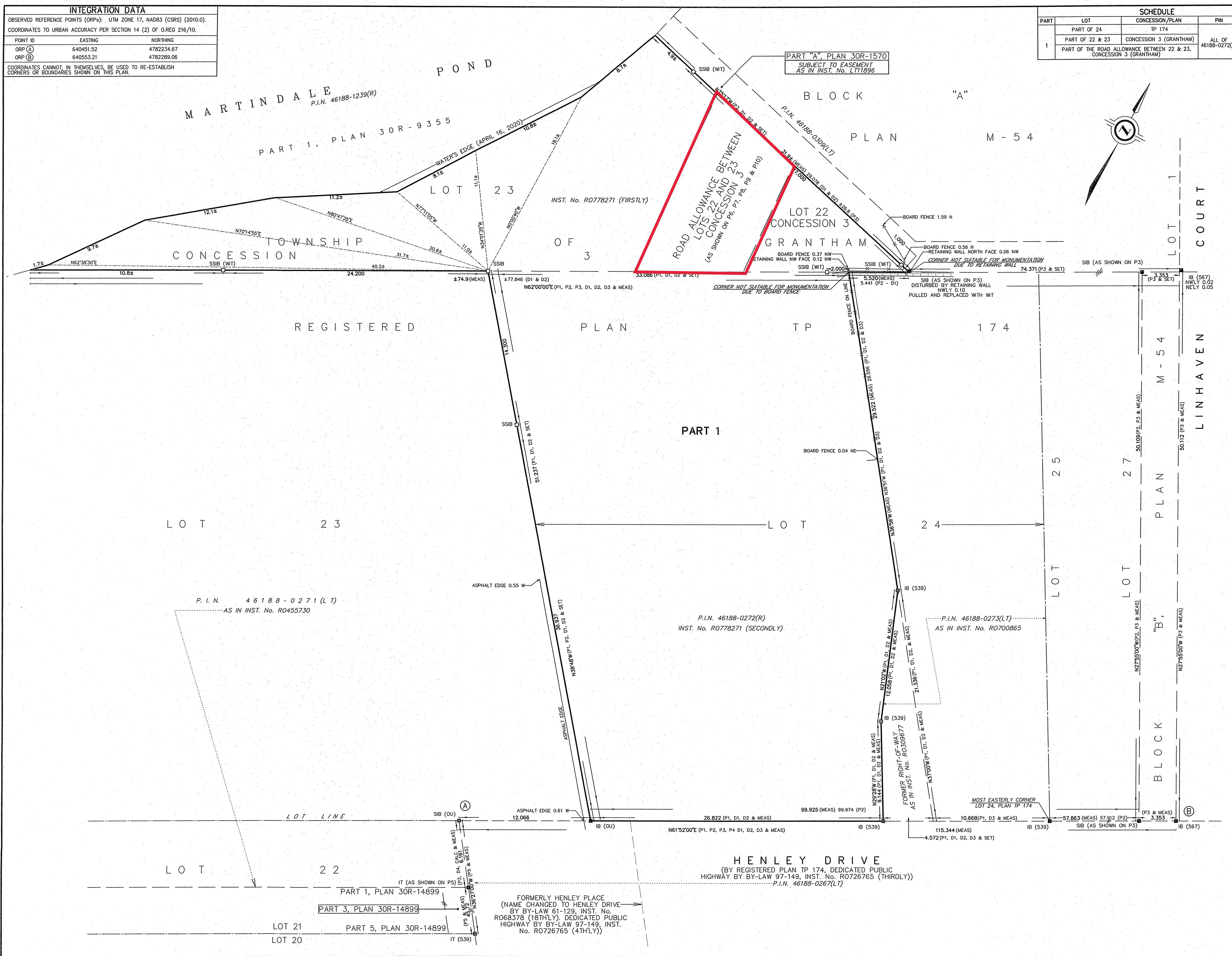
David Stringer, P.Eng., OLS
Manager of Geomatics

Approved by

Anthony Martuccio, P.Eng.
Director of Engineering, Facilities, and Environmental Services

Appendices

1. Plan 30R-15672
2. Sketch Road Allowance Between Lots 22 and 23, Concession 3, within Part 1, 30R-15672



INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0).		
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.		
POINT ID	EASTING	NORTHING
ORP (A)	640451.52	4782234.67
ORP (B)	640553.21	4782289.06
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

SCHEDULE			
PART	LOT	CONCESSION/PLAN	PIN
1	PART OF 24	TP 174	ALL OF 46188-0272(R)
	PART OF 22 & 23	CONCESSION 3 (GRANTHAM)	
	PART OF THE ROAD ALLOWANCE BETWEEN 22 & 23, CONCESSION 3 (GRANTHAM)		

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.

DATE: SEPTEMBER 24, 2020

ANDREW HANDSPIKER
ONTARIO LAND SURVEYOR

PLAN 30R-15672

RECEIVED AND DEPOSITED

DATE: *Sept. 25, 2020*

REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE REGISTRY DIVISION OF NIAGARA (30)

PLAN OF SURVEY OF
PART OF LOT 24
REGISTERED PLAN TP 174
AND
PART OF LOTS 22 & 23,
CONCESSION 3
AND
PART OF THE ROAD ALLOWANCE
BETWEEN LOTS 22 & 23,
CONCESSION 3
GEOGRAPHIC TOWNSHIP OF GRANTHAM
NOW IN THE
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 150

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NOTES
DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND
■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT SET
SIB DENOTES STANDARD IRON BAR
SSIB DENOTES SHORT STANDARD IRON BAR
IB DENOTES IRON BAR
IT DENOTES IRON TUBE
PB DENOTES PLASTIC BAR
WIT DENOTES WITNESS
P1 DENOTES PLAN OF SURVEY BY D.G. URE, O.L.S. DATED MAY 9, 1977
P2 DENOTES REGISTERED PLAN TP 174
P3 DENOTES REGISTERED PLAN M-54
P4 DENOTES PLAN OF SURVEY BY W.A. MASCOE, O.L.S. DATED AUG. 24, 1995
P5 DENOTES PLAN 30R-14899
P6 DENOTES PLAN 30R-9355
P7 DENOTES PLAN 30R-10615
P8 DENOTES PLAN 167 (P-216-10)
P9 DENOTES COMPILED PLAN BY TRANSPORTATION AND ENVIRONMENTAL SERVICES ON MAY 15, 1997 (FILE: 205-572)
P10 DENOTES PLAN BY HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO DATED JUNE 1951 (FILE: 800-1108-2)
D1 DENOTES INST. No. R0389677
D2 DENOTES INST. No. R0778271
D3 DENOTES INST. No. R0700865
D4 DENOTES INST. No. R0455730
MEAS DENOTES MEASURED
OU DENOTES ORIGIN UNKNOWN
539 DENOTES D.G. URE, O.L.S.
567 DENOTES R.B. ERWIN, O.L.S.
744 DENOTES MATTHEWS, CAMERON, HEYWOOD-KERRY T. HOWE SURVEYING LIMITED
-X- DENOTES FENCE

N=NORTH / S=SOUTH / E=EAST / W=WEST

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON JULY 28, 2020.

SEPTEMBER 24, 2020
DATE

ANDREW HANDSPIKER
ONTARIO LAND SURVEYOR

J.D. BARNES LIMITED
SURVEYING
MAPPING
GIS
LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6M4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

DRAWN BY: DR CHECKED BY: AJCH REFERENCE NO.: 20-16-081-00
FILE: G:\2020\20-16-081-00\Drawing\20-16-081-00(REF).dgn
PLOTTED: 9/24/2020

SKETCH OF ROAD ALLOWANCE BETWEEN LOTS 22 AND 23,
CONCESSION 3, WITHIN PART 1, 30R-15672



At the meeting of May 16, 2022, Council approved the Recommendation to hold a public meeting on May 30, 2022, at which time Council will consider the Staff Recommendation.



Corporate Report City Council

Report from: Planning and Building Services, Building and Development

Report Date: April 18, 2022

Meeting Date: May 16, 2022

Report Number: PBS-071-2022

File: 60.2.67

Subject: Vacant Building Registry By-law

Strategic Pillar:

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



Recommendation

That Report PBS-071-2022, regarding Vacant Building Registry By-law, be referred to City Council for consideration of the Staff Recommendation after the public meeting scheduled for May 30, 2022, for which notice will be duly given.

Staff Recommendation

That Council approve the proposed City of St. Catharines Vacant Building Registry By-law, attached as Appendix 1; and

That Council approve the amendment to By-law 2021-101, 2022 Rates and Fees By-law, to provide for cost recovery of the Vacant Building Registry By-law; and

That the Mayor and City Clerk be authorized to execute the By-law to give effect to Council's decision.

Summary

The proposed Vacant Building Registry By-law will put in place a comprehensive and consistent process for monitoring vacant buildings to protect them against continued deterioration. The By-law will also act as a means of discouraging building owners from allowing their buildings to remain vacant for extended periods of time.

Relationship to Strategic Plan

Economic Prosperity: Promotes investments, employment and partnerships to attract, retain, and grow the economy of the City.

Social Well Being: Maintain and support strong, inclusive neighbourhoods that provide high quality of life for residents of all ages.

Environmental Stewardship: innovative approach that supports responsible community planning and decision-making that balances growth, enhances quality of life, manages emergencies, and minimizes the environmental impacts of climate change.

Background

With respect to vacant building enforcement, the long-standing reactive (complaint-driven) approach to Property Standards enforcement in St. Catharines has been the only means for ensuring buildings are being maintained. Except in extreme cases of building deterioration (i.e. obvious unsafe conditions), vacant buildings have been inspected only upon complaint and primarily for “open to trespass” issues. As a result, over time, many vacant buildings have developed significant Property Standards and/or Building Code deficiencies that are not being addressed. Currently, there are in excess of 100 vacant buildings in St. Catharines. If not dealt with, buildings will continue to deteriorate towards unsafe conditions and, in some cases, to conditions completely beyond repair, (i.e. “demolition by neglect”).

Under the proposed Vacant Building Registry By-law, to own a vacant building will not be considered an offence. However, failure to register a vacant building would be considered an offence. The registration process will trigger ongoing monitoring by City By-law enforcement staff (BLE Officers) who will ensure these properties are maintained to a minimum standard.

The proposed Vacant Building Registry By-law includes a definition for vacant building that mirrors the Ontario Building Code and is a building:

- that is not protected from the entry of unauthorized persons;
- that is not protected from the entry of rain, snow, vermin or birds into the interior of the building;
- where the supply of any one or more of the electricity, gas or water utilities serving the building is discontinued or disconnected;
- that is a one-, two- or three-family dwelling and is not fit for an individual or individuals to live in, (according to certain building regulations); or
- where 25% or more of the door and window openings to the building are partially or completely boarded up.

For further clarity, a vacant building does not include:

- a building under construction or demolition, providing a Building Permit has been issued by the City and where work takes place for at least 40 hours during each 90-day period following permit issuance;

- a building on a farm, (other than a residence);
- a building that is used on a seasonal basis; or
- a building that is owned or controlled by the federal, provincial, regional or city government.

Report

The authority to enact a Vacant Building Registry By-law is borne from Ontario's *Municipal Act, 2001, S.O. 2001, c. 25*. While staff did not undertake a comprehensive best-practices investigation, it is noted that Councils in Brantford, Hamilton, Kitchener, London, Newmarket and Welland have enacted Vacant Building By-laws / Registries.

For more effective monitoring and protection of all vacant buildings in the city, staff is recommending a Vacant Building Registry for St. Catharines. The proposed by-law includes the following requirements for any building which has been vacant for 90 days:

- every owner of a vacant building shall be required to register their vacant building, (Application Form can be found in Appendix 2);
- pay a one-time **\$350** administrative fee;
- pay an annual **\$800** registration fee to cover the cost of additional staff and resources;
- provide up-dated contact information annually;
- monitor their vacant buildings once every two weeks or more frequently as required by the City; and,
- submit reports with respect to the condition of the vacant building as required by the City (in addition to reports the City already can require under the Property Standards By-law or the Building Code).

