



The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, September 26, 2022
Council Chambers and Electronic Participation, 6:00 PM

This Meeting of Council will be held in person at Council Chambers and electronically for the Members of Council. At this time 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, September 19, 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, September 19, 2022 before 9:00 a.m. and attend a test session with City staff on Monday, September 19, 2022 at 10:00 a.m.

His Worship Mayor Walter Sendzik takes the Chair and opens the meeting with a Land Acknowledgement. Council will then proceed to Item 2, Adoption of the Agenda.

- 1. Mayor's Report**
- 2. Adoption of the Agenda**
- 3. Adoption of the Minutes**
 - 3.1 Regular Council, Minutes of [September 12, 2022](#)
[Addenda]
 - 3.2 Council (Budget), minutes of [September 19, 2022](#)
[Addenda]
- 4. 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.
- 5. Declarations of Interest**
- 6. Consent Reports**

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 Demolition of a Non-Contributing Building in the Port Dalhousie
 Commercial Core Heritage Conservation District – 1 Lakeport Road
- 19 - 24 6.2 Planning and Building Services
 Addition of a New Non-Parking AMPS violation for the City's Waste By-
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 City's Graffiti Program
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 Council Correspondence
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 Changes to November 2022 Council Budget Meetings
 [Addenda]

7. Public Meetings

- 39 - 66 7.1 Fire Services, Fire Chief
 Repeal and Replacement of Fireworks By-law

8. Presentations

9. Discussion Reports

- 67 - 78 9.1 Office of the Chief Administrative Officer
 Update on Memorandum of Understanding with the Niagara Regional
 Native Centre and Indigenous Friendship Initiatives
 *(Presentation from Niagara Regional Native Centre will precede
 discussion of the report)*
 [Addenda]
- 79 - 166 9.2 Financial Management Services
 Financial Report and Auditor Findings and Observations for the Year
 Ended December 31, 2021
 (Presentation by KPMG LLP will precede discussion of the report)
 [Addenda]
- 167 - 187 9.3 Planning and Building Services
 Municipal Housing Action Plan 2017: Status Update
 (Staff presentation will precede discussion of the report)
- 188 - 255 9.4 Community, Recreation and Culture Services / Planning and Building
 Services
 New Parkland Dedication By-law
 (Presentation by staff will precede the discussion of the report)
 (Report was republished on September 23, 2022 to include appendix 2)
 [Addenda]

10. Motions

10.1 Renaming of Grantham Rail Trail

Councillor Sorrento will present the following motion:

WHEREAS in 2023, the Canadian-Polish Congress will be celebrating an anniversary which is of great importance to the scientific, the Polish and to the community at large with the celebration of the 550th anniversary of Nicolaus Copernicus birth; and

WHEREAS it was Nicolaus Copernicus who first determined that the earth revolved around the sun or 'who stopped the sun and moved the earth.; and

WHEREAS his discovery changed the scientific world, starting with the Copernican Revolution and continuing to this day with the current exciting advances in space; and

WHEREAS the Canadian-Polish Congress will be planning special events across Canada to commemorate this anniversary and will be encouraging other Polish organizations, as well as academic and scientific institutions to plan other commemorative programs;

THEREFORE BE IT RESOLVED that staff commence the public process of naming what is often referred to but not officially named as the Grantham Rail Trail and include Nicolaus Copernicus as a potential name for consideration.

11. Call for Notices of Motion

12. Committee and Task Force Minutes

12.1 Minutes to Receive:

- Accessibility Advisory Committee, meeting of [June 22, 22](#) and [August 10, 2022](#)
- Anti-Racism Advisory Committee, meeting of [August 16, 2022](#) (Draft)
- Designations Plaquing and Ceremonies Sub-Committee, meeting of [August 19, 2022](#) (Draft)
- Environmental Sustainability Committee, meeting of [September 14, 2022](#) (Draft)

[Addenda]

13. Closed Session

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

13.1 Office of the Chief Administrative Officer

Update #2 – Municipal Transfer Agreements relating to Niagara Transit Commission (*Closed Session Pursuant to Municipal Act, 2001, S.O. 2001, c. 25, Section 239 (2)(d) labour relations or employee negotiations*)

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14. Motion Arising from Closed Session

15. By-laws

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15.1 Reading of By-laws
[Addenda]

16. Adjournment



Corporate Report City Council

Report from: Planning and Building Services, Planning Services

Report Date: September 9, 2022

Meeting Date: September 26, 2022

Report Number: PBS-146-2022

File: 22 110623 HERT

Subject: Demolition of a Non-Contributing Building in the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District – 1 Lakeport Road

Strategic Pillar:

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



Recommendation

That Council approve the Heritage Permit application to demolish the existing washroom facility used by the Dalhousie Yacht Club at 1 Lakeport Road (which is a non-contributing building in the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District).

Summary

Staff are recommending the approval of a heritage permit for the demolition of the existing washroom facility used by the Dalhousie Yacht Club. The heritage permit is required under the Ontario Heritage Act because the property is located within the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District.

Staff concur with the recommendation from the St. Catharines Heritage Permit Advisory Committee that the proposed demolition should be approved based on the policies of the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District Plan. The District Plan states that minor utilitarian structures should be considered non-contributing features of the district and as such, their demolition is permitted.

Furthermore, no other policies are significantly affected and there will be no impact on the cultural heritage value of the heritage district.

Relationship to Strategic Plan

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

4.1: Addressing Heritage Preservation.

Background

In August 2022, the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District designation received final approval from the Ontario Land Tribunal. The District is comprised of the commercial and harbour areas of Port Dalhousie and includes Lakeside Park, Rennie Park, and lands west of Lakeport Road including Old Lock One.

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

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

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

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

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

Report

An application has been submitted to demolish the Dalhousie Yacht Club's existing washroom facility at 1 Lakeport Road. It is located on the east side of Old Lock One. The demolition is required to create a new washroom and shower facility in its place that will service the Harbour and Yacht Club. Appendix 1 shows an aerial view of the structure proposed for demolition. Appendix 2 provides a photographic overview of the building.

Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District Plan

The Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District Plan provides guidance for property owners within the heritage district. The Plan notes that, “minor utilitarian structures are not described or recorded, and for the purposes of the District Plan these should be considered non-contributing features.” As the structure is not included in the inventory of heritage properties within the District, the structure is considered a non-contributing feature, and as such, its demolition is permitted.

The replacement structure involves two small buildings connected by a shared wooden deck platform (see appendix 3 for plans). A washroom facility will be located on the footprint of the existing washroom facility (240 sqft), while a shower facility (156 sqft) will be added beside the structure. The new structure will have siding, planters and a shingle roof. The Plan states in Section 10.6.2, “Do not construct new buildings east of Lakeport Road to preserve views to the Harbour.” Staff view the proposed facility as a replacement of the existing facility rather than a “new building.” Furthermore, the Plan provides guidance for views and viewsheds within the District. As the facility is replacing an existing facility, the impacts on existing views will not change.

Overall, the proposal has no impacts on any contributing cultural heritage resources and will not negatively affect the cultural heritage value of the heritage district.

St. Catharines Heritage Permit Advisory Committee

At the SCHPAC meeting on August 25, 2022, the Heritage Permit Advisory Committee voted in favour of the following motion:

“That the SCHPAC recommends approval of the proposed demolition of the washroom facility at 1 Lakeport Road.

And that the SCHPAC recommends approval of the proposed replacement washroom and shower facility.”

