



The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, August 8, 2022
Council Chambers and Electronic Participation, 5:00 PM

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, August 8, 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, August 8, 2022 before 9:00 a.m. and attend a test session with City staff on Monday, August 8, 2022 at 10:00 a.m.

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

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- 1. Mayor's Report**
- 2. Adoption of the Agenda**
- 3. Adoption of the Minutes**
 - 3.1 Regular Council, meeting of [July 18, 2022](#)
- 4. Declarations of Interest**
- 5. Motion to Move Consent Reports**

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

6. Consent Reports

- | | | |
|-----------|------|--|
| 4 - 9 | 6.1 | Community, Recreation and Culture Services
Indoor Tennis |
| 10 - 29 | 6.2 | Economic Development and Government Relations
Municipal Accommodation Tax |
| 30 - 34 | 6.3 | Financial Management Services, Property Management
Proposal to Declare Lands Surplus – 2A Hainer Street, Realty File
14.159 |
| 35 - 39 | 6.4 | Financial Management Services
Community Benefits Charges Affordable Grant Housing Program |
| 40 - 43 | 6.5 | Financial Management Services
2023 Tax Due Dates and Interim Billing By-Law |
| 44 - 48 | 6.6 | Legal and Clerks Services, Clerks Department
Policy for Appointing Elected Officials and Recommending Elected
Officials for Appointment |
| 49 - 53 | 6.7 | Planning and Building Services, Planning Services
Street Naming Policy |
| 54 - 86 | 6.8 | Planning and Building Services
Memorandum Of Understandings between the City and Region, and the
City and Development Proponents, in relation to the Ontario Street
Corridor Secondary Plan Study |
| 87 - 103 | 6.9 | Planning and Building Services
Building Services Annual Report on Revenue, Expenses, and Permit
Stabilization Reserve Fund for 2021 |
| 104 - 119 | 6.10 | Planning and Building Services
Creation of a Vital Services By-law and Related Administrative Monetary
Penalties
<i>(Approval of this report will set a public meeting for the Council Meeting
of August 29, 2022)</i>
[Addenda] |
| 120 - 134 | 6.11 | Legal and Clerks Services, Office of the City Clerk
Council Correspondence |

7. Public Meetings

8. Presentations

- | | |
|-----|--|
| 8.1 | Economic Development and Government Relations
Canada Summer Games 13 for 13 Event - Golden Moments – Celebrating
St. Catharines and the Yukon
<i>(Staff presentation)</i> |
|-----|--|

9. Discussion Reports

- 135 - 138 9.1 Fire Services
Fallen Firefighters Memorial – Phase Two Update
(Delegation will proceed discussion of the report)
- 139 - 145 9.2 Economic Development and Government Relations
2024 World Rowing Championships Infrastructure and Community
Accessibility Improvements
(Delegation will proceed discussion of the report)
- 146 - 149 9.3 Engineering, Facilities and Environmental Services
P18-164 Seymour-Hannah Sports and Entertainment Centre
Dehumidification Upgrade

10. Motions

11. Call for Notices of Motion

12. Committee and Task Force Minutes

12.1 Minutes to Receive:

- 2029 Historic Welland Canals Task Force, meeting of [July 12, 2022](#)
- Anti-Racism Advisory Committee, meeting of [June 15, 2022](#) (draft)
- Fallen Firefighter Memorial Task Force, meeting of [July 12, 2022](#) (draft)
- Green Advisory Committee, meeting of [June 15, 2022](#)
- Heritage Permit Advisory Committee, meeting of [June 30, 2022](#) (draft)

[Addenda]

12.2 Amendment to Terms of Reference for Fallen Firefighter Memorial Task Force:

That City Council approve that the Terms of Reference be amended to include three representatives of the Fire Services Leadership Team.

13. Closed Session

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

14. Motion Arising from Closed Session

15. By-laws

- 150 - 151 15.1 Reading of By-laws
[Addenda]

16. Adjournment



Corporate Report City Council

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

Report Date: July 12, 2022

Meeting Date: August 8, 2022

Report Number: CRCS-123-2022

File: 68.32.125

Subject: Indoor Tennis

Strategic Pillar:

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



Recommendation

That Council support staff preparing and issuing a Request for Proposal (RFP) seeking a private operator to install, operate and maintain an air supported structure to provide winter tennis at an existing outdoor tennis court location.

Summary

Through the Recreation Facilities and Programming Master Plan (RFPMP) community consultation process, the City received community feedback requesting for tennis courts to be managed by a non-profit community tennis club, an entity that did not exist in St. Catharines at the time that the RFPMP was approved by Council. However, since that time, the St. Catharines Tennis Alliance (SCTA) was formed with a purpose to advocate for improvements to courts and programming, while creating a community that all players can be part of. Staff and the SCTA have been working collaboratively and believe that there is a possibility for a third party to install, operate and maintain an air supported tennis structure, through a lease agreement with the City, which benefits the community and requires no financial investment from the City. City staff and the STCA have been approached by a third-party operator that has partnered with other municipalities regarding their interest in pursuing this initiative in St. Catharines.

Relationship to Strategic Plan

The recommendation of this report supports the Social Well-Being strategic goal to build and support strong, inclusive neighbourhoods that provide high quality of life for residents of all ages.

The recommendation of this report supports the Organizational Excellence strategic goal of creating operational and organizational enhancements with a review of the organizational structure, policies and processes, and allocation of resources to discover efficiencies, strengthen customer service, evolve our delivery of services and programs and support an inclusive workplace and employee well-being.

Background

On May 25, 2015 the [City's Recreation Facilities and Programming Master Plan](#) was approved by Council. The following are tennis-specific recommendations within the 2015 RFPMP:

- Engage persons and organizations interested in forming a community tennis club, along with existing Realty Park members, to discuss how best to transition responsibilities to a qualified community provider that delivers organized tennis programming out of Realty Park on a non-profit basis (Recommendation #24).
- Explore opportunities to construct tennis courts in strategic gap areas, such as in the St. Andrew's Ward and the northern Merritton Ward, while ensuring existing tennis courts are maintained to facilitate an acceptable quality of play (Recommendation #25) (see Recommendation #27).
- Create a capital renewal strategy for the City's hard surface courts (consisting of basketball and tennis courts) that defines the cost of replacing aging facilities and the proposed timeframe for doing so, while also exploring ways in which to fund these reinvestments potentially through partnerships, fundraising, and other means (Recommendation #27).

Report

Through the Recreation Facilities and Programming Master Plan (RFPMP) community consultation process, the City received community feedback requesting for tennis courts to be managed by a non-profit community tennis club, an entity that did not exist in St. Catharines at the time that the RFPMP was approved by Council. However, since that time, the St. Catharines Tennis Alliance (SCTA) was formed with a purpose to advocate for improvements to courts and programming, while creating a community that all players can be part of. Staff and the SCTA have been working collaboratively and believe that there is a possibility for a third party to install, operate and maintain an air supported tennis structure, through a lease agreement with the City, which benefits the community and requires no financial investment from the City. City staff and the STCA have been approached by a third-party operator that has partnered with other municipalities regarding their interest in pursuing this initiative in St. Catharines.

Partnerships are Key to Future Community Spaces

Community, Recreation and Culture Services staff have been researching service delivery options related to tennis. There has been a growing number of municipalities who have partnered with third party tennis organizations, resulting in renewed court surfaces, additional amenities such as club houses and year-round play by adding air supported structures (domes). Staff will explore the possibility of partnering with an external operator to operate an air supported tennis structure through a lease agreement which benefits the community with no financial investment from the City. Without a community partner, an air supported tennis structure would create significant capital costs and annual operating costs for decades to come. The third-party operator and SCTA have expressed a desire to pursue winter tennis operations as well as provide court improvements.

As identified in the Parks Renewal Plan, the timing to pursue this initiative is ideal given the many outdoor tennis courts that are scheduled for reconstruction over the next few years. If Council approves the recommendation outlined in this report and direct staff to proceed with an RFP for an external vendor, then construction would be temporarily delayed ensuring that the specifications for the air supported structure of the successful proponent is engineered correctly to avoid future issues. If Council does not wish to pursue an RFP for an external operator, then the courts will be constructed without a grade beam which would eliminate the possibility of adding an air supported structure in the near future without significant costs.

Staff is recommending an RFP be issued seeking a private operator to provide, administer and manage all air structure operations and tennis programming during the winter months (typically November to April). This could be achieved through a lease agreement with the City which would be negotiated with the successful proponent. Staff would work with the SCTA for tennis programming during the summer months (typically May to October) to support the needs of the tennis community.

Initiative Aligns with Tennis Canada's Strategy & Partnership Framework

According to Tennis Canada, there is only one accessible covered court for every 50,000 Canadians, resulting in a shortage of year-round tennis courts in Canada preventing residents from playing tennis for the greater part of the year.

The goal of Tennis Canada's Municipal Tennis Facilities Strategy & Partnership Framework is to increase access to year-round tennis for all Canadians. Covered courts include courts under a permanent, air-supported or other fabric frame structure that enables Canadians to play tennis regardless of the weather. Through a partnership structure, municipalities can help deliver affordable tennis programs for all ages and abilities by leveraging their operational and programming expertise, as well as the local community.

Recreation Master Plan Advisory Committee Endorses a Community Tennis Club

On [July 6, 2021](#), the Recreation Master Plan Advisory Committee received two tennis related presentations (the two presenters have since formed a partnership and are referred to as the St. Catharines Tennis Alliance).

At its [September 7, 2021](#) meeting, the Recreation Master Plan Advisory Committee approved the following motion:

“That the Recreation Master Plan Advisory Committee begin developing the Terms of Reference for a Community Tennis Club in Q1 2022; and

That staff communicate with the tennis group presenters regarding the development of the Community Tennis Club; and

That the development of a Community Tennis Club be added to the 2022 Recreation Master Plan Advisory Committee Work Plan.”

Pending the results of the RFP, Staff will discuss the findings with the Recreation Master Plan Advisory Committee.

Financial Implications

There are no financial implications to Council’s approval of this report.

Subject to negotiation with the successful proponent, a revenue generating lease would be realized for an otherwise idle asset during the winter months which would be incorporated into future budgets. Staff would ensure that the costs of the outdoor tennis court reconstruction, as outlined in the Parks Renewal Plan, be included in future draft capital budget submissions for Council consideration and would align with the construction of an air supported structure.

Environmental Sustainability Implications

There are no environment implication associated with this report.

Conclusion

Partnerships are key to future community spaces. Staff and the SCTA have been working collaboratively and believe that there is a possibility for a third party to install, operate and maintain an air supported tennis structure, through a lease agreement with the City, which benefits the community and requires no financial investment from the City. City staff and the STCA have been approached by a third-party operator that has partnered with other municipalities regarding their interest in pursuing this initiative in St. Catharines. Council’s approval of this report will provide Staff and the SCTA the opportunity to explore an air supported tennis structure for the community.

Notifications

St. Catharines Tennis Alliance

Prepared & Submitted by

Eric Lamothe

Manager, Business Planning & Strategic Services

Approved by

Phil Cristi

Director, Community, Recreation and Culture Services

Appendices

1. Letter of Endorsement – St. Catharines Tennis Alliance

St Catharines Tennis Alliance

226 Riverview Blvd, St.Catharines, ON L2T 3M8

July 14, 2022

Attention Eric Lamothe:

We are a group of tennis players who have been active over the last 2 years in working with the city to improve the state of tennis courts within the city, with the long term goal of establishing tennis club programing.

Through our efforts we have become aware of interest by a third party to operate a winter tennis operation at an existing outdoor tennis court location in the city.

We write to indicate to the city that we are in strong support of such a facility and request that the city pursue the possibility of partnering with an outside vender who could operate a winter tennis operation.

Such an endeavor would help us achieve our goal of improving the state of tennis in the city, and would, on a cost effective basis, fill a need for the tennis players in the city of a place to play in the winter in our home town.

We hope that an opportunity such as this would be eagerly investigated and considered by city staff and council.

Thank you,



Chris Richard – President

St. Catharines Tennis Alliance



Corporate Report City Council

Report from: Economic Development and Tourism Services

Report Date: July 6, 2022

Meeting Date: August 8, 2022

Report Number: EDTS-121-2022

File: 10.57.34

Subject: Municipal Accommodation Tax

Strategic Pillar:

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



Recommendation

That the Business Case Study for the creation of the Tourism St. Catharines Municipal Services Corporation, attached as Appendix 1, be approved; and

That staff and the Interim Directors of the Tourism St. Catharines Municipal Service Corporation, be authorized and directed to develop policy relating to the following, and report back to Council in the fourth quarter (Q4) 2022 for approval:

- (i) Operating Agreement and Asset Transfer Policy between the City of St. Catharines and the new Tourism St. Catharines Municipal Services Corporation; and
- (ii) Establishing the Tourism St. Catharines Municipal Services Corporation Municipal Accommodation Tax Reserve Fund to receive the Tourism St. Catharines Municipal Services Corporation's portion of the Municipal Accommodation Tax; and

That Council delegate authority to the Director of Economic Development and Government Relations, or designate, to authorize and execute agreements required to fulfill the Business Case Study for the creation of the Tourism St. Catharines Municipal Service Corporation, attached as Appendix 1, and such other terms and conditions deemed appropriate by the Director of Economic Development and Government Relations, in consultation with the Chief Administrative Officer and the Director of Financial Management Services, and in a form satisfactory to the City Solicitor or designate.

Summary

This report responds to Council direction on some key implementation requirements for the Municipal Accommodation Tax (MAT) taking effect January 1, 2023.

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.

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.

Staff provided recommendations to Council on May 30, 2022 to implement a MAT in St. Catharines and to also establish a Tourism St. Catharines Municipal Service Corporation as the eligible tourism entity to have 60% of funds collected remitted to. Council approved the implementation of the MAT at a rate of 4% on May 30, 2022 and on June 27, 2022 provided staff direction to staff via a reconsideration:

"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 January 1, 2023."

Report Business Case

A Business Case Study is required to fulfill the requirements of Ontario Regulation 599/06 governing Municipal Services Corporations (MSC).

Municipal Act, 2001, Ontario Regulation 599/06 provides the legislative framework for MSC. Under s.6 of the Regulation, municipalities shall adopt a Business Case Study for the MSC before using its powers. Accordingly, staff prepared a Business Case Study which includes the purpose of the MSC, rationale, purpose, benefits, legislative context, guiding principles, governance structure, collection of MAT funds and reporting. Appendix 1 is the Business Case Study.

Subject to availability, the Municipal Services Corporation shall be called Tourism St. Catharines. The City of St. Catharines will be the sole member in this not-for-profit corporation. Operating out of St. Catharines City Hall, located at 50 Church Street, St. Catharines, Ontario, the Interim Board as appointed by Council include: the City Manager, Director of Financial Management Services, Director of Economic Development and Government Relations (or their designates) and one City Councillor.

The purpose and objectives of the MSC would include the following:

- (i) Promotion of the City for the purposes of attracting tourists and visitors, thereby generating overnight stays and associated economic spin-offs;
- (ii) Collection and dissemination of information, i.e. to conduct targeted market research identifying tourism and business travel opportunities in St. Catharines;
- (iii) Development of tourism promotion and business development strategic plans, i.e. to develop multi-year marketing plans and strategies that address St. Catharines's strategic goals for a robust tourism and business destination;

- (iv) Provision of facilities for amusement or for destination marketing organizations, i.e. to support and facilitate the growth and development of local tourism sector by identifying and promoting opportunities for new tourism-related infrastructure and service investments (including attractions, public transit, information kiosks, community hubs, festivals and special events, conventions, etc.) that will generate positive economic growth in St. Catharines; and
- (v) Counselling service to or encouraging the establishment and initial growth of tourism-related small businesses operating or proposing to operate in the City, i.e. to facilitate a high level of collaboration amongst the City's tourism industry, business organizations and the City.

An Agreement governing the relationship between the City and the MSC will be prepared outlining the economic development services being delivered by the MSC, terms and conditions for the transfer of the 60 percent of revenues generated from the MAT, and other matters.

The process of incorporating the Tourism St. Catharines MSC will take several months. Undergoing the work to make the MSC fully operational in 2023 will remove MAT implementation delays at both the municipality and accommodation sector levels and provide adequate timing as proposed in the by-law attached as Appendix 2.

The Council representative on the Interim Board for the Tourism St. Catharines MSC will be appointed in December 2022 during the normal Committee appointment process. The Interim Board is not expected to meet or discuss formal business until the MAT takes effect in 2023.

Public Consultation

Section 8 of *O. Regulation 599/06* also required that a municipality consult with the public about the proposal to establish the MSC. This requirement was met through the City's MAT consultation process.

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 Financial Management Services and Legal Services departments.

Utilization of the MAT

In order to utilize the funding collected and allocate to projects, the Municipal Services Corporation Board, in collaboration with local accommodation operators, would establish a committee of tourism and 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 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

Financial Implications

There are no financial implications associated with this report.

Environmental Sustainability Implications

There are no environmental sustainability implications with this report.

Conclusion

The Business Case Study was prepared to support the creation of the Municipal Services Corporation, intended to be named Tourism St. Catharines. The objectives of the MSC include the planning and delivery of economic development services, focused solely on tourism-related promotion and business development within the municipal boundary of St. Catharines, Ontario.

Information about this proposal to establish the MSC, has been communicated to stakeholders by the City through staff reports, presentations and meetings. The Business Case Study was circulated to applicable internal City Departments for comments.

Therefore, it is recommended that this Business Case Study be adopted by Council.

Prepared and Submitted by

Julia Ciolfi

Economic Development Officer

Approved by

Brian York

Director, Economic Development and Government Relations

Appendices

1. Business Case Study – Tourism St. Catharines
2. Draft By-law to Establish a Municipal Accommodation Tax in St. Catharines

Eligible Tourism Entity for Municipal Accommodation Tax

Tourism St. Catharines

Business Case Study

This document has been prepared in accordance with Section 6 of *Ontario Regulation 599/06* (Municipal Services Corporations) as per section 203 (4) of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended.

Background

The City of St. Catharines Mayor and Members of Council (“Council”) approved a recommendation allowing a levy of 4% per room, per night charge on the purchase of transient accommodations including hotels, motels, bed and breakfasts as well as short-term rentals via third party webpages in St. Catharines, effective January 1, 2023.

The Municipal Accommodation Tax (“MAT”) will only be paid by visitors making accommodation bookings for a continuous period of 29 nights or less. The MAT will be collected by transient accommodation providers and remitted to the Corporation of the City of St. Catharines (“City”). Pursuant to *O. Reg 435/17*, at least 50% of the MAT revenues must be shared with an Eligible Tourism Entity. Through consultation with the tourism industry, Council approved that 60% of the revenues collected by the City will be shared with the Municipal Service Corporation (“Corporation”).

Therefore, the City is proposing to establish a Corporation, named Tourism St. Catharines (if such name is available at incorporation), to serve as the Eligible Tourism Entity in St. Catharines, Ontario.

Ontario Regulation 599/06 required the City to prepare a business case study, to consult with the public about the proposal to establish the Corporation and to obtain approval of the business case by Council Resolution or established By-law.

Jurisdiction: Legislative Context

Municipal Accommodation Tax

Section 400.1 of the *Municipal Act*, 2001, c. 25 provides that the Council of a local municipality may pass by-laws imposing a tax in respect of the purchase of transient accommodation within the municipality.

On November 23, 2017, the Province of Ontario issued the *Transient Accommodation Regulation 435/17* (“Regulation”), which came into effect on December 1, 2017, and provides the necessary provisions for municipalities across Ontario to implement a mandatory MAT for transient accommodations through a By-law, including setting the tax rate applicable to transient accommodations.

Under the Regulation, municipalities without a destination marketing fee, like St. Catharines, are required to share at least 50% of the MAT revenue, net of reasonable costs of collecting and administering the tax, with one or more eligible tourism entities.

Under the Province of Ontario's definition, an eligible tourism entity means a non-profit entity whose mandate includes the promotion of tourism in Ontario or in a municipality. Staff explored all options for an eligible tourism entity including consultation with the accommodations industry and deemed that a Municipal Services Corporation would be the appropriate recommendation to satisfy this requirement.

Municipal Services Corporation

A Municipal Service Corporation such as the one proposed within this document may be established under Section 203 of the Municipal Act, 2001, and pursuant to *Ontario Regulation 599/06*.

Council Approvals and Direction

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; 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 reported to Council on complete consideration of the implementation and execution of a MAT in the City of St. Catharines on May 30, 2022 which was supported and further staff direction provided.

Council provided a reconsideration of start date on June 27, 2022 and further direction was provided to staff to have the MAT come into effect on January 1, 2023.

Purpose

The City proposes to incorporate a non-profit, non-share capital Corporation under the *Corporations Act* (Ontario) to be named "Tourism St. Catharines" ("Corporation"), if such name is available at the time of incorporation, with the City as sole voting member.

This document provides information on the benefits of establishing the Corporation and a governance framework for the proposed Corporation. Specifically, this document:

- a. Sets out the need for, objectives of the Corporation, its mandate, foundational elements, guiding principles, governance structure, funding sources, accountability and reporting; and
- b. Constitutes the statutorily required business case for the proposed Corporation, prepared according to Section 6 of *Ontario Regulation 599/06* (Municipal Services Corporations) as per section 203 (4) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended.

Benefits

The benefits of the City establishing the Corporation include:

- a. Satisfying the Province's requirement for a qualified non-profit organization to serve as a destination marketing organization that makes use of a minimum of 50% of the MAT revenues;
- b. Adopting a Municipal Services Corporation model which provides accountability, corporate responsibility, oversight and reasonable controls through the role of the sole voting member (City);
- c. Allows for the private and not-for-profit sectors to share a common vision and direction for tourism and destination marketing. The proposed Corporation will rely on the funds generated from the approved MAT (4% per room per night levied on transient accommodation in St. Catharines), and use community-based strategies to promote tourism product development in St. Catharines; and
- d. Ensuring Council, as sole voting member, will be responsible for selecting and electing the Board of Directors (which will include a Council representative) that establish the governance framework for business plans, expenditures, and Corporate policies.

In the absence of an Eligible Tourism Entity, Council has directed the establishment of this Corporation and that the City remit an amount of 60% of the annual MAT revenues and responsibility for marketing St. Catharines as an overnight tourism destination. This Corporation will serve as an external organization or agency. The City would not directly control this corporation, its decisions would be made of the board of directors of the corporation, in accordance with the shareholder agreement. As no Eligible Tourism

Entity currently exists in the local market, the City is best positioned to advance the work through the Municipal Services Corporation model.

Guiding Principles

The following principles shall direct the Corporation. They function as guideposts in decision-making throughout the Corporation's lifecycle irrespective of changes in leadership, goals, strategies and activities.

- a. The Corporation will engage in tourism promotion and tourism product development in St. Catharines and be a leader in messaging that emphasizes overnight stays;
- b. The Corporation will be a supporting partner to business, government and not for profit organization delivering programming that attracts more visitors and spending in the community. This includes recognizing that accommodation partners, tourism venues and other tourism service providers have significant insight and experience in this industry and should be involved in the decision-making process
- c. The Corporation will undertake its work based on objective decision-making processes that are accountable and transparent, resulting in City-wide benefits.

Public Consultation

Section 8 of *O. Regulation 599/06* also required that a municipality consult with the public about the proposal to establish the MSC. This requirement was met through the City's MAT consultation process.

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 Financial Management Services and Legal Services departments.

Governance Structure and Incorporation

To proceed with the establishment of the Corporation, the City must make an application to the Province to incorporate a non-share capital Corporation as per the *Ontario Corporations Act*. Accordingly, the Corporation will be created by applying for incorporation by way of letters of patent to be drafted by the City's Legal and Clerks Services. The application will include the following information:

- a. Name of the Corporation: Tourism St. Catharines, or alternate name as directed and approved by City Council;

- b. Address of the Head Office: 50 Church Street, St. Catharines, Ontario, L2R 7C2;
- c. 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);
 - One (1) member of City Council (duly appointed as part of the Committee Selection process).
- d. 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
- e. Special Provisions:
 - The Corporation is limited to providing services to members of the Corporation on behalf of the City of St. Catharines in place of the municipality providing those services.
 - 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.
 - Upon the dissolution of the Corporation and after payment of all debts and liabilities, the Corporation's remaining property shall be distributed, or disposed of, to The Corporation of the City of St. Catharines.

The letters, patent and the By-laws of the Corporation will set out the powers of the Corporation, its membership structure, and the process for making changes to the Corporation's By-laws.

Funding, Budget and Collection of MAT Funds

- a. Financial Impact of MAT: It is anticipated that the MAT, levied at 4% per room per night, would generate significant new revenue to the City (40% of total per

year) and the Corporation (60% of total per year) based on licensed accommodation stock and performance before the COVID-19 pandemic in 2020 and 2021.