Any owner of a vacant building who does not register with the City, or who fails to meet any requirement of the Vacant Building Registry By-Law, could be subject to appropriate fees / fines under the By-Law or through the Courts.

Enactment of this proposed by-law will:

- discourage property owners from allowing their buildings to become vacant;
- set up quarterly inspections by BLE Officers to assess compliance with the Property Standards By-law, Grass and Weeds By-law, Waste By-law and the Graffiti By-law;
- prevent demolition by neglect;
- give the City the ability to generate revenues by imposing an annual registration fee to vacant building owners who register their buildings;
- give St. Catharines the ability to prosecute vacant building owners who refuse to register their vacant buildings;
- prevent / discourage vagrants and squatters from trespassing into vacant buildings (reducing drug activity and other illicit activities);
- reduce the number of unwanted fires, (addition information below); and
- result in a tidier looking city, with well-kept city streetscapes.

Fires at Vacant Buildings

Since June 16, 2021, there have been 17 fires at vacant buildings in St. Catharines:

Address	Date of Fire	Estimated Dollar Value of Damages, (as reported by St. Catharines Fire Dept.)
113 Queenston Street	February 13, 2022	\$200,000
8 Merritt Street	Feb 9, 2022	\$20,000
314 Merritt Street	Nov 30, 2021	\$27,000
35 Niagara Street	Dec 11, 2021	\$10,000
1 Tasker Street	October 31, 2021	\$252,000
5 Emmet	October 6, 2021	\$5,000
30 Ontario Street	July 12, 2021	\$1,500,000
133 Welland Avenue	June 16, 2021	\$150,000
282 and 285 Ontario Street	Various dates - 9 in total (Since September 2021)	Varying amounts

Fires are disproportionally prevalent in vacant buildings. Discouraging landowners from allowing their buildings to become vacant will reduce the number of vacant building fires in the city.

Properties where vacant buildings are registered will be inspected on a regular basis by BLE Officers who will not only inspect for By-law violations but will also determine if unpermitted occupants (squatters) are unlawfully occupying the buildings. BLE Officers' regular inspections will discourage unlawful trespass activity.

Financial Implications

Staffing

There are currently 100 confirmed vacant buildings in the city, with an estimated 100 additional vacant buildings yet to be verified. One BLE Officer can monitor between 100 and 200 buildings and provide quarterly inspections. The establishment of a one-time administration fee of **\$350** and an **\$800** annual registration fee would fully cover the cost of one BLE Officer (\$105,000, plus resources such as laptop, cellphone, clothing, mileage, training, etc.). As part of the Staff Recommendation for this report, staff is seeking Council's approval to amend By-law 2021-101, the 2022 Rates and Fees By-law, to add the one-time administration fee of **\$350** and an **\$800** annual registration fee to the City's list of rates and fees.

The current compliment of BLE Officers have the capacity to enforce the proposed by-law to a maximum number of 50 properties. Once the number of vacant buildings identified exceeds 50, staff will request Council to approve an additional full-time employee (BLE Officer) to continue expanded enforcement efforts, (anticipated full cost recovery). The current compliment of clerical staff will be able to provide administrative support for the enforcement of the proposed by-law.

AMPS Support

Staff note that penalties under this by-law will be integrated into the City's non-parking Administrative Monetary Penalties (AMPs) system, authorized pursuant to Section 434. of the *Municipal Act, 2001, S.O. 2001, c. 25*. Accordingly, for more routine matters, instead of proceeding via the Provincial Offences Act, contraventions of the by-law may be dealt with by issuing a penalty notice directly to the party in contravention. Appeals will be made locally to a Screening Officer and subsequent appeal to a Hearing Officer. This process is generally more expedient and less costly than the Provincial Court system. If this by-law approved, a schedule of fines for routine offences will be prepared and brought to Council for approval as part of a future report.

Staff also note that the proposed Vacant Building Registry By-law aligns with the recently enacted Short Term Rental By-law from both a staffing and AMPS perspective. This by-law is a critical part of the expanding collection of property improvement related By-laws enforced by the By-law Division.

Estimated Revenues

The anticipated revenue amounts in 2023:

Number of Vacant Buildings	Initial Administrative Fee	Annual Registration Fee	Total Revenues
50	\$350	\$800	\$57,500
100*	\$350	\$800	\$115,000
150	\$350	\$800	\$172,500
200**	\$350	\$800	\$230,000

* Number of known vacant buildings

** Estimated number of vacant buildings

Financial Impact

Administration and enforcement of the by-law will be 100% cost recovery with no additional levy impact.

Note: If the number of vacant buildings in the City decreases due to the effectiveness of the proposed Vacant Building Registry By-law, the program will become less cost efficient. Staffing levels may need to be adjusted (i.e. the elimination of one BLE Officer).

Environmental Sustainability Implications

Although a full environmental study was not completed as part of this report, it can be said that by being encouraged to keep their buildings occupied, property owners will provide much needed spaces for businesses and homes. It is an unmistakable reality that repurposing vacant buildings, rather than allowing them to deteriorate, will have a positive impact on the environment.

Conclusion

The Vacant Building Registry By-law provides a comprehensive and consistent process for monitoring vacant buildings (and properties) to protect them against:

- continued deterioration;
- unwanted vandalism / graffiti;
- unlawful entry / squatters;
- fire damage and fire related deaths; and
- unkempt yards (accumulation of garbage and debris and uncut grass and weeds).

The By-law will be an effective tool that will assist BLE Officers in meeting Council's objective of ensuring that vacant buildings do not deteriorate to unsafe / unstable conditions and will result in properties that are neater looking and maintained.

Prepared and Submitted by

John W. Lane, MAATO, CBCO, CPSO
Chief Building Official

Approved by

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

Appendices

1. Proposed Vacant Building By-law
2. Vacant Building Registration Form

CITY OF ST. CATHARINES

BY-LAW NO. _____

Being a By-law to Regulate Vacant Buildings

WHEREAS sections 8 and 10 of the Municipal Act, 2001 authorize the City of St. Catharines to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 and 10 of subsection 10(2) authorize By-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons, the protection of persons and property; and structures;

WHEREAS this By-law is one of several City of St. Catharines By-laws that ensure buildings and properties are maintained to certain standards;

WHEREAS section 425 of the Municipal Act, 2001 authorizes the City of St. Catharines to pass By-laws providing that a person who contravenes a By-law of the City of St. Catharines passed under that Act is guilty of an offence; and

WHEREAS the Municipal Act, 2001 further authorizes the City of St. Catharines, amongst other things, to prohibit and regulate with respect to matters that, in the opinion of its Council are or could become public nuisances, to delegate its authority, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work.

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

SHORT TITLE

1. This By-law may be referred to as the “Vacant Building Registry By-law” or the “St. Catharines Vacant Building Registry By-law”.

DEFINITIONS

2. In this By-law:

“**building**” means all or part of:

- (a) a structure occupying an area greater than 10 m² consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto; or

(b) a structure occupying an area of 10 m² or less that contains plumbing, including the plumbing appurtenant thereto;

“business day” means any day from 8:30 a.m. to 4:30 p.m. on which the City of St. Catharines’s administration buildings are open for business;

“City” means the corporate municipality of the City of St. Catharines or the geographic area of the City of St. Catharines as the context requires;

“Director” means the City’s Director responsible for building maintenance standards and his or her designate or successor;

“farm” means an agricultural, aquacultural, horticultural or silvicultural operation.;

“officer” means an individual appointed by the City of St. Catharines or assigned by the Director to enforce this By-law;

“owner” includes, but is not limited to:

(a) the registered owner of the property on which a building is situated;

(b) the owner of a building;

(c) the person managing or receiving the rent of a building or the property on which a building is situated, or who would receive the rent if the property or building were let, whether on the person’s own account or as agent or trustee or receiver of any other person;

(d) a vendor of a building under an agreement for sale who has paid any municipal taxes on the building after the effective date of the agreement;

(f) the person for the time being receiving instalments of the purchase price if a building were sold under an agreement for sale;

(g) a lessee or occupant of the property on which a building is situated who, under the terms of a lease, is required to repair and maintain the building; or

(h) an owner as defined by the *Condominium Act*, 1998, S.O. 1998, c. 19;

“person” includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;

“**property**” means the land on which a building is situated and includes the building; and

3.(1) In this By-law “**vacant building**”, subject to subsections 3(2) and 3(3), means a building that does not appear to be in use and, without limiting this definition and in the opinion of the Director, is deemed to be a building:

(a) that is not protected from the entry of unauthorized persons;

(b) that is not protected from the entry of rain, snow, vermin or birds into the interior of the building;

(c) where the supply of any one or more of the electricity, gas or water utilities serving the building is discontinued or disconnected;

(d) where one or more of the electricity, gas or water utilities serving the building is not being used;

(e) if the building contains 1, 2 or 3 dwellings, where one or more dwellings are not fit for an individual or individuals to live in in accordance with the Building Code Act, 1992, S.O. 1992, c. 23 and its regulations (the “Building Code Act”), the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, and its regulations (the “Fire Protection and Prevention Act”), the City Property Standards By-law, or any other applicable statute, regulation or by-law;

(f) where 25% or more of the door and window openings to the building are partially or completely boarded up (for example, if there are 8 door and window openings to a building and 2 or more of the door and window openings are partially or completely boarded up, no matter what the size of each door or window opening); or

(g) where an Application for Rebate of Property Taxes for the entire building has been submitted to the City’s Tax Section.

(2) A vacant building does not include a building where the owner satisfies the Director that:

(a) a use permitted under the City’s Zoning By-law is occurring;

(b) a permit has been issued by the City for construction or demolition of the building and construction or demolition work has been actively undertaken for

at least 40 hours during each 90 day period following the issuance of the permit;

(c) the building is not a dwelling and is on property used as a farm; or

(d) the building is occupied by the owner, or a person authorized by the owner, on a seasonal basis.

- (3) A vacant building does not include a building that is owned or controlled by the federal, provincial, regional or City government.

REGISTRATION

4. Every owner of a vacant building shall register the vacant building with the Director within 30 days of the date the vacant building commences to be vacant.

5. Every registration expires:

(a) on the one-year anniversary date of the date on which it is issued if the registration is not renewed before its expiry;

(b) when the registration is revoked under this By-law;

(c) when the vacant building is sold or otherwise transferred to a new owner;

(d) when the Director is satisfied, as set out in a written notice from the Director to the owner of the vacant building, that the building is no longer vacant.

6. To register or to renew a registration, the owner of a vacant building shall:

(a) complete and submit to the Director an application containing such information as the Director may require, and

(b) submit the registration fee.

7. Every owner of a vacant building shall notify the Director of any change in circumstances in connection with information given to the Director under section 6 within 10 business days after the change occurs.

8. The Director shall refuse an application under section 7 when the application is, in the opinion of the Director, incomplete or contains false or misleading information.

REGULATIONS

9. Every owner of a vacant building shall:

(a) ensure that the vacant building is registered in accordance with this By-law;

(b) ensure that the property complies with all applicable statutes, regulations and By-laws, including but not limited to the Building Code Act, the Fire Protection and Prevention Act, and any City By-law which regulate property or building maintenance standards;

(c) post at least one sign on the vacant building, except a vacant building containing three or less dwelling units, that:

(i) bears the words “for information or inquiries” and the information of the owner, including a name and telephone number, in black letters on a white retro-reflective background as illustrated in the following figure:

<p style="text-align: center;">FOR INFORMATION OR INQUIRIES</p> <p>CONTACT: NAME: TELEPHONE NUMBER:</p>
--

(ii) is readable from each adjacent street;

(d) satisfy the Director that an individual retained by the owner attends at the property to monitor the building condition a minimum of once every 2 weeks or more frequently as required in writing by the Director; and

(e) provide a report from a qualified individual as to the condition of the building as required in writing by the Director.