Financial Implications

There are no direct financial implications associated with this report.

Environmental Sustainability Implications

There are no environmental sustainability implications associated with this report.

Conclusion

The *Ontario Heritage Act* requires the respective Municipal Heritage Committee be consulted prior to Council making a decision on a heritage permit application for demolition within a Heritage Conservation District, no matter the age or contributing / non-contributing status of the building. In this regard, the SCHPAC has been consulted with respect to the application to demolish the washroom facility at 1 Lakeport Road and recommends that the application be approved. The recommendation being made to

Council is consistent with the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District Plan.

Planning and Building Service staff concur with the recommendation of the SCHPAC and recommend the approval of the demolition permit.

Notifications

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

Prepared by

James Neilson, Heritage Planner

Submitted by

Margaret Josipovic, Manager

Approved by

Tami Kitay, Director, Planning and Building Services

Appendices

1. Location Plan for 1 Lakeport Road
2. Photos of 1 Lakeport Road
3. Plans for proposed new washroom and shower facility

Appendix 1 – 1 Lakeport Road Washroom Facility



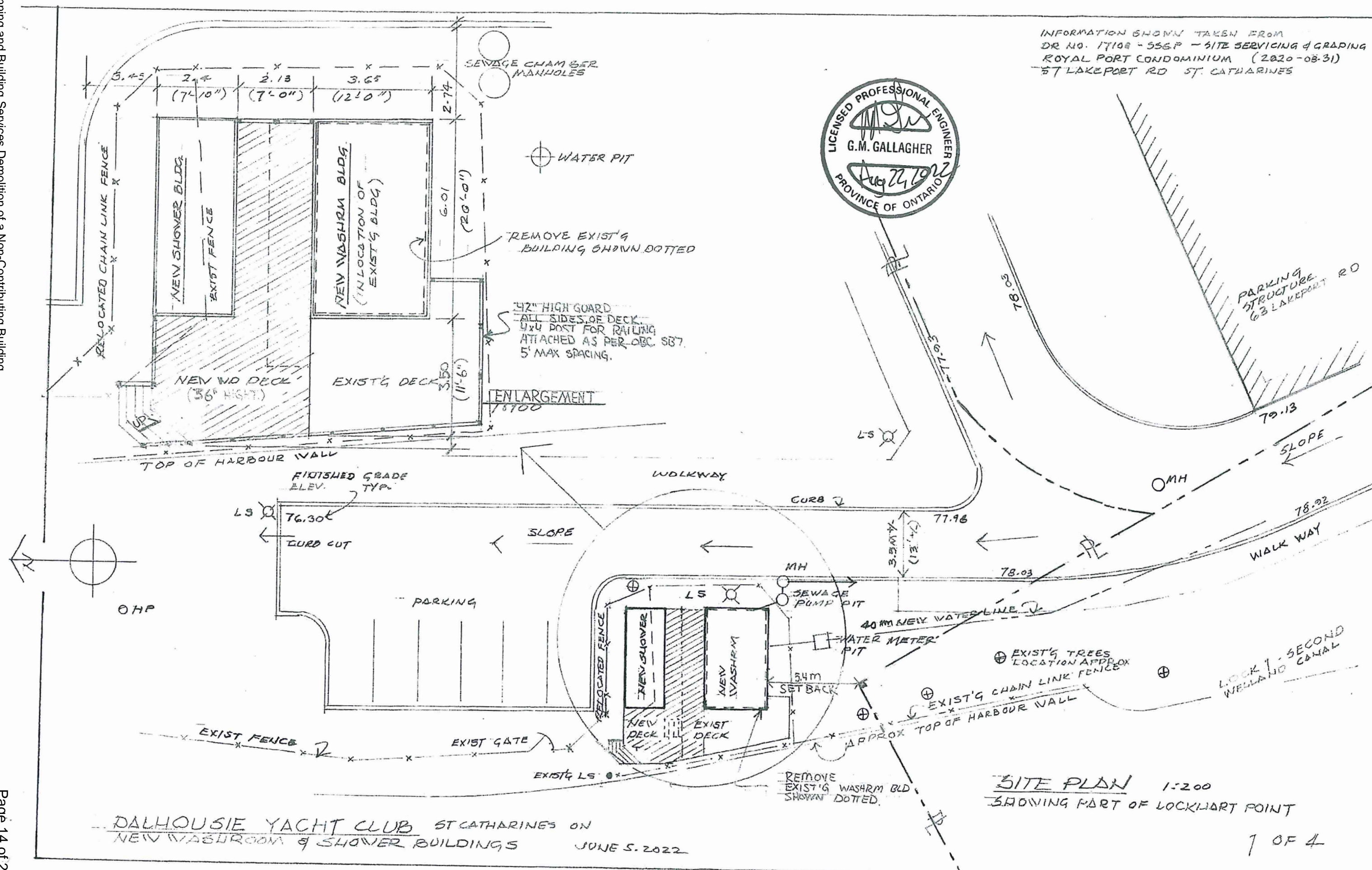
Appendix 2 – 1 Lakeport Road Washroom Facility Photos