- b. City of St. Catharines Municipal Accommodation Tax Reserve Fund: With the implementation of the MAT, staff will ask Council to approve the establishment of a Reserve Fund to receive the City's portion of the MAT revenue.
- c. Corporation Annual and Multi-Year Operating Budget: The Corporation will be funded from an amount of 60% the proceeds of the MAT revenues. As is the case with the City, the Corporation will develop a Municipal Accommodation Tax Reserve Fund. The creation and management of an annual operating budget and multi-year operating budget will be the responsibility of the Corporation's Board of Directors. The budget for operating costs may include general administration and office costs of accounting services, audit services, phone, computer software, internet and other contractual and professional services (City tourism services, etc.). The Corporation will report audited financials at its Annual General Meeting.
- d. Loan from the City of Startup Costs: The nominal cost to establish the proposed Corporation such as business registration fee, purchase of accounting software, staff costs to perform financial and/or administrative duties of the Corporation will be funded by the City through a loan to be repaid by the Corporation or once the Corporation generates MAT revenues. Staff will bring back a recommended loan amount in 2022 for Council's consideration.
- e. Agreement: The Corporation will enter into an agreement with the City respecting reasonable financial accountability matters to ensure that amounts paid to the Corporation are used for the sole purposes of promoting tourism and developing tourism products. In addition, the agreement may provide for other matters.
- f. Collection of Funds: Licensed accommodation providers will be responsible for the collection of the MAT revenue. They will then remit these collections to the City of St. Catharines. Following the receipt of the MAT revenue, the City would remit an amount equal to 60% of the remaining MAT revenue to the Tourism St. Catharines Municipal Service Corporation pursuant to the requirements of *O. Reg 435/17*.

Financial Management and Asset Transfer

The creation and management of an annual operating budget will be the responsibility of the Board and is subject to Council approval. The Corporation will be funded from the proceeds of the MAT (60% tourism promotion share) approved by Council to take effect on January 1, 2023.

As previously stated, annual revenue is anticipated to grow as transient accommodation capacity increases over time (including short-term rental and online home sharing providers).

Under Section 7 of *O. Regulation 599/06*, the City is required to adopt and maintain policies on asset transfer to the Corporation, before the City transfers any assets to the Corporation.

Should the Corporation dissolve due to legislative or municipal by-law changes, the Agreement shall indicate wind-down instructions including the distribution of assets and liabilities of the Corporation. That is, the City shall manage the wind-down process pursuant to applicable laws, regulations and contracts, and the City shall assume outstanding debt / liabilities and assets of the Corporation.

The fiscal year of the Corporation shall be the same as the City.

Accountability and Reporting Requirements

The Board will provide Council with a multi-year business plan and financial statements as part of the City's annual budget approval process. The business plan will include the following:

- a. The strategic objectives, priorities and business objectives;
- b. Revenue and expenditures anticipated in the coming year;
- c. Performance metrics for monitoring progress and accomplishments; and
- d. An operating budget for the Corporation for the next financial year, including the current year actual, budget and variances.

Annually, the Board will present results of operations to Council including information regarding major business development activities and accomplishments.

The Board will prepare Corporate Policies and Procedures or adopt the City's Policy and Procedures. The Corporation shall maintain a log of such documents and make them available to the Board, staff and the public.

The Corporation will be subject to audit by the City's Internal Auditor (or designate), as required.

The Board shall be required to conduct regular and open meetings, including an Annual General Meeting, pursuant to its Corporate By-law and the Agreement. An annual calendar of meeting dates of the Board and Committees shall be posted on the Corporations' website.

The above matters shall also be described in the Agreement, including provisions that restrict the Board's scope of authority to the extent desired by Council.

Summary

In summary, this Business Case Study was prepared to support the creation of the Corporation, as adopted by Council and pursuant to *O. Reg 599/06*. The objectives of the Corporation include the planning and delivery of economic development services, focused solely on tourism-related promotion and business development within the municipal boundary of St. Catharines, Ontario. The primary income source of the Corporation is 60% of the MAT, pursuant to applicable By-law XXX-2022 and Ontario Regulations.

CITY OF ST. CATHARINES

BY-LAW NO. _____

A By-law to establish a Municipal Accommodation Tax in the City of St. Catharines.

WHEREAS section 400.1 (1) of the *Municipal Act*, 2001, S.O 2001, c.25 (the “Act”), provides that a local municipality may, by by-law, impose a direct tax in respect of the purchase of transient accommodation within the municipality;

AND WHEREAS pursuant to section 400.1 of the Act and Ontario Regulation 435/17, the Council of the Corporation of the City of St. Catharines desires to establish a municipal transient accommodation tax rate to levy on the purchase of transient accommodation within the City of Catharines;

AND WHEREAS pursuant to sections 401.1(3) of the Act, Council may establish certain enforcement measures as Council considers appropriate if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due.

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

1. This by-law may be referred to as the “Municipal Accommodation Tax By-law or MAT By-law”.
2. In this By-law:
 - a. “accommodation” means lodging, and the right to use lodging, that is provided for consideration, whether or not the lodging is actually used;
 - b. “by-law” means this by-law and any amendments made thereto;
 - c. “City” means The Corporation of the City of St. Catharines;
 - d. “Council” means the Council of The Corporation of the City of St. Catharines;
 - e. “eligible tourism entity” has the same meaning given to it in Ontario Regulation 435/17;
 - f. “establishment” means the physical location, a building or part of a building that provides accommodation;
 - g. “lodging” includes:

- i. the use of a bedroom, a suite of rooms containing a bedroom, or the use of a bed within a bedroom, domicile or other physical location;
 - ii. the use of one or more additional beds or cots in a bedroom or suite.
 - h. “Municipal Accommodation Tax” or “MAT” means the tax imposed under this by-law;
 - i. “provider” means a person or an entity that sells, offers for sale, or otherwise provides accommodation, and includes agents, hosts or any other who sell offers for sale or otherwise provides accommodation;
 - j. “purchaser” means a person who purchases accommodation;
 - k. “purchase price” means the price for which accommodation is purchased, including the price paid, and/or other consideration accepted by the provider in return for the accommodation provided, including all fees and surcharges for additional occupants and beds, but does not include the goods and services tax imposed by the Government of Canada or by the Province of Ontario
 - l. “Treasurer” means the City’s Director of Financial Management Services, or their designate.
3. A purchaser shall, at the time of purchasing accommodation, pay the Municipal Accommodation Tax in the amount of 4% of the purchase price of the accommodation provided for any continuous period of 28 days or less provided in a hotel, motel, condo hotel, club, portion of a multi-use complex used as a hotel, motor hotel, hostel, lodge, inn, bed and breakfast, dwelling unit, domicile or any place in which accommodation is provided. For greater certainty, a continuous period is not disrupted by the purchase of different rooms, suites, beds or other lodging in the same establishment during the course of the continuous period, and the purchaser of different rooms, suites, beds or other lodging in the same establishment shall, without exception, pay the Municipal Accommodation Tax in the amount of 4% of the purchase price of each different accommodations provided, whatever the case may be, for any continuous period of 28 days or less provided in a hotel, motel, condo hotel, club, portion of a multi-use complex used as a hotel, motor hotel, hostel, lodge, inn, bed and breakfast, dwelling unit, domicile or any place in which accommodation is provided
4. The Municipal Accommodation Tax imposed under this by-law does not apply to:
- a. The Crown, every agency of the Crown in right of Ontario and every authority board, commission, corporation, office or organization of persons a majority of whose Directors, members or officers are appointed or chosen

by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council;

- b. Every board as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c.E.2;
 - c. Every university or a college of applied arts and technology or post-secondary institution whether or not affiliated with a university, the enrolments of which are counted for purposes of calculating operating grant entitled from the Crown;
 - d. Every hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the *Public Hospitals Act*, R.S.O. 1990, c.P.40, and every community health facility within the meaning of the *Oversight of Health Facilities and Devices Act*, 2017, c.25, Sched. 9, that was formerly licensed under the *Private Hospitals Act*, R.S.O. 1990, c.P.24;
 - e. Every long-term care home as defined in subsection 2(1) of the *Long-Term Care Homes Act*, 2007, S.O. 2007, c. 8 and hospices;
 - f. Accommodations provided by the City or its agents for shelter purposes;
 - g. Accommodations provided by treatment centres that received Provincial aid under the *Ministry of Community and Social Services Act*, R.S.O. 1990, c.M.20;
 - h. Accommodations provided by a house of refuge, or lodging for the reformation of offenders;
 - i. Accommodations provided by a charitable, non-profit philanthropic Corporation organized a shelter for the relief of the poor or for emergency purposes'
 - j. Accommodations supplied by employers to their employees in premises operated by the employer; and
 - k. Accommodations provided by hospitality rooms in an establishment that may or may not contain a bed and is used for displaying merchandise, holding meetings, or entertaining.
5. A provider shall collect the MAT from the purchaser at the time the accommodation is purchased.
6. The amount of the MAT shall be identified as a separate item or charge on a bill, receipt, invoice or similar document issued by the provider in respect of the

accommodation on which the tax is imposed and the item shall be identified as "Municipal Accommodation Tax".

7. A provider shall, on or before the last day of every month, remit to the City, or its designate as the case may be, the amount of the MAT collected for the previous month and submit monthly statements in the form required by the City detailing the number of accommodations sold, the purchase price of each accommodation, the MAT amount collected and any other information as required by the City for the purposes of administering and enforcing this by-law.
8. The Treasurer is hereby delegated the authority to enter into agreements, including all necessary documents ancillary thereto, with another person or entity as agent for the City, providing for the implementation and collection of the MAT, all in a form satisfactory to the Director of Legal and Clerks Services.
9. The Treasurer is hereby delegated the authority to enter into agreements, including all necessary documents ancillary thereto, with an eligible tourism entity, that receives an amount of the MAT respecting reasonable financial accountability matters in order to ensure that amounts paid to the eligible tourism entity are used for the exclusive purpose of promoting tourism, and the agreements may provide for other matters, all in a form satisfactory to the City's Director of Legal and Clerks Services.
10. The Treasurer shall be responsible for the administration of this by-law, including but not limited to approvals, appeals, enforcement, collection, and for instructing the City's Director of Legal and Clerks Services to take such legal action as may be considered appropriate.
11. That a percentage charge of 1.25% of the amount of the MAT due and unpaid be imposed as a penalty for the non-payment of taxes on the first day of default, and for each day thereafter. Such penalty charge shall be calculated based on the full occupancy of the establishment, or the actual occupancy of the establishment for each day on which the default occurred if said occupancy is proven to the satisfaction of the City.
12. A fee shall be charged in respect of all payment remittances that are not honoured by the financial institution upon which it is drawn in an amount as set out in the City of St. Catharines Rates and Fees By-law applicable in that year.
13. All MAT penalties and interest that are past due shall be deemed to be in arrears, and may be added to the tax roll for any real property in the city of St. Catharines registered in the name of the provider to be collected in like manner as property taxes and shall constitute a lien upon the lands, but such lien shall not be a priority lien for the purposes of subsections 1(2.1), (2.2) and (3) of the Act and such lien will not have a higher priority than it would otherwise have in law in relation to other claims, liens or encumbrances.

14. The provider shall keep all books, accounts, invoices, financial statements, records, electronic and such other documents sufficient to furnish the City or its agent with the necessary particulars of sales of Accommodations, amount of MAT collected, payable and remitted, for no less than seven years in a form and manner acceptable to the City.
15. The City or an agent of the City may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or where anything is done in connection with any business or where any books or records are or should be kept and inspect and audit all books, records, documents, transactions and accounts of transient accommodation providers and require providers to produce copies of any documents or records required for the purposes of administering and enforcing this by-law, as required.
16. The City or its agent may require a provider to:
 - i. Provide the City all reasonable assistance with its audit or inspection;
 - ii. Answer all questions relating to the audit or inspection either orally or, if the City requires, in writing, on oath or by statutory declaration; or
 - iii. Attend at the premises or place with the City representative or agent for the purposes of giving reasonable assistance and answering questions relating to the audit or inspection.
17. The City or its agent may serve on a provider a written demand for information or for the production on oath or otherwise of books, accounts, records, letters, invoices, financial statements, electronic and such other documents as the City or its agent considers necessary to determine compliance with this by-law. A provider in receipt of such a demand shall comply with the demand within the time specified in the demand.
18. The City may make a determination of an amount of tax required to be remitted, together with any interest imposed upon any tax outstanding, if a provider responsible for the payment or remittance of tax fails to pay, as required.
19. The City may assess or reassess for any tax payable by the provider within three years from the day the tax was remittable, except that where the City establishes that a provider has made any misrepresentation that is attributable to neglect, carelessness or willful default, or has committed any fraud in supplying any information under this by-law, or in omitting to disclose any information, then the City may assess or reassess, for any time the City considers reasonable, the tax payable.

20. The City may send either by mail, registered mail, e-mail, or deliver by hand, a notice of the remittance calculation made under the provisions of this by-law herein to the provider at the providers' last known address, and that the amount determined is payable within thirty (30) days from the date of mailing of the notice.
21. Liability to pay an amount is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.
22. The City is not bound by any information delivered by or on behalf of a provider responsible for the payment of tax and may, notwithstanding any information that has been delivered or if no information has been delivered, assess the tax payable.
23. The remittance calculation, subject to being varied or adjusted due to an objection or appeal and subject to a recalculation, shall be deemed to be valid and binding despite any error, defect or omission in the assessment or in any proceeding related to it.
24. Every person is guilty of an offence under this By-law who:
 - a. makes, participates in, assents to or contributes in the making of false or deceptive statements in a report, statement, form or other document prepared, submitted or filed under or for the purposes of this by-law;
 - b. destroys, alters, mutilates, hides or otherwise disposes of any records or books of account, in order to evade payment or remittance of tax;
 - c. makes, assents to or contributes in the making of false or deceptive entries, or assents to or contributes in the omission to enter a material, in any records or books of account;
 - d. hinders, obstructs or interferes with any audit or inspection conducted by the City or its agent pursuant to the provisions of this by-law;
 - e. fails to, refuses, evades, or attempts to evade:
 - i. paying tax;
 - ii. remitting tax; or
 - iii. otherwise complying with this by-law; or
 - f. Conspires with any person to commit an offence described under this section.
25. Every Person who contravenes any provision of this By-law, upon conviction, is liable to such penalties as provided for in the Municipal Act, or the Provincial Offences Act.

26. A person who has contravened a provision of this By-law may be subject to a penalty notice issued pursuant to the City's Non-Parking AMPS By-law 2021-68.
27. If any or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative on particular circumstances, the balance of this By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
28. 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.
29. 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".
30. Any reference to legislation in this By-law includes the legislation referred to and its amendments as well as any subsequent legislation which may replace the legislation referred to, and its amendments thereto.
31. This by-law shall come into force and effect on January 1, 2023.

Read and passed this day of August, 2022.

CLERK

MAYOR



Corporate Report City Council

Report from: Financial Management Services, Property Management

Report Date: July 15, 2022

Meeting Date: August 8, 2022

Report Number: FMS-115-2022

File: 16.7.99

Subject: Proposal to Declare Lands Surplus – 2A Hainer Street, Realty File 14.159

Strategic Pillar:

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



Recommendation

That Council declare the lands at 2A Hainer Street (the “lands”), the approximate area shown outlined in red on Appendix 1, surplus; and

That the lands be disposed of according to the procedures outlined in the City’s Disposal of Land By-law 2007-309; and

That sections 4.6, 4.7 and 4.8 of By-law 2007-309 relating to notification to School Boards, placing a “For Sale” sign and listing the property on the local Real Estate Board and providing an opportunity to all abutting property owners to purchase the property at fair market value, be waived; and

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

Relationship to Strategic Plan

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

Niagara Region approached the City of St. Catharines inquiring on the City's willingness to sell the Niagara Region portions of 2A Hainer Street or 45 Renown Road to facilitate major improvements at their existing sanitary sewage pumping station at 7 Renown Road.

The Region is looking to expand the existing Renown Road Sewage Pumping Station (SPS). Through the design stage the Region came to the conclusion it will be prohibitively expensive to undertake their desired station improvements (pump placements, new stand-by power generator, etc.) within their existing property. Many options were explored trying to stay within their own land before reaching the conclusion that a replacement station is the preferred alternative if land can be acquired.

City staff discussed both potential properties and were agreeable to the sale of the lands at 2A Hainer Street as the lands at 45 Renown Road are still required for municipal purposes.

The City's disposal of land by-law requires that the lands be declared surplus by Council.

Report

The City is the owner of 2A Hainer Street. The Region has requested the City convey the lands to the Region to facilitate improvements at the Region's Renown Road SPS.

Property information was circulated to the Property Coordinating Committee, made up of staff from Community, Recreation and Culture Services (CRCS), Engineering, Facilities and Environmental Services (EFES), Financial Management Services (FMS), Legal & Clerks Services (LCS), Municipal Works (MW) and Planning and Building Services (PBS) and there was no objection to the sale of the entire property, subject to retaining a 1.5 metre road widening along the St. Paul Crescent frontage. The Region will be responsible for the preparation and registration of a reference plan to describe the road widening. CRCS confirms any future expansion of the Participark Trail westward along the Twelve Mile Creek would likely be located on the opposite side of the street from 2A Hainer Street.

2A Hainer Street is zoned G1 (Conservation / Natural Area) which does not permit development; however, under Public Utilities, Section 1.1.5 of the Comprehensive Zoning By-law 2013-283, as amended, it states that "Nothing in this by-law shall prevent the use of any land for the erection of buildings or structures, or the installation of public works providing public utilities by a regulated company or government agency." The lands are also within the Niagara Peninsula Conservation Authority (NPCA) regulation area and the City's mapping shows that there is a Regional Woodland and a Valley top of slope on the property. The land is currently vacant and is subject to an existing easement for the forcemain associated with the pumping station. Although 2A Hainer Street is closer to the existing residences, the existing treed slope will be retained, and

the construction will only occur on the portion of the lands immediately adjacent the existing sewage pumping station.

As the lands cannot be developed in isolation, staff request that the procedures outlined in Property By-law 2007-309 relating to notification of Niagara Region and School Boards, placing of a “For Sale” sign and listing of the property on the local Real Estate Board be waived and providing an opportunity to all abutting property owners to purchase the property at fair market value be waived.

Should Council declare the lands surplus, staff will proceed to finalize an agreement of purchase and sale with the Region. As the value of the lands is less than \$100,000 the City’s Delegation of Powers and Duties By-law 2020-156 authorizes the City Treasurer (where total consideration does not exceed \$100,000) and the Manager, Realty Services (where total consideration does not exceed \$50,000) to approve and execute any agreement of purchase and sale, subject to the form being approved by the City Solicitor and the transaction being recommended by the Manager, Realty Services, the City Solicitor and the Manager of Geomatics to be in the public interest. The City Solicitor’s office will prepare the transfer documents and the transaction has been recommended by the required staff.

Financial Implications

The costs to the Corporation to declare surplus and convey the lands including legal fees and reference plan costs will be the responsibility of the Region. In accordance with City policy, the sale proceeds will be credited to the Civic Project Fund.

Environmental Sustainability Implications

The Ministry of Environment, Conservation and Parks, Municipal Class Environmental Assessment Manual requires the Region to undertake a Schedule Class B Environmental Assessment for the construction and this will be commencing later in the summer. As part of the Environmental Assessment for the proposed work, an archaeological assessment will be conducted to determine if there are any archaeological resources on the lands. If archaeological resources are to be impacted, the assessment will provide guidance for the most appropriate strategy for conserving the archaeological resources prior to the proposed work commencing.

Conclusion

This report recommends the lands at 2A Hainer Street required by Niagara Region to facilitate improvements at the Renown Road SPS be declared surplus, subject to a 1.5 metre road widening being retained by the City. Should Council approve these recommendations staff will proceed with the sale of the lands to the Region in accordance with the City’s Delegation of Powers and Duties By-law 2020-156.

Prepared by

Stephanie Tripp, Manager Realty and Insurance Services

Submitted by

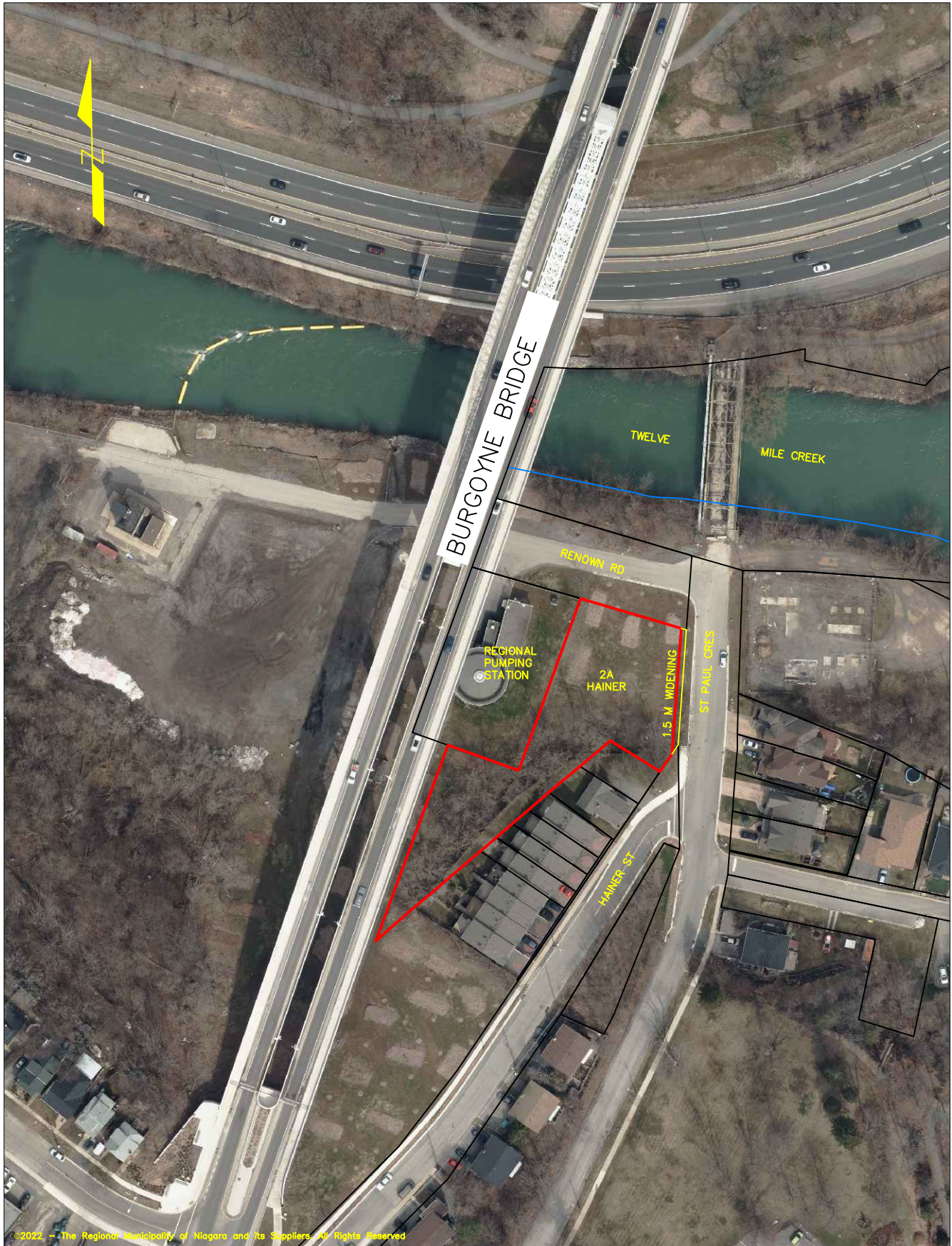
Kristine Douglas, CPA, CMA, Director of Financial Management Services / City Treasurer

Approved by

David Oakes, Chief Administrative Officer

Appendices

1. Aerial Location Map





Corporate Report City Council

Report from: Financial Management Services, Accounting and Payroll

Report Date: July 15, 2022

Meeting Date: August 8, 2022

Report Number: FMS-125-2022

File: 60.2.13 & 10.57.99

Subject: Affordable Housing Community Benefits Charges Grant Program

Strategic Pillar:

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



Recommendation

That the introduction of a Community Benefits Charges Affordable Housing Grant Program (Appendix 1) for the term of the Community Benefits Charges By-law be approved; and

That the grant program funding be included in the Draft 2023 Operating Budget for Council's consideration.

Relationship to Strategic Plan

By providing an Affordable Housing Grant program the City can support the development of land by offsetting some impacts of the new Community Benefits Charges fee for qualifying affordable housing developments to greater support the economic prosperity, social well being and cultural commitment of the community.

Background

Upon completion of the Community Benefits Charges Study (CBC) and by direction from the Development Studies Task Force, an Affordable Housing Grant Program has been developed. The grant program would offset the financial impact of the proposed Community Benefits Charges new fee for qualifying affordable housing developments.

As highlighted in the 2022 Community Benefits Charge Strategy [Report FMS-091-2022](#), the City plans to support the provision of affordable housing through a collaborative approach. The Inclusionary Zoning study has been started and will be completed in the near future, in addition to a Housing Action Plan project to be completed through the CBC Strategy that will create a supportive plan for affordable housing projects in the city which can be funded by the fees collected from the CBC.