ADMINISTRATION AND ENFORCEMENT

10. The Director is authorized to administer and enforce this By-law including but not limited to prescribing the format and content of any forms or other documents required under this By-law.

11. Registration and other fees under this By-law shall be as approved by Council from time to time and then included in the City Rates and Fees by-law.

12. Any cost incurred by the City in exercising its authority to inspect a property or building, vacant or otherwise, including but not limited to the cost of any

examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the owner of the property where the inspection takes place.

13. If an officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who committed the contravention, or who caused or permitted the contravention or the owner of the property on which the contravention occurred to discontinue the contravening activity.
14. An order under Section 13 shall set out:
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and
 - (b) the date or dates by which there must be compliance with the order.
15. If an officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who committed the contravention or who caused or permitted the contravention or the owner of the property on which the contravention occurred to do work to correct the contravention.
16. An order under section 15 shall set out:
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred;
 - (b) the work to be completed; and
 - (c) the date or dates by which the work must be completed.
17. An order to discontinue contravening activity made under Section 13 or an order to do work made under Section 15 may be served personally or by registered mail to the last known address of:
 - (a) the owner of the property where the contravention occurred; and
 - (b) such other persons affected by it as the officer making the order determines.

Service by registered mail shall be deemed to have taken place 5 business days after the date of mailing.

18. In addition to service given in accordance with section 17, an order to discontinue contravening activity made under section 113 or an order to do work made under section 15 may be served by an officer placing a placard containing the order in a conspicuous place on the property where the contravention occurred.
19. Where service cannot be given in accordance with section 17, sufficient service is deemed to have taken place when given in accordance with section 18.
20. Where a person does not comply with a direction, an order or a requirement under this By-law to do a matter or thing, the Director, with such assistance by others as may be required, may carry out such direction, order or requirement at the person's expense.
21. The City may recover the costs of doing a matter or thing under section 20 by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an interest rate of 15 per cent per year commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.
22. The Director is authorized to give immediate effect to any direction, order or requirement where the costs of carrying out the direction, order or requirement do not exceed \$10,000, and where the costs do exceed \$10,000, as the City's Council may authorize.
23. Every Person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33 and the *Municipal Act*, 2001, S.O. 2001, c. 25.
24. An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice pursuant to the City's Non-Parking AMPS By-law.
25. Continuing offence. A contravention of the requirements set out in this By-law is deemed to be a continuing offence on each day or part of a day that the contravention continues.
26. A director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and, upon conviction, is subject to the fines as set out in this by-law.

27. Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

GENERAL PROVISIONS

28. All measurements in this By-law are given in the metric short form.
29. If a court of competent jurisdiction declares any provision or provisions of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.
30. In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.
31. The word “and” is an inclusive conjunction, the use of which indicates that all items or phrases in that subsection, article, or list in which it appears are permitted or required as the case may be. The word “or” is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word “or” may also be an inclusive conjunction having the same meaning as the word “and”.
32. This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations. If there is a conflict between a provision of this by-law and a provision of any other City by-law, the provision that establishes the higher standard shall apply.
33. Any reference to any legislation including, statutes, regulations, and by-laws, in this By-law includes the legislation referred to and its amendments as well as any subsequent legislation which may replace the legislation referred to, and its amendments thereto.

ENACTMENT

34. This By-law comes into force on the date of its passing.

Read a first time this day of 2022.

Read a second time this _____ day of _____ 2022.

Read a third time and passed this day of 2022.

CLERK

MAYOR

FOR OFFICE USE ONLY	
FOLDER NUMBER	
RECEIPT NUMBER	DATE
PAYMENT TYPE	RECEIVED BY

VACANT BUILDING REGISTRY APPLICATION

THIS FORM MUST BE COMPLETED BY THE OWNER

PLEASE REVIEW THE VACANT BUILDING REGISTRY BY-LAW XX-XXX FOR THE DEFINITION OF OWNER

PLEASE PRINT CLEARLY				
LOCATION OF PROPERTY WHERE VACANT BUILDING EXISTS	STREET ADDRESS		NUMBER	POSTAL CODE
	CITY	PROVINCE		NUMBER OF DAYS VACANT
	TAX ROLL NUMBER	WARD		
APPLICANT INFORMATION	LAST NAME		FIRST NAME	OWNER AGENT OTHER <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	STREET ADDRESS		NUMBER	POSTAL CODE
	CITY	PROVINCE	POSTAL CODE	
	PHONE NUMBER	CELL NUMBER	E-MAIL	FAX
OWNER(S) INFORMATION (IF DIFFERENT FROM APPLICANT)	LAST NAME		FIRST NAME	CORPORATION PARTNERSHIP <input type="checkbox"/> <input type="checkbox"/>
	STREET ADDRESS		NUMBER	POSTAL CODE
	CITY	PROVINCE	POSTAL CODE	
	PHONE NUMBER	CELL NUMBER	E-MAIL	FAX
METHODS OF PAYMENT AVAILABLE	BY MAIL Methods of Payments Accepted: Cheques/Money Orders ONLY - Payable to the "City of St. Catharines") CITY HALL P.O. Box 3012, St. Catharines, Ontario L2R 7C2 (Attention: Vacant Building Registry)			
	IN PERSON Methods of Payments Accepted: Cash, Cheque, Debit, Credit Card (Visa or MasterCard) CITY HALL 50 Church Street St. Catharines, Ontario L2R 7C2			
Return Completed Registration Form and Payment				
I acknowledge it is my responsibility to notify the City of St. Catharines immediately in writing of any change in information provided to ensure compliance with the City of St. Catharines Vacant Building Registry By-Law XX-XXX.				
I certify that the information contained in this application is true in all respects to the best of my knowledge.				
Signature of Applicant		Date		
Personal information contained in this application is collected pursuant to the City of St. Catharines' Vacant Building Registry By-law xx-xxx. Questions regarding this information may be addressed to: Administration Clerk, Parking and By-Law Services Division 905-546-2424 ext. 2546				

FAILURE TO SUBMIT THE REQUIRED INFORMATION AND PAYMENT BY THE
DUE DATE MAY RESULT IN ENFORCEMENT



Corporate Report City Council

Report from: Economic Development and Tourism Services

Report Date: May 6, 2022

Meeting Date: May 30, 2022

Report Number: EDGR-082-2022

File: 10.57.34

Subject: Implementation of the Municipal Accommodation Tax

Strategic Pillar:



Recommendation

That Council approve the proposed \$2.00 Municipal Accommodation Tax (per room, per night) implementation on paid overnight accommodations at hotels, motels, bed and breakfast organizations and short-term rental (STR) providers (including online home sharing platforms) operating in the City of St. Catharines, effective August 1, 2022; and

That a new reserve fund “Municipal Accommodation Tax” be established for the financial sustainability and management of Municipal Accommodation Tax revenues; and

That the Chief Administrative Officer be authorized to enter into an agreement with an Eligible Tourism Entity respecting the financial accountability required to ensure that all Municipal Accommodation Tax amounts paid to the Eligible Tourism Entity are used for the exclusive purpose of promoting tourism as required by Ontario Regulation 435/17; and

That the Director of Financial Management Services be authorized to make one or more payments in each fiscal year to the Eligible Tourism Entity that the Corporation of the City of St. Catharines has entered into an agreement with. The payment total is to be equal to 75% of the Municipal Accommodation Tax revenue collected, net of a reasonable collection and administration fee; and

That the City’s portion equal to 25% of the Municipal Accommodation Tax revenue be directed to support tourism-based investments, such as St. Catharines-based placemaking, beautification, communications programming that support citizen / visitor / guest experience and tourism-related services and services-in-kind for tournaments and other events using city assets, subject to the annual budget approval process; and

That staff take all steps necessary to create a Municipal Services Corporation (MSC) pursuant to the Ontario Municipal Act, requirements of Ontario Regulation 599/06, and other applicable legislation and regulations in the Province of Ontario and Canada; and

That the Municipal Services Corporation be called “Tourism St. Catharines” with objectives of promoting tourism in the City of St. Catharines; and

That The Corporation of the City of St. Catharines serve as the sole shareholder of the Municipal Services Corporation; and

That the following executive positions be approved to serve as the start-up Board of Directors of the Municipal Services Corporation: Chief Administration Officer (or designate), Director of Financial Management Services (or designate), Director of Economic Development and Government Relations (or designate) and one member of City Council; and

Further, that the City Solicitor be directed to draft a by-law to be brought to a future Council meeting to establish the City of St. Catharines Municipal Accommodation Tax (Hotels / Motels), effective August 1, 2022.

Summary

This report provides recommendations related to the remittance and revenue sharing of the Municipal Accommodation Tax (MAT) in St. Catharines.

Relationship to Strategic Plan

The implementation of the MAT supports the following Strategic Plan goals under the Economic Sustainability Pillar including job creation and investment, good governance, and financial sustainability:

- Continue to implement the Economic Development Strategy (2017-2022) with particular focus on investments, employment and partnerships to attract, retain, and grow the economy of the City.

Background

In April 2017 the Province of Ontario passed Bill 127: Stronger, Healthier Ontario Act (Budget Measures) 2017, which amended the Municipal Act (Act) to provide lower or single-tier municipalities in Ontario with the authority to levy a transient accommodations tax, referred to in this report as a Municipal Accommodation Tax (MAT).

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

Council has previously received information to consider implementation of a MAT. At its meeting on May 22, 2019, the Budget Standing Committee (BSC) approved a request to investigate a municipal accommodation tax (including hotels, AirBnB and Bed and Breakfast properties).

Following this meeting, on June 5, 2019, Council directed staff to engage with stakeholders and the local accommodation providers regarding the potential of a 4% MAT in the City of St. Catharines; and to report back to Council with further details related to the potential implementation of a MAT.

At its meeting on January 20, 2020, Council received the summary and results of the stakeholder consultation, which engaged 10 accommodation providers across St. Catharines. Overall, the industry did not support a blanket 4% tax levied on each room per night, the recommendations were that a MAT in St. Catharines should be consistent with Niagara Falls which charges a rate of \$2 per room per night.

Subsequently at the Council meeting on February 24, 2020, Council deferred the decision of a MAT until such time that a Zoning By-law Amendment to address short term rental use including but not limited to, bed and breakfasts and rental of entire dwelling units be considered.

On April 26, 2021, Council approved the Short-Term Rental Licensing By-law which came into full effect across all Wards on April 1, 2022. Based on this implementation, staff are bringing this report forward for Council's complete consideration on the implementation and execution of a MAT in the City of St. Catharines.

Many municipalities across Ontario have implemented a MAT, including Ottawa, Mississauga, Toronto and all the Municipal Comparators for St. Catharines: Barrie, Guelph, Kingston, Thunder Bay, Windsor, Cambridge, Kitchener, Oshawa and Waterloo. Closer to home in the Niagara Region, both Niagara Falls and Niagara on the Lake have enacted MAT programs.

Relevant Consultation

Staff facilitated constructive and positive discussion with industry stakeholders including the owners and / or management of 10 hotel / motel and bed and breakfast properties.

During the industry consultation process, staff consulted with the City of Niagara Falls, the City of Kingston as well as tourism organizations the Tourism Partnership of Niagara (TPN) and the Tourism Industry Association of Ontario (TIAO).

Direction and guidance have also been contributed from both the Finance and Legal departments.

Although the MAT is a new tax, the industry recognized the business development and marketing opportunities that a new revenue source presented.

Report

Through 2020 and 2021 the COVID-19 pandemic placed restrictions that discouraged travel, both leisure and business, which has negatively impacted tourism stakeholders across the world and specifically the accommodations providers here in St. Catharines. Priorities need to be placed on rebuilding the tourism product and industry which is necessary for recovery.

St. Catharines is home to some of the top accommodation brands in the industry and the local tourism sector benefits from the high level of knowledge and experience of these operators. The City of St. Catharines is committed to working with the local accommodators on the implementation of a MAT to strengthen the community's position as a destination for multi-day visits.