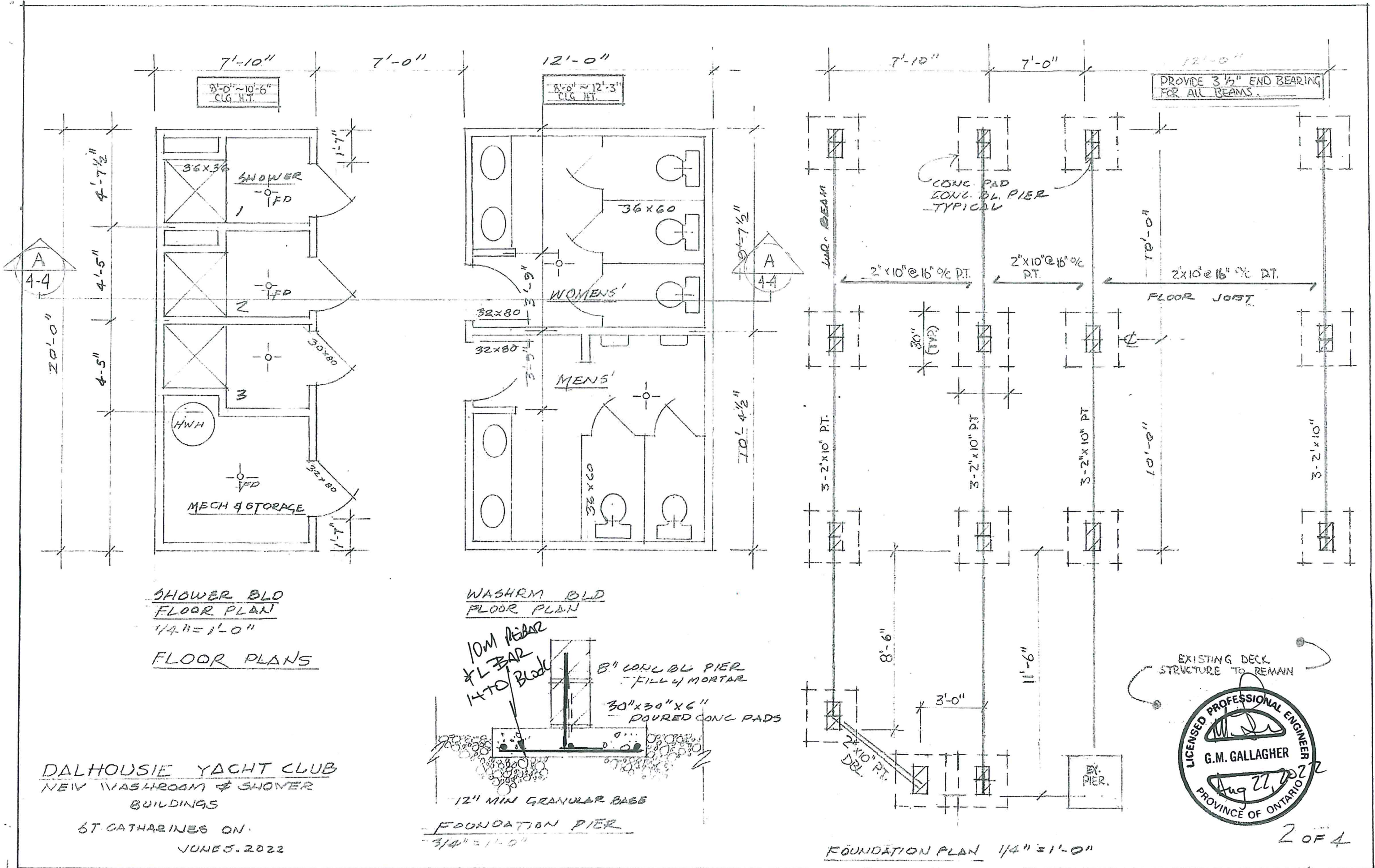


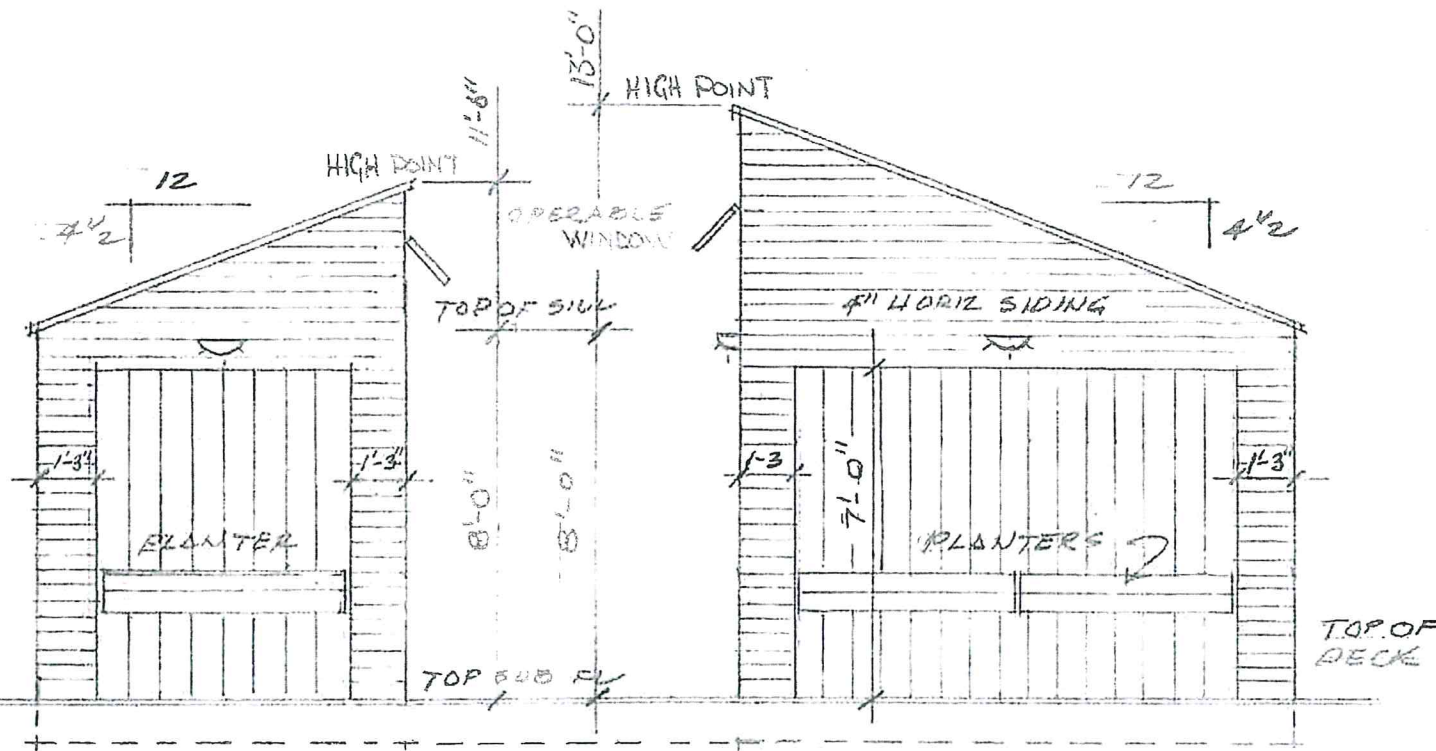






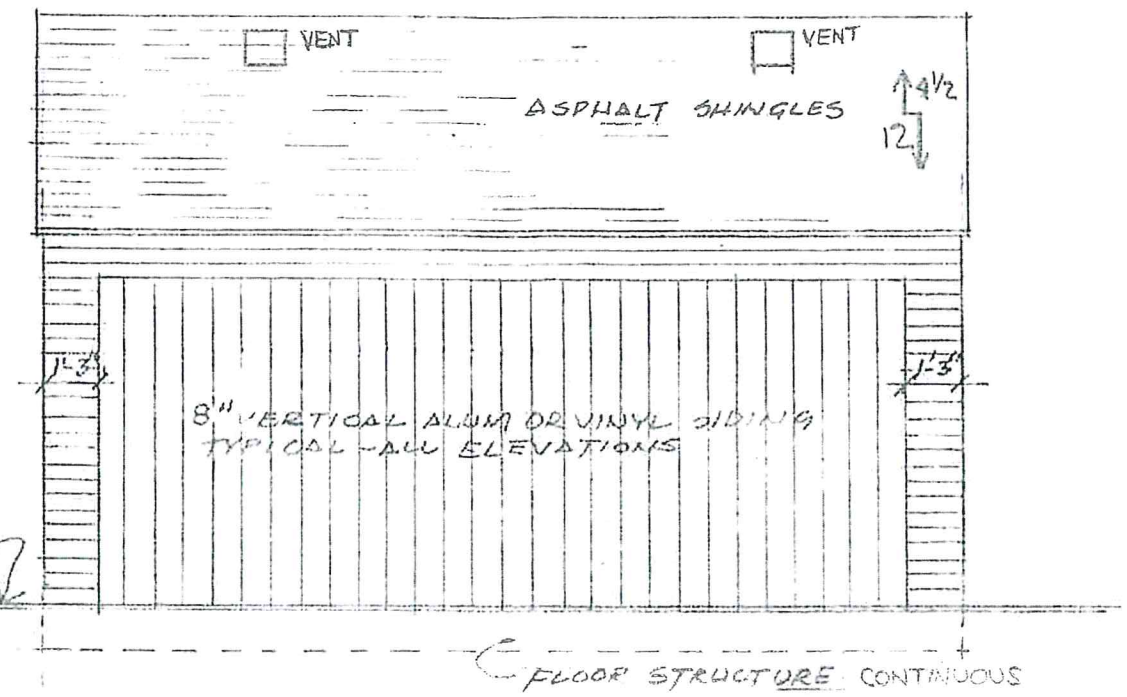




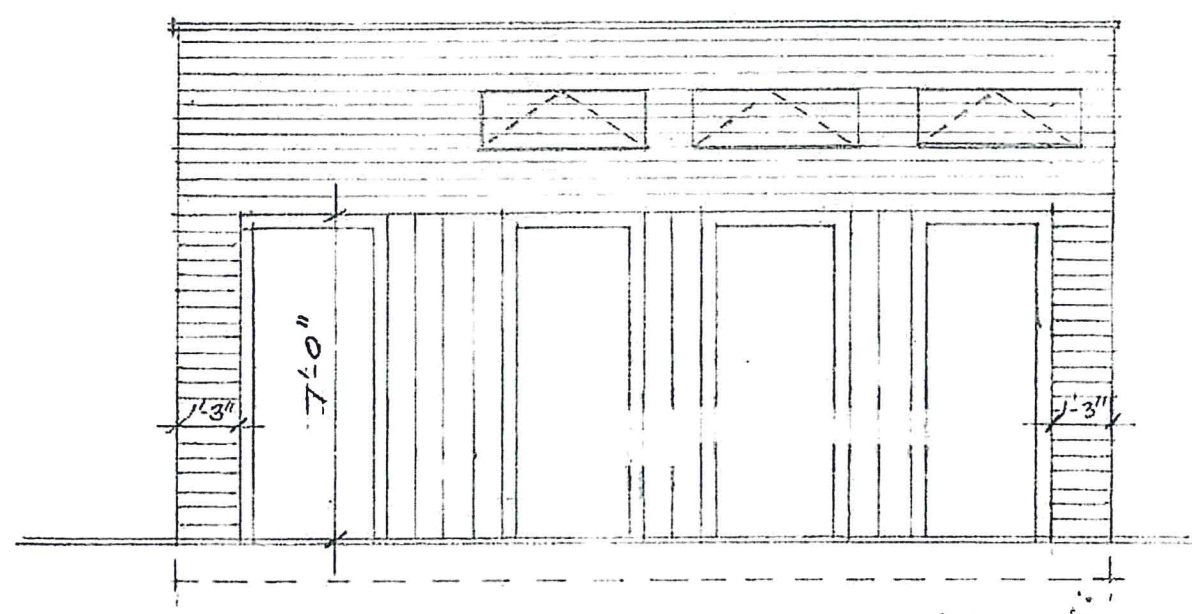


SHOWER
WEST ELEVATION (EAST REVERSED)
1/4" = 1'-0" (WITHOUT PLANTERS)

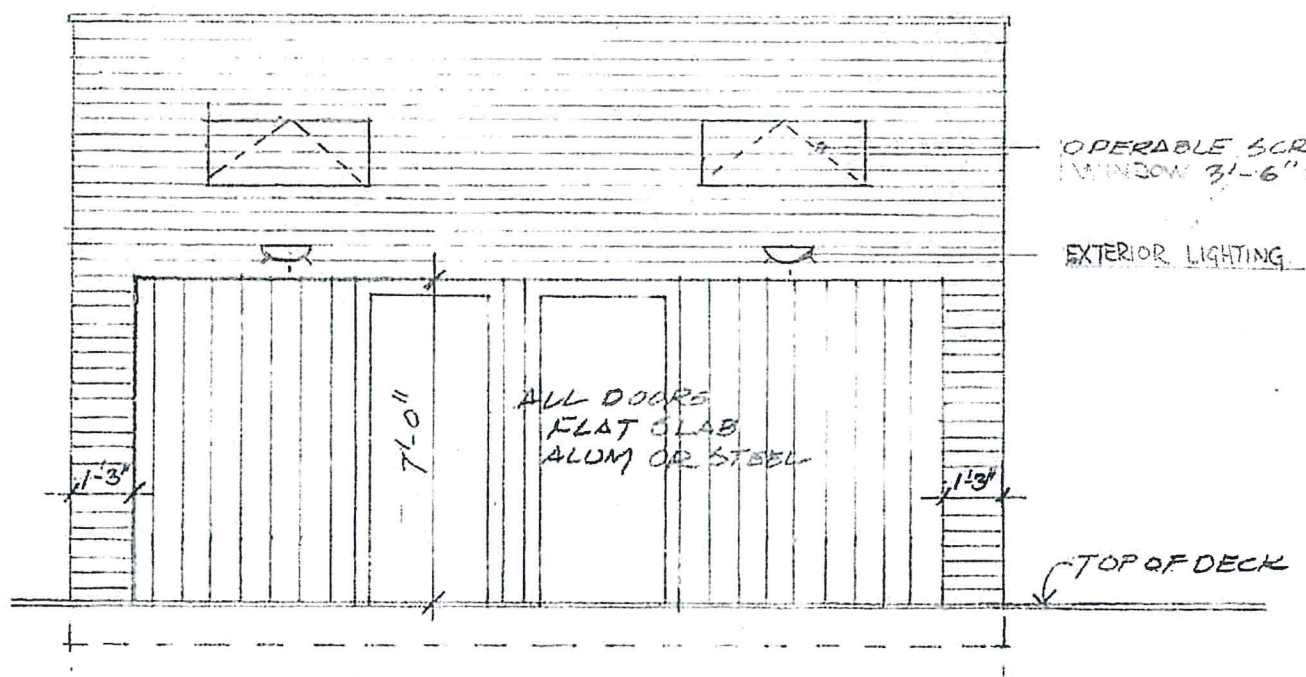
WASHROOM



WASHROOM
SOUTH ELEV.
SHOWER SIMILAR - NORTH ELEV



SHOWER
SOUTH ELEV



WASHROOM
NORTH ELEV

- EXTERIOR COLOURS
- 1. HORIZONTAL SIDING - TBA
 - 2. VERTICAL SIDING & DOORS - TBA



DALHOUSIE YACHT CLUB 67 CATHARINES ONT
NEW WASHROOM & SHOWER BUILDINGS - JUNE 5, 2022

3 of 4

CROSS SECTION A

1/2" = 1'-0"



- ASPHALT SHINGLES
- 1/2" PLY SHEATHING
- 2x10 @ 16" O.C. RAFTER
- 1/2" INTERIOR SHEATHING

ROOF ASSEMBLY

UNINSULATED STRUCTURE
VENTILATE ALL WALL & ROOF CAVITIES
TYP.

36 x 36
SHOWER

42" HIGH GUARD (TYP)
PKCKETS @ 5" O.C.

- PRE-FIN SIDING
- TYVEG WRAP
- SHEATHING
- 2x6 @ 16" O.C.
- INTERIOR SHEATHING

- FINISH FLOORING
- 3/4" PLY P.T. SUBFLR
- 2x10 @ 16" O.C. JOIST

2"x10' @ 16" O.C. FLOOR JOIST

FLOOR ASSEMBLY CONTINUOUS

3-2"x10" P.T.
BUILT-UP WOOD TM
(TYP.)