Report

Community Benefits Charges may be imposed by By-law for buildings or structures with five storeys or more and with 10 or more residential units. The prescribed maximum CBC rate (as per O. Reg. 509/20) is 4% of the property's land value prior to the day of building permit issuance. The CBCs imposed are calculated, payable, and collected upon issuance of a building permit for eligible development or redevelopment.

With the development of this grant program, an owner who applies for the Community Benefits Charges Affordable Housing Grant will be eligible up to 100% of the net City Community Benefits Charges payable on affordable housing units within the proposed development or re-development of a property.

City's Role

The City of St. Catharines is part of a two-tier municipal structure and does not provide or have an established housing provider such as Niagara Regional Housing. The City does have the responsibility to ensure that all available tools are being implemented for the provision of affordable housing.

The grant program is intended to mirror the exemptions and / or grants for affordable housing development and redevelopments offered by the Niagara Region. Through the grant program the City can assist developments from a financial aspect that plan to increase the housing options in the community at an affordable rate.

Applicants

Eligible applicants must provide or build homes intended to be used as municipal housing projects or receive funding through an agreement with Niagara Regional Housing or a department or designated agency of the Niagara Region in providing affordable housing. This agreement must be presented to the City to ensure the lands and buildings are eligible for the Affordable Housing Community Benefits Charges Grant Program. An application will be required prior to receiving a building permit or within 90 days of receiving a building permit to be eligible to receive an affordable housing community benefits charges grant.

Grant Amount

The amount of the grant will be a maximum of 100% of the net City Community Benefits Charges payable on Affordable Housing units. This grant under no circumstances shall exceed the total City Community Benefits Charges payable for the development. The grant program will act on a sliding scale basis providing a higher percentage grant in relation to a higher percentage of affordable housing units provided. A minimum of 5%

of units must be priced affordably for the Affordable Housing Community Benefits Charges Grant to be eligible and received upon a submitted application. A maximum of 100% grant is applicable to projects with 25% of units as affordable and any projects with more than 25% of units as affordable will receive the maximum 100% grant.

Administration of Grant

The administration, which will include distributing and receiving applications, tracking and allocating funds collected to Community Benefits Strategy Reserve Fund and will be the responsibility of Financial Management Services.

Reporting and Revisions

Reporting on the Community Benefits Charges grant programs will be included with the annual Treasurer's Statement of the Community Benefits Charges and Development Charge Reserve Funds. Upon completion of the Housing Action Plan, any revisions or changes to this grant program may be updated and presented to council to reflect the City's plan to better support affordable housing.

Financial Implications

This grant program will be funded from the tax levy, thereby ensuring the City's Community Benefits Charges Reserve Funds remain whole in relation to the applicable developments. These amounts could vary significantly from one year to the next but will lower relative to Community Benefits Charges exemption and grant amounts.

Conclusion

This grant program supports the growth for high-density developments while stressing the importance for affordable housing for individuals and families living and growing in our communities. The City must take a collaborative approach to tackling the issue of the provision of affordable housing, this grant program is one step forward to achieving that goal.

Prepared by

Jenna Northcott
Development Finance Specialist

Submitted by

Adam Smith
Associate Director of Financial Management Services

Approved by

Kristine Douglas
Director, Financial Management Services and City Treasurer

Appendices

1. Affordable Housing Community Benefits Charges Grant Program

Affordable Housing Community Benefits Charges Grant Program

Purpose:

The Program will provide financial reductions for developments in St. Catharines that have obtained (or plan to obtain) a building permit to build new or expand existing affordable housing facilities.

Definitions:

“Affordable Housing” shall mean lands and buildings used for affordable housing projects that receive funding through an agreement with Niagara Regional Housing or a department or designated agency of the Niagara Region

Specific Program Requirements:

The grant program is intended to mirror exemptions and/or grants for affordable housing development and redevelopments offered by the Niagara Region. The program shall apply as follows:

To lands and buildings used or intended to be used as municipal housing project facilities, as set out in section 110 (7) of the Municipal Act, 2001, S.O. 2001 c. 25, O.Reg.603/06 under the Municipal Act 2001, and the Niagara Region’s Municipal Housing Facility By-law, all as may be amended;

To lands and buildings used for affordable housing projects that receive funding through an agreement with Niagara Regional Housing or a department or designated agency of the Niagara Region.

An application will be required prior to receiving a building permit or within 90 days of receiving a building permit in order to be eligible to receive an affordable housing community benefits charges grant.

Grant Amount:

The amount of the grant will be a maximum of 100% of the net City Community Benefits Charges payable on Affordable Housing units and under no circumstances shall exceed the total City Community Benefits Charges payable for the development.

The grant program acts on a sliding scale providing a higher grant with more affordable housing units provided. At least 5% of units must be priced affordably for a grant to be

received. Any project with 25% or more than 25% of units as affordable will receive the maximum grant of 100%.

Number of Affordable Units	CBC Grant Amount
<5%	0%
5%	20%
10%	40%
15%	60%
20%	80%
25%	100%
>25%	100%

Term of this Program:

At a minimum, the program outlined herein will be reviewed with each update to the City's Community Benefits Charges Strategy and associated by-law. The program will also be reviewed upon completion of the Housing Action Plan. At such time, Council will review both the grant programs and any exemptions provided for in the by-law to determine the appropriateness of continuing the program and other means by which the objectives and strategic plan of Council may be achieved.

The program may not be cancelled during the term of the Community Benefits Charges By-law, however it may be amended from time to time for clarity and / or alignment to similar programs offered by the Niagara Region.



Corporate Report City Council

Report from: Financial Management Services, Billing

Report Date: July 7, 2022

Meeting Date: August 8, 2022

Report Number: FMS-118-2022

File: 10.57.19

Subject: 2023 Tax Due Dates and Interim Billing By-Law

Strategic Pillar:

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



Recommendation

That Council authorize the 2023 Interim and Final property tax due dates established as follows:

Interim	Due Date
First Instalment	February 28, 2023
Second Instalment	April 28, 2023
Final	Due Date
First Instalment	June 30, 2023
Second Installment	September 29, 2023; and

That the 2023 interim tax levy be established as detailed below: and

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

Summary

This report requests Council to adopt the necessary by-law to levy interim property taxes for all property classes for 2023 and to prescribe applicable interim and final bill due dates. The interim levy will provide for the cash requirements for the City until such time as the 2023 Operating Budget and 2023 final property tax levy are approved by Council.

Relationship to Strategic Plan

Goal:

1. Be an affordable city for young people, families, and retired older adults.

Actions:

- 1.1. Update financial controls and debt management strategy to better manage escalating costs of City operations and services.

Background

The City has historically used the last business day of February and April for the interim property tax billing instalment dates, and the last business day of June and September for the final tax billing instalment dates. The introduction of the National Day for Truth and Reconciliation as a Federal Public Holiday on September 30 means that banks are closed on that day, and therefore when September 30 falls on a weekday, the final tax billing second instalment will fall on the second last business day of the month.

Report

In January 2023, staff will begin to prepare the billing process for the 2023 Interim Tax levy. The City issued 49,898 tax bills in 2022, of which 28.86% of residents are enrolled on monthly or instalment payment plans. Council is required to approve instalment dates and the interim tax levy each year.

Property Tax Due Dates

Pursuant to the Municipal Act, 2001 342 (1), a local municipality may pass by-laws providing for:

- (a) The payments of taxes in one amount or by instalments and date due or dates in the year for which the taxes are imposed on which the taxes or instalments are due.

Accordingly, the proposed 2023 property tax due dates are:

Interim	Due Date
First Instalment	February 28, 2023
Second Instalment	April 28, 2023
 Final	 Due Date
First Instalment	June 30, 2023
Second Installment	September 29, 2023

The proposed property tax due dates provide the City with the necessary cash flow to meet its obligations, including interim and final levies to the Niagara Region and School Boards.

Interim Levy

Pursuant to the Municipal Act, 2001 317 (3) Interim Levy – Local Municipality – Rules, the amounts to be levied are subject to the following rules:

1. The amount levied on a property shall not exceed the prescribed percentage or 50 per cent if no percentage is prescribed, of the total amount of taxes for municipal and school purposes levied on the property for the previous year.

Interim tax rates for all Property Classes (Residential, Pipeline and Farm, Multi-residential, Commercial, and Industrial)) are based on 50% of the total amount of taxes for municipal (Region and City) and Education purposes levied on the property in the previous year (i.e., 2022).

Where the property taxes for a property have increased for a part of the previous year due to an increase in assessed value (e.g., to reflect building improvements or new construction), the interim levy for the following year is based on 50% of the previous year's taxes as though the tax increase had applied to the entire year. This ensures that the interim levy reflects, as nearly as possible, 50% of the taxes that will be levied in the coming year.

The interim levy by-law also provides that the interim levy will apply to assessments added to the tax roll for the current year that were not on the assessment roll when the by-law was passed.

The interim tax levy is to be set at 50% of the previous year as detailed above.

Pre-Authorized Payment Plans

Staff continue to promote the monthly instalment plan process. For those taxpayers who budget towards fixed monthly expenditures, the City offers a monthly pre-authorized payment plan which runs for 10 months of the year. Staff will debit the provided bank account on the first day of each month from January to October (10 months). The City also offers an Instalment Plan with withdrawals occurring on each of the four regularly scheduled instalment due dates (February, April, June, and September).

Signing up for one of these methods ensures there are no missed due dates, late payment charges, no line ups, or mailing and postage costs. Residents who wish to sign up for 2023 can contact Citizens First for additional information. Property tax payments paid online or at a financial institution would continue to be considered “on time” if paid on the due date.

Staff recognize the importance of implementing a communication plan to share information with our citizens’ and we continue to work with our Corporate Communications department to educate the residents of any upcoming changes through the City’s website, Facebook, Twitter and the Garden City Current e-newsletter.

Financial Implications

This is an annual report which is procedural in nature. The interim levy is required to provide the necessary cash flow to meet the obligations of the municipality, including

interim payments to the Region and the School Boards until the annual tax rate can be set and the final notices are prepared in June 2023. The interim levy is expected to raise approximately \$136.1 million, of which \$ 58.6 million is the estimated City share.

Environmental Sustainability Implications

There are no environmental implications associated with this report.

Prepared by:

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Manager of Revenue

Submitted by:

Adam Smith
Associate Director of Financial Management Services / Deputy City Treasurer

Approved by:

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



Corporate Report City Council

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

Report Date: June 20, 2022

Meeting Date: August 8, 2022

Report Number: LCS-095-2022

File: 10.3.1

Subject: Appointing Elected Officials and Recommending Elected Officials for Appointment

Strategic Pillar:

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

Recommendation

That Report LCS-095-2022, regarding Appointing Elected Officials and Recommending Elected Officials for Appointment, be received for information.

Summary

Further to a request from Council, this report provides two options that Council can choose to implement, on an as needed / desired basis, when making decisions to appoint Elected Officials or recommend Elected Officials for appointment. The alternatives outlined below would only be used for appointments identified by Council, or to implement one of these alternatives for a specific appointment. Council would need to provide direction to staff as early as possible in the process for that appointment. If Council is aware that it would like to use one of these alternatives for appointments to specific boards or committees, these positions and the preferred alternative would ideally be identified now to avoid unnecessary delays and changing the process after it has been initiated.

Relationship to Strategic Plan

This report does not relate directly to the Strategic Plan.

Background

At its meeting of [April 11, 2022](#), Council directed staff to review options for a process to appropriately prepare councillors to make a decision to appoint, or recommend for appointment, elected officials to boards, commissions, external bodies, and similar entities. The discussion included references to options that spanned from a written statement of interest to interviews.

Report

In response to Council's direction, this report identifies two alternatives that Council can use to select Elected Officials to be appointed or recommended for appointment to various positions when Council determines an alternative is appropriate.

This report is separate from:

- The appointment, or recommendation for appointment, of individuals whose appointments are governed by the Public Appointments Policy;
- Appointments, and recommendations for appointment, that are governed by the Vacancy on Council Policy.

Applying one of these alternatives every time an Elected Official is appointed to a committee, task force, board, etc. would take up a significant amount of Council's time. As such, Council should only adopt one of these alternatives in limited situations. Further, deciding to use one of these alternatives partway through an appointment would extend and / or delay the appointment process and changing the procedure partway through could result in frustration among and between members of Council.

As such, if Council is aware that it would like to use one of these alternatives for certain appointments, these appointments should be identified now, or for future boards and committees, at the time that the board or committee is established.

Alternative 1: Submit a written statement of interest

Appendix 1 provides an alternative process that includes councillors wishing to be appointed (nominees) submitting a written statement of interest (maximum 500 words) to be shared with all of Council prior to Council's discussion / decision. This approach would require elected officials to submit their statement of interest by a deadline set by the Clerk's Office and would mean that elected officials would not be able to be nominated during the Council meeting unless there are an insufficient number of nominees for the position(s) available.

Alternative 2: Establish a Nominating Committee

The second alternative is outlined in Appendix 1 and builds upon alternative 1 to include establishing a Nominating Committee to review the nominees and make a recommendation to Council for a specific appointment or for appointments to specific positions. The Nominating Committee would be ad hoc, established for each specified appointment, and disbanded following Council's decision on the appointment. Appendix 1 outlines the composition of the Nominating Committee and how members will be appointed to the committee. Given that Council as a whole makes decisions on appointments and recommendations for appointment, for cases where nominees are elected officials, Council should limit the use of establishing a Nominating Committee to rare cases.

Financial Implications

There are no financial implications association with the recommendations in this report.

Environmental Sustainability Implications

There are no environmental sustainability implications associated with this report.

Conclusion

In response to Council's direction, this report identifies two alternative processes which Council may implement for specific appointments of Elected Officials (and recommendations for appointments).

Prepared and Submitted by

Kristen Sullivan, Acting City Clerk

Approved by

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

Appendices

1. Alternative Processes for Appointing Elected Officials and Recommending Elected Officials for Appointment

Alternative Processes for Appointing Elected Officials and Recommending Elected Officials for Appointment

Alternative 1: Simplified process with written statement of interest

Step 1 – Call for Nominees

1. The Clerk, or designate, shall notify all eligible Elected Officials about appointment opportunities.
2. Any Elected Official who wishes to be considered for an appointment opportunity (a Nominee) shall submit their name to the Clerk, or designate, along with a written statement of interest (maximum 500 words); the written statement of interest will be a public document.

Step 2 – Review of Nominees

1. The Clerk, or designate, shall notify all Nominees of the meeting date, time and location.
2. The Clerk, or designate, shall circulate the list of interested Elected Officials (the Nominees) along with the statement of interests to Council prior to the Council meeting.
3. Any decisions of Council must be in accordance with all provisions of the Procedure By-law.

Alternative 2: Establish a Nominating Committee

At any point during or prior to the nomination or review process, Council may, by majority vote, establish a Nominating Committee. The motion establishing a Nominating Committee shall specify any requirements specific to the review process being undertaken. The Nominating Committee will be set in accordance with the provisions of the following procedures.

Step 1 – Call for Nominees

1. The Clerk, or designate, shall notify all eligible Elected Officials about appointment opportunities.
2. Any Elected Official who wishes to be considered for an appointment opportunity (a Nominee) shall submit their name to the Clerk, or designate, along with a written statement of interest (maximum 500 words); the written statement of interest will be a public document.

Step 2 – Establish the Nominating Committee

When Council has directed that a Nominating Committee be established, Members of the Nominating Committee will be determined as follows:

- The Mayor and four Members of Council to be determined by Lot – the Mayor will be the Chair of the Nominating Committee; or
 - In the case that the Mayor is a Nominee, the Deputy Mayor at the time that the Members of the Nominating Committee are established and four Members of Council to be determined by Lot – the Deputy Mayor at the time that the Members of the Nominating Committee are established will be the Chair of the Nominating Committee; or
 - In the case that both the Mayor and Deputy Mayor are Nominees, five Members of Council to be determined by Lot, the first Member drawn will be the Chair of the Nominating Committee.
1. For names to be determined by Lot, the Clerk, or designate, will place the names of all Members of Council who are not Nominees in a container and randomly draw the names.
 2. The Clerk, or designate, shall advise Council that a Nominating Committee has been established and the membership of the Nominating Committee.
 3. The Nominating Committee shall convene a meeting to be held at such time as determined by the Clerk, or designate, in consultation with the Chair.

Step 3 – Review of Nominees

1. The Clerk, or designate, shall circulate the list of interested Elected Officials (the Nominees) along with the statement of interests to Members of the Nominating Committee prior to the meeting.
2. The Clerk, or designate, shall notify all Nominees of the Nominating Committee's meeting date, time and location.
3. Council's Procedure By-law shall apply to the Nominating Committee, with necessary modifications. During a meeting, the Nominating Committee may, by majority vote, make a recommendation for Council's consideration. Any decisions of the Nominating Committee must be in accordance with all provisions of the Procedure By-law.
4. The Clerk, or designate, shall notify Council of the Nominating Committee's recommendation and circulate the list of Nominees along with the statement of interest to Members of Council prior to the Council Meeting.
5. Any decisions of Council must be in accordance with all provisions of the Procedure By-law.

A Nominating Committee is considered a Committee in the context of Council's Procedure By-law. All meetings of the Nominating Committee shall be open to the public, unless permitted to be closed in accordance with Council's Procedure By-law and any applicable legislation. Notwithstanding the foregoing, for the purpose of this policy, any discussion about Elected Officials in the context of making a recommendation for appointment under this policy, including deliberations of the Nominating Committee, shall be open to the public.



Corporate Report City Council

Report from: Planning and Building Services, Planning Services

Report Date: July 15, 2022

Meeting Date: August 8, 2022

Report Number: PBS-128-2022

File: 68.42.1

Subject: Street Naming Policy

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



Recommendation

That staff develop a list of pre-approved street names, in consultation with the public, and encourage developers to use this list for all future public and private streets named in the city.

Summary

This report summarizes the existing process for naming streets in the city and explores various ways to include more public engagement by looking to comparator municipalities and the City's formalized parks naming policy for guidance. Staff believe the existing process offers sufficient opportunity for public input but offers Council information on some additional options for enhancing the public consultation in the naming of streets.

Relationship to Strategic Plan

This report reviews existing policies and processes and explores the options and ways to improve. This report contributes to the pillar of organizational excellence by providing a review of the organizational policies and processes, in order to discover efficiencies, strengthen customer service, and evolve our delivery of services and programs.

Background

At its meeting on September 9, 2019, Council approved the following motion:

“That staff be directed to report back on the existing street naming process with ways to include more public engagement, perhaps similar to the park naming process.”

The report presents a spectrum of process and policy options the City may consider in order to include more public engagement, which have been identified through a review of the City’s current street naming process, the City’s existing parks naming policy, and street naming policies for all municipal comparators except Kitchener, Cambridge and Niagara Falls (these policies were unavailable).

Report

Current Process for Naming Public Streets

There is currently no formal policy for the naming of public streets in the city. Streets are named through development applications and approved by City staff. New streets are typically created through the creation of a subdivision of land or within a private road development, both of which require a formal development application. At some point during the subdivision approval process, a street name is typically proposed by the developer. The developer is encouraged to look to the list of significant individuals maintained by the City when selecting a street name, though this is not a strict requirement. Any proposed name is reviewed and approved by Planning and Building, and Fire Services staff, including the Heritage Planner when the name is selected from the list of significant individuals.

In terms of public consultation, the development application process involves a public open house and, in the case of a subdivision, a public meeting in front of Council, before the development is approved. These public consultation events are open to any member of the public. Notice is directly circulated to residents in proximity to the site of the development, and a sign is placed on the site to inform any passersby of the development proposal. It is possible for street naming to be discussed with the public at these times. However, depending on the interest expressed by the public it may or may not be the focus of any public consultation.

Comparator Municipalities

Among the City’s comparator municipalities there are two general approaches to street naming in terms of public consultation:

1. **Passive non-project-specific public input.** The public may submit names at any time for consideration to be added to a pre-approved list of street names, which developers may be encouraged or required to use in selecting street names for new streets.
2. **Passive project-specific public input.** Each street name is reviewed and approved on a case-by-case basis. Approval is granted by internal staff, City Council, or an established committee. In some cases, names are encouraged to be selected from a curated list that may be based on a theme (e.g. historical figures, or a prominent local industry). Any input from the public is received

through open house or public meetings about the overall project and is not specific to street naming, though input on the street naming would be welcomed.

The City's street-naming process falls into the second approach wherein the City accepts input on all aspects of a development through an open house and public meeting, but do not specifically and proactively involve the public in the street naming process or approved list.

Park Naming Policy

The City's park naming policy was updated in 2017 to enhance public involvement in the process. The former process did not involve the public until a recommendation had already been made to Council, which left no time to evaluate any alternate name suggestions offered by the public at that point. The new policy altered the process to the following:

First, the City receives an application proposing the naming of an asset. If Council decides to consider the application, Council formally initiates the naming process. This triggers an internal review of proposed names by staff into historical relevance, appropriateness for emergency services, and any other departments' interests. Additionally, during this time, the City puts out a call for name submissions from the public, and a public consultation notice is sent out. Once the names have been received and the internal review process is complete, an evaluation and scoring of names takes place based on a set of weighted criteria outlined in the official parks naming policy. With the scoring completed, staff will provide a report and recommendation to Council who make final decision.

This policy goes a step further than the comparator municipalities, with a third approach:

3. **Direct project-specific public input.** The municipality sends out a notice calling for name submissions on specific projects as they occur. In the case of street naming, this could be sent out to only those in close proximity to a new street, or to the City as a whole for broader input.

Potential Approaches Going Forward

Based on the street naming approaches used by the City currently, its comparator municipalities, and the City's parks naming policy, the following three options represent the main options the City could select from in considering its street naming process.

1. **Passive non-project-specific public input.** Invite public involvement in the creation of a list of pre-approved street names to be used for all future street naming. The involvement could be through a one-time or annual public consultation session, or continuous submissions being accepted any time for review and addition to the list. This task would be required to be assigned to a dedicated staff role to coordinate the review of submitted names and keep the approved list up-to-date.

2. **Passive project-specific public input.** Continue with the current level of input where the public is notified as part of the subdivision process and is able to ask questions and provide any input or suggestions for the street name at that time for the City and developer to consider.
3. **Direct project-specific public input.** Request a public submission of potential street names each time a street is developed and select an approved name from these submissions, similar to the park naming policy. This could be sent out alongside the typical open house notice. It would need to be determined whether name suggestions should be solicited from the immediate neighbourhood or a broader area (up to and including the entire City).

Note: In all of the above cases, the list of significant individuals could be encouraged to be used for naming. Additionally, in all of these cases, street names would require the approval of Fire Services staff, and may also involve review and approval by Planning and Heritage Planning staff.

Choosing an Effective Approach

Staff has been directed to report back to Council on ways to include more public engagement in the street naming process “similar to the parks naming process.” In considering the options, staff note that there are a couple key differences in the nature of park naming and street naming. The first is that parks may have varying ranges of impact and may host visitors from across or outside of the city. The nature of new streets in the city is that they are typically either continuations of existing streets, or smaller neighbourhood streets that end in cul-de-sacs, or create minor connections with very small and localized user bases.

The second difference is that the park naming policy was revised because the public input was received primarily at the end of the process, and public name suggestions did not have enough time to be vetted and approved by staff. A change was necessary to better involve the public in the naming because they felt unheard. In contrast, the case of naming streets, the public consultation is built into the subdivision and site plan approval processes through which streets are created. There have been few or no instances of last-minute name suggestions, or any opposition to chosen street names in the last several years of street naming.

It is the opinion of staff that, given the limited size and visibility of newly created streets, and the opportunities for public involvement through the development approval process, it would be appropriate and sufficiently effective to continue with the current level of public consultation on individual street naming projects. It is not considered necessary to issue special notice on each project to call for street name suggestions, in the manner of park naming. Where name suggestions are made through the standard public consultation, they would be considered and reviewed by staff on a case-by-case basis. The additional requirement and step in the development process has a potential to further burden the approvals process. With recent changes to the Planning Act

through Bill 109, the municipality will have to refund application fees to the applicant if approvals are not granted in a prescribed amount of time.

In order to enhance public involvement in street names across the city, it would be most efficient to pursue Option 1: the creation of a list of pre-approved names developed in consultation with the public. This approach could require a point person to maintain the list and to coordinate the review of new submissions to the list. Alternatively, it would require a one-time or repeated public outreach event at predetermined intervals. If pursued, this list could be merged with the list of significant individuals. The list could potentially be used for the naming of all public and private streets, parks, facilities and other City assets if desired. Should Council wish to pursue this option, multiple departments may wish to be involved in the development of criteria and in the review of new name submissions.

Financial Implications

There are no financial implications associated with this report.

Environmental Sustainability Implications

There are no environmental implications associated with this report.