Eligible Tourism Entity

Regulation 435/17 prescribes that municipalities without a Destination Marketing Organization (DMO) are required to remit at least 50% of the MAT revenue, net of reasonable costs of collecting and administering the tax, with one or more Eligible Tourism Entities. An "Eligible Tourism Entity" is a non-profit whose mandate includes the promotion of tourism in Ontario or in a single or lower tier municipality.

Given that there is no DMO in St. Catharines, and through consultation with industry representatives, staff are recommending that a Municipal Services Corporation be considered to satisfy the Eligible Tourism Entity requirement. Ontario Regulation 599/06 states:

"A municipality may use the power...of the Act to establish a corporation only if the municipality by itself, or together with one or more other public sector entities, establishes the corporation and,

(a) the corporation's purpose is to provide a system, service or thing that the municipality itself could provide"

Concurrently, under a Council approved Memorandum of Understanding ([Report EDTS 119-2020](#)) work is being conducted between the City of St. Catharines and the Town of Lincoln to expand both municipalities' capacity to market to a broader audience and combine a 'shared rural and urban tourism experience' through the establishment of a joint DMO. A future joint-DMO creates the potential to transfer the MAT to the new joint entity and the MSC would no longer be required. If approved in future, the joint-DMO would be governed by an industry-led Board of Directors including a City of St. Catharines staff member.

Steps to Establishing a Municipal Service Corporation

As required by Ontario Regulation 599/06, steps are to be taken by staff that include the establishment of a business case, the preparation and subsequent adoption of asset transfer policies and public consultation discussing the establishment of a Municipal Service Corporation.

Once satisfied, the City of St. Catharines is required to submit the business plan and to make an application to the Province of Ontario to incorporate a non-share capital corporation under the Corporations Act.

Included within this application must be:

- Name of the Corporation
- Address of the Head Office
- List of First Directors
- Objectives of the Corporation
- Special Provisions

Staff recommend that the application for incorporation include the following information:

- Name of the Corporation: Tourism St. Catharines, or alternate name as directed and approved by City Council;
- Address of the Head Office: 50 Church Street, St. Catharines, Ontario, L2R 7C2;
- First Directors: the initial incorporation will include a board made up of the: Chief Administrative Officer (or designate), Director of Financial Management Services (or designate), Director of Economic Development and Government Relations (or designate), and one member of City Council;
- Objectives of the Municipal Services Corporation: tourism product development, marketing plans, visitor experiences and itinerary development, facilitated growth of tourism through strategic investment, supports for under-represented communities and tourism entrepreneurs, preparation of bid documents and event attraction, collaborative working groups among tourism stakeholders, development of competitive strategies and campaigns in promote St. Catharines as a world class destination; and
- Special Provisions:
 - A sub-committee will be established, made up of St. Catharines accommodation providers and tourism stakeholders, that will provide guidance, feedback and approval for use of funding that aligns with objections of the Corporation.
 - The Corporation shall be carried on without the purpose of gain for its members, and any profits or other accretions to the corporation shall be used in promoting its objects.

Collection and Remittance of the MAT

As received in [Report EDTS-B021-2019](#) from January 2020, respecting the consultations with local accommodation providers, staff are recommending that implementation of the MAT at a rate of \$2.00 per room per night would be charged by all accommodators in St. Catharines, to be paid by overnight visitors.

There are several exemptions to the MAT, including colleges and universities, which are exempted based on provincial legislation. Brock University has expressed it would

consider voluntarily collecting and remitting the MAT. It only operates as a transient accommodation provider approximately three months of the year.

MAT revenues are remitted by transient accommodation providers to the City monthly. By entering into an agreement with an Eligible Tourism Entity, the Municipal Service Corporation, the City will transfer 75% of the revenues collected to be held until such time as project expenditures are identified.

Revenue Allocation

As previously noted, during November 2019, staff from Economic Development and Tourism Services (EDTS) met the owners and / or management of 10 hotel / motel and bed and breakfast properties within St. Catharines regarding the implementation of a 4% Municipal Accommodation Tax. Feedback from these consultations determined that this rate was too high and St. Catharines accommodation providers wanted to be in line with the MAT in Niagara Falls, \$2.00 per room per night.

Stakeholder consultations identified that the wish was to have 100% of MAT proceeds be allocated to an Eligible Tourism Entity to support marketing and initiatives with a focus on promoting overnight stays in St. Catharines.

Through this consultation, staff are recommending that 75% of MAT proceeds be allocated to an Eligible Tourism Entity, the Municipal Service Corporation, and 25% remain within the Municipal Accommodation Tax reserve account being created to support product development, marketing and industry initiatives with a focus on promoting overnight stays in St. Catharines.

It is proposed, through the implementing by-law, that the City would have the ability to add penalties and interest and the City would have the ability to prosecute should an accommodator refuse to comply with the municipal by-law on the MAT.

Utilization of the MAT

In order to utilize the funding collected and allocate to projects, EDTS staff, in collaboration with local accommodation operators, would establish a sub-committee of accommodation partners (from St. Catharines only) to ensure the tax revenue collected is utilized for the exclusive purpose of promoting tourism in St. Catharines. This sub-committee would review, adjudicate and approve expenditures, to be drawn from the fund, to enhance tourism industry support and would include projects such as:

- Implementation of strong tourism product development, itineraries and curated experiences;
- Enhanced support and partnerships with under-represented groups such as BIPOC business owners, LGBTQ2+ entrepreneurs, etc.;
- Placemaking projects and animation of municipal property;
- Attraction of group business: conventions, sport tourism, bus tours, etc.;
- Facilitation and logistics planning of major events (i.e. 2024 World Rowing Championships);

- Wayfinding projects through the City; and
- Capital and infrastructure projects that provide enhancements to the visitor experience

Communication Plan

Prior to commencing of the MAT collection staff will prepare a comprehensive communication package which will include information regarding the implementation and remittance process, key messaging and tactics.

Analysis & Options

The implementation of a MAT will provide revenue to the municipality, but accurate estimates are difficult to determine as the funding collected is based on room night usage and is not guaranteed. St. Catharines offers a mix of lodgings ranging from hotel / motel to short term rental accommodation options. Hotel and motel rooms in the city account for 642 purpose-built rooms. Short Term Rentals average 233 active rentals.

The St. Catharines lodging market tends to perform at approximately 50% average annual occupancy and with an Average Daily Rate (ADR) of \$120.

Through historical review (pre-pandemic), the application of a \$2.00 MAT is estimated to generate gross annual revenues of approximately \$250,000.

Conclusion

The COVID-19 pandemic has disproportionately impacted the tourism industry in St. Catharines. The tourism sector generates significant and positive economic activity, which is maximized when visitors choose to stay overnight. The residual impacts of this directly affects jobs in the accommodation, retail, restaurant and event venue sectors.

By collecting and then re-investing funds earned through the MAT, the local tourism industry will be able to recover and thrive through supports for tourism-related infrastructure, programming and businesses that provide a more robust visitor experience. The MAT will also help local businesses recover from the long-term negative economic impacts of the pandemic by supporting visitor attraction, product development, events, festivals, sports and more.

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Corporate Report City Council

Report from: Planning and Building Services, Planning Services

Report Date: May 10, 2022

Meeting Date: May 30, 2022

Report Number: PBS-084-2022

File: 60.33.200

Subject: Ontario Street Corridor Secondary Plan Study: Terms of Reference and Proposed Amendment to the Community Improvement Plan for 282 and 285 Ontario Street

Strategic Pillar:

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



Recommendation

That Council endorse the Terms of Reference for the Ontario Street Corridor Secondary Plan study, attached as Appendix 1; and

That the Planning and Building Services Department be directed to proceed to undertake the study in accordance with the Terms of Reference; and

That the process to consider a site-specific amendment to the City's Community Improvement Plan (2020CIP) for the properties known municipally as 282 Ontario Street and 285 Ontario Street be initiated.

Summary

The proposed Ontario Street Corridor Secondary Plan Study represents the third major step in fulfilling City Council direction to evaluate the potential future development of alternative uses on the former General Motors lands at 282 and 285 Ontario Street, and which is now a very significant 20 hectare (50 acre) brownfield redevelopment opportunity in the middle of our City. In support of the principles and objectives of the proposed Study Terms of Reference, staff are also recommending a site-specific amendment to the City's Community Improvement Plan (2020CIP) for 282 and 285

Ontario Street. The proposed amendment does not approve or commit the City to any CIP financial incentives or obligations.

Relationship to Strategic Plan

This report aligns with and supports all the sustainability pillars in the City's Strategic Plan.

Background

In May 2017, driven by the closure of the long-standing auto manufacturing use at 282 and 285 Ontario Street, Council directed staff to evaluate alternative use permissions on the subject lands for future residential and mixed-use development. Most of the existing buildings on the properties have now been removed and it is now a 20 hectare (50 acre) brownfield re-development site in the middle of the City.

Reflecting the historical use of the lands, the properties have long been designated 'employment' in the City's Official Plan. Changing use permissions requires an amendment to the Official Plan.

Pursuant to provincial land use policy, an Official Plan amendment to convert employment lands is first subject to a city-wide land needs assessment (LNA). In 2019, the city completed a LNA and which formed the basis for Amendment 26 to the City's Official Plan (OPA 26), adopted by City Council in November, 2020 and formally approved by the Region of Niagara in March 2021. The amendment was appealed to the Ontario Land Tribunal (OLT), but subsequently dismissed by Tribunal decision on April 7, 2022. The OLT decision is currently under a request for judicial review, but notwithstanding, OPA 26 is currently in effect.

Among other matters, OPA 26 does the following:

- re-designates the lands at 282 and 285 Ontario Street for future residential and mixed use development; and
- requires that the subject lands are to be planned for future development through the creation and approval of a Secondary Plan.

The LNA and adoption of OPA 26 represent the completion of the first two key planning components necessary to facilitate Council's direction to plan for future alternative uses on the subject lands.

The third key component is to undertake a Secondary Plan study to more specifically identify and evaluate, land use opportunities, permissions, policies and implementation strategies to guide future development and the development of a Secondary Plan on the subject lands.

Secondary Plan Study: Terms of Reference

Attached as Appendix 1 are the proposed Terms of Reference to undertake the Secondary Plan study (Ontario Street Corridor Secondary Plan Study). This report identifies the study area and sets out key elements of the study Terms of Reference, including context, planning framework, guiding principles and objectives, study management, public engagement, deliverables and timeline.

Community Improvement Plan (2020CIP) Amendment

Given the size of the properties and environmental analysis to date, the level of contamination, and the process and cost to remediate the lands at 282 and 285 Ontario Street is anticipated to be considerable. The extent of contamination, approval process and method of remediation will have a direct influence on the location, range, configuration and substance of future use opportunities and design in the area.

The remediation of the properties is a key objective of the study Terms of Reference. To properly plan for the future use of the lands requires enabling appropriate opportunities to access a broader spectrum and scope of CIP programs to support remediation activities on the lands. A site-specific amendment to the 2020CIP for the lands at 282 and 285 Ontario Street is recommended. The proposed amendment in no way pre-determines or commits the City to any CIP incentive approvals or obligations.

Report Study Terms of Reference

Study Area

The Ontario Street Corridor Secondary Plan Study area is shown on Appendix 2 of this report, together with Official Plan mapping of the area.

Each of 282 and 285 Ontario Street are approximately 10.0 hectares (25 acres) in size and represent the second and third largest vacant developable properties in the City's urban area. These properties are situated across the street from one another on the east (282) and west (285) side of Ontario Street, and are located approximately halfway along Ontario Street between the QEW Highway and the downtown. Ontario Street is a Regional arterial road and represents a major street corridor and gateway into the City and into downtown. It would be re-miss not to study the Ontario Street corridor lands in conjunction with the 282 / 285 Ontario Street site in a comprehensive and cohesive manner.