CONC. BLOCK
PIER

APPROX GRADE

POURED CONC. PAD
SEE DR. 2

DALHOUSIE YACHT CLUB ST. CATUARINES ON
NEW WA SHROOM & SLOWER BUILDINGS JUNE 5, 2022

4 OF 4

NOTES:

ASSEMBLIES

SIDING WALL CONSTRUCTION 2"X6"

SIDING ACCORDING TO OBC 9.27.13 AS PER PLAN ELEVATION WITH OSB SHEATHING MEMBRANE 3/8" AND TYVEK MEMBRANE. 2"X6" STUDS @ 400MM (16") O/C WITH SINGLE BTM AND DOUBLE TOP PLATES, 1/2" DRYWALL

SUB FLOOR, JOIST SYSTEM:

19MM (5/8") T&G PRESSURE TREATED PLYWOOD SUB FLOOR ON PRESUURE TREATED WOOD JOISTS AS PER PLAN. ALL JOISTS TO BE NAILED, GLUED AND SCREWED AND BRIDGED WITH 2"X2" CROSS BRACING OR SOLID BLOCKING @ 2100MM (6'-11") O/C, UNLESS OTHERWISE NOTED ON PLANS.

ROOF CONSTRUCTION

30YR (MIN.) ASPHALT SHINGLES NO.210 (10.25KG/M2)

10MM (3/8") PLYWOOD SHEATHING WITH "H" CLIPS, ROOF RAFTER AT 400MM (16") O/C MAX. AND 5/8" DRYWALL FINISH., SELF SEALING MEMBRANE TYP EAVE ICE AND WATER PROTECTION TO EXTEND 3'-0" FROM EDGE OF ROOF MIN. AND 18" MIN. BEYOND INSIDE FACE OF INSIDE WALL. NO15 FELT PAPER NON-PERFORATED FOR THE REST OF THE ROOF INCLUDING 2" OVERLAP ON ICE AND WATER PROTECTION.

Foundation

FOOTING TO HAVE MIN SOIL
BEARING CAPACITY OF
3,600 lbs/ft²

DALHOUSIE YACHT CLUB ST. CATHARINES ON
NEW WASHROOM & SLOVER BUILDINGS JUNE 5, 2022

GENERAL CONSTRUCTION NOTES

WOOD FRAMING

NOTCHING & DRILLING OF MEMBERS

HOLES IN FLOOR, ROOF AND CEILING MEMBERS TO BE MAX. 1/4 X ACTUAL DEPTH OF MEMBER AND NOT LESS THAN 2" FROM EDGES

NOTCHES IN FLOOR, ROOF AND CEILING MEMBERS TO BE LOCATED ON TOP OF MEMBER WITHIN 1/2 X ACTUAL DEPTH FROM EDGE OF BEARING AND NOT GREATER THAN 1/3 JOIST DEPTH

WALL STUDS MAY BE NOTCHED OR DRILLED PROVIDED THAT NO LESS THAN 2/3 THE DEPTH OF STUD REMAINS IF LOAD BEARING AND 1-9/16" IF NON-LOAD BEARING

TRUSS MEMBERS SHALL NOT BE NOTCHED, DRILLED OR WEAKENED UNLESS ACCOMMODATED IN THE DESIGN

FLOOR JOISTS

JOIST TO HAVE 1-1/2" END BEARING

JOIST SHALL BEAR ON SILL PLATE FIX TO FOUNDATION

MAX. DOUBLE HEADER JOIST LENGTH OF 10'-6",
MAX. DOUBLE TRIMMER JOIST LENGTH OF 6'-7"

2"X2" CROSS BRIDGING REQUIRED EVERY 6'-11"

FLUSH JOISTS SHALL BE SUPPORTED ON JOIST HANGERS

FINISHES

WATER RESISTANT FLOORING

FINISHED FLOORING IN WASHROOM AND SHOWER BLDG SHALL CONSIST OF RESILIENT FLOORING.

STAIRS, HANDRAILS AND GUARDS

HANDRAILS (OBC SB-7)

FINISHED HANDRAIL ON WOOD PICKETS MAX. SPACING 4" BETWEEN PICKETS SHALL NOT BE LESS THAN 2'-7" AND NOT MORE THAN 3'-2" WHERE GUARDS ARE REQ'D'D, HANDRAILS ON LANDINGS ARE PERMITTED TO BE NOT MORE THAN 3'-6"

GUARDS (OBC SB-7)

EXTERIOR GUARDS = 3'-6" ABOVE LANDINGS. MAX. OPENING WITHIN GUARDS 4". DESIGNED NOT TO FACILITATE CLIMBING

LIFE SAFETY

CARBON MONOXIDE DETECTOR (OBC 933.4)

A CARBON MONOXIDE DETECTOR CONFORMING TO CAN/CGA-6.19 SHALL BE INSTALLED ON OR NEAR THE CEILING IN EACH ROOM IN WHICH THERE IS INSTALL A SOLID FUEL BURNING APPLIANCE, CARBON MONOXIDE DETECTORS SHALL BE WIRED SO THAT ITS ACTIVATION WILL ACTIVATE THE SMOKE ALARMS

SMOKE ALARMS (OBC 9.10.18)

PROVIDE ONE PER DWELLING.

VENTILATION

MECHANICAL VENTILATION (OBC 9.32.3)

WASHROOM AND SHOWERS TO BE MECHANICALLY VENTED TO PROVIDE AT LEAST ONE AIR EXCHANGE PER HOUR

NATURAL VENTILATION (OBC 9.32.2)

PROVIDE MIN UNOBSTRUCTED AREA OF 0.09M2 (0.97FT2) PER WATER CLOSET.





Corporate Report City Council

Report from: Planning and Building Services, Building and Development

Report Date: August 16, 2022

Meeting Date: September 26, 2022

Report Number: PBS-155-2022

File: 68.31.1 & 68.81.1

Subject: Addition of a New Non-Parking AMPS violation for the City's Waste By-law 2020-106

Strategic Pillar:

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



Recommendation

That Council approve the amendment to Section 3 of Schedule "B" of the Non-Parking Administrative Penalties By-law 2021-68, to include an additional penalty for violations of the City's Waste By-law 2020-106, as attached as Appendix 1; and

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

That the Clerk be directed to make all necessary notifications.

Report

The City's current Non-Parking Administrative Monetary Penalties (AMPs) By-law 2021-68, as amended, Schedule "B", requires an additional penalty to ensure that a property be free and clear of waste, so that problematic properties can be addressed. The current penalty provisions only permit a penalty notice to be issued for failing to comply with an Order. This means that a problematic property that is responsible for numerous complaints may not be held accountable for repeat violations if they comply with an Order to Comply during the specified compliance date on the Order, but the waste returns shortly after the matter is considered resolved. By having an administrative monetary penalty that requires a property owner keep the property clear of waste, a Non-Parking Administrative Penalty may be issued for failing to keep land clean of waste in addition to an Order to Comply to remedy the issue. It is proposed that the

penalty structure for failing to keep land clean of waste have a tier 1 penalty of \$250, tier 2 penalty of \$500 and a tier 3 penalty of \$750.

Adding a provision to enhance the current penalty structure for waste will require less By-law Division staff time to prepare prosecution briefs and attend court for matters of non-compliance. Furthermore, the number of follow-ups and By-law Division staff time and travel for non-compliance will be reduced based on the enforcement leverage provided by those administrative penalties.

Amending Schedule “B” of the Non-Parking Administrative Penalty By-law 2021-68, as amended, to include a provision to ensure property owners maintain their property in accordance with the City’s Waste By-law 2020-106, as amended, will address a shield used by problematic property owners where currently an Order to Comply is required prior to issuing an administrative penalty notice in circumstances of repeat occurrences.

Financial Implications

A five-year sample taken from 2017 to 2021 revealed that on average there are approximately 740 waste-on-property complaints received annually by the By-law Enforcement Division. Based on a voluntary compliance rate of 95%, it is estimated that approximately 37 AMPS penalty notices would be issued per year for waste. Not including repeat offenders for higher penalties, that would be approximately \$9,250 in monetary penalties administered annually for non-compliance. Unpaid Administrative Penalties administered for non-compliance will be collected in the same manner as property taxes.