Conclusion

Staff have explored and presented options for approaching and increasing public involvement in the City's street-naming process. The current process involves opportunity for public input on newly created streets through the development approval process, and name suggestions are welcome, though not specifically requested, at any point throughout the development review. Priority is typically given to names sourced from the City's list of significant individuals. The current level of public consultation and notification is considered effective. However, to increase the amount of public input in approved street names, Council is encouraged to direct staff to create a list of preapproved street names in consultation with the public to be used for naming future public and private streets.

Prepared by

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Planner I

Submitted by

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Approved by

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



Corporate Report City Council

Report from: Planning and Building Services, Planning Services

Report Date: July 6, 2022

Meeting Date: August 8, 2022

Report Number: PBS-124-2022

File: 60.33.200

Subject: Ontario Street Corridor Secondary Plan Study: Endorsement of
Memorandum of Understandings

Strategic Pillar:

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



Recommendation

That Council authorize a Memorandum of Understanding with the Region of Niagara for the purpose of the Ontario Street Corridor Secondary Plan Study; and

That Council authorize a Memorandum of Understanding with 2496582 Ontario Inc. for the purpose of the Ontario Street Corridor Secondary Plan Study.

Summary

To support the implementation of the Council approved Terms of Reference to undertake the Ontario Street Corridor Secondary Plan Study ("Study"), this report recommends Council endorse and authorize Memorandum of Understandings to define the respective roles and responsibilities of the City, Region of Niagara, and the development proponents for 282 and 285 Ontario Street, in the participation and contributions to the Study. All parties to the Memorandums have been consulted with in the preparation of the document and concur with the contents.

Relationship to Strategic Plan

The Ontario Street Corridor Secondary Plan Study reflects all pillars of the City's Strategic Plan. This report is most specific to the Organizational Excellence pillar of the

Strategic Plan in that it promotes transparency and good governance of a site of strategic importance to the City.

Background

On May 30, 2020, Council endorsed Terms of Reference to undertake the Ontario Street Corridor Secondary Plan Study (attached as Appendix 1).

The City is the Study lead and will direct this project through the Planning and Building Services Department. The Region of Niagara, as well as development proponents for 282 and 285 Ontario Street (former GM lands) have significant interests within the Study area. Participation, collaboration and consultation between the City, Region and the development proponents of 282/285 Ontario Street are critical to the success of the Study.

As identified in the Terms of Reference, it is the intent that the City will enter into a Memorandum of Understanding (MOU) with the Region of Niagara, and separately with the development proponents of 282 and 285 Ontario Street (2496582 Ontario Inc.), to formally identify and set out the roles and responsibilities of each of the parties in their participation and contribution to the Study.

MOUs do not have legal grounding, but act as a measure of good faith, collaboration, consultation and defined parameters in study participation and expectation. Attached as Appendix 2 is the draft MOU between the City and the Region of Niagara. Attached as Appendix 3 is the draft MOU between the City and development proponents for 282 and 285 Ontario Street (2496582 Ontario Inc.). Staff recommend Council endorse and authorize the MOUs in order to support implementation of the Ontario Street Corridor Secondary Plan Study.

Report

Memorandum of Understanding - Purpose and Intent City / Region MOU

The Region of Niagara has significant transportation and service infrastructure, investment and policy interest within the study area and is the formal final approval authority for the Secondary Plan. As such, the Region is a significant stakeholder in the Study. The Region will have direct participation on the Study Technical Advisory Committee, will provide data and background information where available and applicable, will assist in evaluation of study components, and will undertake a peer review of technical studies undertaken by development proponents within the Study area. The Region of Niagara will be a significant collaborative partner in the Study and contribute significant staff resources to support City staff in the implementation of the Study.

On July 13, 2022, the Region's Planning and Economic Development Committee endorsed the MOU as set out in Appendix 2.

City / Developer Proponent MOU

The Ontario Street Corridor Secondary Plan study area is comprised of 171 properties located on approximately 75 hectares (185 acres) of land. Most impactful to the study are the properties at 282 and 285 Ontario Street. They are significantly sized developable properties in the study area, comprise approximately 20 hectares (50 acres) of land, and represent 27% 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.

The current owner of 282 and 285 Ontario Street has formally assigned responsibility for undertaking the re-development of the subject properties to 2496582 Ontario Inc., who holds a primary mortgage on the properties.

The intent of the MOU (Appendix 3) is to define the roles and responsibilities of the development proponents (2496582 Ontario Inc.), and to ensure transparency and accountability in undertaking required technical studies to support re-development of the properties. Developer proponent studies are intended to provide professional and qualified technical information and evaluation, but in no way will pre-determine any specific outcomes of the study. The MOU sets out the range of technical studies that are required, including but not limited to:

- Planning Justification
- Transportation Analysis
- Servicing Analysis
- Site Condition Analysis, including environmental planning studies
- Environmental Site Assessment / Remediation
- Archaeological Assessment and Cultural Heritage Review
- Urban Design

These studies are required to be undertaken by independent qualified professionals, at the cost of the developer proponent. The terms of reference for these studies, as well as all study outputs and findings, will be subject to a robust peer review by the Study Technical Advisory Committee, City staff, the Region of Niagara, as well as outside

agencies (Ministry of the Environment, Conservation and Parks, Niagara Peninsula Conservation Authority, etc.) where applicable. The Study budget approved by Council also enables outside independent consultants to be retained by the City for peer review of studies, where warranted.

Financial Implications

There are no financial implications associated with this report.

Environmental Sustainability Implications

There are no environmental implications associated with this report.

Notifications

Region of Niagara
Developer Proponent (2496582 Ontario Inc.)

Prepared by

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Senior Project Manager

Approved by

Tami Kitay
Director, Planning and Building

Appendices

1. Ontario Street Corridor Secondary Plan Study: Terms of Reference
2. Draft City / Region Memorandum of Understanding (MOU)
3. Draft City / Developer Proponent (2496582 Ontario Inc.) Memorandum of Understanding (MOU)

Ontario Street Corridor Secondary Plan Study

Terms of Reference

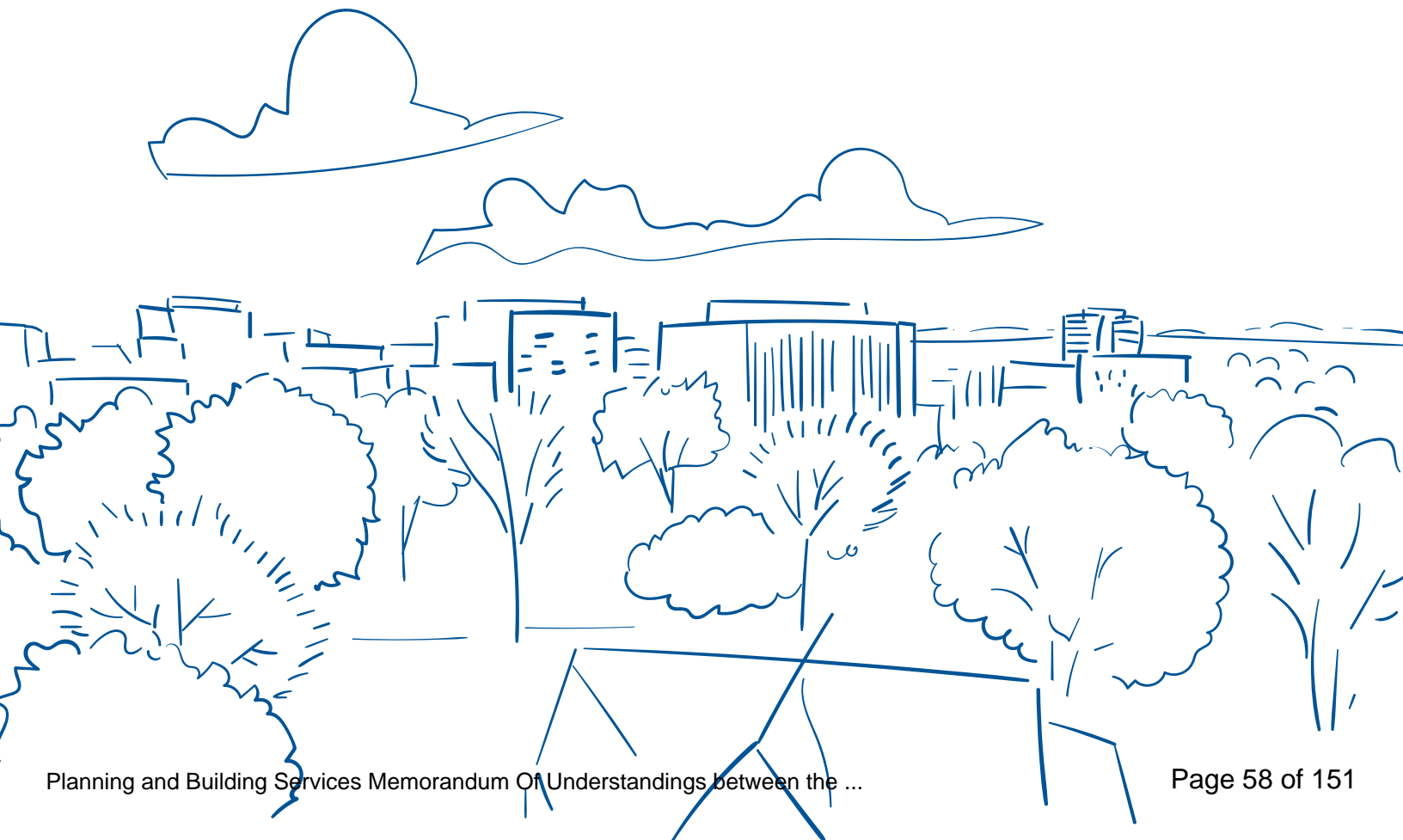


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Ontario Street Corridor Secondary Plan Study

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, 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 next 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

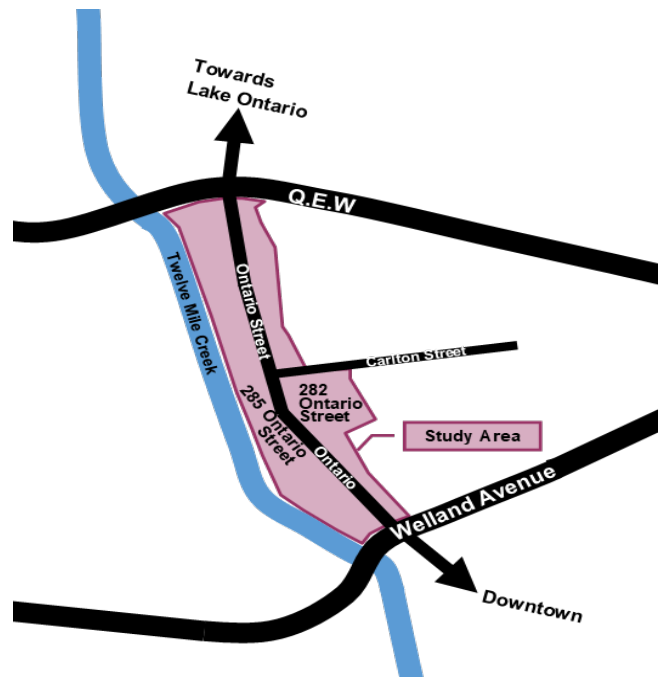
3.1 Study Area

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 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 Capital Budget allocates \$225,000 to undertake the Secondary Plan study. The Region of Niagara, through their Smarter Niagara Incentives Program (SNIP), previously committed a 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. The Capital Budget allocation includes the remaining SNIP grant amount.

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 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 Working Committee to be established (Section 4.4 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 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
- 2 to 3 residents from the area bounded by Geneva Street, the 406 Highway, the QEW and Twelve Mile Creek
- 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 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, 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 if 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 **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. The following provides the phasing sequence and estimated timeline for study components and deliverables.

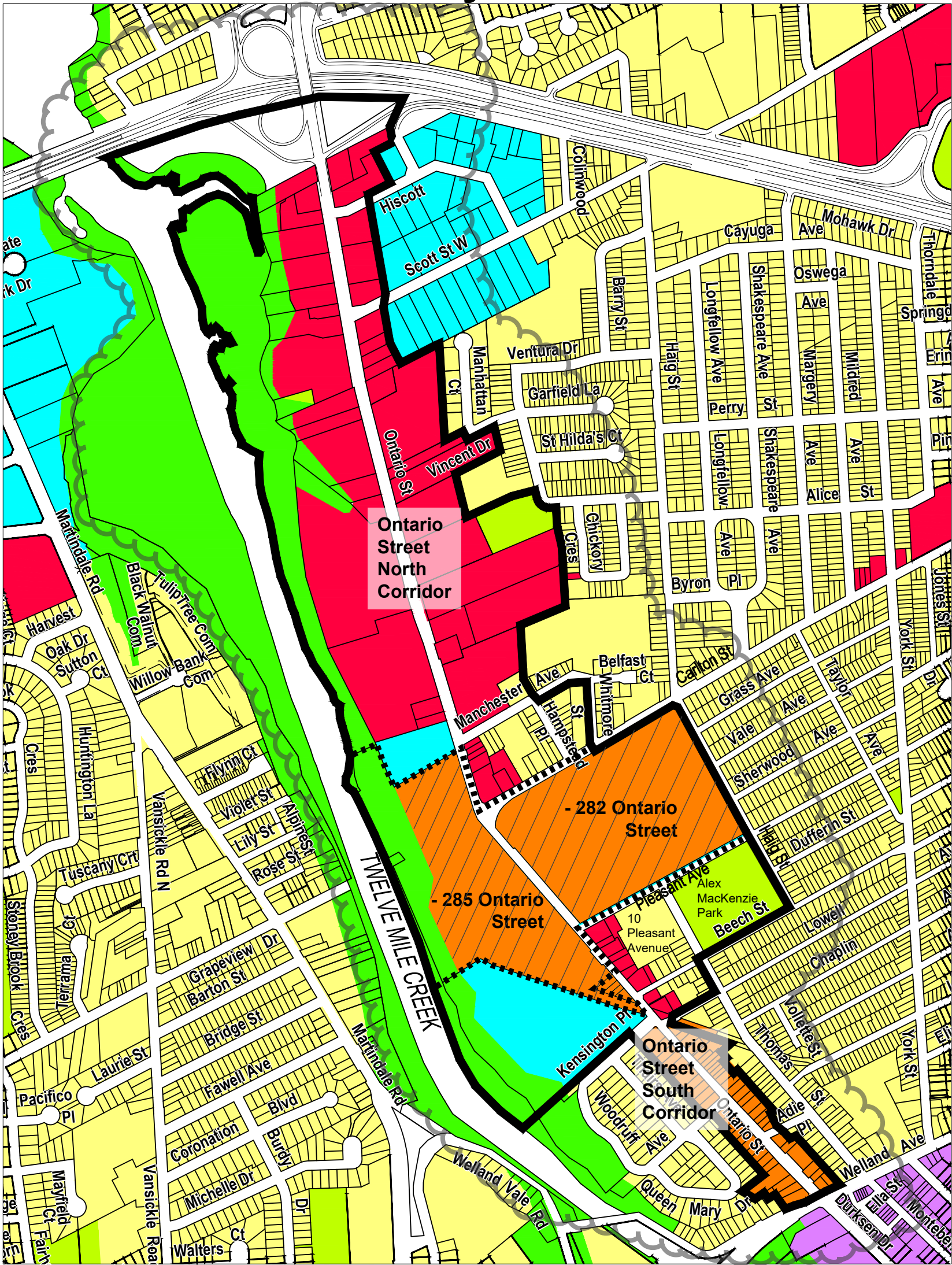
Study Components / Deliverables	2022				2023				2024				2025					
	May 30	Q3	Q4		Q1	Q2	Q3	Q4		Q1	Q2	Q3	Q4		Q1	Q2	Q3	Q4
Council endorse Study Terms of Reference																		
Study start-up																		
Introductory Public Meeting																		
Background Analysis																		
Background 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
Memorandum of Understanding

This Memorandum of Understanding this _____ day of _____ 2022

between

The Corporation of the City of St. Catharines

(hereinafter referred to as the “City”)

and

The Regional Municipality of Niagara

(hereinafter referred to as the “Region”)

Part 1 - Project Overview and Objectives

1.0 Introduction

- a) On May 30, 2022 City Council endorsed Terms of Reference to undertake the Ontario Street Corridor Secondary Plan Study.

This Memorandum of Understanding (herein referred to as the “MOU”) has been developed to outline the roles and responsibilities of the City and the Region in undertaking the Ontario Street Corridor Secondary Plan Study, and the creation of a Secondary Plan for the subject area. The MOU shall set out all duties and obligations of the Parties with respect to undertaking the Study, and the development of a draft Secondary Plan for consideration of formal approval.

- b) The Ontario Street Corridor Secondary Plan Study area is an important area for the City and the Region as it represents a significant brownfield redevelopment opportunity in the middle of the City. It supports a dynamic and connected mixed-use, sustainable neighbourhood, and is also an opportunity to enhance and integrate the Ontario Street corridor from the QEW Highway to Welland Avenue as a major street corridor and ‘gateway’ into the City, and into the downtown, which is a Provincially designated Urban Growth Centre.
- c) The City will establish a Technical Advisory Committee at the onset of the study process, consisting of representatives of City staff, Region staff, and the Niagara Peninsula Conservation Authority. The Technical Advisory Committee will identify, direct, guide, evaluate and recommend study components, and will include technical review of all study terms of reference, components, requirements and submissions.

Part 2 - Parties’ Roles and Responsibilities for the Ontario Street Corridor Secondary Plan Study

2.0 Preamble

- a) The Parties agree that the Region will be a collaborative partner in the development and review of the Ontario Street Corridor Secondary Plan Study, and the preparation of a Secondary Plan for consideration of formal approval.
- b) The specific and shared responsibilities of each party are outlined below:

2.1 The Regional Municipality of Niagara

- a) The Region has approval authority over local Official Plan Amendments. The Region’s partnership in the preparation of the Secondary Plan does not obligate Regional Council to approve the Official Plan Amendment to

- establish the Ontario Street Corridor Secondary Plan. Pending the outcome of the Study and review of final documents, consideration of an Official Plan Amendment to establish an Ontario Street Corridor Secondary Plan may be exempt from Regional Council approval per the Region's exemption policies in the Region's Official Plan.
- b) Region staff may report to Regional Council on status and progress of the Ontario Street Corridor Secondary Plan Study.
 - c) Provide one (1) Region staff representative from Planning and Development Services to sit on the Study Technical Advisory Committee, and to act as a key Region point of contact and liaison for the Study.
 - d) Provide the City and any consultants working with the City (on retainer or through a memorandum of understanding) with relevant planning information and/or data to support the study. Prior to commencing any associated background technical studies, it is recommended that applicable consultant(s) contact the Region to review the project scope and technical study requirements. The information to be provided in accordance with this MOU will be accurate to the best of knowledge of the staff members extracting planning information and/or data to support the study but subject to the limitations contained in the databases relied upon by such staff members. City and any persons, including consultants, developers, and land owners with whom the City may share (or ask the Region to share with directly) the information provided, shall rely on the information provided at their own risk and Niagara Region disclaims liability for any loss resulting from such reliance.
 - e) Provide a peer review from a Region perspective of terms of reference and outputs of all background technical studies that may be required to help inform the Study, including but not limited to:
 - i. Planning Justification
 - ii. Transportation Analysis
 - iii. Servicing Analysis
 - iv. Site Condition Analysis, including environmental planning studies
 - v. Environmental Site Assessment / Remediation
 - vi. Archaeological Assessment and Cultural Heritage Review
 - vii. Urban Design
 - f) Provide to City staff and the Technical Advisory Committee, where required, and when available, other Region staff representation with professional expertise in required technical disciplines (Planning, Urban Design, Transportation, Infrastructure, Environmental & Remediation) in a manner to provide technical review and input into study components, including any background technical studies undertaken by consultants, and specifics and

evaluation with respect to future planned or on-going Region Capital works projects within or in proximity to the Study area boundaries; and to attend public engagement events where warranted.

2.2 The City of St. Catharines

- a) Project management, administration, coordination of the Ontario Street Corridor Secondary Plan Study, including the Technical Advisory Committee.
- b) Management of any consultants that are retained by the City to help inform and assist with the Study, and payment of all fees and costs associated with the retained consultants.
- c) Coordination of meetings and sharing of information with the Region pertaining to all stakeholders involved in the Study.
- d) Coordination and preparation of all background materials related to the Study.
- e) Preparation of all Background documents and proposed plans related to the Study, including those identified in the Study Terms of Reference, as follows:
 - i) Background Analysis Report
 - ii) Community Vision and Alternative Concepts Report
 - iii) Detailed Analysis / Preferred Land Use Concept Plan Report
 - iv) Draft Ontario Street Corridor Secondary Plan
 - v) Final Ontario Street Corridor Secondary Plan
- f) Coordinate, administer and lead the Study public engagement strategy.
- g) Prepare and present all reports to City Council on Study status, background reports, and study recommendations.

2.3 Shared Responsibilities

- a) The City and Region have agreed to work collaboratively to successfully complete the Ontario Street Corridor Secondary Plan Study. Both will draw in internal expertise, providing input, analysis, and recommendations on all study components and requirements to inform the Study, and preparation of a recommended Secondary Plan.

2.4 Timing and Financial Responsibility

- a) The Parties agree that the Ontario Street Corridor Secondary Plan Study will be formally managed and financed by the City. For greater certainty, all costs and liabilities associated with any contract directly between the City, property

owners, associated property owner representatives, or consultants that may be retained by the City, will be the responsibility of the City.

- b) The Region is contributing to this project through a Smarter Niagara Incentive Program (SNIP) planning grant. The use of this grant shall be subject to the terms of the Smarter Niagara Incentive Program.
- c) Estimated time for project completion is 30 months from endorsement of this Memorandum of Understanding by City and Regional Councils.
- d) All costs associated with any Region peer review of any background technical studies required by landowners and/or development proponents shall be the responsibility of the landowner and/or development proponent.

Part 3 - Endorsements

Project Name Ontario Street Corridor Secondary Plan Study		
Project Sponsors The Regional Municipality of Niagara City of St. Catharines	Target Project Completion Date Q4, 2024	
	Version No. 1.0	Version Date 06/14/2022
Project Manager City of St. Catharines, Planning and Building Services Department		
Endorsement of the Memorandum of Understanding		

The following signatures represent the endorsement of the Memorandum of Understanding by the respective parties as it pertains to the Ontario Street Corridor Secondary Plan Study.

Signatures

I, we have reviewed the Memorandum of Understanding and verify the roles and responsibilities outlined within are acceptable.

The Regional Municipality of Niagara

Regional Chair

Regional Clerk

Date

City of St. Catharines

Mayor

City Clerk

Date

Ontario Street Corridor Secondary Plan Study

Memorandum of Understanding

This Memorandum of Understanding this _____ day of _____ 2022

between

The Corporation of the City of St. Catharines

(hereinafter referred to as the “City”)

And

2496582 Ontario Inc. who is the holder of a Charge/Mortgage on the properties known municipally as 282 Ontario Street and 285 Ontario Street.

(hereinafter referred to as the “Mortgagee”)

Part 1 - Background

- a) On May 30, 2022 City Council endorsed Terms of Reference to undertake the Ontario Street Corridor Secondary Plan Study.

The Ontario Street Corridor Secondary Plan Study area is an important area for the City and Region as it represents a significant brownfield redevelopment opportunity in the middle of the City. It supports a dynamic and connected mixed-use, sustainable neighbourhood, and also an opportunity to enhance and integrate the Ontario Street corridor from the QEW Highway to Welland Avenue as a major street corridor and 'gateway' into the City, and into the downtown, a Provincially designated Urban Growth Centre.

- b) The City will establish a Technical Advisory Committee at the onset of the Study process, consisting of representatives of City staff, Region of Niagara staff, and the Niagara Peninsula Conservation Authority. The Technical Advisory Committee will identify, direct, guide, evaluate and recommend study components, and will include technical review of all study terms of reference, components, requirements and submissions.
- c) The remediation and re-development of the lands known municipally as 282 Ontario Street and 285 Ontario Street, herein referenced as the "Properties" are critical to the successful completion of the Ontario Street Corridor Secondary Plan Study, and the development of a Secondary Plan for the subject area.

2390541 Ontario Inc. is currently the registered owner of the Properties.

2496582 Ontario Inc. is the holder of a Charge/Mortgage on the Properties.

2390541 Ontario Inc. has executed Security and Assignment Agreement and in consideration of same, (2496582 Ontario Inc.) has agreed to finance the redevelopment as a Mortgagee.

- d) To advance the successful completion of the Secondary Plan Study, the creation of an Ontario Street Corridor Secondary Plan, and the remediation, rehabilitation and re-development of the Properties, a number of background technical studies are required to be undertaken and completed by qualified professionals, and include but are not limited to:
- Planning Justification
 - Transportation Analysis
 - Servicing Analysis
 - Site Condition Analysis, including environmental planning studies
 - Environmental Site Assessment / Remediation
 - Archaeological Assessment and Cultural Heritage Review
 - Urban Design

These background technical studies will help inform the Secondary Plan Study, and likewise, the Study principles and objectives set out in the Terms of Reference, and evaluation of Study components undertaken by the Study Technical Advisory Committee, will help direct and inform the terms of reference and outputs of any required background technical studies undertaken.