The study area includes the Ontario Street corridor lands north and south of 282 / 285 Ontario Street from the QEW to Welland Avenue (downtown). The 282 / 285 Ontario Street site, and the north and south corridor lands, are each different in typology, character and use. As such, the emphasis of study for each of the three areas will be structured accordingly.

In addition to the above, the study will evaluate the implications, integration and transition of future development in the study area with that of the lands adjacent to the

study boundaries, or area of influence, primarily the Twelve Mile Creek valley lands to the west and established residential neighbourhoods to the east of the study area boundaries.

Guiding Principles / Objectives

The Terms of Reference establishes a number of guiding principles and objectives for the study, and are summarized below:

- support the development of a dynamic, vibrant, connected, efficient, more compact and mixed use neighbourhood centered around 282/285 Ontario Street, providing for a range of primarily medium and higher density housing types, support for attainable housing, and an integrated mix of transit-supportive residential, commercial, cultural, institutional, recreational, open space, parkland and employment uses;
- support the orderly, efficient, cost-effective site remediation of all lands within the study area, and most specifically 282 and 285 Ontario Street;
- provision of appropriate, sufficient, efficient, sustainable and cohesive hard and soft infrastructure and capacity to support development opportunities, community initiatives, and asset management;
- protect for sustainable, environment friendly water resource and management;
- complete streets, and a connected, cohesive, compatible, integrated, accessible, multi-modal, and useable built and open space network, and public realm;
- greening;
- climate change adaptation, mitigation, and resiliency;
- protect, enhance and integrate natural and cultural heritage features, resources and linkages, and stimulate connections between the open space and built environment; and
- design initiatives to engage Ontario Street as a major gateway into the City and downtown

Budget / Management

The City's operating budget allocates \$225,000 to undertake the study. The Region of Niagara has also previously committed a matching grant of \$59,000 towards the study. A secondary plan study of this size and nature typically costs in the range of \$0.5 million to undertake. Given the limited budget, the ability to retain consultants to undertake the study is constrained. As such, the study will be directed and managed in-house by PBS staff as part of the department work plan.

A three member Project Team from PBS will be established and a significant component of study evaluation will be undertaken in-house by project team members. The retention of outside consultants will be strategically used to support the study, primarily for public engagement and peer review of technical studies required from landowners and development proponents in support of development opportunities.

Technical Advisory Committee

A Technical Advisory Committee will be established to guide the study, consisting of the Project Team, other members of Planning and Building Services (PBS) and representation from other City departments including staff from Engineering, Facilities and Environmental Services (EFES), Community, Recreation and Culture Services (CRCS), Economic Development and Tourism Service (EDTS) and Financial Management Services (FMS).

Notwithstanding their grant to the study, the Region of Niagara also has significant transportation and service infrastructure, investment, and policy interest within the study area, is the formal final approval authority for the Secondary Plan, and is a significant stakeholder in the study. The Region will have direct participation on the Committee, as will the Niagara Peninsula Conservation Authority, most specifically with regard to the Twelve Mile Creek which borders the study area. A Memorandum of Understanding will be developed between the City and Region to formally define roles, responsibilities and contributions to the study.

Other Stakeholders

Agency

There are a number of agencies who have land ownership, infrastructure, facilities and/or regulatory authorities and interest within the study area, including the Ontario Power Generation (OPG), Niagara Peninsula Conservation Authority (NPCA), Ministry of the Environment, Conservation and Parks (MOECP) and the Ministry of Transportation (MTO), as well as local utility service providers including hydroelectric, gas, and telecommunications. All of these stakeholders will be consulted throughout the study process and will also provide peer review of technical studies and other study inputs where applicable.

Corporate Advisory Committees

The City establishes several Advisory Committees to provide input and advice to City Council on matters related to the cultural, economic, environmental and social sustainability pillars of the City's Corporate Strategic Plan. All of the City's Advisory Committees will be consulted at the initial stage of study and to provide input and advice on study findings throughout the process.

Landowners / Development proponents

The study area is comprised of 171 properties located on approximately 75 hectares (185 acres) of land. All lands within the study area, and area of influence, will be evaluated, and all property owners consulted throughout the study process.

292/285 Ontario Street, 10 Pleasant Avenue

Most impactful to the study are the properties at 282 and 285 Ontario Street and 10 Pleasant Avenue. They are the only significantly sized vacant developable properties in the study area, comprise approximately 21.5 hectares (53 acres) of land, and 30% of all lands within the study area boundaries. These properties will require significant technical study evaluation, including transportation, functional servicing and

environmental studies, to appropriately plan for and support future development opportunities.

Proponents for development of these properties are responsible to finance and undertake site-specific technical studies to evaluate and justify consideration of development approval. These studies will help inform the Secondary Plan study and evaluation. Likewise, it is expected that the study principles and objectives as set out in the Terms of Reference, and in-house staff evaluation of the study area, will direct and help inform required development proponent studies.

A coordinated and integrated approach and evaluation of site-specific studies is necessary to properly plan for and enable the development of a viable, fiscally responsible, and achievable Secondary Plan for the area in support of guiding study principles and objectives.

Transparency and Accountability

To ensure transparency and accountability, a Memorandum of Understanding will be developed between the City and development proponents of the lands at 282 / 285 Ontario Street and 10 Pleasant Avenue to formally define roles, responsibilities and contributions to the study.

Developer proponent studies are intended to provide professional qualified technical information and evaluation, but in no way will pre-determine any specific outcomes of the study. Terms of reference and outputs for all technical and site specific studies done by development proponents will be subject to a robust peer review by the Study Technical Advisory Committee. Outside independent consultants will be retained for peer review purposes where warranted.

All technical and site specific studies will be made available for stakeholder and public review, and will form part of the public record for the Secondary Plan Study.

Neighbourhood Advisory Committee

A Neighbourhood Advisory Committee will be established to support review and input into study components and will be comprised of representation from area resident associations, landowners, the business community, and the two St. Patrick Ward Councilors.

Public Engagement

The historical use of the study lands has helped shape the economic, social, cultural and environmental fabric of the City and the future use of the lands will also do so for generations to come. The study cannot just be looked at in isolation of the immediate area and must also be evaluated on community and city-wide perspectives.

Neighbourhood and community wide public engagement, consultation and input is a critical stakeholder in the success of the Secondary Plan study.

The study will undertake a robust, accessible, systematic, informative, interactive, and accountable public engagement process. It includes a devoted EngageSTC webpage, web-based and social media portals, media, pop-up information kiosks, on-site information centre and neighbourhood and community wide public meeting forums and workshop visioning exercises.

Study Components / Deliverables / Timeline

It is anticipated that the study will take 2.5 years to complete. The sequence of study components, deliverables and estimated study timeline is set out in Appendix 3.

At strategic times throughout the study, five key deliverables will be prepared and presented for review and input through the public engagement strategy and at public meeting forums, and are as follows:

- Background Analysis Report
- Community Visioning and Alternative Concepts Report
- Detailed Analysis / Preferred Land Use Concept Report
- Draft Secondary Plan and Report
- Final Draft Secondary Plan and Report for consideration of approval

Many of the study components, and timing of tasks, are intertwined, iterative and overlap.

Community Improvement Plan (2020CIP) Amendment

Given the size and past use of the properties at 282 and 285 Ontario Street, it is anticipated that the evaluation, and approved process and method for remediation of the lands, will be iterative, inter-related and phased over time.

The 2020CIP provides three tax incentive (rebate) programs to support re-development and remediation of lands, as follows:

- Brownfield Tax Assistance (BTA) program
 - for remediation only
- Brownfield Tax Increment Finance (BTIF) program
 - for remediation in conjunction with a concurrent redevelopment project proposal
- Tax Increment Finance (TIF) program
 - for redevelopment projects only, with no remediation required

The BTA program normally applies to dig and dump remediation, independent of any specific proposed re-development project, whereas the BTIF program applies to dig and dump remediation and / or risk management remediation methods in conjunction with a defined re-development project. The 2020CIP does not permit double dipping of the BTA and BTIF programs on the same subject lands. Projects are eligible for one or the other, but not both programs.

However, it is anticipated that the process to appropriately remediate each of 282 and 285 Ontario Street will need to proceed in a phased and sequential manner requiring various methods of remediation (dig and dump, risk management) or in combination with each other, certain remediation components and methods may apply across the entire site, others might only apply to certain site areas and also may be overlapping and different in scope and timing.

Providing the opportunity of utilizing both the BTA and / or BTIF programs supports the orderly, efficient, cost effective and appropriate mechanisms and methods required to remediate the lands and which is a key objective of the Ontario Street Corridor Secondary Plan study.

Part C, **Implementation** of the 2020CIP provides for amendment to the Plan to establish new goals, objectives, and public / private investment strategies in response to a Secondary Plan.

Staff recommend that the 2020CIP be amended, site specifically for 282 and 285 Ontario Street, to broaden the applicability and scope of CIP programs that may be utilized to support remediation of the lands, and implementation of the Secondary Plan study.

The amendment in no way pre-determines or commits the City to approval of any CIP incentives or obligations for the subject lands.

The process to amend the CIP is similar to an official plan amendment, and requires formal notice, public consultation, and consideration of Council approval at a legislated public meeting.

Financial Implications

There is a current allocation of \$225,000 in the City's Capital Budget to undertake the Ontario Street Corridor Secondary Plan study.

There is no financial obligation to the City to amend the 2020CIP as set out above.

Environmental Sustainability Implications

It is a strategic goal and community priority for the 20-hectare (50 acre) brownfield site to be mitigated. The implementation of the future Secondary Plan, and works undertaken in conjunction with the Community Improvement Plan, are anticipated to see clean up efforts begin on the subject properties.

Conclusion

The uses within the Study area have helped shape the economic, social, cultural and environmental fabric of the City. The future Plan for this area will do so as well. This is a significant brownfield remediation opportunity in the middle of the City. The City needs

to take the initiative and direct the future planning of this area in a manner to support community renewal goals, objectives and initiatives, and to develop a City owned Plan.

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Appendices

1. Ontario Street Corridor Secondary Plan Study: Terms of Reference
2. Study Area
3. Study Components / Deliverables / Timeline

Ontario Street Corridor Secondary Plan Study

Terms of Reference



Table of Contents

1. Purpose	2
2. Context	2
3. Study Focus	3
3.1 Study Area	3
3.2 Scope	5
3.3 Guiding Principles/Objectives	5
4. Study Organization/Administration/Management	7
4.1 Budget	7
4.2 Stakeholders/Roles	8
4.3 Study Technical Advisory Committee	11
4.4 Public Engagement	12
5. Study Components/Deliverables/Timeline	12
5.1 Study Components/Deliverables	12
5.2 Study Timeline	15
 Appendix 1: Study Area	

Ontario Street Corridor Secondary Plan Study

Terms of Reference

1. PURPOSE

The following sets out the Terms of Reference to undertake a comprehensive land use study, and development of a Secondary Plan, for the lands described herein as the 'Ontario Street Corridor Secondary Plan Study Area'. The study area boundary is more specifically defined in Section 3 below and shown on Appendix 1.

The purpose of a Secondary Plan is to establish a clear vision, goals, objectives, land use policies and permissions, and the implementation strategies required to guide the future development of the subject area.

This Terms of Reference sets out the scope and process for the Secondary Plan study, including the context and planning framework, guiding principles and objectives, administration, budget, study participants and stakeholders, public engagement, required tasks, and a work plan and timeline to complete the study.

2. CONTEXT

The primary focus of the study are the lands known municipally as 282 and 285 Ontario Street (Appendix 1). Since 1929, these properties have been owned and used by General Motors or associated subsidiaries for an auto manufacturing operation. The manufacturing plant closed in 2010, and the properties were sold in 2014. Most of the existing buildings and structures on site have since been demolished and the majority of the site is now vacant. The current ownership has stated interest to pursue future development on the lands for residential and mixed use purposes.

The historical use of these lands has helped shape the City's economic, social, cultural, and physical landscape and fabric of the City. The future use of the lands will also help shape the City's landscape for generations to come.