Prepared and Submitted by

Paul Chudoba
Manager By-law Enforcement and Licensing

Approved by

Tami Kitay,
Director Planning and Building Services

Sandor Csanyi
Director Clerks and Legal Services / City Solicitor

Appendices

- **Appendix 1** Amended Section 3 of Schedule “B” Non-Parking Administrative Penalty for the City’s Waste By-law 2020-106.

CITY OF ST. CATHARINES

BY-LAW NO. _____

A By-law to amend By-law No. 2021-68 entitled “A by-law to establish a system for non-parking related administrative penalties.

WHEREAS City of St. Catharines By-law No. 2020-106 governs and regulates the keeping of waste on certain lands (the “Waste By-law”).

AND WHEREAS Council of the City of St. Catharines deems it desirable to establish an administrative penalty for failing to keep certain lands free of waste, contrary to the Waste By-law.

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

1. That By-law No. 2021-68 be and the same is hereby amended by deleting section 3 of Schedule “B” and replacing it with the following:

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

For the purposes of this By-law:

3.1 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.

3.2 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.

3.3 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.

3.4 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 1.

3.5 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 1.

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.	4.1.1	Fail to keep land clean of Waste	\$250	\$500	\$750
2.	5.1	Fail to comply with a Waste By-law Order	\$250	\$500	\$750
3.	5.7	No person shall hinder or obstruct an officer	\$300	\$500	\$750

Read and passed this day of 2022.

CLERK

MAYOR

DRAFT

DRAFT



Corporate Report City Council

Report from: Planning and Building Services, Planning Services

Report Date: September 9, 2022

Meeting Date: September 26, 2022

Report Number: PBS-154-2022

File: 35.60.69

Subject: Graffiti Program Follow-Up Report

Strategic Pillar:

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



Recommendation

That Report PBS-154-2022, regarding the Graffiti Program Follow-Up Report, be received for information.

Summary

This report identifies some proactive / preventative strategies that other municipalities have employed to help reduce instances of graffiti vandalism and to mitigate associated impacts. The report also identifies that further discussion will be required with relevant Committees of Council and community stakeholders to identify a preferred strategy for St. Catharines.

Relationship to Strategic Plan

Economic Sustainability: This report and the theme of graffiti vandalism reduction relates to the goal of building strong and inclusive neighbourhoods that provide high quality of life for residents of all ages.

Cultural Renaissance: This report and the many of the identified graffiti management strategies also relate to the goal of celebrating the City's rich history, diversity, arts and cultural assets through leadership, promotion and investments that support measurable, sustainable creative growth.

Background

At the meeting of February 24, 2020, Council received Report [PBS-010-2020](#) related to an observed increase in graffiti vandalism complaints. The report detailed the City's by-law enforcement approach related to this issue. At the same meeting of February 24, 2020, Council requested a follow-up report on this issue through approval of the following motion: "That staff consult with the community, the relevant cultural committees and downtown stakeholder groups to modernize the graffiti program and by-law by 2021." Completion of this follow-up report was delayed due to the COVID-19 pandemic and staffing resources.

Staff understand that the intent of this request was to identify opportunities for the City to become more proactive in deterring instances of graffiti vandalism and to identify how the City might help to better mitigate the impacts of graffiti vandalism on victims.

For the purpose of this report, the term graffiti vandalism is intended to describe images or markings on property that have been made without permission of the owner. This does not include murals or painted signs that have been authorized by the owner.

Report

Instances of graffiti vandalism degrade the quality of the city's public realm and often result in property damage and hardship for victims. In accordance with the City's Nuisance By-law (by-law 2007-295), property owners are responsible for the removal of graffiti from their property, including associated costs. If municipal by-law enforcement staff have issued a notice of violation to remove graffiti from a property and compliance is not achieved, the City may arrange to have the graffiti removed and to invoice the property owner for expenses incurred. This approach is common in municipalities but can result in victims of graffiti vandalism experiencing a twofold event of hardship. Firstly, from the impact of the original instance of vandalism, and secondly from the impact of graffiti removal responsibilities.

Approaches to Graffiti Management

One of the most effective ways to combat unwanted graffiti is through the design and management of the built environment. There are methods of designing new buildings and facilities to reduce the likelihood of graffiti vandalism, but this report will focus on strategies for existing built-up areas. Several municipalities have implemented programs to use public space in a way that proactively reduces instances of graffiti vandalism. In addition to graffiti deterrence, other municipalities have developed programs to assist victims and accelerate clean-up. Based on preliminary research by staff, below is a brief overview of some select approaches that have been implemented in other cities.

1. **Mural Programs** – Cities such as Toronto and Ottawa have encouraged private property owners to consider commissioning murals on frequently targeted walls and have made funding available to offset or cover these costs. Painted murals have been found to deter graffiti vandalism on the associated walls, while also supporting the creation of vibrant streets and creating opportunities for artists. The murals would remain the property of the building owner and would not form

part of the municipal public art collection. The cities may also aid in connecting property owners with local artists or arts organizations.

2. **Legal Walls or 'Free-Walls'** – Cities such as Ottawa and Austin have established designated spaces or individual walls as legal locations for graffiti. This approach provides a designated safe space for aspiring graffiti artists to practice their craft and may reduce instances of graffiti vandalism in unwanted locations. These 'free walls' are typically located on public buildings or infrastructure but could also be established through partnerships with private property owners.
3. **Asset Wraps or Paintings** – A common target for graffiti vandalism is community infrastructure such as utility boxes, bus shelters, mailboxes, traffic signal control boxes, hydro transformers and traffic barriers. This infrastructure is typically located in the public realm and graffiti removal becomes the responsibility of the municipality or associated service provider. Like the strategy of commissioning murals to dissuade vandalism on building walls, cities like Toronto and Hamilton have applied decorative vinyl wraps or painted art to community infrastructure to dissuade graffiti vandalism. This approach may be initiated as a targeted solution for a specific location or implemented at a broader community or neighbourhood scale through a municipal program. Select examples can already be found in St. Catharines, including at the recently reconstructed intersection of St. Paul Street and Geneva Street.
4. **Clean-Up Kits** – Cities including Vancouver and Prince Albert have made free graffiti clean-up kits available to property owners. The clean-up kits include vouchers redeemable at partner retailers for a quantity of tinted paint, along with a brush, paint tray and gloves. The property owner is still responsible for painting over the graffiti on their property, but the free supplies reduce the associated financial hardship.
5. **Removal Services** – Larger cities including New York and Chicago have gone so far as to operate free graffiti removal services, including power washing. Property owners can request this service when needed but can also sign a waiver permitting the removal service to address all future instances of graffiti vandalism proactively and without a specific request by the property owner. In addition to the city-wide removal programs described above, some cities, including St. Catharines, offer grant or financial assistance programs to help property owners that must hire private contractors.

Next Steps

The strategies described above are all examples of how cities have developed programs to either proactively deter instances of graffiti vandalism while simultaneously supporting the arts community, or to assist victims with the challenge of graffiti removal. These programs exist in parallel to municipal by-law enforcement activities. One or a combination of these strategies may be appropriate for implementation in St. Catharines, but further consultation and research is required. Staff will consult with

relevant Committees of Council, including the Public Art Advisory Committee and the Clean City Advisory Committee, along with the St. Catharines Downtown Association, to further review these and other graffiti management strategies for possible future budget consideration and adoption. Recommendations will be provided to Council through the committee reporting structure. Graffiti removal is expected to remain the responsibility of the property owner, but the City's approach to graffiti management could be broadened to include additional graffiti deterrence and victim assistance programs.