It is acknowledged that background technical studies undertaken on the Properties may have impact upon other lands within and in proximity to the Secondary Plan Study area boundaries, and must be undertaken with regard to impact, integration, and a comprehensive evaluation of all Secondary Plan study components, and all lands evaluated under the Study.

Part 2 - Purpose of the Memorandum

This Memorandum of Understanding (herein referred to as the “MOU”) has been developed to outline the roles and responsibilities of the City and the Mortgagee in undertaking background technical studies required to advance the re-development of the Properties, and contribution to the successful completion of the Ontario Street Corridor Secondary Plan Study.

As set out in the Study Terms of Reference, the MOU is intended to support a collaborative, constructive and transparent process to facilitate the re-development of the Properties, and the successful completion of the Secondary Plan Study and development of the Ontario Street Corridor Secondary Plan.

This MOU in no way represents and/or implies any pre-approval whatsoever by the City, or any other approval authority, whatever the case may be, of required background technical studies that may be required on the Properties, or any development applications made on the Properties.

Part 3 - Roles and Responsibilities

- a) The Mortgagee will be responsible to do so, and will undertake any and all background technical studies, prepared and completed by qualified 3rd party professionals, that are required to evaluate the re-development of the Properties in a manner to support and justify consideration of future development approval(s) on the Properties, and in keeping with the principles and objectives set out in the Study Terms of Reference, and evaluation of study components undertaken by the Study Technical Advisory Committee.
- b) Background technical studies that are required to be undertaken under a) above include but are not limited to:
 - i. Planning Justification
 - ii. Transportation Analysis
 - iii. Servicing Analysis

- iv. Site Condition Analysis, including environmental planning studies
 - v. Environmental Site Assessment / Remediation
 - vi. Archaeological Assessment and Cultural Heritage Review
 - vii. Urban Design
- c) The type and scope of background technical studies that will be required to be undertaken by the Mortgagee, and the terms of reference for the studies, will be determined and approved (provided that all requirements are met for approval) through a collaborative process between the City, the Study Technical Advisory Committee, the Mortgagee, the Region of Niagara, and where applicable, outside agencies including but not limited to the Niagara Peninsula Conservation Authority, the Ministry of the Environment, Conservation and Parks, Ontario Power Generation, and local utility providers.
- d) The Mortgagee will be responsible to retain 3rd party qualified professionals to undertake and complete all required background technical studies, including but not limited to the items in b) above.
- e) The Mortgagee will be responsible for all costs associated with undertaking and completing required background technical studies.
- f) All background technical study outputs and recommendations will be subject to peer review by the City and Study Technical Advisory Committee. Where deemed warranted and at the discretion of the City, the City may retain independent 3rd party qualified professionals, at the cost to the City, to support this peer review.
- g) In addition to peer review of background technical study outputs and recommendations as set out in f) above, the Region of Niagara, the Niagara Peninsula Conservation Authority, the Ministry of Environment, Conservation and Parks, Ontario Power Generation, and local utility service providers may also provide a peer review of all background technical study outputs and recommendations, where applicable.
- h) All costs associated with any Region of Niagara peer review of any background technical studies required by the Mortgagee shall be the responsibility of the Mortgagee, provided that the recommended density is not less than what was established in Official Plan Amendment No. 26.
- i) Any changes, revisions, modifications, addendums, or additional evaluation of background technical study outputs and recommendations as a result of peer review identified in f) and g) above shall be the responsibility of the Mortgagee, at the cost to the Mortgagee, and undertaken by qualified professionals.

- j) The Mortgagee and/or representatives may be required to attend, participate, and prepare for public engagement forums for the Secondary Plan Study and at the cost of the Mortgagee.
- k) All background technical study terms of reference, outputs and recommendations, and all peer review of the same, will form part of the public record for the Secondary Plan Study.

Part 4 - Endorsements

Project Name Ontario Street Corridor Secondary Plan Study		
Project Sponsors City of St. Catharines The Mortgagee	Target Project Completion Date Q4, 2024	
Project Manager Planning and Building Services Department City of St. Catharines	Version No. 1.0	Version Date 07/20/2022

Endorsement of the Memorandum of Understanding

The following signatures represent the endorsement of the Memorandum of Understanding by the respective parties as it pertains to the Ontario Street Corridor Secondary Plan Study.

I, We have reviewed the Memorandum of Understanding and verify the roles and responsibilities outlined within are acceptable.

City of St. Catharines

Mayor City Clerk Date

Mortgagee (2496582 Ontario Inc.)

Director Date



Corporate Report City Council

Report from: Planning and Building Services, Building and Development

Report Date: July 29, 2022

Meeting Date: August 8, 2022

Report Number: PBS-127-2022

File: 56.49.4

Subject: Building Services Annual Report on Revenues, Expenses and Stabilization Reserve Fund for 2021

Strategic Pillar:

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



Recommendation

That Council approve the use of the Building Stabilization Reserve in 2022 to fund:

- one additional permanent full time Enforcement Building Inspector / Plans Examiner (to be funded from permit revenues and Provincial Offences Act fines)
- one additional permanent full time Senior Building Inspector / Plans Examiner position (to be funded from permit fee revenues) to review and inspect Ontario Building Code regulations related to Fire Safety; and
- Fire Safety related training for all Building Officials in the Building Division.

Summary

The Building Division of the City of St. Catharines continues to witness increasing construction activity with a record number of Building Permits issued in 2021 compared to 2020. Direct and indirect costs to operate the Division increased but was more than adequately offset by improved Building Permit fee revenues. The difference resulted in surpluses being transferred to the Building Stabilization Reserve. Estimated values of construction in the City remain relatively high.

Building Division revenues in 2021 totaled \$3,552,756 with expenses (direct and indirect costs) only totaling \$3,066,064, resulting in no impact to the tax levy and \$486,692 being transferred to the Reserve Fund. The Reserve Fund at the end of 2021 totaled \$3,242,537 (see Appendix 1).

Regulations implemented under the *Reopening Ontario Act (O. Reg. 82/20)* impacted

construction activity in the beginning of 2021.

- Restrictions were placed on some construction projects on January 12, 2021.
- Certain restrictions ending for residential construction projects on February 10, 2021.
- The remaining restrictions were removed (for all construction projects) on February 16, 2021.

Despite these constraints on the construction industry, development activity remained strong and consistent throughout the year in St. Catharines.

The Building Division continued to refine its processes and improved in its efforts to meet legislative timeframes and requirements for minimum service delivery in 2021. The measures taken to bring the Division into compliance have seen positive results. Enhancements have been implemented to our customer service processes and streamlining the Building Permit review and inspection services. Additionally, an electronic permitting system, (the 'BuildSTC' Building Permit application portal), is currently being developed by Building Division and IT staff alongside the vendor and should be fully functional in the third quarter (Q3) of 2022.

Fire Safety related Ontario Building Code permit review and inspections duties are currently being transferred back from the Fire Prevention Division to the Building Division, (as previously identified in the 2018 Fire Master Plan). The transfer has a scheduled implementation date of August 1, 2022 (plans review) and a completion date of September 30, 2022 (building inspections). Returning these duties to the Building Division will streamline the Building Permit application and field inspection processes while enabling Fire Prevention staff to focus and rededicate themselves fully to their core functions.

Relationship to Strategic Plan

Economic Prosperity Pillar Goal

Support the City's commitment to building and growing a diverse and resilient economy through fiscal responsibility, urban regeneration, and collaborative partnerships.

The Building Division supports and demonstrates the City's continued commitment to the building industry, businesses, landowners, and the citizens of the City of St. Catharines, in providing best-in-class customer service and in ensuring the public's health and safety. As construction projects are proposed, constructed, and occupied the Building Division continues to deliver services reliably and effectively while meeting the complex demands of the construction industry.

Background

Subsection 7(4) of the *Building Code Act, 1992*, S.O. 1992, c. 23, (BCA) requires that municipalities prepare an annual report that contains:

- the total building permit fees collected,

- the direct and indirect costs of delivering services related to the administration and enforcement of the BCA; and
- the balance being transferred to the Building Stabilization Reserve Fund at year end.

The BCA provides municipalities with the authority to collect fees to recover the cost of administration and enforcement of the BCA and OBC. Certain provisions of the OBC, found in Article 1.9.1.1 of Division C of the OBC, outlines the details of what can be included as part of the cost of providing services. These include direct costs, indirect costs, and provisions to create and maintain a reserve fund. The BCA also states under Subsection 7(2) that permit fees collected must not exceed the anticipated reasonable costs to administer and enforce the BCA and OBC. Therefore, any excess revenue must be transferred to the Building Stabilization Reserve Fund. The purpose of this reserve fund is to:

- support the Building Permit program during cyclical periods of reduced building and construction activity,
- finance new initiatives that may involve capital expenditures, technology, and staffing,
- provide for service enhancements and training, and
- cover other unexpected expenses.

The Building Division of Planning and Building Services (PBS) has attempted to balance the revenues received through permits fees with the anticipated costs of administering and enforcing the Act.

It is necessary to develop an established Building Stabilization Reserve Fund Policy to assist in mitigating risks associated with economic downturns, fluctuations in service demand, and other potential issues. Prior to 2006, building revenue surpluses could be used corporately. When Bill 124 was passed in 2006, it amended the BCA to require all municipal Building Departments in Ontario to operate on the Enterprise Model. Moving forward, any Building Department surplus would transfer to reserve funds and could not be transferred to the general coffers, thereby restricting it from being used for any other municipal services. Reserves are used for the administration and enforcement functions related to the BCA and the OBC only. A stabilization reserve fund also manages the risk associated with possible economic downturns and is available to fund one-time capital expenditures thereby eliminating unwelcomed fee fluctuations. It is a fund isolated from other municipal reserves and is specifically established for the delivery of a full cost recovery program for the Building Division. This is to ensure that the taxpayer is not left to pay for any deficits that should be borne by the building industry.

The costs associated with the operations of the Building Division are fixed costs that cannot be easily or immediately adjusted to the changes in the levels of construction activity. There is expected to be some level of fluctuation of workload from one year to another; however, Building Division staff are highly technical and must undergo extensive training to attain and maintain qualifications required by legislation. Therefore, staff retention is critical to Building Divisions during downturns in construction cycles.

As mentioned above, the BCA requires that municipalities, on an annual basis, prepare a report indicating the value of the reserve funds set aside and how that fund relates to the administration and enforcement of the BCA and the OBC. Appendix 1 of this report is a summary of revenues and costs, in accordance with subsection 7(4) of the BCA, pursuant to Clause 1.9.1.1 of Division C Part 1 of the OBC. This summary contains information in respect to fees authorized under the BCA which includes both direct and indirect costs of delivering these services.

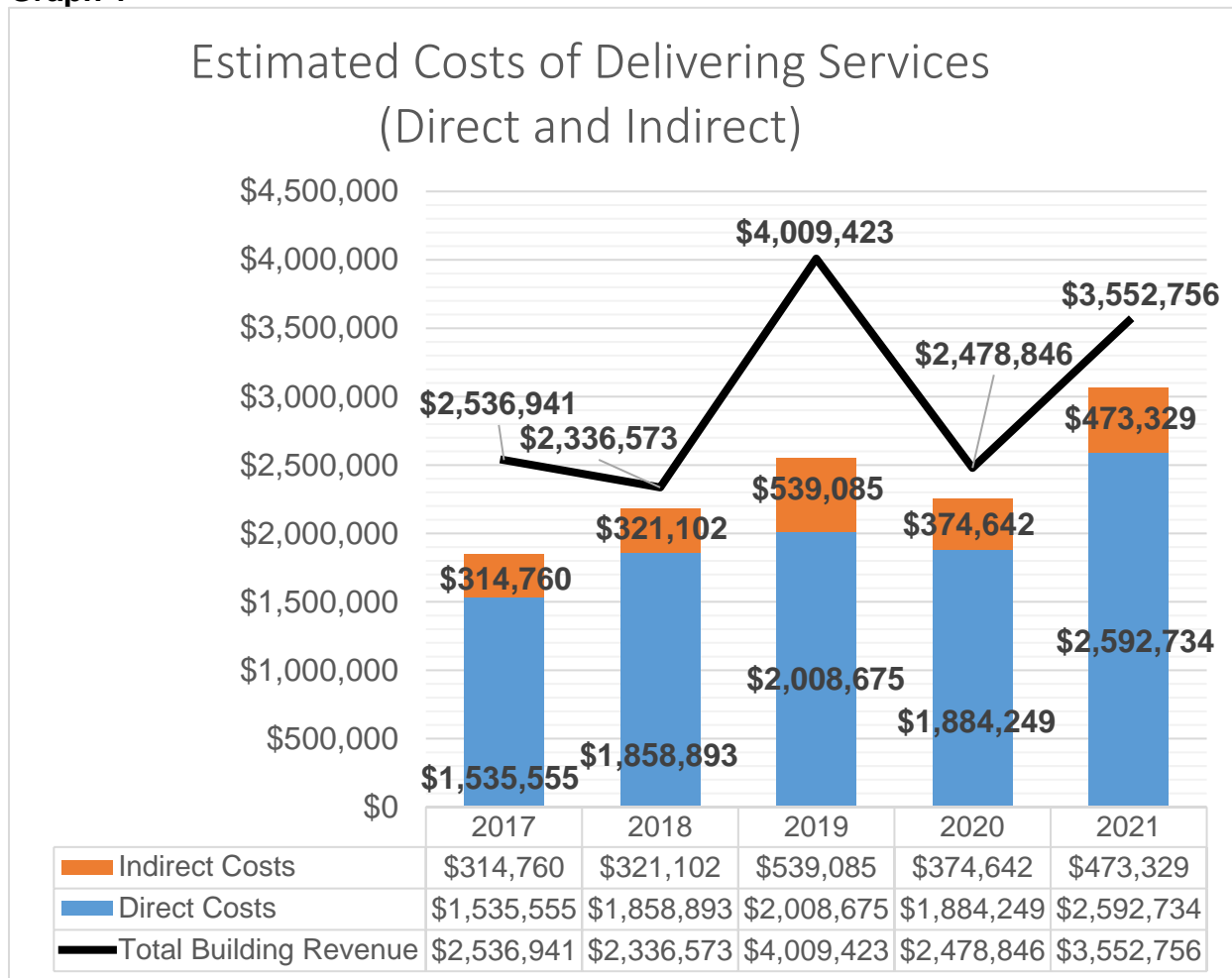
Report

Financial Summary

Revenues generated by the Building Division for the year 2021 was **\$3,552,756**; a 43% increase from revenues generated in 2020, (**\$2,478,846**). 2021 revenues trended upward, (significantly higher than the five-year average). The revenue for 2021 exceeded the total cost of operations (direct and indirect) by **\$486,692**, which was transferred to the Reserve Fund at year end. The total amount available in the Reserve funds at the end of 2021 was **\$3,242,537**.

The financial statement for 2021 is attached to this report (see Appendix 1) and illustrated in Graph 1 below.

Graph 1



Building Reserve Fund

The BCA makes provision for the difference between revenues and costs to be placed in a reserve fund. Many municipalities have a Policy for establishing, maintaining, and managing a Building Permit Stabilization Fund to sustain service levels and service delivery which includes a target ranging between one and a half to three times the annual operating budget. Based on the 2021 budget of total operating costs, (\$3,066,064), if the City had a similar Policy, the target reserve balance should be between \$4,599,096 and \$9,198,192.

The current ratio of reserve to operational costs is significantly below this industry standard, at only 1.06 times the annual operating budget. This value trended downward from the prior year and continues to be significantly below industry standards with the current reserve fund balance of only \$3,242,537 and 2021 actual operational costs of \$3,066,064.

A long-term strategy is required to implement a contributing formula that provides long term financial sustainability of building operations. As previously approved by Council, a

consulting firm has been retained to perform a comprehensive fee review study for development-related PBS Divisions (Building, Planning and Development Engineering). The consulting firm has been selected and has been tasked with providing recommendations for improvements in the financial model of PBS via a comprehensive review of the current financial model of the Department as it relates to the operation of building services. The consultant's review will recommend the appropriate level of reserve funds, the ratio of operational to reserve funds, and an appropriate contributing formula that will enable a long term financially sustainable service delivery model.

Performance Measurements

Timelines:

Permit Applications

Article 1.3.1.3 of Division C the OBC mandates specific timeframes for Building Permit issuance and required inspections. Depending on their complexity, Building Permits must be issued in either 10, 15, 20 or 30 days. These timeframes commence once a permit application has been deemed 'complete'. The 'completeness' of permit applications must be determined within two days of submission. Intermittently, the Building Division continues to experience periods where permit applications are being submitted faster than they can be assessed and processed.

Building Technicians and Administrative Clerks are responsible for frontline customer service. They meet and greet permit applicants at the customer service desk, intake applications, payments, and conduct file processing and administrative duties. The additional Building Technician position, approved by Council in 2021 has greatly assisted the Plans Examiners and Building Inspectors in their work, creating capacity to focus on the technical applications of their roles. However, due to reoccurring staff turnover issues, the Building Technician positions have been vacant and have only recently been filled. Certainly, higher levels of service would be welcomed by the industry but with the current staffing levels our department occasionally struggles to achieve mandated timelines.

Inspections and Building Code Complaints

Article 1.3.5.3 of Division C of the OBC requires that, upon request for an inspection, Building Inspectors shall attend to perform the inspection within 48 hours (commencing the day after the request). Building inspections are primarily conducted to determine compliance with the regulations. Building Inspectors are also tasked to take enforcement action when OBC deficiencies are discovered. In addition to inspecting new construction / demolition projects, Building Inspectors also investigate potentially unsafe buildings, provide liquor licensing inspections as well as investigate building code complaints such as illegal apartments, building without permits, and buildings damaged by fire. Generally Building Inspectors are meeting legislated requirements for regular, day-to-day inspection requests. However, they continue to fall behind in responding to complaints lodged by citizens and elected officials, (primarily 'building without a permit' complaints), which has resulted in a three-year backlog of investigation files. Unfortunately, Inspectors have no opportunity for any type of proactive BCA / OBC enforcement. With the introduction of new workflow improvements and streamlined

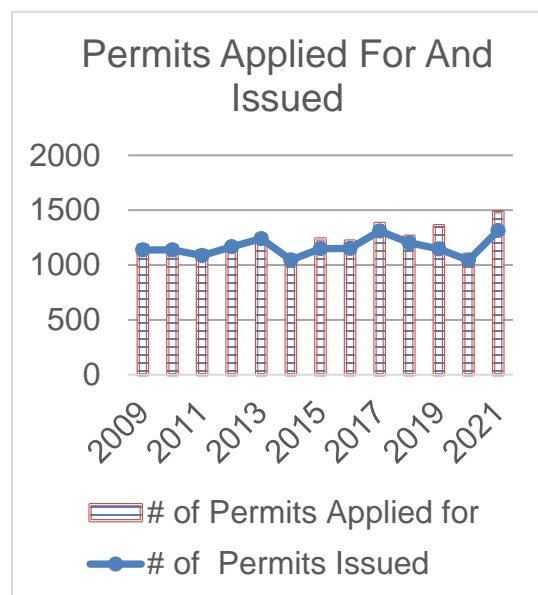
inspection processes, Building Inspectors are meeting legislated deadlines for mandatory inspections, but are lagging in their efforts to attend properties to investigate complaints in a timely fashion. Without a dedicated Enforcement Building Inspector, reactive investigations are delayed, and proactive enforcement is simply an impossibility. The creation and establishment of the new Enforcement Building Inspector position will resolve this shortfall.

Building Permit and Construction Activity

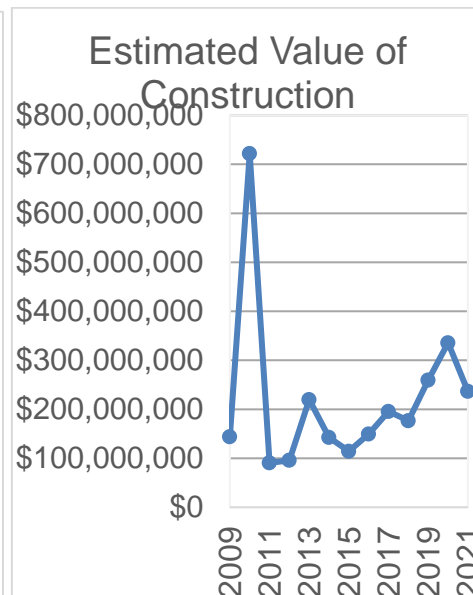
In 2021, a record-breaking total of **1,314** Building Permits were issued (of the 1485 Building Permit applications that were submitted). Graphs 2, 3 and 4 below provide Building Permit and construction activities for 2021, (along with the preceding years for comparison).

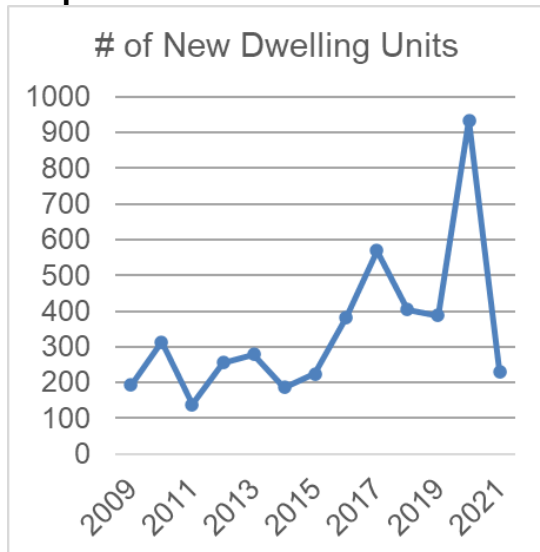
The total estimated construction value (EVC) for 2021 was **\$236,588,896**, down from **\$335,669,279** in 2020 (see Appendix 2). EVC's are generally considered to be a reasonable parameter of economic activity within a geographical area. Therefore, it is evident that St. Catharines saw a return to more typical construction related economic activity in 2021.

Graph 2



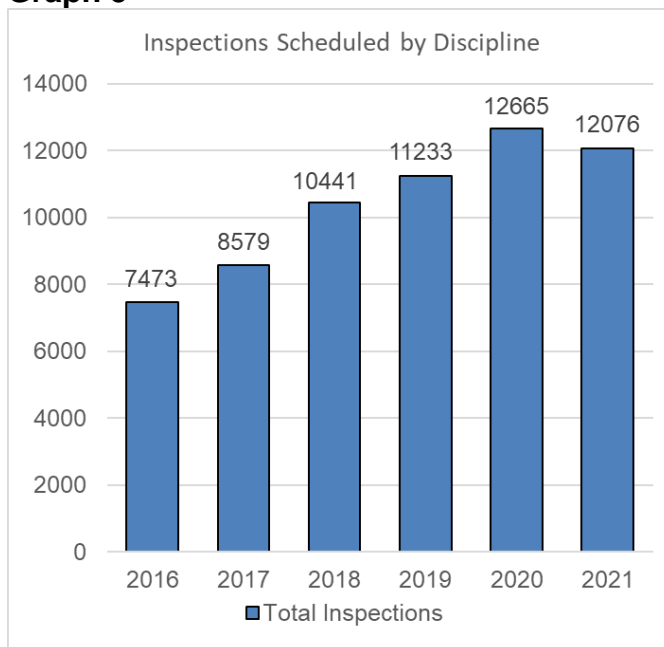
Graph 3



Graph 4

Building Inspection Activity

Graph 5 below provides the total number of inspections across different disciplines (architectural, plumbing and HVAC) for the last six years. In 2021, the total number of inspections carried out was **12,076**, slightly less than the previous year, but still trending upwards compared to the last six years. This modest decrease in the number of inspections is, in part, attributed to the reduced number of repeat inspections required on sites where compliance from owners and contractors are not readily forthcoming.

Graph 5

Electronic Permitting Technology

The soon-to-go live 'BuildSTC' electronic permit application portal will enhance customer service by allowing permit holders, contractors, and homeowners to submit their Building Permit applications and payments online, from their homes, offices, and/or places of business. Saving the cost, effort and time associated with having paper prints made, travel to the office for out-of-town users, parking, etc. the 'BuildSTC' portal will prove to be a significant enhancement to PBS customer satisfaction. Furthermore, this electronic permit process will allow staff to continue to work remotely, including from home and / or job sites and will reduce the need for paper storage.

Additionally, the 'BuildSTC' portal will be expandable. Over the next few months / years, other services will be offered in a phased approach, (such as Liquor License applications, Short Term Rental License applications, Site Plan submissions, etc.).

Zoning Verifications and Property Reports

Zoning Technicians play an integral role in supporting development. Currently, St. Catharines has two Zoning Technicians who contribute to the processing of the following:

- Zoning amendments
- Minor Variances
- Land Division applications
- Deeming By-laws
- Niagara Escarpment development applications
- Site Plan Control and Site Plan Agreements
- Pre-consultations
- Official Plan and Zoning Amendments
- Part Lot Control
- Subdivision Agreement and Condominium Approvals
- Development Agreements
- Heritage Permits
- Lawyers' enquiries related to real estate transactions and
- Liquor License applications

In addition to the above, and most recently, Zoning Technicians have been tasked with reviewing Zoning permissions in a supporting role to Short Term Rental application processes.