Triggered by the closure of this long-standing industrial use, and what is now a mostly vacant, 20 hectare (50 acre) brownfield site located in the middle of the city, City Council directed staff to evaluate the conversion of the industrial lands to allow for future alternative residential and mixed use development.

The properties have long been designated 'employment' (industrial) in the City's Official Plan. The conversion or re-designation of employment lands for alternative uses requires an Official Plan Amendment.

Provincial land use policy requires that an Official Plan Amendment to convert or re-designate employment lands must first be based on a municipal-wide Land Needs Assessment (LNA). The LNA evaluates existing development capacities for all uses across the City, future land needs necessary to accommodate forecasted population, housing, and employment job growth, and identifies opportunities to re-align the City's land use structure and land use permissions to best support the growth forecast.

In 2017, the City undertook a LNA which formed the basis for Amendment 26 to the City's Official Plan. Official Plan Amendment 26 (OPA 26) was adopted by City Council on November 30, 2020, and further adopted by the Region of Niagara (upper tier government approval authority) on March 25, 2021. The amendment was subsequently appealed to the Ontario Land Tribunal (OLT) but was dismissed in its entirety by OLT decision on April 7, 2022.

Among other matters, OPA 26 does the following:

- re-designates the lands known municipally as 282 and 285 Ontario Street from 'employment' to 'mixed use' to provide for the development of alternative uses on the site, including residential, commercial, office, institutional, open space, recreation, as well as employment uses.
- requires that the subject lands are to be planned for future development through the creation and approval of a Secondary Plan.

The LNA and adoption of OPA 26 represent the completion of the first two planning components necessary to facilitate Council's direction to evaluate and plan for alternative uses on the subject lands. The third step is to undertake a Secondary Plan study to provide a greater level of detail, and more specifically identify and evaluate land use opportunities, permissions, policies and implementation strategies to guide the future development of the lands.

3. STUDY FOCUS

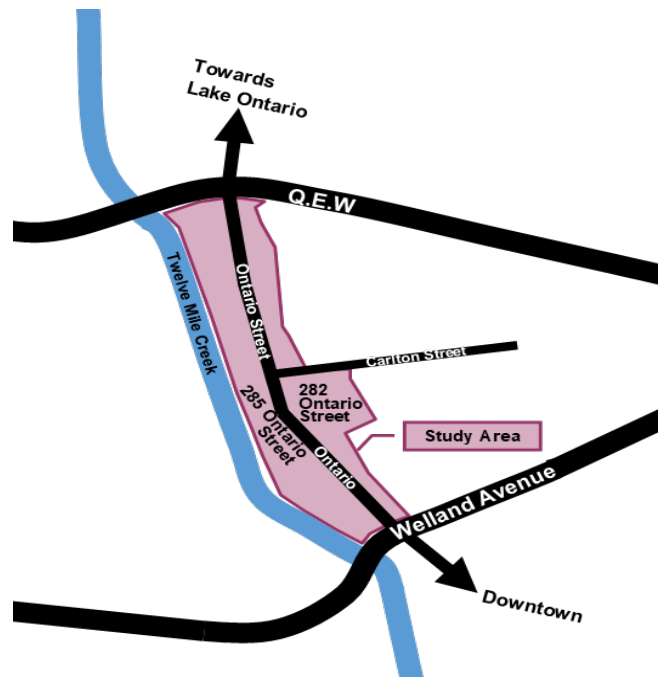
3.1 Study Area

The primary focus of the study is 282 and 285 Ontario Street. However, given the size and strategic location of these lands within the City, they cannot be looked at in isolation. The study area also includes the lands to the north and south of the properties along the Ontario Street corridor from the QEW Highway in the north to Welland Avenue in the south.

Ontario Street is a Regional arterial road and represents a primary and significant gateway into the City and the downtown core from the QEW Highway.

Each of 282 and 285 Ontario Street are approximately 10.0 hectares (25 acres) in size, and are the 2nd and 3rd largest vacant developable properties in the City's urban area. These properties are situated across the street from one another on the east (282) and west (285) side of Ontario Street, and are located approximately halfway (1.2 km) along the Ontario Street corridor between the QEW and downtown St.Catharines. It would be remiss not to evaluate 282/285 Ontario Street in conjunction with the Ontario Street corridor lands to the north and south in a comprehensive, cohesive, integrated and connected manner.

The corridor lands north and south are distinct from each other with respect to parcel fabric, land use and built form, and certainly distinct from 282/285 Ontario Street.



Most of the north corridor lands from Carleton St. to the QEW are primarily designated Arterial Commercial in the Official Plan, with a larger sized parcel fabric, and supporting uses primarily catering to the travelling public, and auto related uses. It is one of only two Arterial Commercial designated areas in the City and provides an important function in serving community needs.

The south corridor lands from Pleasant Avenue to Welland Avenue, and directly leading into the downtown core, are mostly comprised of a small parcel fabric and a mix of smaller scale residential and commercial uses. This area also includes a larger scale employment use located immediately adjacent to 285 Ontario Street, as well as 10 Pleasant Avenue, a 1.2 hectare (3 acre) vacant site located to the east and adjacent to 282 Ontario Street. This site was previously used for parking to serve the adjacent auto manufacturing operation. It is designated for medium density residential use in the Official Plan, and is currently under the same ownership as 282/285 Ontario Street. The south corridor lands also include Alex MacKenzie Park, a major city-wide community park, located immediately adjacent to 10 Pleasant Avenue to the east.

Recognizing the different typology, character and use of the three areas (282/285 Ontario, north and south corridors), the study focus is different for each area. The focus for 282/285 Ontario Street is brownfield redevelopment. For the adjacent north and south corridors of Ontario Street, study emphasis is primarily geared towards context sensitive site and neighbourhood design initiatives (built form, streetscape, complete streets, open space, climate change, etc) rather than any significant changes to land use permissions.

In addition to the above, the study will also evaluate the impact, implications, integration and transition of future development within the study area with that of the lands adjacent to the study boundaries, or area of influence, primarily the 12 Mile Creek valley lands to the west and established residential neighbourhoods to the east of the study area boundaries.

The study area boundaries, including the three sub-areas (282/285 Ontario Street, north and south corridors), and the approximate area of influence, are set out in Appendix 1, and which also includes Official Plan mapping of the study area.

3.2 Scope

The study is to be undertaken consistent with, and in support of, the goals and objectives of City Plans and other initiatives, including but not limited to the following:

- City's Corporate Strategic Plan
- Official Plan (Garden City Plan)
- Transportation Master Plan
- Parks Policy Plan
- Recreation Facility and Programming Master Plan
- Culture Plan
- Asset Management Plan
- Accessibility Plan
- Climate Adaptation Plan

Where applicable, the study will also be informed by the Region of Niagara's Official Plan, Transportation Master Plan, and Master Servicing Plan.

3.3 Guiding Principles/Objectives

In addition to 3.2 above, the study is to be guided by the following primary objectives and determinants. To properly plan for the area, the objectives are very much interrelated.

Land Use

To support the development of a dynamic, connected, efficient, more compact and higher density mixed use neighbourhood centered around 282/285 Ontario Street, providing for a range of primarily medium and higher density housing types, support for attainable housing, and an integrated mix of transit-supportive residential, commercial, cultural, institutional, recreational, open space, parkland and employment uses. The lands are currently designated Mixed Use in the Official Plan which supports a minimum density range of 100 people and jobs per hectare.

Along the Ontario Street north and south corridors, the primary land use focus is to maintain, and where appropriate to enhance, future use opportunities.

Site Remediation

To support time sensitive, cost-effective, and orderly environmental remediation of 282/285 Ontario Street. Given past use, and based on environmental studies to date, there are known contaminants on 282 and 285 Ontario Street. The location and level of contamination, and the approved process and method of remediation will have a direct influence on the planning for location, range and configuration of future uses, parcel fabric, and open space and built form opportunities in the area.

Given the size of the site, it is anticipated that the evaluation and approved process and methods of remediation will need to progress in an iterative, phased, and systematic approach, and will be a key component of the implementation strategy for future development within the study area.

The environmental evaluation and remediation of the lands is a priority for the City and key objective of this study.

Service Infrastructure and Capacity

To provide for efficient, cost-effective, environmentally friendly, resilient, and coordinated infrastructure investment to accommodate new growth and sustain existing development, and in doing so:

- to plan for the appropriate and sufficient provision of hard and soft service infrastructure and capacity necessary to accommodate existing and future development opportunities and needs, including transportation and transit, water, wastewater and stormwater management, parkland, open space, recreation, and emergency, community and utility services.
- to address existing and future infrastructure and capacity needs within the study area of influence, and to address broader existing and future community and city-wide infrastructure and capacity needs, and asset management, where applicable.

Integrate/Connect/Design

To embrace a connected community, and complete streets ethic, and to plan for a safe, accessible, serviceable, connected, multi-modal street network, and supporting urban design, green, open space and public realm opportunities for all ages and abilities, and in doing so:

- to facilitate built form and site design that reduces automobile oriented travel and achieves a high quality public realm and architectural design excellence.
- to plan for an integrated and connected built and open space network, identifying opportunities for the creation of new parks, trails, and public realm

improvements and open spaces, and the connection and integration of these spaces within the city's broader parks and trail network.

- to provide a cohesive, connected and compatible built form and site design within each study sub area, and throughout the entire study area, and to ensure appropriate transition of built form, design and scale with that of existing development and uses within the area of influence.
- to support a connected, integrated and contiguous streetscape design throughout the study area, recognizing the different use typologies of the 3 study sub areas, and to ensure an animated public realm, and placemaking to strengthen the role and design of the Ontario Street corridor as a major gateway into the city and the downtown.
- to promote an accessible, walkable, useable and connected open space network throughout the study area, supporting active and passive recreational uses, integration with adjacent neighbourhoods, and to facilitate accessible and active linkages to the 12 Mile Creek valley lands and the city's major open space network.

Natural/Cultural Heritage

To protect for and maintain the Twelve (12) Mile Creek and associated valley lands as a significant natural heritage feature and water management resource, and to encourage integration of a passive trail system within the natural heritage corridor to support connecting links between the study area and the city's open space network.

To support protection of heritage resources, and through design initiatives and place-making, to recognize and embrace the influence of the areas traditional use in helping shape the social and cultural fabric of the city.

Climate Change

To support climate change mitigation and adaptation design initiatives, including reduction of greenhouse gas emissions, energy efficiency and alternative energy systems, water conservation, enhanced vegetative cover and urban canopy, green building, site and low impact development design, and compact land efficient development.

4. Study Organization/ Administration/ Management

4.1 Budget

The City's current Operating Budget allocates \$225,000 to undertake the Secondary Plan study. The Region of Niagara, through their Smarter Niagara Incentives Program (SNIP), previously committed a matching grant of \$100,000 towards the study, of which \$59,040 remains to be utilized. A portion of the original grant amount

was previously expended to undertake the LNA which formed the basis for OPA 26.

There are a number of study components and evaluations that need to be addressed to complete a Secondary Plan study, and a typical budget to undertake a study of this size and nature is normally in the range of \$0.5 million. Given the limited study budget, the ability to retain consultant services to undertake the study is constrained. As such, the study will be directed and managed in-house by Planning and Building Services Department staff as part of the department work plan. The Terms of Reference also sets out study components to be undertaken through partnerships with the Region of Niagara and landowners.

4.2 Stakeholders / Roles

There are several stakeholders with varying roles to provide evaluation and input into the study, as follows:

City

The City's Planning and Building Services Department will direct and lead the study under the supervision of the Senior Project Manager. A core Project Team will be established and is comprised of the following:

- Senior Project Manager
- Senior Planner (Policy)
- Planner (CIP Coordinator)

The Project Team will be the author of the Secondary Plan, and many components of the study will be undertaken in-house by the Project Team, including:

- study management, administration, coordination.
- prepare, evaluate all background materials, data collection, and policy review;
- prepare and present study reports, updates.
- peer review of terms of reference and findings for all required technical studies prepared by landowner and development proponents.
- coordinate, administer and lead the study public engagement strategy.