Financial Implications

There are no financial implications at this time.

Environmental Sustainability Implications

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

Conclusion

Property owners are responsible for the timely removal of graffiti from their property. This removal responsibility can present a hardship for the impacted owner, who has already been the victim of graffiti vandalism. Other cities have established programs to either help deter acts of graffiti or to assist victims. Consultation and further research will be undertaken before recommendations on the possible expansion of the City's graffiti strategy are provided for Council's consideration.

Prepared by

Scott Ritchie, MCIP, RPP
Senior Planner

Submitted and Approved by

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



Corporate Report City Council

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

Report Date: September 16, 2022

Meeting Date: September 26, 2022

Report Number: LCS-159-2022

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 September 26, 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 September 2, 2022, to September 15, 2022.

Correspondence

1. AMO Watchfile – September 8, 2022
2. AMO Watchfile – September 15, 2022

Reports Requested by Council

3. Outstanding Reports List – updated September 16, 2022

Prepared by

Sarah McWilliams
Council and Committee Coordinator

Submitted and Approved by

Kristen Sullivan
City Clerk

Sub-Item 2



September 8, 2022

In This Issue

- Finalizing recovery strategies for five species at risk.
- Jump start your digital transformation with an e-signature solution.
- Pandemic recovery support for municipal health and safety programs.
- Canoe vendor spotlight: Rehrig Pacific Company.
- Get a quote for the LAS Road & Sidewalk Assessment Service.
- Blog: My experience as LAS' Marketing and Communications Intern.
- Investments 101 Workshops - Registration open!
- Register for OMSSA's 2022 Forum on Sept 20-21.
- Careers: South Nation Conservation, Thessalon and Greater Sudbury.

Provincial Matters

Surveys are open until October 6 on the Ministry of the Environment, Conservation and Parks' final recovery strategies for Black Ash, Gillman's Goldenrod, Cerulean Warbler, Red-headed Woodpecker and Spoon-leaved Moss.

Eye on Events

As municipalities move from paper to electronic filing, authentication of files is a critical challenge. On September 28, 12 pm, 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.

On September 29, 8:30 am ET, AMO's partner 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 through how you can double the rebate on WSIB premiums and other topics. Register today.

LAS

We're pleased to welcome Rehrig Pacific Company, supplier of waste and recycling carts, to the Canoe Procurement Group. Save time and money while keeping your community clean. Contact Simon to learn more.

Is a road needs study part of your budget for 2023? Contact Tanner to get a quote for your LAS Road & Sidewalk Assessment. Better data leads to better decisions for your biggest assets.

The end of August marks two occasions: the unofficial end of summer and the end of our student's work term. Tiffany Chan writes about her experience working at LAS as our [Marketing and Communications intern](#).

ONE Investment

Calling municipal finance staff Investment Basics and Beyond workshops are coming to a location near you - Milton, London, Barrie and London. For more details and registration information click on the following [link](#).

Municipal Wire*

Join OMSSA from across Ontario to hear from several experts, including keynotes Françoise Mathieu and Marci Gray, as they discuss post-pandemic workplace mental health and potential solutions. [Register today](#).

Careers

[Chief Administrative Officer - South Nation Conservation](#). The ideal candidate will have exceptional business acumen, great people skills, and the ability to collaborate, build teams, and manage change. Apply to careers@waterhousesearch.ca by September 20.

[Chief Administrative Officer - Town of Thessalon](#). Responsible for the strategic leadership and efficient delivery of all the municipality's administrative and operational services. Apply to careers@waterhousesearch.ca by September 20.

[Co-ordinator of Waste Disposal - City of Greater Sudbury](#). Demonstrate strong organizational, numeric sense, administrative and good judgement skills. Apply to hrjobs@greatersudbury.ca by September 27.

About AMO

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

AMO Contacts

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[ONE Investment](#)

[Media Inquiries](#)

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

AMO's Partners



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Sub-Item 1



September 15, 2022

In This Issue

- Mainstage highlights of AMO 2022 Conference are available to everyone.
- Funding for innovative energy efficiency initiatives.
- MNRF webinar training sessions on *Conservation Authorities Act*.
- Jump start your digital transformation with an e-signature solution.
- Pandemic recovery support for municipal health and safety programs.
- Canoe vendor spotlight: Cub Cadet.
- Blog: A Day in the Life of a Risk Manager.
- Webinar: Understanding electricity and natural gas.
- Over 100 LED projects completed and still counting!
- It's back to school for energy training.
- LAS is going to ORFA's Fall Professional Development Program.
- Investments 101 Workshops - Registration open!
- Careers: Orillia, Windsor, Durham, and Gravenhurst.

AMO Matters

Part of AMO's commitment in providing an in-person only conference was to make the highlights of the AMO 2022 Mainstage available to everyone, free of charge, including those who were not able to attend. You can do so now! Look for the live links in the [AMO Conference Program](#) on the AMO Website, or you can connect directly to [AMO's YouTube channel](#) and watch the videos at any time. Some of the panel discussions are also included on the [website](#) of The Agenda with Steve Paikin highlighting the important partnership between AMO and TVO.

Federal Matters

The Phase 1 RFP deadline for Toward Net-Zero Homes And Communities Project funding through Natural Resources Canada has been extended to September 21, 2022. Find out more [here](#).

Provincial Matters

MNRF is hosting *Conservation Authorities Act* webinars on October 12, 1:30 pm (Phase 1 Regulations Refresher), October 20, 10:00 am (Phase 2 Regulation and Policy Overview) and November 3, 1:30 pm (Phase 2 Regulations for Practitioners involved in CA budgets and municipal levy apportionment). Email ca.office@ontario.ca to register.

Eye on Events

As municipalities move from paper to electronic filing, authentication of files is a critical challenge. On September 28, 12 pm, 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.

On September 29, 8:30 am ET, AMO's partner 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 through how you can double the rebate on WSIB premiums and other topics. Register today.

LAS

We're pleased to welcome Cub Cadet to the Canoe Procurement Group! Mowers, snowblowers, UTVs, tree care equipment, and more. Check out Canoe for your Parks and Recreation equipment needs. Contact Simon to learn more.

If you're a risk manager, you might feel the frustration of documenting claims on a spreadsheet and having to export and report. Read our latest blog to help you find a solution in detailing, organizing, reviewing, and exporting such claims.

If you're curious about the direction of the electricity and natural gas markets and how they will affect the LAS energy programs, register for the October 18 webinar. The free one-hour webinar starts at 11 am.

Thirty-four municipalities have used the LAS Facility Lighting Service to complete over 100 projects, from community centers and municipal offices to long term care homes. Perhaps it's time your municipality check out this program to see how you can benefit? Contact Christian Tham for a free LED upgrade budget proposal.

Its back-to-school time again! LAS has developed a new energy training catalogue so you can learn too! Check out the exciting workshops now available to enhance your municipality's energy knowledge. Contact Christian Tham to book your workshop today.

Registration is now open for ORFA's Fall Professional Development Program. If you plan to attend, be sure to stop by the LAS booth. We have something for everyone in your Parks and Recreation departments.