According to data collected from the AMANDA tracking system, the work volume for the two Zoning Technicians has shown a steady increase. The driving factors for the increase in the number of files handled by the Zoning Technicians are:

- A significant increase in the number of Committee of Adjustment applications for Minor Variances, (primarily the result in applications by homeowners to create Accessory Dwelling Units in their basements),
- An upsurge in applications for Short Term Rental Licenses, (with an anticipated increase over the next six months), and

- A large increase in Zoning Verification / Property Report letters indicative of the recent bullish real estate market.

As the result of these mounting pressures, the Zoning Technicians are falling behind in their day-to-day duties. An additional Zoning Technician (bringing the number to three) is required to meet acceptable timelines for responses for information and to continue to support economic development in an expedient way.

Upon completion of the current Comprehensive Fee Review Study, Council will be further advised as to a funding source to support a request for an additional Zoning Technician.

Development Engineering Technologists

Development Engineering Technicians are a critical component in the development process. Currently, St. Catharines has two Development Engineering Technicians who contribute to successful developments by engaging in the following:

- Provide engineering guidance to consultants / applicants
- Attending preliminary consultation meetings
- Respond to Legal compliance requests
- Complete detailed engineering review and approval of development proposals
- Liaise with other City Staff and Departments including EFES, PBS, CRCS, Legal, Forestry, Operations, Geomatics, Finance, Taxes & Property, and Citizen's First, MOECP, NPCA
- Schedule, prepare agendas, chair, and issue minutes for development-related servicing preconstruction meetings
- Guide the project management process from the City's perspective for development-related applications through the construction stages to finalization
- Perform field investigations and inspections as required
- Draft Council Reports regarding servicing and cost sharing agreements for development related applications.

According to Development Application collection data, there has been a marked increase over the last five years. The driving factors for the increase in the number of applications handled by the Development Engineering Technicians are:

- A significant increase in the number of Development Agreement and Site Plan Agreement applications,
- An uptick in Condominium Agreements ,
- Additional subdivisions and infill lot developments, and
- A substantial increase in Committee of Adjustment applications.

As the result of these mounting pressures, the Development Engineering Technologists are providing longer service delivery and response times for the applications and files they are responsible for.

Currently, an additional Development Engineering Technologist has been recruited, in a temporary capacity only, as part of the Provincial Streamline Development Approval Fund. Turnaround times for site plan and development plan review have been shortened, with improved service to developers. However, this time-sensitive funding is only available for one year. It has become apparent that to meet the development industry's needs in St. Catharines (and to continue to support economic development in an expedient way), this additional, temporary Development Engineering Technologist should be made permanent.

Again, similar to the recommended additional Zoning Technician position (as noted above) upon completion of the current Comprehensive Fee Review Study, Council will be further advised as to a funding source to support a request for an additional Development Engineering Technician.

Financial Implications

Year 2022

The current Building Stabilization Reserve Fund at the end of 2021 totaled **\$3,242,537**. While currently lower than the industry standard, it provides adequate funding for the following in 2022 (assuming start date of Aug 15, 2022):

- One Senior Building Inspector / Plans Examiner at an upper limit of \$44,800
- One Enforcement Building Inspector at upper limit of \$42,100
- One-time training costs (fire safety training) for all Building Officials in the Building Division at an upper limit of \$8,500
- Computers, mobile devices, AMANDA licenses \$14,000
- Total Building Division \$109,400**

- One Zoning Technician \$35,800
- Computers, mobile devices, AMANDA licenses \$7,000
- Total Zoning Division \$42,800**

Total additional staffing enhancements, plus training costs is estimated at an upper limit of \$152,200. These additional resources will:

- ensure fire safety related plans examinations are conducted proficiently and efficiently,
- ensure OBC related complaints are addressed in a timely fashion with opportunities for proactive OBC enforcement,
- ensure a more equitable division of workload among Building Division staff,
- support economic development in a timely manner, and
- reduce overtime expenses.

Although, there is the potential for additional revenues to be generated as a result of the comprehensive fee review, until such time as these fees are identified and approved by

Council the additional costs of \$109,400 for these staffing positions be funded from the Building Stabilization Reserve in 2022.

The additional costs of \$42,800 in Zoning Division in 2022 can be accommodated within the existing operating budget.

Year 2022

- One Senior Building Inspector / Plans Examiner at an upper limit of \$123,000
- One Enforcement Building Inspector at upper limit of \$115,500
- **Total Building Division**
\$238,500

Total additional staffing cost is estimated at an upper limit of \$238,500 in Building Division, although there is the potential for additional revenues to be generated as a result of the comprehensive fee review. Until such time as these fees are identified and approved by Council, the additional costs for these staffing positions will be funded from the Building Stabilization Reserve in 2023.

Should Council approve the requested Zoning Technician now, the additional staffing costs will have an impact on the 2023 tax levy operating budget totaling \$98,500. Based on the approved 2022 tax rates, the estimated annual impact on median home in 2023 would be \$1.40 or 0.09%.

Conclusion

The 2021 Building Services Annual Report demonstrates that the number of Building Permits issued by the Building Division annually continues to increase with revenues trending upward. The annual financial report is required by the Building Code Act and provides information on revenues, expenditures, and the status of the Building Reserve fund. The current staff compliment is able to keep up with legislated timeframes and requirements for minimum service delivery for permit issuance and inspections but struggles to provide expected response times to citizen complaints and has no opportunity to proactively investigate instances of unpermitted construction in the City.

Prepared and Submitted by

John W. Lane
Chief Building Official

Approved by

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

Appendices

Appendix 1: Summary of Revenues and Costs
Appendix 2: Ten Year Estimated Construction Value
Appendix 3: Largest projects of 2021

City of St. Catharines
Annual Report of Fees and Costs, Pursuant to
Ontario Building Code Act Section 7 (4)

Estimated Costs of Delivering Services (Direct and Indirect)

	2021	2020*	2019	2018	2017
Opening Balance of Reserve Fund	\$2,732,527	\$2,487,536	\$1,011,114	\$845,400	\$158,257
Interest					
Direct Administration and Enforcement Costs					
Staffing Costs (Direct Support Staff)	\$2,408,460	\$1,795,423	\$1,907,092	\$1,718,641	\$1,404,924
Direct Office Expenditures	\$184,274	\$88,826	\$101,583	\$140,252	\$130,631
Total Direct Administration and Enforcement Costs	\$2,592,734	\$1,884,249	\$2,008,675	\$1,858,893	\$1,535,555
Indirect Administration and Enforcement Costs					
Staffing Costs (Indirect Support Staff)	\$94,473	\$48,763	\$70,064	\$77,914	\$69,048
Indirect Office Support Costs	\$378,856	\$325,879	\$469,021	\$243,188	\$245,712
Total Indirect Administration and Enforcement Costs	\$473,329	\$374,642	\$539,085	\$321,102	\$314,760
Total Direct and Indirect Costs	\$3,066,064	\$2,258,892	\$2,547,760	\$2,179,995	\$1,850,315
Total Building Revenue	\$3,552,756	\$2,478,846	\$4,009,423	\$2,336,573	\$2,536,941
Revenue/(Deficit) for current year of	\$486,692	\$219,954	\$1,461,663	\$156,578	\$686,626
Interest Earned	\$23,318	\$25,037	\$14,759	\$9,136	\$517
Balance to be transferred to/from Reserve Fund	\$486,692	\$219,954	\$1,461,663	\$156,578	\$686,626
Balance of Reserve Fund	\$3,242,537	\$2,732,527	\$2,487,536	\$1,011,114	\$845,400

Note * 2020 - due to COVID shutdown in building industry, assume only 2/3 indirect staffing & office support cost was occurred

Estimated Value of Construction for the years 2012-2021

	All Construction	Residential	Industrial, Commercial and Institutional	Other Permit Types	Three year average
2021	\$236,475,993	\$75,781,996	\$150,581,222	\$10,112,775	\$276,865,921
2020	\$335,669,279	\$263,337,510	\$56,065,835	\$16,265,934	\$256,884,116
2019	\$258,452,492	\$148,257,928	\$104,506,685	\$5,687,879	\$210,184,454
2018	\$176,530,577	\$116,544,373	\$54,665,322	\$5,320,882	\$173,883,413
2017	\$195,570,292	\$127,991,061	\$60,338,081	\$7,241,150	\$153,086,792
2016	\$149,549,369	\$89,429,721	\$55,200,829	\$4,918,819	\$135,403,708
2015	\$114,140,715	\$64,969,417	\$43,887,599	\$5,283,699	\$158,819,522
2014	\$142,521,041	\$55,568,194	\$78,385,372	\$8,567,475	\$152,691,739
2013	\$219,796,809	\$66,361,449	\$146,042,840	\$7,392,520	\$157,777,088
2012	\$95,757,367	\$47,935,329	\$40,170,554	\$7,651,484	

	Total 2021	Residential	ICI	Other
AG	\$452,000.00			\$452,000.00
AM	\$21,562,167.00		\$21,562,167.00	
BP	\$7,555,190.00		\$7,555,190.00	
BS	\$7,444,795.00			\$7,444,795.00
CU				\$0.00
DS	\$2,075,000.00			\$2,075,000.00
HV	\$64,480.00			\$64,480.00
IL	\$25,144,000.00		\$25,144,000.00	
IS	\$81,979,502.00		\$81,979,502.00	
ME	\$14,340,363.00		\$14,340,363.00	
PO				\$0.00
RN	\$75,781,996.00	\$75,781,996.00		
TS	\$76,500.00			\$76,500.00
	\$236,475,993.00	\$75,781,996.00	\$150,581,222.00	\$10,112,775.00

ag	am	bp	bs	ds	hv	il	is	me	rn	ts	
\$437,000.00	\$3,295,000 \$2,055,000	\$30,000	\$768,880	\$1,900,000	\$22,480	\$11,100,000 \$1,750,000	\$531,600	\$2,760,000	\$16,566,000	\$76,500	
\$15,000.00		\$50,000	\$99,300	\$175,000	\$42,000		\$80,000,000	\$11,580,363	\$2,244,000		
	\$40,000	\$1,400,000	\$10,000			\$10,000	\$299,500		\$345,000		
	\$10,000	\$279,000	\$276,500			\$2,000,000	\$32,902		\$936,000		
	\$10,000	\$3,786,190	\$5,077,149			\$16,000	\$1,115,500		\$10,120,650		
	\$613,500	\$2,010,000	\$574,966			\$390,000			\$7,744,590		
	\$50,000		\$520,500			\$500,000			\$1,000,000		
	\$600,000		\$7,500			\$458,000			\$4,500		
	\$50,000		\$110,000			\$100,000			\$2,100,000		
	\$177,000					\$1,500,000			\$370,000		
	\$3,180,000					\$5,760,000			\$2,165,000		
	\$20,000					\$1,560,000			\$30,000		
	\$2,175,000								\$9,561,920		
	\$4,900,000								\$285,000		
	\$4,386,667								\$239,000		
									\$1,250,000		
									\$529,819		
									\$1,986,915		
									\$800,000		
									\$44,000		
									\$310,000		
									\$284,200		
									\$45,000		
									\$14,540,000		
									\$42,000		
									\$890,500		
									\$15,000		
									\$1,300,000		
									\$32,902		
\$452,000.00	\$21,562,167	\$7,555,190	\$7,444,795	\$2,075,000	\$64,480	\$25,144,000	\$81,979,502	\$14,340,363	\$75,781,996	\$76,500	\$236,475,993.00

Top Ten Projects in 2021

Address	Project Description	Estimated Construction Value
403 Ontario Street	Construct New Long Term Care Facility - Linhaven (256 Beds)	\$80,000,000
570 Glendale Avenue	Alter interior and construct a C8 DCT clean room at "General Motors Canada"	\$ 8,000,000
15 Yale Crescent	Alter Interior for ' U- Haul ' (Truck/ Trailer rental and self storage) including alternative solution	\$ 5,000,000
1812 Sir Isaac Brock Way	Construct a two storey addition to "Inniskillin Hall- Brock University"	\$ 4,000,000
285 Geneva Street	Alter former Walmart to create five (5) new suites -Upgrade Façade/ Parapets	\$ 3,125,000
1932 Welland Canal Parkway	Replace HVAC system and Roof/ Wall cladding and insulation at St Catharines Museum	\$2,050,000
284 Glendale Avenue	Constructed New building for proposed Burger King and commercial space	\$ 2,000,000
1387 Fourth Avenue	Construct a Two storey convenience store/gas Bar- "Circle K"	\$2,000,000
80 King Street	Alter part of level seven for "Accenture"	\$ 2,000,000
285 Geneva Street	'Tenant Fit-out for Winners	\$1,800,000



Corporate Report City Council

Report from: Planning and Building Services

Report Date: June 21, 2022

Meeting Date: August 8, 2022

Report Number: PBS-134-2022

File: 10.13.1

Subject: Recommendation Report to create a Vital Services By-law and related administrative monetary penalties.

Strategic Pillar:

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



Recommendation

That Report PBS-134-2022, regarding a Recommendation to create a Vital Services By-law be referred to City Council for consideration of the Staff Recommendation after a public meeting to be scheduled for August 29, 2022, for which notice will be duly given.

Staff Recommendation

That Council approve the Vital Services By-law, attached as Appendix 1; and

That Council approve an amendment to Schedule "B" of the Non-Parking Administrative Penalties By-law 2021-68, to include the City of St. Catharines Vital Services By-law, as a Designated By-law, as attached as Appendix 2; and

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

Summary

Vital Services are utilities which are necessary to sustain a healthy and safe dwelling unit. These include gas, electricity, potable water (cold), and hot water. Vital Services By-laws prescribe responsibilities to ensure these services are maintained in tenanted properties and provide enforcement tools for matters of non-compliance.

Background

In or about September 2021, the City's By-law Enforcement Division received a complaint from a tenant regarding gas services being disrupted to their dwelling. Consequently, as there was no primary source of heat available (furnace), the tenant maintained a moderate level of heat by utilizing an auxiliary source, such as a space heater.

As a result of an investigation triggered by the complaint, a Property Standards Order was subsequently issued to the property owner / landlord with a compliance date in October 2021, to satisfy the statutory minimum compliance period under the Ontario Building Code Act.

Further investigation was carried out at the property following the compliance date. It was confirmed that gas had not been restored, and there was still no primary source of heat. A request was immediately placed to register the Property Standards Order on title of the property and the Order was registered on title within days at the earliest opportunity.

In or about early November 2021, a subsequent letter was issued by the City's By-law Division to the property owners / landlords regarding non-compliance; however, no response was received. Further, in or about early December 2021, the City's By-law Division received a call from a tenant at the same dwelling unit advising that the hydro and water services to the dwelling had been severed, in addition to the gas being shut off. At this juncture, the tenant was without heat, hydro, and potable water.

As there was a confirmed Property Standards Order issued and registered on title of the property requiring the provision of Vital Services, the City evoked authority under the Ontario Building Code Act to comply the confirmed Order and to restore Vital Services at the property.

In addition to the foregoing, an electrician attended at the property and confirmed that the electrical panel had been tampered with, and that a significant number of wires had been severed inside the electrical panel.

With respect to gas, after a lengthy process, the City was able to facilitate a call with the gas provider and property owners to have service restored. Electricity and gas were restored in or about early December 2021. With respect to water services, the water had been severed just after the meter inside the dwelling unit. The City's Building Division staff attended at the property in or about early December 2021, along with a City By-law Officer, and confirmed the work was performed without the benefit of a

required permit. As a result, a plumber contracted by the City restored water to the dwelling on or about December 2, 2021, and all Vital Services were restored.

Report

The City currently does not have a Vital Services By-law. Vital Services are addressed under the City's Property Standards By-law, 2014-248, as amended, which require a 14-day Property Standards Order plus five days for mailing (total of 19 days), be issued for matters of non-compliance, such as the example above.

These Orders are subject to appeal, and if appealed, could extend the timelines to obtain compliance. Alternatively, for matters of non-compliance, a Property Standards Officer would be required to issue an Emergency Order under the Ontario Building Code Act, which mandates attendance at Superior Court to get the Property Standards Order confirmed after the fact as there is no appeal mechanism. This process requires significant involvement from Legal Services in legal proceedings, in addition to By-law Division staff being required to remain on site until the imminent threat has been removed.

Section 216 of the *Residential Tenancies Act, 2006*, permits a Council of a municipality to pass a By-law requiring every property owner or landlord to provide adequate and suitable vital services to each of the property owner or landlord's rental units, unless an agreement explicitly states that it is the responsibility of a tenant. Under a Vital Service By-law, if a property owner or landlord refuses to provide a vital service for a rental unit in accordance with a Vital Service By-law, the local municipality may arrange for the service to be restored and provided. All costs incurred, and an additional 10% administrative fee of the amount, would be registered on title as a lien indebted to the municipality but does not have a "priority lien" status. Utilizing this method would relieve the current statutory minimum of a 19-day waiting period to address an issue, especially in circumstances which may include vulnerable persons such as children and the elderly.

Under the City's Non-Parking Administrative Penalties By-law 2021-68, a Vital Service By-law can be a Designated By-law. As such, Administrative Penalties can be imposed on a non-compliant property owner or landlords and may expedite compliance based on the penalty amounts that can be accumulated. A modernized progressive penalty system would be recommended (tier 1, tier 2, tier 3), to address problematic property owners and landlords. 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 also increases accountability to property owners and landlords where a cost / benefit analysis would show a significant monetary not restoring or maintaining Vital Services.

With respect to Local Area Municipalities (LAMs), currently no municipality in the region has a Vital Services By-law. If a municipality addresses Vital Services, there are provisions in their respective Property Standards By-law, which is consistent with what the City currently has. Outside of the region, numerous municipalities such as Hamilton,

Brampton, Toronto, Mississauga (adequate heat only), Caledon (adequate heat only, but currently revising), Vaughan, and Cambridge, to name a few have Vital Services By-laws.

Financial Implications

Administrative penalties administered for non-compliance will be collected in the same manner as property taxes. Increased compliance because of a Vital Services By-law with an Administrative Monetary Penalty System (AMPS) will require less By-law Division staff time to prepare prosecution briefs and attend court. Furthermore, the amount of follow-ups and By-law Division staff time and travel for non-compliance will be reduced based on the enforcement leverage that a Vital Services By-law with AMPS provisions provides.

Conclusion

The City's current By-law and enforcement tools to ensure tenants are provided with adequate and suitable vital services are deficient. Implementing a Vital Services By-law partnered with an Administrative Monetary Penalty System (AMPS), will provide enhanced enforcement tools to the By-law Division with respect to ensuring vital services are provided to tenants. In addition, the timelines to obtain compliance and restore a vital service will be significantly increased, as there will no longer be a requirement to wait the minimum 14 days plus five days for mailing. 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 and landlords.

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 - City of St. Catharines Vital Service By-law.
- Appendix 2 - Amendment to Schedule "B" of the City of St. Catharines By-law 2021-68.

CITY OF ST. CATHARINES

BY-LAW NO. _____

Being a By-law to require adequate and suitable vital services for rental units

WHEREAS subsection 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, ("Municipal Act, 2001") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS Council deems it necessary to require the supply of Vital Services by landlords and the suppliers of such vital services and to prohibit the cancellation of such vital services to rental units;

AND WHEREAS Part XIII, Sections 215 through 223 of the Residential Tenancies Act, 2006, S.O. 2006 Chapter 17, provides for the enactment and enforcement of a vital services by-law, lien and rent collection rights, and related matters;

AND WHEREAS subsection 11(1) of the Municipal Act, 2001 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 11(2) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: in paragraph 6, Health, safety and wellbeing of persons;

AND WHEREAS section 23.1 of the Municipal Act, 2001 provides that a municipality may delegate its powers and duties under that Act;

AND WHEREAS Section 446 of the Municipal Act, 2001 provides that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and allowing the municipality for that purpose enter upon lands at any reasonable time;

NOW THEREFORE the COUNCIL OF THE CORPORATION OF THE CITY OF ST.

CATHARINES enacts as follows:

PART I – SHORT TITLE

1. This By-law may be referred to as the “The Vital Services By-law”.

PART II – DEFINITIONS

2. For the purposes of this By-law:

"adequate and suitable heat" means that the minimum temperature of the air in the accommodation which is available to the tenant or lessee is twenty (20) degrees Celsius at one and one-half (1.5) metres from above floor level and one (1) metre from exterior walls in all habitable space and in any area intended for normal use by tenants, including recreation rooms and laundry rooms but excluding locker rooms and garages;

"adequate and suitable supply of hot water" means a supply of hot water at the ordinary temperature of at least forty-nine (49) degrees Celsius in a quantity of at least one hundred sixty-five (165) litres for fifteen (15) minutes with a minimum recovery rate for the temperature of forty-five (45) litres per hour;

"adequate and suitable supply of water" means a continuous and uninterrupted supply of potable water of sufficient quantity for normal use of kitchen, laundry and bathroom facilities;

“By-law” means this By-law;

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

“Council” means the Council of The Corporation of the City of St. Catharines;

“Director” means the Director of Planning and Building Services, or their designate;

“Landlord” means and includes,

- a. the owner of a Rental Unit or any other person who permits occupancy of a Rental Unit, other than a tenant who occupies a Rental Unit in a residential complex and permits another person to also occupy the unit or any part of the unit,
- b. the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a), and

- c. a person, other than a tenant lawfully occupying a Rental Unit in a residential complex, who is entitled to possession of the Rental Unit and who attempts to enforce any of the rights of a landlord under a tenancy agreement or applicable legislation, including the right to collect rent;

“Person”, or any expression referring to a person, means an individual, sole proprietorship, partnership, limited partnership, trust or body corporate, or an individual in his or her capacity as a trustee, executor, administrator or other legal representative;

“Rental Unit” means any living accommodation used or intended for use as rented residential premises, and “rental unit” includes,

- a. a site for a mobile home or site on which there is a land lease home used or intended for use as rented residential premises, and
- b. a room in a boarding house, rooming house or lodging house and a unit in a care home;

"Vital Service" means hot or cold water, fuel, electricity, gas or heat; and

“Municipal Law Enforcement Officer” means a person employed by the City and appointed as a Municipal Law Enforcement Officer by the City.

PART III – REQUIREMENTS OF LANDLORDS

- 3. Every Landlord shall provide Vital Services for Rental Units, as provided for in this By-law.
- 4. Every Landlord shall ensure that:
 - a. each Rental Unit is provided with adequate and suitable heat between the 15th day of September in each year and the first day of June of the following year, or as ordered by the Director of Planning and Building Services pursuant to Subsection 12 of this By-law;
 - b. there is heating equipment or a heating system capable of maintaining adequate and suitable heat that supplies each Rental Unit;
 - c. each Rental Unit is not equipped with auxiliary heating equipment as the primary source of heat; and

- d. each Rental Unit is provided with an adequate and suitable supply of hot or cold water, fuel, electricity, and gas.
5. No Landlord shall cause or allow the discontinuance of a Vital Service to a Rental Unit, except when it is necessary to safely make repairs or alterations to the Rental Unit and then only for the minimum period necessary to effect the repair or alteration.
6. For the purposes of Subsection 5, a Landlord shall be deemed to have caused the cessation of a Vital Service for a Rental Unit if the Landlord is obligated to pay the supplier for the Vital Service and fails to do so, and as a result of the non-payment, the Vital Service is no longer provided for the Rental Unit.
7. No Landlord shall advise a supplier of a Vital Service to bill a tenant directly except where such tenant has expressly assumed the obligation to pay for that service directly in a tenancy agreement.
8. No person shall obstruct, hinder, delay or prevent a Municipal Law Enforcement Officer in the exercise of any power conferred or the performance of any duty imposed by this By-law.

EXTRAORDINARY CLIMATE CONDITIONS

9. The Director is hereby delegated the authority to shorten or extend the dates for the provision of adequate and suitable heat set out in Subsection 4 of this By-law resulting from extreme variations and deviations from normal climatic conditions.
10. For the purposes of Subsection 9, the Director will:
 - a. commence monitoring environmental conditions no later than two weeks prior to the 15th day of September in each year and the first day of June of each year to assess extreme and prolonged heat/cold climatic conditions;
 - b. post and communicate in a coordinated manner an order setting out the date upon which a Landlord shall comply with the provisions of Subsection 4(a), on the City of St. Catharines website, no later than one week prior to the 15th day of September in each year and the first day of June of each year; and
 - c. continue to monitor the environmental conditions and amend the order as necessary.

PART IV – ADMINISTRATION AND ENFORCEMENT

11. A Municipal Law Enforcement Officer may, at all reasonable times, enter and inspect a building or part of a building for the purpose of determining compliance with the provisions of this Bylaw.