The core Project Team will also be supported by additional City staff as outlined in Section 4.3

Retention of outside consultants will be used strategically where deemed necessary to support certain components of study evaluation. It is expected that consultant services will be retained most specifically to support public engagement strategies and provide independent peer review of any study components undertaken by development proponents, landowners and interested parties.

Niagara Region

The Region of Niagara has significant transportation and service infrastructure, investment, and policy interest within the study area, and is the final approval authority for the Secondary Plan.

Regional staff will be a necessary and valued contributor to the study, providing technical expertise and evaluation where necessary, primarily with respect to transportation, service infrastructure and capacity, urban design for the Regional road context, and policy implementation.

Regional staff will have direct representation on the study Technical Advisory Committee to be established (Section 4.3 below), and participation in the evaluation and review of all study components.

A Memorandum of Understanding will be approved by the City and Region to specifically define respective roles, responsibilities, and contributions to the Secondary Plan study.

Landowners / Development Proponents

The study area is comprised of 171 properties located on approximately 75 hectares (185 acres) of land. All lands within the study area, and area of influence, will be evaluated, and all property owners consulted throughout the study process.

292/285 Ontario Street, 10 Pleasant Avenue

Most impactful to the study are the properties at 282 and 285 Ontario Street and 10 Pleasant Avenue. These are the only significantly sized vacant developable properties in the study area, comprising approximately 30% of study area lands, and will require significant technical study evaluation, including but not limited to traffic, functional servicing, water management, environment, urban design, natural and cultural assessment.

Proponents for development of these properties are responsible to finance and undertake site-specific technical studies to evaluate and justify consideration of development approval on their lands. These studies will help inform the Secondary Plan study and evaluation. Likewise, it is expected that the study principles and objectives in Section 3.3 above, and in-house staff evaluation of the study area, will direct and help inform technical studies required by any development proponents and landowners in the study area.

A coordinated and integrated approach and evaluation of any site-specific studies is necessary to properly plan for and enable the development of a viable, fiscally responsible, and achievable Secondary Plan for the area in support of guiding study principles and objectives.

Transparency and Accountability

A Memorandum of Understanding will be approved between the City and development proponents for 282, 285 Ontario Street and 10 Pleasant Avenue to specifically define roles, responsibilities, and contributions to the study.

Developer proponent studies are intended to provide professional qualified technical information and evaluation, but in no way will pre-determine any specific outcomes of the study. To ensure transparency and accountability, terms of reference, evaluation and results of all technical and site specific studies required by the development proponents will be subject to a robust peer review process by the Study Technical Advisory Committee to be established (Section 4.3 below), as well as outside agencies, where required. Outside independent professional qualified consultants will be retained for peer review purposes where warranted.

All technical and independent studies will be made available for stakeholder and public review, and will form part of the public record for the Secondary Plan Study.

Any development applications made on lands within the study area in advance of completion of the Secondary Plan study will be evaluated and guided by current city, upper tier government and agency policies and regulations, guiding study principles and objectives in Section 3.3 above, and Secondary Plan study evaluation to date.

Outside Agencies

There are a number of outside agencies who have land ownership, infrastructure, facilities and/or regulatory authorities and interest within the study area, including the Ontario Power Generation (OPG), Niagara Peninsula Conservation Authority (NPCA), Ministry of the Environment, Conservation and Parks (MOECP), and the Ministry of Transportation (MTO), in addition to local utility service providers including hydroelectric, gas, and telecommunications.

All of these stakeholders will be directly consulted throughout the study process, and further, will provide peer review of terms of reference, evaluation and results of any technical and site studies required by development proponents and landowners where applicable.

Corporate Advisory Committees

The City establishes several Advisory Committees to provide input and advice to City Council on matters related to the cultural, economic, environmental and social sustainability pillars of the City's Corporate Strategic Plan. All of the City's Advisory Committees will be consulted at the initial stage of study, and to provide input and advice on study findings throughout the process.

Neighbourhood Advisory Committee

The lands within and around the study area will be directly impacted by study recommendations. A Neighbourhood Advisory Committee will be established to help

guide, review and provide input into study components. The composition of the Committee will be localized to the study area, and area of influence, and will be comprised of the following:

- 1 to 2 landowner representatives from the Ontario Street north corridor sub-study area
- 1 to 2 landowner representatives from the Ontario Street south corridor sub-study area
- 1 representative from each of the Haig and Fitzgerald Neighbourhood Associations
- 2 St. Patrick Ward Councillors

The role of the Committee is to speak and provide input on behalf of landowner and resident interests in the study area, and area of influence, and engage in the review and evaluation of study components. It is expected that the Neighbourhood Advisory Committee will meet with the Project Team on a quarterly, or as needed basis. This is in addition to public engagement and consultation outlined in Section 4.4.

4.3 Study Technical Advisory Committee

A Technical Advisory Committee will be established to identify, direct, guide, evaluate and recommend study components, and will be led by the study Project Team identified in Section 4.2 above.

The Committee will be comprised of the study Project Team and will also include two other members from the Planning and Building Services Department (Manager of Planning, Senior Planner (Urban Design)), and representatives from other City departments, the Region of Niagara, and the Niagara Peninsula Conservation Authority (NPCA).

The Technical Advisory Committee will be composed of the following:

- City departments:
 - Planning and Building Services (PBS) – five (5) members
 - Engineering, Facilities and Environmental Services (EFES) –two (2) members
 - Community, Recreation and Culture Services (CRCS) – one (1) member
 - Economic Development and Tourism Services (EDTS) – one (1) member
 - Financial Management Services (FMS) – one (1) member
- Region of Niagara, Planning and Development Services – one (1) member
- NPCA – one (1) member

Additional representation on the Committee from City departments and the Region of Niagara may be required on an as needed basis.

4.4 Public Engagement

The historical use of the study lands has helped shape the fabric of the city and the future use of the lands will do so for generations to come. The study cannot just be looked at in isolation of the immediate area and must also be evaluated on community and city-wide perspectives.

Neighbourhood and community wide public engagement, consultation and input is also a critical partner in the success of the Secondary Plan study. The public is a critical stakeholder in the study, and any and all public review and input into the study exercise and development of a recommended Secondary Plan is welcomed and encouraged.

Public engagement and facilitation will primarily be orchestrated and conducted by the study Project Team. It is anticipated that outside consultant services will be retained to support certain components of the public engagement strategy.

The study will undertake a robust, accessible, systematic, informative, interactive and accountable public engagement process, and will include:

- an EngageSTC page on the City's website, devoted to providing current information and updates on the study, meeting notifications, and input opportunities.
- multi-media publication of study status, meeting notifications, and input opportunities (city webpage, web-based portals, print media, radio/tv, etc.)
- on-site information centre and opportunities for community engagement and participation
- pop-up information/input kiosks
- in-person and/or virtual accessible design charettes, visioning exercises
- attend neighbourhood meetings, consult with any interested individuals/ interest groups city-wide.
- host community wide public forums to provide study analysis, findings, status, and to solicit input and feedback
- systematic study updates to City Council

5. STUDY COMPONENTS /DELIVERABLES /TIMELINE

The study is organized into 6 main phases. The precise range, scope and timing of tasks is intertwined, iterative and may overlap.

5.1 Study Components / Deliverables

1. Project Start-up

- Enter into Memorandum of Understandings with Region of Niagara, active development proponents;

- Formally establish the Technical Advisory Committee and Neighbourhood Advisory Committee, and introductory start-up meetings;
- Provide direct notification to all study area residents, business and landowners in the study area, including those in the identified area of influence;
- Establish a study contact list for stakeholders and interested parties to provide study bulletins, update and information.
- Develop and implement the public engagement strategy (website, web based portals, media, meetings, etc.);
- Host a community wide public forum, and initial introductory meetings with corporate advisory committees, to present and seek input on the study process, evaluation components and deliverables.
- **Deliverable:** Establish study start-up and management protocols. Host a introductory **Public Open House (Q4, 2022)**.

2. **Information Gathering/ Background Analysis**

- Review and analysis of existing land use, typologies, inventories, character, parcel fabric, development capacities, physical conditions/attributes, assessment of natural and cultural heritage, parkland, roads and service infrastructure and capacity;
- Review of existing local, upper tier and agency policy framework and regulations, best practice review;
- Identify current and future local and upper tier Capital works projects and other planning initiatives for the subject area and surrounding community;
- Identify opportunities and constraints for current and future planning initiatives, and required technical study inputs and terms of reference.
- **Deliverable:** prepare a **Background Analysis Report** for review and input by the public, Council, corporate advisory committees, neighbourhood advisory committee **(Q2, 2023)**.

3. **Community Visioning / Alternative Land Use Concepts**

- To engage in-person and/or virtual opportunities for residents, business, property owners, and other interested stakeholders to actively participate in developing an overall vision and guiding principles for the study area;

- In conjunction with the Background Analysis Report in Phase 1, this visioning exercise will establish three (3) alternative development scenarios for the study area, and form the basis and foundation for further detailed planning analysis;
- **Deliverable:** prepare and present a **Community Vision and Alternative Concepts Report** for review and input by the public, Council, corporate advisory committees, neighbourhood advisory committee (**Q3, 2023**).

4. **Detailed Planning Analysis / Preferred Land Use Concept**

- A defined, systematic and transparent evaluation criteria system will be established to assess each of the three (3) alternative concept scenarios established in Phase 3 above, and each of the scenarios will be subject to detailed planning analysis, including but not limited to:
 - land use typology, capacities, built form and site design opportunities, compatibility, and impacts
 - functional water and wastewater service infrastructure, capacity needs, opportunities and constraints
 - transportation, traffic and transit capacities, efficiencies, needs, impacts, opportunities
 - stormwater management requirements and impacts
 - environmental sustainability, remediation needs, implications and impacts
 - road, streetscape and open space network connections, accessibility, multi-modal mobility, and public realm opportunities
 - parkland requirements and opportunities
 - natural and cultural heritage protection and integration
 - climate change mitigation, adaptation and resiliency
 - emergency, utility service and community facilities provision, and asset management
 - municipal and landowner financial implications and impact
- Based on the above analysis, a preferred Land Use Concept Plan for the study area will be prepared and recommended for endorsement, and will include a preliminary land use policy framework setting out key objectives, development and design standards, and strategies for implementation of the Concept Plan.
- **Deliverable:** prepare and present a **Detailed Analysis / Preferred Land Use Concept Plan Report** for review, input and endorsement by the public, Council, corporate advisory committees, neighbourhood advisory committee (**Q1, 2024**).

5. Draft Secondary Plan

- Based on the evaluation in all subsequent study phases, a detailed land use planning framework, land use policies, standards, implementation strategies and map schedules will be prepared and together will form the draft 'Ontario Street Corridor Secondary Plan'.
- **Deliverable**: prepare and present a **Draft Ontario Street Corridor Secondary Plan and Report** for review and input by the public, Council, corporate advisory committees, neighbourhood advisory committee (**Q3, 2024**).

6. Final Draft Secondary Plan for approval

- Based on the review and input received in Phase 5, a final report and draft Ontario Street Corridor Secondary Plan will be prepared with any necessary refinements and modifications, and presented to Council for formal adoption.
- **Deliverable**: prepare and present the **Final Draft Ontario Street Corridor Secondary Plan** at a legislated public meeting for consideration of formal City Council approval (**Q4, 2024**).

5.2 Study Timeline

The study start-up will proceed immediately following City Council endorsement of this Terms of Reference. Many of the study components, and timing of tasks, are intertwined, iterative and overlap. It is estimated that the study will take 2 ½ years to complete.

The following provides the phasing sequence and estimated timeline for study components and deliverables.