12. Despite Subsection 11, a Municipal Law Enforcement Officer shall not enter a Rental Unit,

- a. unless the Municipal Law Enforcement Officer has obtained the consent of the occupier of the Rental Unit after informing the occupier that he or she may refuse permission to enter the unit; or
- b. the Municipal Law Enforcement Officer is authorized to do so under the authority of a warrant duly issued.

13. 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.

14. A Municipal Law Enforcement Officer may, for the purposes of the inspection under sections 11:

- a. require the production for inspection of documents or things relevant to the inspection;
- b. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c. require information in writing or otherwise as required by the Municipal Law Enforcement Officer from any person concerning a matter related to the inspection; or
- d. alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

15. Any cost incurred by the City in exercising its authority to inspect under Subsection 11, 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.

16. A Municipal Law Enforcement Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under Section 438 of the Municipal Act, 2001 where he or she has been prevented or is likely to be prevented from carrying out an inspection under Subsection 12.

17. If a Municipal Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law and/or who caused or permitted the contravention and/or the owner of the property on which the contravention occurred to:

- a. discontinue the contravening activity; and
- b. to do work to correct the contravention;

18. An order under Subsection 17 shall set out, including but not limited to:

- a. reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred;
- b. the time frame, date, or dates by which there must be compliance with the order;
- c. the work to be completed; and
- d. the time frame, date, or dates by which the work must be completed.

19. An order under Subsection 17 may be served personally, by registered mail, or by email to the last known address or email address of:

- a. the owner of the property where the contravention occurred; and/or
- b. such other persons affected by it as the Municipal Law Enforcement Officer making the order determines.

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

21. In addition to service given in accordance with Subsection 19, an order made under Subsection 17 may be served by a Municipal Law Enforcement Officer, placing a placard containing the order in a conspicuous place on the property where the contravention occurred.

22. Where service cannot be affected in accordance with Subsection 19, sufficient service is deemed to have taken place when given in accordance with Subsection 21.

23. 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 owner(s) expense.

24. The City may recover the costs of doing a matter or thing under section 23 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 10 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.

OFFENCES

25. Every Person is guilty of an offence if the Person,

- a. hinders, obstructs or interferes with the Director or Municipal Law Enforcement Officer in the exercise of his or her powers and duties under this By-law;
- b. prevents a Municipal Law Enforcement Officer from entering land or premises, refuses to answer questions on matters relevant to the inspection or provides the Municipal Law Enforcement Officer with information, on matters relevant to the inspection, that the person knows, or ought reasonably to know, to be false or misleading;
- c. contravenes any provisions of this By-law; or
- d. refuses or neglects to obey or carry out the order and/or directives of the Director or a Municipal Law Enforcement Officer given under the authority of this By-law.

PENALTY, PERSON

26. A Person convicted of an offence under Subsection 26 is liable to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a subsequent offence.

SAME, CORPORATION

27. A corporation convicted of an offence under Subsection 26 is liable to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for a subsequent offence.

OFFENCE, DIRECTOR OR OFFICER OF A CORPORATION

28. A director or officer of a corporation who knows that the corporation is violating or has violated a provision of this By-law is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a subsequent offence.

OFFENCE, REMOVAL OF POSTED ORDER

29. Any person who removes a copy of an order or of a notice posted in accordance with this By-law without the approval of the Director or a Municipal Law Enforcement Officer is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and not more than \$25,000 for a subsequent offence.

OFFENCE, FAILURE TO COMPLY WITH ORDER, DIRECTION, OR REQUIREMENT

30. Every Person who fails to comply with a direction, an order, or a requirement made under this By-law is guilty of an offence and on conviction is liable to a fine of not more than \$20,000 for every day during which the default continues, and the imposition or payment of the fine does not relieve the person from complying with the order.

POWER TO RETRAIN, DISCONTINUE, OR REMEDY

31. Sections 431 and 440 of the Municipal Act, 2001, S.O. 2001, c. 25, apply to this By-law, providing respectively that if this By-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order:

- a. prohibiting the continuation or repetition of the offence by the Person convicted; and
- b. requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

ADMINISTRATIVE PENALTIES

32. Administrative Penalties (Non-Parking) By-law 2021-68, as amended, applies to this By-law. Every Person who contravenes a provision of this By-law designated in “Schedule B” of the Administrative Penalties (Non-Parking) By-law 2021-68, shall upon issuance of a Penalty Notice be and is liable to pay to the City of St. Catharines an administrative penalty in the amount set out in the Administrative Penalties (Non-Parking) By-law 2021-68, as amended.

GENERAL PROVISIONS

33. All measurements in this By-law are given in the metric short form.

34. Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in Part II of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.

35. Wherever a word defined in Part II of this By-law is used in the form of a noun, verb, adverb or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case.

36. All words importing the singular shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law requires otherwise.

37. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this Bylaw shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

38. This By-law shall not apply to a Landlord with respect to a Rental Unit and Vital Service in connection thereof, to the extent that the tenant has expressly agreed to obtain and maintain the Vital Service.

ENACTMENT

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

Read and passed this _____ day of _____ 2022.

CLERK

MAYOR

DRAFT

X. DESIGNATED BY-LAW PROVISIONS – VITAL SERVICES BY-LAW [BY-LAW 2022-XX]

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 provide a Vital Service	\$500	\$750	\$1,000
2.	4(a)	Fail to provide Adequate and Suitable Heat	\$500	\$750	\$1,000
3.	4(b)	Fail to provide a heating system capable of supplying Adequate and Suitable Heat	\$500	\$750	\$1,000

		to each Rental Unit			
4.	4(c)	Fail to equip a Rental Unit with auxiliary heating equipment	\$500	\$750	\$1,000
5.	4(d)	Fail to provide an adequate supply of Vital Services	\$500	\$750	\$1,000
6.	5	Allow or cause the discontinuance of Vital Service	\$500	\$750	\$1,000
7.	7	Advise supplier to bill tenant directly	\$500	\$750	\$1,000
8.	8	Obstruct a Municipal Law Enforcement Officer	\$500	\$750	\$1,000



Corporate Report City Council

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

Report Date: July 29, 2022

Meeting Date: August 8, 2022

Report Number: LCS-133-2022

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 August 8, 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 July 8, 2022 to July 28, 2022.

Resolutions

1. Town of Cobourg – re. Changes to the AMBER alert system and new alert called the Draven Alert
2. Town of East Gwillimbury – re. Summary and Implications of Provincial Bill 109: More Homes for Everyone Act, 2022

Correspondence

3. Correspondence from Mayor of Fort Erie – re. Ontario Building Code to Provide Municipalities with Greater Flexibility
4. AMO Watchfile – July 14, 2022
5. AMO Watchfile – July 21, 2022

Reports Requested by Council

6. Outstanding Reports List – updated July 28, 2022

Prepared by
Evan McGinty
Deputy Clerk

Wilrik Banda
Council and Committee Coordinator

Submitted and Approved by
Kristen Sullivan
Acting City Clerk



The Corporation of the Town of Cobourg

Sub-Item 1

Resolution

Moved By	Suzanne Séguin	Resolution No.:
Last Name Printed	Séguin	227-22
Seconded By	Nicole Beatty	Council Date:
Last Name Printed	Beatty	June 27, 2022

THAT Council receive the correspondence for information purposes; and

FURTHER THAT Council recognize the recent tragic death of 11-year-old Draven Graham with deepest sympathies to their family; and

FURTHER THAT Cobourg Council acknowledge that at the time this motion was written, there have been over 80,000 citizens who had signed a petition on Change.Org requesting that a Draven Alert be created; and

FURTHER THAT Cobourg Council endorse a recent resolution as passed by the Municipality of Brighton and its council as follows:

That the Minister of the Solicitor General and the Commissioner of the Ontario Provincial Police, as well as the Premier's Office, be requested to make the necessary changes to the AMBER alert system and create a new alert called the Draven Alert, which will protect vulnerable children who have not been abducted but are at high risk of danger, injury or death and alert the public that they are missing.

That this motion be sent to all municipalities across Ontario and the Association of Municipalities Ontario (AMO) for endorsement.

Sub-Item 2

June 15, 2022

Sent via email: premier@ontario.ca

Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1

Dear Premier Ford:

Re: Summary and Implications of Provincial Bill 109: More Homes for Everyone Act, 2022

For your information and records, at its electronic meeting held on June 7, 2022 the Council of the Town of East Gwillimbury enacted as follows:

WHEREAS the Town of East Gwillimbury is Canada's fastest growing municipality (with more than 5,000 residents) according to 2021 Census Canada data; and

WHEREAS the Council of the Town of East Gwillimbury has significant concerns regarding the impact of Bill 109 on the community planning process, and the ability of municipalities to deliver on initiatives to address housing supply and attainability, and

WHEREAS the refund provisions in Bill 109 will result in existing taxpayers subsidizing development applications as well as lost revenue and increased staff costs for municipalities; and

WHEREAS the prescription of what constitutes a complete application does not address differing levels of complexities and the unique circumstances and diverse landforms that exist across the province, nor does it recognize the collaborative process and relationships between parties that deliver results for municipalities; and

WHEREAS limiting conditions on Draft Plan of Subdivision does not address the unusual and often challenging circumstances best understood by local municipal staff and elected officials;

Town of East Gwillimbury

19000 Leslie Street, Sharon, Ontario L0G 1V0 | 905-478-4282 | Fax: 905-478-2808

www.eastgwillimbury.ca

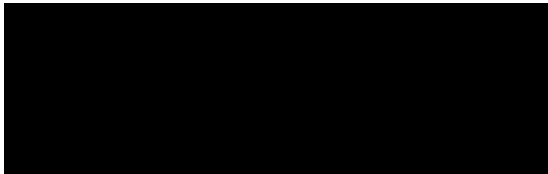
BE IT THEREFORE RESOLVED THAT the Council of the Town of East Gwillimbury requests that Government of Ontario revisit the provisions of Bill 109 and work with all stakeholders, including municipalities represented by the Association of Municipalities of Ontario to deliver legislation that allows municipalities to plan, grow and deliver communities that adhere to local, provincially-approved Official Plans, rather than strict statutory timelines; and

THAT a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, MPP Caroline Mulroney, the Minister of Municipal Affairs and Housing, all York Region Mayors and Regional Chairs in Ontario; and

THAT a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

If you have any further questions, feel free to contact the undersigned.

Yours truly,



Tara Lajevardi, Hon.B.A.
Municipal Clerk

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable Caroline Mulroney, MPP York – Simcoe
York Region Mayors and Regional Chairs
Association of Municipalities Ontario
All Ontario municipalities



Office of the Mayor

WAYNE H. REDEKOP

July 15, 2022

File #120203

Sent via email: minister.mah@ontario.ca

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
College Park 17th Floor, 777 Bay St,
Toronto, ON M7A 2J3

Honourable and Dear Sir:

Re: Ontario Building Code to Provide Municipalities with Greater Flexibility

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of June 27, 2022 passed the following resolution:

That: Council requests the Province of Ontario to amend the Ontario Building Code to provide municipalities with greater flexibility in controlling orderly and timely construction of new and renovated buildings of all types.

Recent incidents regarding construction pursuant to the issuance of building permits have arisen that have caused disruption in neighbourhoods due to prolonged periods of varying levels of activity or no activity. Inconvenience to residents as a result of construction of new or renovated buildings is to be expected. However, construction that takes years to complete is not acceptable.

The resolution passed by the Council of the Town of Fort Erie seeks amendment to the legislation to:

- 1) Require builders to make continuous meaningful progress on any construction for which a building permit is required, including renovation of an existing building;
- 2) Permit revocation of the building permit if specified phases of construction (framing, enclosure, exterior finish, etc) are not completed within defined time frames from issuance of the building permit without a legitimate reason for the delay;

.../2

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 4:30 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

The Honourable Steve Clark

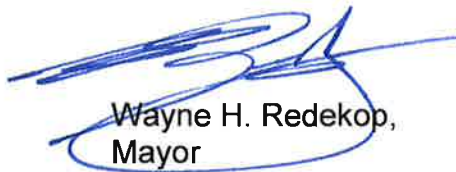
Page two

- 3) Limit the validity of a building permit for residential purposes to 2 years for single family dwellings and buildings with fewer than 4 units.

The vast majority of builders and contractors are responsible and diligent. However, the very few who drag out construction projects create unnecessary consternation in communities already experiencing significant development. Any measures that assist municipalities to better manage construction is welcome.

By copy of this letter, we are providing a copy to the Association of Municipalities of Ontario for support. Thank you for taking time to review this important correspondence that will benefit all municipalities.

Yours very truly,



Wayne H. Redekop,
Mayor

WHR:dlk

c.c. A. Herlovitch, Director, Planning & Development
K. Gennings, Chief Building Official
Local Area Municipalities
Niagara Region
Association of Municipalities of Ontario AMO@amo.on.ca



July 14, 2022

In This Issue

- AMO is seeking a new Director of Policy and Government Relations.
- Blue Box Transition: Interest in providing curbside collection - due July 15!
- Invasive species survey now open.
- AMO and TVO partnering again for 2022 AGM.
- AMO Board election - Caucus affiliation deadline.
- Pandemic recovery support for municipal health and safety programs.
- Jump-start your digital transformation with an e-signature solution.
- Our turn-key LED program is at your service!
- Energy workshops reduce GHG emissions in your buildings.
- Careers: King, Summerside, Waubeek ELCCC, MoT and Huron County.

AMO Matters

Are you an accomplished leader interested in having a transformational impact on public policy in Ontario? Then consider the opportunity to become AMO's next Director of Policy and Government Relations. Please take a moment to review the [position profile](#) and consider what you want your next accomplishments to be. Confidential inquiries from qualified candidates should be directed to HR@amo.on.ca with complete applications due by August 22, 2022.

Provincial Matters

The operational planning for the collection and processing system for Blue Box materials is well underway. Municipalities interested in providing curbside collection need to indicate their preference by [July 15, 2022](#).

The Auditor General of Ontario has sent a survey to all Ontario municipalities about Invasive Species Management. Members are encouraged to participate in the survey and can direct any questions to the [Auditor General's Office](#).

Eye on Events

AMO is pleased to announce that our successful partnership with TVO's The Agenda with Steve Paikin will continue as we go live and in-person in Ottawa August 14-17. Join John Michael McGrath, Nam Kiwanuka, Jeyan Jeganathan and Steve Paiken as they moderate the Ministers' Forum, Women's Leadership, Trailblazers and Economic Recovery Panels. Also participating is Jeffrey Orridge, TVO's Chief Executive Officer, who will address AMO delegates. [Register](#) today.

The deadline to change your Caucus affiliation to vote in the AMO Board election is July 18. If you wish to change the Caucus in which you are currently registered, please email events@amo.on.ca with your name and desired Caucus affiliation **before the July 18 deadline**. Still need to register? Make sure to choose your caucus when doing so.

On July 26, 4S Consulting Services is co-hosting a webinar with the Workplace Safety and Insurance Board (WSIB) on pandemic recovery supports available to municipalities for health and safety programs. Speakers will walk you through how you can double the rebate on WSIB premiums among other topics. Register today.

As municipalities move from paper to electronic filing, authentication of files is a critical challenge. On July 27, 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

Our popular LAS Facility Lighting Service is ready to help you! Take advantage of our complete turn-key solution for municipalities wanting to upgrade their lighting to LED. Contact us for your free no-obligation proposal including a cost and financial return analysis.

Did you know buildings are responsible for about 40% of greenhouse gas emissions in Ontario? LAS in partnership with Stephen Dixon offers workshops on carbon reduction strategies to help you fight harmful GHGs. Dates are still available this fall. Contact Christian Tham for more information.

Careers

Planner I - Development - Township of King. Responsible for the file management, review, and analysis of various planning/development applications and inquiries. Forward resume by 4:30 PM on August 1 to: Human Resources, 2585 King Road, King City, ON, L7B 1A1. email: hr@king.ca.

Planning Coordinator - Township of King. Provides assistance and information, including planning policy, zoning, and other similar items. Apply to hr@king.ca by August 2.

Chief Administrative Officer - City of Summerside, Prince Edward Island. Reporting to and working collaboratively with a Council, the CAO provides oversight to all financial and human resources of the City. Apply online by August 8.

Child Care Supervisor - Waubeek Early Learning and Child Care Centre. Responsible for the effective operation of the program(s) through organization, planning resourcing and performance management. Apply to jobs@psdssab.org by August 4.

Assistant Deputy Minister, Integrated Policy and Planning - Ministry of Transportation. Works across the ministry, OPS and with other levels of governments and stakeholders to deliver the ministry's transportation mandate, and supports critical government policy and planning interests. Apply online by July 27.

Deputy Chief Professional Standards, Emergency Services - County of Huron. Assists in motivating, coaching and mentoring staff to their highest practical standard. Apply to: humanresources@huroncounty.ca by July 29.

About AMO

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

AMO Contacts

AMO Watchfile Tel: 416.971.9856

Conferences/Events

Policy and Funding Programs

LAS Local Authority Services

MEPCO Municipal Employer Pension Centre of Ontario

ONE Investment

Media Inquiries

Municipal Wire, Career/Employment and Council Resolution Distributions

AMO's Partners



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



July 21, 2022

In This Issue

- AMO is seeking a new Director of Policy and Government Relations.
- Guidelines for administrative penalties for Vehicle-Based Contraventions.
- Pandemic recovery support for municipal health and safety programs.
- Jump-start your digital transformation with an e-signature solution.
- Digital partner surveys - Feedback requested.
- Blog: You're invited to the AMO Conference.
- Careers: TBS, West Grey, Bruce County and Peel Regional Police.

AMO Matters

Are you an accomplished leader interested in having a transformational impact on public policy in Ontario? Then consider the opportunity to become AMO's next Director of Policy and Government Relations. Please take a moment to review the [position profile](#) and consider what you want your next accomplishments to be. Confidential inquiries from qualified candidates should be directed to HR@amo.on.ca with complete applications due by August 22, 2022.

Provincial Matters

The Ministry of Transportation (MTO) has released [program guidelines](#) for the new regulation on Administrative Penalties (AP) for Vehicle-Based Contraventions Captured by Automated Cameras. Questions can be directed to roadsafety@ontario.ca.

Eye on Events

On July 26, [4S Consulting Services](#) is co-hosting a webinar with the Workplace Safety and Insurance Board (WSIB) on pandemic recovery supports available to municipalities for health and safety programs. Speakers will walk you through how you can double the rebate on WSIB premiums among other topics. [Register today](#).

As municipalities move from paper to electronic filing, authentication of files is a critical challenge. On July 27, 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

LAS wants your feedback on two offerings from our digital partners - the [accessible website builder](#) and the [digital citizen relationship management \(CRM\) software](#). The

surveys will take approximately 5 minutes each to complete. Please submit your feedback by Friday, August 12.

The AMO 2022 Conference is just over one month away and it's in person. Between August 14-17, delegates will have a wide variety of sessions to choose from. Read about some of the topics [here](#).

Careers

Assistant Deputy Minister, Emergency Management Preparedness - Treasury Board Secretariat. Provides executive leadership for the strategic planning, priority setting, and resourcing of the Division. [Apply online](#) by July 24.

Director, Indigenous Engagement and Support Programs - Treasury Board Secretariat. Provides strategic direction and leadership in the planning, development and management of the delivery model for supporting Indigenous communities' preparedness. [Apply online](#) by July 24.

Director, Exercises, Education & Training and Director, Regional Field Services - Treasury Board Secretariat. This competition will be used to fill two positions within Emergency Management Ontario. As Director, Exercises, Education & Training, you will provide executive leadership and oversee the development, implementation, and maintenance of provincial emergency management exercises. As Director, Regional Field Services, you will provide strategic leadership to a geographically dispersed team of managers that support municipalities and Indigenous communities to develop their emergency management programs. [Apply online](#) by July 24.

Director, Infrastructure and Public Works - Municipality of West Grey. Leads a multi-faceted department including transportation infrastructure, engineering, land development, storm water management, public works, and more. Apply to careers@lesp.ca by August 15.

Quality Assurance Specialist - County of Bruce. Responsible for developing and implementing quality assurance programs and practices. [Apply online](#) by August 1.

Employment Services Program Assistant - County of Bruce. Supports operation and delivery of the program, and provides general administrative support. [Apply online](#) by August 1.

Service Provider Liaison - County of Bruce. Supports employment provider compliance with service agreements and guidelines, legislation, and regulations. [Apply online](#) by August 1.

Officer, Court Liaison - Peel Regional Police. Responsible for performing functions related to the safe and efficient operation of the court. [Apply online](#) by July 28.

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AMO's Partners



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City Council Outstanding Reports List

Sub-Item 6

Reports by Strategic Pillar

Cultural	1	Economic	4
Environmental	3	Social	22

Reports Related to Strategic Plan	30
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Reports Unrelated to Strategic Plan	3
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Updated: July 28, 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	Q3 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	September 26, 2022	Appeal Information Report - Application for Sign By-law Variance; 142 St. Paul Street; Owner: 2400795 Ontario Inc. was deferred 8-12-19 until ORL #2019-22 is presented to Council. COVID delayed.
Economic	2021-11	10-May-21	Social Pillar / Garcia	That the diverse supplier policy proposal from the Anti-Racism Advisory Committee, as amended, be sent to City Council to request a report back by the end of Q4 2021 from City staff on the development of a Diverse Supplier Policy.	FMS	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	2022	
Environmental	2020-18	16-Nov-20	Townsend / Sorrento	That staff be directed to prepare a report on the costs associated with beautifying the Bunting Road corridor between Scott Street and the Garden City Skyway to include tree planting, grassed boulevards, floral, etc.	EFES	2022	From Nov. 18, 2020 GC meeting (formerly BSC) - That \$50,000 for a visioning or master streetscape plan to recommend improvements to the Bunting Road corridor be included in the Draft 2022 Operating Budget
Environmental	2021-24	18-Oct-21	Porter	Prepare a report with information on the following: •Tree management and protection policy, with a focus on construction •Feasibility of a fee for service agreement with the Region to have city take over tree planting and maintenance on Regional Roads •Mandatory tree planting on boulevards	MW	2022	Information will be provided as a memo
Environmental	2022-10	25-Apr-22	Townsend	Report back on a workplan to plant 100,000 trees over the next 10 years – developed as a Corporate-wide focus for all appropriate departments, with information on financial and staffing resources required, and potential community partnerships and grants to achieve the planting goal. Include information on the reforestation of Walkers Creek and Malcolmson Eco-Park and an enhanced maintenance plan for trees	MW / EFES / CRCS / FMS	2022	Residents, businesses, organizations and schools to be challenged to commit to planting to total of 500,000 trees in 10 years in the city (inclusive of the City's 100,000 promise). Efforts of the community-wide challenge be monitored and promoted by the City.
Social	2019-23	15-Jul-19	Littleton	Opportunities and strategies for the City to support neighbourhood associations and neighbourhood-based community groups, including best practices and information gathered from the forum	CRCS	Q4 2022	Staff report will come forward following the neighbourhood association forum. Forum was scheduled for March 28, 2020 but was postponed due to the COVID-19 pandemic
Social	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	August 8, 2022	
Social	2021-02	18-Jan-21	Miller	Repeal / review and update the City's loitering by-laws and report back to Council	MW	2022	Staff to provide a memo to Council noting issue will be included in Pilot study with Gateway of Niagara
Social	2021-04	18-Jan-21	Social Pillar	Produce a report on amending Facility and Design Standards (FADS) in the following sections: Section 4.2.7 Universal Washrooms and Section 4.5.2 Outdoor Recreational Facilities – Playground	CRCS / EFES	2022	See Council Minutes of January 18, 2021 for what is to be included in the report
Social	2021-12	10-May-21	Social Pillar	Amend current by-law for erection of signs and advertising devices to state that no person shall display or cause to be displayed a sign that bears a hate message or a logo, crest or graphic that would convey such a message	PBS / LCS	2022	
Social	2021-13	10-May-21	Social Pillar	That staff provide a report by Q4 2021 on the options for improving accessibility of the Carousel to make it more inclusive	CRCS / EFES	2022	Information will be provided as a memo

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Social	2021-18	9-Aug-21	Social Pillar	Amend By-law 2007-295 (a By-law to address Public Nuisances) under Section 2 "Prohibitions" to add: "No person shall, in a public place, unnecessarily interfere with another person's use and enjoyment of the Public Place by using abusive or insulting language as a personal invective."	LCS	2022	Staff report to also include information on adding "aggressive behaviour" to the Public Nuisances by-law
Social	2021-21	27-Sep-21	Garcia	Review issues with bird feeders and seed		2022	Include what other municipalities are doing
Social	2021-23	18-Oct-21	Siscoe	Stop signs for Coronation Boulevard at Vansickle Road North and options for the creation of a safe crosswalk and other appropriate traffic calming measures in the school zone at the intersection of Dufferin and George Street	EFES	Q3 2022	Appropriate Councillors have been contacted to advise that the required studies and collection of data can only be done in the Spring / Summer
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	2022-05	07-Mar-22	Littleton	Alternatives to current road configuration on Oakdale Avenue, including crosswalks, traffic calming, traffic humps and bike lanes.	EFES	Q3 2022	Appropriate Councillors have been contacted to advise that the required studies and collection of data can only be done in the Spring / Summer
Social	2022-07	28-Mar-22	Porter / Garcia	Prepare a report regarding item of correspondence from Friends of 12 Mile Creek with information on the questions posed in the item of correspondence.	CAO	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	29-Sep-22	Updating the Housing Action Plan is on the PBS workplan for a 2023 start. Will provide a report on the status of the 2017
Social	2022-12	25-Apr-22	Mayor	Prepare a report on the creation of an Indigenous Relations Advisor position, including a job description developed in collaboration with the Niagara Regional Native Centre and a potential workplan. Workplan to include possibility of collaborating with St. Catharines Library and FirstOntario Performing Arts Centre	CAO / CSS	2022	Requested return date of Q3 2022. Funding for the position to be referred to the 2023 annual operating budget deliberations
Social	2022-13	13-Jun-22	BSC Motion	That the following be referred to staff to come back with a report on options to phase in the 40 km/h Speed Limits on Residential Streets: That \$260,000 for the 40 km/h Speed Limits on Residential Streets project be included in the Draft 2023 Capital Budget for deliberation.	FMS		Approved as part of BSC cover report from meeting of June 13, 2022
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	Q3 2022	Follow up report to PBS-154-2020 and PBS-048-2022.
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
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: Fire Services, Fire Chief

Report Date: July 14, 2022

Meeting Date: August 8, 2022

Report Number: FS-126-2022

File: 35.65.108

Subject: Fallen Firefighters Memorial – Phase Two Update

Strategic Pillar:

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



Recommendation

That Council approve the Fallen Firefighters Memorial Task Force to move forward with Phase Two of the project.

Summary

The Fallen Firefighters Memorial Task Force has endorsed a three-phase approach to the creation of this memorial. At its meeting of [November 29, 2021](#), City Council requested a report back on fundraising results for Council's consideration and approval prior to proceeding with Phase Two of the project.

This report will provide the requested update and provide confirmation that the established fundraising goals have been met and the Fallen Firefighters Memorial Task Force (Task Force) is seeking Council permission to proceed with Phase Two.

Relationship to Strategic Plan

This report is related to the development of a memorial for Fallen Firefighters in St. Catharines. The report supports the Cultural Renaissance Goals of the Strategic Plan; Celebrate the City's rich history, diversity, arts and cultural assets through leadership, promotion and investments that support measurable, sustainable creative growth.

Background

At its meeting of [September 23, 2019](#), Council approved the following motion:

“The staff be directed to prepare a report and terms of reference for a Mayor’s Task Force to be formed, whose objective would be to create a memorial for fallen Firefighters in the City of St. Catharines.”

At its meeting of [October 21, 2019](#), Council approved the formation and the Terms of Reference for a Fallen Firefighters Memorial Task Force.

The Task Force is composed of two citizen members (with preference given to relatives of deceased firefighters), two members of the Professional Firefighters Association, two representatives of the Fire Services Leadership Team, the Mayor, and two members of Council. The Task Force is supported by staff in Fire Services and the Culture division of Community, Recreation and Culture Services.

The Task Force was provided the following direction in its Terms of Reference:

The Fallen Firefighters Memorial Task Force will make recommendations to City Council regarding a memorial for fallen firefighters. The task force will be responsible for:

- Reviewing options for the scope and type of the memorial, including any required research on previous losses.
- Reviewing options for site selection and funding, including consideration of operating / maintenance costs.
- Developing a strategy and team to plan and implement ceremonies.
- Securing funding, design and implementation.

At its [July 27, 2020](#) meeting, City Council approved the use of the City-owned green space, bordered by Race, Carlisle, and McGuire streets as the site of the City’s Fallen Firefighters Memorial.

At its [November 29, 2021](#) meeting, City Council approved an update report on the Task Force’s progress and requested that the Task Force be directed to report back on fundraising results for the Council’s consideration and approval prior to proceeding with Phase Two of the project.

Report

Phasing of the Project Required

The Task Force proposed three phases for the project, with reports back to City Council at key junctures of the project’s decision-making. This would allow the project to move forward and minimize the City’s financial outlay. The proposed three phases are:

Phase 1 (10%)

Design review, consultation meetings with Fire Services, initial walkthrough, revisions required, revisions approved, statue details.

Dates: December 2021 to Feb 2022

Cost: \$40,000

Phase 2 (50%)

Confirming and ordering all elements (bronze sculpture, bronze plaques, granite, flagpoles, hydrants), pouring foundations and concrete pads in preparation for installation.

Dates: March 2022 – August 2022

Cost: \$200,000

Phase 3 (40%)

Installation of granite elements, sculpture, conduits and lighting, landscaping, signage, flags, benches, hydrants, pathway bricks, and all other approved design elements.

Dates: August 2022 – September 2022

Cost: \$160,000

Fundraising Underway

The Task Force Chair Barry Katzman and members have been working diligently to create and execute a robust communications strategy and fundraising campaign with the intent to raise \$500,000 or more to successfully complete the project and provide a legacy fund for future updates and maintenance.

The Task Force decision to incorporate two bronze statues (one male and one female) rather than just one male figure has increased the cost of the overall project from the estimated \$400,000 to \$480,000. This decision was viewed through a diversity, equity and inclusion lens and based on current fundraising trends seems realistically viable.

Fundraising initiatives to date include but are not limited to the following:

- Major donor wall
- Memorial benches and trees program
- Pathway bricks program
- Firefighter and City employee payroll deduction donation program
- Dedicated Raisin online donation page (general cash donations)

Financial Implications

The updated \$500,000 project budget will be entirely raised from private individual and corporate donations.

Phase One of the project included a monetary advance of \$40,000 from the PRC22-04 Parks Legacy Fund which was allocated in the 2022 Capital Budget. This amount has been fully repaid as a result of successful fundraising to date.

To date the Task Force has received and / or secured signed pledge agreements in the amount of \$221,500.00(estimated) thereby meeting the Council criteria to allow for the start of Phase Two of the project.

Environmental Sustainability Implications

There are no environmental impacts associated with this report.

Conclusion

The Task Force is optimistic that current fundraising efforts are on track to successfully meet all financial requirements for this project. A three-phase approach to the creation of this memorial allows for quantifiable benchmarks that will provide Council the reassurance required to continue to move forward.

This report provides the requested update and confirmation that the established fundraising goals have been met and the Council permission to proceed with Phase Two.

Notifications

Members of the Fallen Firefighters Memorial Task Force
CFC Supply, 4587 County Rd 46, Maidstone, ON N0R 1K0

Prepared, Submitted and Approved by

Dave Upper
Fire Chief



Corporate Report City Council

Report from: Economic Development and Tourism Services and Engineering,
Facilities and Environmental Services

Report Date: July 20, 2022

Meeting Date: August 8, 2022

Report Number: EDTS-131-2022

File: 68.45.116 & 35.65.71

Subject: 2024 World Rowing Championships Infrastructure and Community
Accessibility Improvements

Strategic Pillar:

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



Recommendation

That Report EDTS-131-2022 regarding 2024 World Rowing Championships Infrastructure and Community Accessibility Improvements be received for information.

Summary

The growth of sport is central to the goals of both the Federal and Ontario Governments, and to the advancement of key strategies such as the Canadian Sport Policy. The need for increased participation and access to sport programming and infrastructure has been magnified through the COVID-19 pandemic and is vital to the mental health and well-being of all. In order to successfully host the 2024 World Rowing Championships, the Henley Rowing Course Facility and surrounding area requires infrastructure and community accessibility improvements. The City of St. Catharines, in partnership with St. Catharines World Rowing Inc., foresee the hosting of the 2024 World Rowing Championships as an opportunity to improve the sporting infrastructure and better connect the surrounding and growing community to this wonderful watercourse. As such, staff are requesting funding from the Provincial and Federal governments for these critical updates and enhanced community connections.

Relationship to Strategic Plan

The City's partnership with the 2024 World Rowing bid supports the economic, social, and cultural sustainability goals of the Strategic Plan.

- Economic Sustainability – develop partnerships to enhance the economic vitality of the community
- Social Sustainability – connect people, places, and neighbourhoods
- Cultural Sustainability – support cultural festivals and events that build civic pride, encourage local engagement, and attract people to the community

Background

Sport Tourism continues to be one of the fastest growing sectors of the tourism economy. The City of St. Catharines recognizes the importance of sporting events and the direct economic impact to the greater community, through overnight visitation, extended stay, and increased visitor spending. Supporting and growing the sport tourism economy has been identified as a goal within the City's Strategic Plan, as well as the municipal and regional economic development strategies. Niagara Economic Development Research reports that in 2019, approximately 151,000 visitors came to Niagara, to attend a sport event or participate in a sport-related activity, and spent approx. \$27.2 million, and 43,000 (28%) visited specifically to attend a sport event as a spectator.

The City of St. Catharines, in partnership with St. Catharines World Rowing Inc. and Rowing Canada Aviron (RCA), was awarded the 2024 World Rowing Senior, Under 23 and Under 19 Championships in September 2019. This is the largest rowing event in the world which will draw an estimated 2,000 athletes to compete on the waters of the world-class Henley Rowing Course. St. Catharines has hosted two World Rowing Championships before in 1970 and 1999.

At its meeting on October 21, 2019, Council approved an Events and Rights Agreement (ERA) with the Fédération Internationale des Sociétés D'Aviron, relating to the 2024 World Rowing Senior, Under 23 and Under 19 Championships. This agreement is subject to the prior execution of an agreement with St. Catharines World Rowing Inc. to deliver the event. Council also approved an agreement with St. Catharines World Rowing Inc. whereby this organization will assume the responsibilities of the City pursuant to the ERA and agree to indemnify and hold harmless the City against all liabilities, costs, expenses, damages, and losses associated with the delivery of the 2024 World Rowing Senior, Under 23 and Under 19 Championships.

Report

Most of the rowing facilities on the Henley Rowing Course were developed many decades ago, and some are in dire need of upgrades. In order for the Henley Rowing Course to host the 2024 World Rowing Championships and continue to be one of the premier rowing courses in the world, infrastructure and community accessibility improvements are required for several of the Henley Rowing Course facilities.

St. Catharines World Rowing Inc., the committee responsible for organizing the 2024 World Rowing Championships, and the City of St. Catharines are requesting funding from the provincial and federal governments for:

1. Infrastructure and community accessibility improvements required to host the 2024 World Rowing Championships and future rowing competitions on the Henley Rowing Course; and
2. Facilities to connect this iconic rowing course with the entire community so that it can be enjoyed by all.

St. Catharines World Rowing Inc. and city staff are engaging with provincial and federal government representatives to discuss funding options and advocacy opportunities.

Infrastructure and Community Accessibility Improvements

The following improvements (endorsed by the World Rowing Federation and Row Ontario, as identified in Appendix 2) are critical not only to the hosting of the 2024 World Rowing Championships, but also to the continued viability of the Henley Rowing Course to host future national and international events, and to continue to support the growth of rowing as a sport in Ontario and Canada:

- Accessibility and operational improvements to the finish tower;
- Accessibility and asset renewal upgrades to the grandstand;
- Gender inclusivity and asset renewal improvements
- Reinforcement of pylons along the rowing course;
- New start alignment system; and
- The City's planned replacement of the Martindale Weir.

Unlike the previous World Rowing Championships hosted on the Henley Rowing Course in 1970 and 1999, the 2024 World Rowing Championships will include para-rowing events. These para-rowing events are open to athletes with restricted trunk, leg, or arm function, or those who have vision impairment. Improvements are required to ensure that the facility is fully accessible to para-rowers competing in the 2024 World Rowing Championships and all other future events.

Community Connections

The community surrounding the Henley Rowing Course has grown dramatically since the course was first developed over a century ago. Key priorities of the community connection component of the project include a focus active transportation, creation of accessible connections for residents and visitors to the community, and to enhance access to and use of the Great Lakes Waterfront Trail through St. Catharines.

A community boardwalk was constructed along the east side of the Henley Rowing Course (from Jaycee Park to Rennie Park), and an Active Use Trail is currently being developed to connect Main Street in Port Dalhousie to the vehicle bridge onto Henley Island. However, additional connections are necessary to leverage the full potential of all access points.

The new amenities proposed to connect the Rowing Course with the community are set out below (as identified in Appendix 2):

- A new accessible stairway in Rennie Park at the end of the Henley Rowing Course to connect the existing pathway to the Port Dalhousie community (at Simcoe Street);
- A new boardwalk to connect Rennie Park to the Henley Rowing Course grandstand and the boathouse area on Henley Island;
- A new pathway across the west side of Henley Island to connect the new boardwalk to the vehicle bridge onto Henley Island;
- A pedestrian bridge alongside the vehicle bridge from Henley Island which will connect the new boardwalk and pathway to the Port Dalhousie community; and
- A connection from the new pedestrian bridge to the Active Use Trail that is currently being developed in the Port Dalhousie community.

Should these projects move forward, further stakeholder engagement with the community and regulatory agencies will occur.

Financial Implications

Preliminary cost estimates for the replacement of the Martindale Pond Weir (at the end of the Rowing Course) are in the range of \$6 million to \$10 million of which \$0.83 million has been approved by Council through prior year capital budgets (2017-2022) and \$4 million was identified in the 2023 capital forecast. The current plan is to leverage the funds for the Weir replacement as the City's contribution towards the completion of the proposed community connections and infrastructure improvements.

Once the Community Connections Improvements are complete, the City will be responsible for the operating costs including maintenance and repairs of the new amenities.

Environmental Sustainability Implications

The City, St. Catharines World Rowing Inc., and the Henley Rowing Course are committed to environmentally responsible decision-making in regards to marketing and procurement, focusing on conservation, restoration, and protection of Niagara's biodiversity, as well as highlighting ways in which sustainable practices can be integrated into sporting events.

Conclusion

The Henley Rowing Course facilities are not well-connected with nearby points of interest such as Rennie Park, and the commercial core of the community, centered on Lock Street and Lakeport Road. The City of St. Catharines and St. Catharines World Rowing Inc. envision the 2024 World Rowing Championships as an opportunity to better connect Port Dalhousie to the wonderful rowing course that is synonymous with the community. The proposed facilities would enhance the atmosphere and function of the event, and significantly improve active transportation in Port Dalhousie.

Prepared and Submitted by

Melissa Wenzler
Government Relations Advisor

Approved by

Anthony Martuccio,
Director, Facilities and Environmental Services

Brian York

Director of Economic Development, Tourism and Government Relations

Appendices

1. Estimated Costs
2. Course Improvements and Community Connection Visuals

Appendix 1: Estimated Costs

The total estimated cost for the improvements and facilities discussed above is approximately \$40 million.

This total estimated cost consists of the following cost estimates for each element of this project:

- Community accessibility and other improvements to the finish tower - \$4,046,500
- Community accessibility and other improvements to the grandstand - \$10,961,500
- Community accessibility and other improvements to the boathouse area - \$4,420,000
- Reinforcement of the pylons along the Rowing Course - \$252,500
- New start alignment system - \$533,500
- Replacement of Martindale Pond Weir at the end of the Rowing Course - \$10,045,000

Community connection facilities:

- New accessible stairway - \$800,000
- New boardwalk connections - \$4,550,000
- Public pathway extension on Henley Island - \$750,000
- Pedestrian bridge access onto Henley Island - \$650,000
- Connection to Active Use Trail from Henley Island - \$550,000
- Soft cost, permits, fees, contingency, escalation - \$2,340,000

Note: Given the very active construction market costs may vary from the indicated amounts due to lack of bidders, escalating material costs, commodity market and supply chain disruptions along with labor shortages.

Appendix 2: Course Improvements and Community Connection Visuals





Corporate Report City Council

Report from: Engineering, Facilities and Environmental Services, Facilities and Energy

Report Date: July 25, 2022

Meeting Date: August 8, 2022

Report Number: EFES-132-2022

File: 68.32.147

Subject: P18-164 Seymour Hannah Sports and Entertainment Centre Dehumidification Upgrade

Strategic Pillar:

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



Recommendation

That Council grant early budget approval from the 2023 Capital Budget to allocate \$1 million for the Seymour Hannah Sports and Entertainment Centre dehumidification upgrade project.

Relationship to Strategic Plan

The Dehumidification Upgrade at Seymour Hannah Sports and Entertainment Centre supports the following:

- 3.1 Develop a Climate Change Action Plan that will address, at minimum
 - Identify capital investments to address climate change
 - Establish corporate waste reduction targets and sustainable building guidelines

Background

The Dehumidification System at the Seymour Hannah Sports and Entertainment Centre has reached the end of serviceable life. Facility staff had identified this in the past and had secured \$300,000 in the 2018 Capital budget to undertake a replacement of half of the system (P18-164-1 Dehumidification System for Rinks 1 and 4). The system serving Rinks 1 & 4 was deemed the priority and was to be completed as Phase 1.

Detailed engineering was completed in early 2020, and a package was ready to Tender. The early stages of the pandemic were uncertain as to operational and programming impacts. Thus, another project replacing a compressor was deemed more critical and less disruptive and was completed first, ultimately delaying the dehumidification work, as well as other capital projects. Once the compressor replacement was completed in early 2021, the vaccination clinic was initiated in Rinks 1 and 4, further delaying the ability to complete the dehumidification work.

Upon the closure of the vaccination clinic, priority was given to reopening the facility to allow for community programming to return to normal which further delayed the ability to complete the disruptive work associated with replacing the dehumidification systems. Staff took this as an opportunity to refocus efforts to implement a solution that was more energy efficient and will allow more flexibility to the way that the facility is operated.

In early April 2022, the dehumidification unit serving Rinks 2 and 3 suffered a significant repair. The system serving Rinks 2 and 3 was not part of the original Phase 1 design work. Facility staff were then asked to switch gears and re-visit the design as a wholesale dehumidification replacement for the entire facility, rather than a phased approach.

The same unit suffered a critical malfunction just recently, forcing staff to remove ice from Rinks 2 and 3. The replacement part required to put the unit back into operation has a minimum six-week delivery lead time and is threatening the City's ability to operate the rinks in time to allow programming to resume in August. The unit that services Rink 1 and 4 could potentially suffer a similar unexpected malfunction if the units are not replaced in 2023.

The Phase 2 dehumidification work has been in the capital forecast for the last several years but had been deferred due to competing priorities.

Report

Facility staff re-engaged the original design consultant in May 2022 and added to their scope the wholesale dehumidification system redesign. This includes all four rinks as well as the mini rink. In addition, the consultant is investigating ways to reduce consumption and improve efficiencies from the previous design.

Given the ongoing operational concerns, the consultant is preparing the design to have one unit serving one rink (four total), rather than the current system of one unit serving two rinks (two total). This should allow greater flexibility with controls and maintenance moving forward.

The consultant recently presented Facility staff with three design options for the dehumidification units. The first being a replacement 'in-kind' with similar style and function units as exist currently. The second option includes an overcool reheat loop which results in an increased capital cost as additional equipment will be added to the

ice plant, but drastically reduces electrical demand and greenhouse gas (GHG) emissions by approximately 85% and 97% respectively. Finally, the third option incorporates an enthalpy wheel which increases capital cost, but further reduces electrical demand and GHG emissions (92% and 99%), as well as significantly reducing operating costs. Facility staff are investigating the payback with each option to determine the most feasible design. The preliminary cost estimate for all options fall within the request of this report.

The critical aspect of this replacement revolves around the equipment lead time. Based on information provided by the consultant, under current market conditions, the lead time for these dehumidification units ranges between 36 and 40 weeks after shop drawing approval. If we are unsuccessful in obtaining early budget approval, the target for delivery of the units will be the end of 2023. This poses two concerns, the first being that the timeframe will cause significant impacts to programming and operations as the facility is operating at full programming capacity during that time of year. The second, is that by delaying the delivery to the end of 2023 increases the risk significantly that another critical repair may be needed during that timeframe.

If early budget approval is granted, the timeframe is improved significantly, as our consultant would be ready for tender in mid-September 2022, which targets the unit delivery to the summer of 2023. This greatly reduces the risk of a critical repair, and lands in line with our traditional summer shut-down period, minimizing programming impacts.

Financial Implications

The estimated project costs and the identified project funding is outlined below.

Identified Project Budget	\$1,100,000
Available project budget (460.518.000 from 2018)	\$180,000
Requested 2023 Early Budget Approval	\$1,000,000
Gross Project Budget	\$1,180,000

The City Treasurer confirms the amounts listed in the identified account above.

Environmental Sustainability Implications

The Energy Conservation and Demand Management Plan (CDMP) identified the Seymour Hannah Sports and Entertainment Centre as the highest energy consumption building in the City's portfolio. With the City's greenhouse gas target of a 40% reduction in corporate GHG intensity by 2030, reductions in one of the highest consuming buildings would be ideal to make significant strides towards this goal.

As discussed above, the new dehumidification system, primarily the second and third option, will incorporate significant reductions in greenhouse gas emissions and electricity demand. This will present a much more efficient design than what currently exists, while also having the opportunity to reduce operating costs.

In future years, Ontario's electricity and natural gas rates are predicted to increase. This will have a major impact on the City's ongoing operating costs associated with energy use, which makes energy conservation and demand management even more important to help mitigate these future rising costs. Without proper planning, rising energy costs, combined with an expanding building portfolio, may lead to significant challenges for the City to reach its long-term energy, and GHG reduction goals.

Conclusion

The dehumidification system at Seymour Hannah Sports and Entertainment Centre is at the end of serviceable life and presents a risk to the corporation. By granting early budget approval, the project will be streamlined to get the equipment on order sooner and delivered to site during a period that will minimize impacts to operations and programming. Starting the construction project sooner also reduces the risk of further repairs and allows the Corporation to capitalize on energy savings and greenhouse gas reductions, while maintaining one of our flagship recreation facilities.

Prepared by

Michael Otter, P. Eng.
Design & Construction Engineer

Submitted by

Paul Carfagnini,
Manager of Facilities and Energy

Approved by

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



By-laws to be considered Monday, August 8, 2022

- (a) A By-law to amend By-law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads." (One reading – with respect to parking prohibitions at various locations. Delegation of Powers and Duties By-law No. 2020-156.)
- (b) 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 time limited parking restrictions at Herrick Avenue. Delegation of Powers and Duties By-law No. 2020-156.)
- (c) A By-law to amend By-law No. 2002-81 entitled "A By-law to appoint certain employees of the Canadian Corps of Commissionaires (Hamilton) as municipal law enforcement officers". (One reading – with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (d) A By-law to amend By-law No. 2014-253 entitled "A By-law to appoint Deputy Clerks for the purpose of the Commissioners for Taking Affidavits Act." (One reading – with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (e) A By-law to amend By-law No. 90-255 entitled "A By-law to appoint certain persons engaged or employed by The Corporation of the City of St. Catharines municipal law enforcement officers." (One reading - with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (f) A By-law to amend By-law No. 89-304 entitled "A By-law to designate private roadways as fire routes along which no parking of vehicles is permitted." (One reading – with respect to Fire Route at 156 Berryman Ave. Delegation of Powers and Duties By-law No. 2020-156.)
- (g) A By-law to amend By-law No. 2022-108 entitled "A By-law to authorize a contract with E.S. Fox Ltd." (One reading – with respect to name correction. Council, June 13, 2022, Item No. 6.3.)
- (h) A By-law to amend By-law No. 2018-177 entitled "A By-law to establish a Municipal Service Board that will promote, develop and encourage the performing arts in the City of St. Catharines, operate the FirstOntario Performing Arts Centre and associated business, and provide related services for the benefit of the City of St. Catharines." (One reading – with respect to amendments to composition of FORPAC Board. Council, July 18, 2022, Item No. 10.2.)
- (i) A By-law to establish a Municipal Accommodation Tax in the City of St. Catharines. (One reading – with respect to By-law establishing MAT. Council, May 30, 2022, Item No. 11.1 and to be considered by Council, August 8, 2022.)



- (j) A By-law to amend By-law No. 2020-156 entitled “Delegation of Powers and Duties By-law.” (One reading – with respect to the Business Case Study for the creation of the Tourism St. Catharines Municipal Service Corporation. To be considered by Council, August 8, 2022.)
- (k) A By-law to provide for the collection of taxes for all property classes and to authorize an interim tax levy for the Year 2023. (One reading – with respect to 2023 Tax Due Dates and Interim Billing By-Law. To be considered by Council, August 8, 2022.)
- (l) A By-law to authorize a Memorandum of Understanding (MOU) with The Regional Municipality of Niagara. (One reading – with respect to the Ontario Street Corridor Secondary Plan Study. To be considered by Council, August 8, 2022.)
- (m) A By-law to authorize a Memorandum of Understanding (MOU) with 2496582 Ontario Inc. (One reading – with respect to the Ontario Street Corridor Secondary Plan Study for 282 & 285 Ontario Street. To be considered by Council, August 8, 2022.)
- (n) A By-law to confirm the proceedings of council at its meeting held on the 8th day of August 2022. (One reading - with respect to confirming the proceedings of the meeting held on August 8, 2022.)