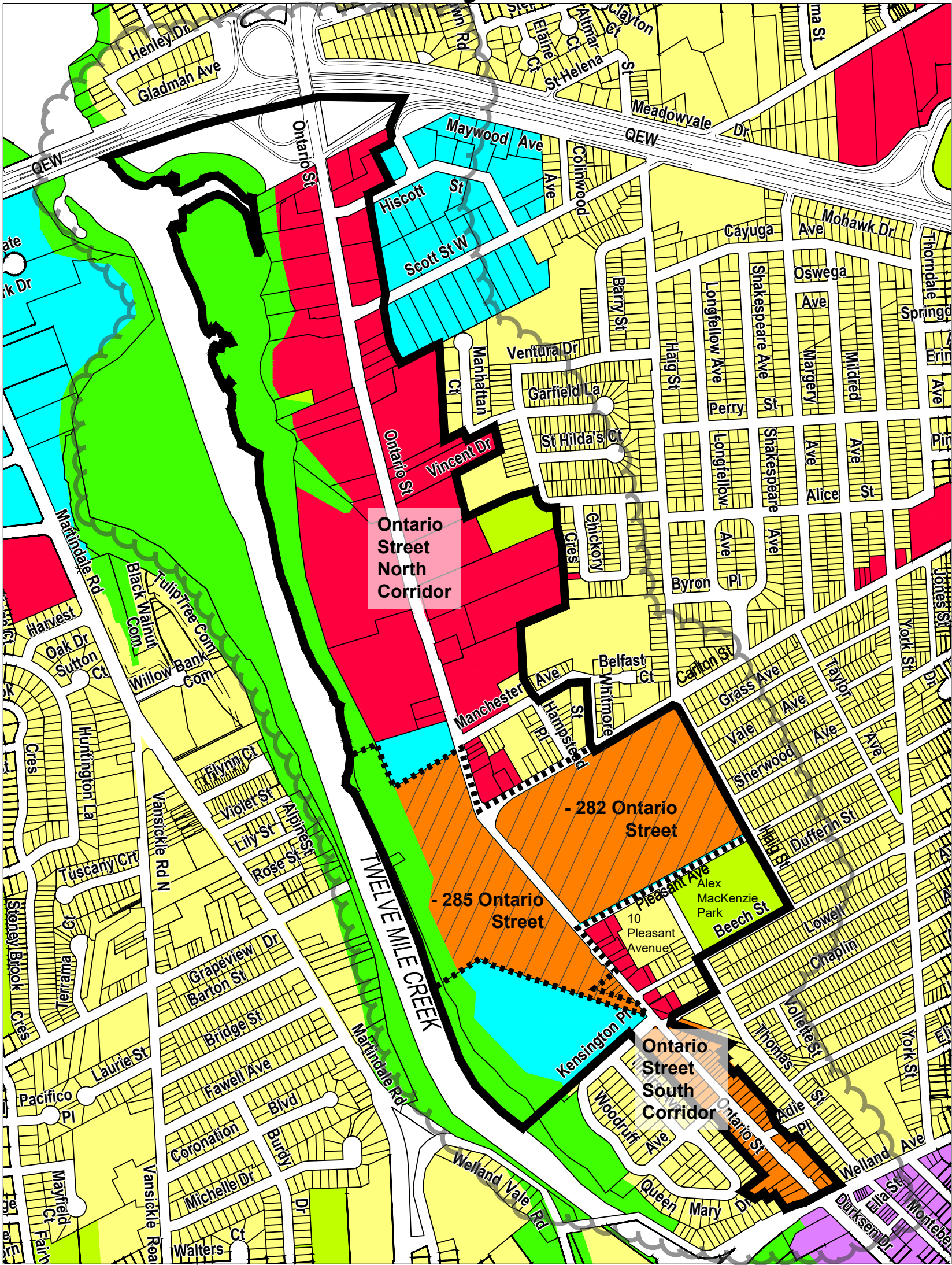
Study Components / Deliverables	2022				2023				2024				2025						
	May 30	Q3	Q4		Q1	Q2	Q3	Q4		Q1	Q2	Q3	Q4		Q1	Q2	Q3	Q4	
Council endorse Study Terms of Reference																			
Study start-up																			
Introductory Public Meeting																			
Background Analysis																			
Background Analysis Report																			
Community Visioning																			
Community Visioning/ Alternative Concepts Report & Public Meeting																			
Detailed Planning Analysis																			
Detailed Analysis / Preferred Land Use Concept Report & Public Meeting																			
Prepare Draft Secondary Plan																			
Draft Secondary Plan, Report & Public Meeting																			
Prepare Final Draft Secondary Plan, Report																			
Consideration to adopt Secondary Plan at Legislated Public Meeting																			



Public Meetings / Deliverables

Ontario Street Corridor Secondary Plan

Study Area

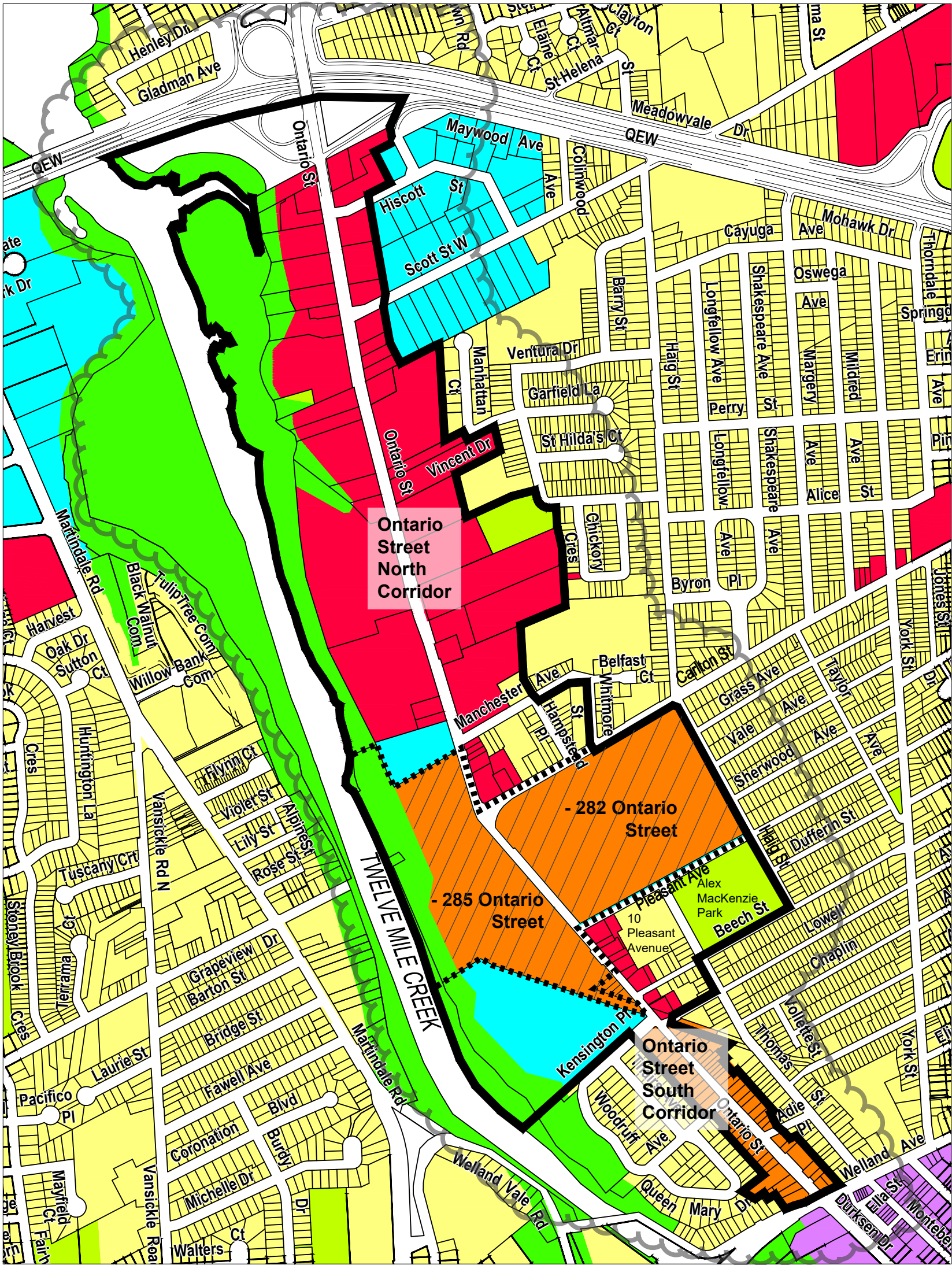


- Boundary for Ontario Street Corridor Secondary Plan Study Area
- Boundary of Study Sub Areas (282/285 Ontario Street, North Corridor, South Corridor)
- Area of Influence

Official Plan Land Use Designations

Neighbourhood Residential	Mixed Use
Commercial	Downtown
Parkland & Open Space	Natural Areas
Employment	

Ontario Street Corridor Secondary Plan Study Area



- Boundary for Ontario Street Corridor Secondary Plan Study Area
- Boundary of Study Sub Areas (282/285 Ontario Street, North Corridor, South Corridor)
- Area of Influence

Official Plan Land Use Designations

Neighbourhood Residential	Mixed Use
Commercial	Downtown
Parkland & Open Space	Natural Areas
Employment	

Study Components / Deliverables / Timeline

Study Components / Deliverables	2022				2023				2024				2025					
	May 30	Q3	Q4		Q1	Q2	Q3	Q4		Q1	Q2	Q3	Q4		Q1	Q2	Q3	Q4
Council endorse Terms of Reference																		
Study start-up																		
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Detailed Analysis / Preferred Land Use Concept Report & Public Meeting																		
Prepare Draft Secondary Plan																		
Draft Secondary Plan, Report & Public Meeting																		
Prepare Final Draft Secondary Plan																		
Consideration to adopt Secondary Plan at Legislated Public Meeting																		



Deliverables / Public Meetings



By-laws to be considered Monday, May 30, 2022

- (a) A By-law to amend By-law No. 2002-81 entitled "A By-law to appoint certain employees of the Canadian Corps of Commissionaires (Hamilton) as municipal law enforcement officers." (One reading – with respect to change in personnel and correction of administrative error. Delegation of Powers and Duties By-law No. 2020-156.)
- (b) A By-law to repeal By-law No. 2019-210 entitled "A By-law to Delegate Authority to the City Clerk to Execute Such Documents Necessary for the Operation of the FirstOntario Performing Arts Centre. (One reading – with respect to housekeeping amendment. Delegation of Powers and Duties By-law No. 2020-156.)
- (c) A By-law to amend By-Law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads." (One reading – with respect to addition of a stop sign location at Arthur Street. Delegation of Powers and Duties By-law No. 2020-156.)
- (d) A By-law to temporarily provide The Corporation of the City of St. Catharines with the ability to conduct certain business in the event of the Council being restricted in its authority pursuant to Section 275 of the Municipal Act, 2001 S.O. 2001, c25, as amended. (One reading – with respect to restricted acts after Nomination Day (Lame Duck Council. To be considered by Council, May 30, 2022.)
- (e) A By-law to close permanently that Part of Road Allowance between Lots 22 & 23, Concession 3 (Grantham), lying within Part 1 on Plan 30R-15672; in the former Geographic Township of Grantham, now in the City of St. Catharines, Regional Municipality of Niagara. (One reading – with respect to 50 Henley Drive. To be considered by Council, May 30, 2022.)
- (f) A by-law to Regulate Vacant Buildings. (One reading – with respect to the Vacant Building Registry By-law. To be considered by Council, May 30, 2022).
- (g) A By-law to amend By-law No. 2021-101 entitled "A By-law to impose certain rates and fees charged by The Corporation of the City of St. Catharines with respect to certain administrative matters. (One reading – with respect to Vacant Building application – administration and registration fees. To be considered by Council, May 30, 2022.)
- (h) A By law to confirm the proceedings of council at its meeting held on the 30th day of May 2022. (One reading - with respect to confirming the proceedings of the meeting held on May 30, 2022.)