ONE Investment

Calling municipal finance staff Investment Basics and Beyond workshops are coming to a location near you - Milton, London, Barrie and London. For more details and registration information click on the following link.

Careers

Manager of Economic Development - City of Orillia. Responsible for creating strategies to market and attract new businesses and expanding existing businesses. Apply online by September 21.

Chief Administrative Officer - City of Windsor. Responsible for the management of all human, financial and physical resources while providing strategic guidance and advice. Apply online by October 9.

Commissioner, Corporate Services - Region of Durham. Ensures internal and external customers are provided with high quality services/programs, and that policies are consistent with the Corporate Strategic Plan. Apply online by October 10.

Manager of Revenue/ Deputy Treasurer - Town of Gravenhurst. Responsible for the billing, accounting, collection and reporting of property taxes, corporate revenues and receivables. Apply to HumanResources@gravenhurst.ca by September 29.

About AMO

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City Council Outstanding Reports List

Sub-Item 3

Reports by Strategic Pillar

Cultural	0	Economic	4
Environmental	3	Social	19

Reports Related to Strategic Plan 26

Reports Unrelated to Strategic Plan 3

Updated: September 16, 2022

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
Economic	2019-22	15-Jul-19	Townsend	Amend sign by-law to permit digital signage on City-owned properties and buildings, including the appropriateness and ability to include third-party advertising as part of digital signage on City-owned properties.	PBS / COMMS	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	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	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
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

Relation to Strategic Plan	ORL #	Requested	Requested by	Request	Lead Dept.	Expected Return Date	Comments
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	2021-31	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	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	26-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 Housing Action Plan.
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
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	26-Sep-22	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	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: Legal and Clerks Services, Office of the City Clerk

Report Date: September 21, 2022

Meeting Date: September 26, 2022

Report Number: LCS-161-2022

File: 10.12.35

Subject: Changes to November 2022 Council Budget Meetings

Strategic Pillar:

This report aligns with the following St. Catharines Strategic Plan pillars: None

Recommendation

That the Council (Budget) meetings of November 2, 2022 and November 9, 2022 be rescheduled for November 16, 2022 and November 23, 2022, and the meeting of November 30, 2022 be cancelled.

Report

The new term of City Council commences November 15, 2022. As the new term of Council will be responsible for approving the 2023 operating and capital budgets, staff recommend rescheduling the Council (Budget) meetings of November 2, 2022 and November 9, 2022 for the new dates of November 16, 2022 and November 23, 2022. It has also been identified that the November 30, 2022 meeting will not be required and as such is recommended to be cancelled at this time.

The Office of the City Clerk will make the necessary notifications upon Council's approval of the rescheduled meeting dates.

Financial Implications

There are no financial implications associated with this report.

Environmental Sustainability Implications

There are no environmental sustainability implications associated with this report.

Prepared and Submitted by

Evan McGinty, Deputy Clerk

Approved by

Kristine Douglas, Director of Financial Management Services / City Treasurer

Kristen Sullivan, City Clerk



Corporate Report City Council

Report from: Fire Services, Fire Chief

Report Date: September 12, 2022

Meeting Date: September 26, 2022

Report Number: FS-156-2022

File: 68.13.1

Subject: Repeal and Replacement of Fireworks By-law

Strategic Pillar:

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



Recommendation

That Council approve the updated Fireworks By-law, attached as Appendix 1.

Summary

To acknowledge the growing diversity in the City of St. Catharines, it is necessary to update the current Fireworks By-law No. 2016-06, as amended, to permit the use of consumer fireworks during Diwali and cease the use of sky lanterns. As such, staff are recommending that Firework By-law 2016-06, as amended, be repealed and replaced with the by-law attached as Appendix 1 to address the use of fireworks during Diwali celebrations and cease the use of sky lanterns.

Relationship to Strategic Plan

The recommendation of this report supports the Cultural Renaissance pillar of the strategic plan to celebrate the City's rich history, diversity, arts and cultural assets through leadership, promotion and investments that support measurable, sustainable creative growth.

Background

By-law 2016-06, as amended, regarding fireworks and the storage of fireworks promotes the City's commitment to build a safer community. Through legislated controls, the by-law assists in the safe storage, purchasing and discharging of fireworks.

Fireworks by-laws and the permission to develop them arises from the *Fire Protection and Prevention Act, 1997*. Municipalities develop fireworks by-laws to ensure the greatest safety is enacted to protect the citizens while recognizing the needs for celebration. The existing by-law, as amended, requires an update to further address concerns within the City of St. Catharines. As an update was being completed, staff felt it would be more efficient, and lead to better consistency, if the existing by-law was instead repealed and a new by-law brought forward for approval.

Fireworks are currently permitted to be utilized on Victoria Day, Canada Day and New Year's Eve, and on other dates by permission of the Fire Chief in the current by-law through a permitting process with restrictions in place.

Report

As the community continues to grow, the City needs to recognize the great diversity. The proposed by-law, as attached as Appendix 1, acknowledges and permits the use of fireworks during the Hindu celebration of Diwali.

The by-law provides exemptions for fireworks use on occasions including Victoria Day, Canada Day and Diwali. The by-law also provides an approval process for other groups wishing to discharge fireworks for celebratory events provided they obtain a permit.

The by-law also addresses continued growth in the fireworks industry, requiring a review of current practices and identifies parameters for safe storage, handling, and sale of fireworks. The use of sky lanterns is strictly prohibited under the new by-law.

Changes brought forward under the new fireworks by-law will be communicated through a media release and through social media.

In light of the diversity of festivals and events celebrated in the community, St. Catharines Fire Services will continue to monitor the need for further amendments based on community demand and industry best practices.

Enforcement

Fire Services will investigate occurrences on a complaint basis. If a party is found not compliant with the by-law, charges may be laid. Fire suppression crews will attend the site immediately and Fire Prevention Officers will follow up the next day, when requested, to conduct an investigation and determine if charges are required. Over the past two years, two charges have been laid. Fire Services is also in the process of utilizing the Administrative Monetary Penalty System to ticket offenders.

Financial Implications

There are no financial implications associated with this report.

Conclusion

Council's approval of the updated fireworks by-law, attached as Appendix 1, enables the City to recognize and celebrate the rich diversity of St. Catharines.

Prepared, Submitted and Approved by
Dave Upper
Director of Fire Services / Fire Chief

Appendices

1. Proposed New Fireworks By-law

CITY OF ST. CATHARINES

BY-LAW NO. _____

A By-law to regulate the sale and setting off of fireworks and pyrotechnic special effects within the City of St. Catharines.

WHEREAS Section 120 of the Municipal Act, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws to prohibit and regulate the storage, keeping and transportation of explosives and other dangerous substances, including requirements that a permit be obtained from the municipality for the storage of explosives and imposing conditions on such permits;

AND WHEREAS Section 121 of the Municipal Act, S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws to prohibit and regulate the sale of fireworks and the setting off of fireworks, including requirements that a permit be obtained from the municipality for the sale or setting off of such fireworks and imposing conditions on such permits;

AND WHEREAS Section 427 of the Municipal Act, S.O. 2001, c.25, as amended, provides that where a municipality has the authority by By-law to direct or require that a matter or thing be done, the municipality may in the same or another By-law direct that, in default of it being done by the person directed or required to do so, such matter or thing shall be done at the person's expense and the municipality may recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS Section 7.1 of the Fire Protection and Prevention Act, S.O. 1997, c4, as amended, provides that the council of a municipality may pass by-laws regulating fire prevention, including the spreading of fires;

AND WHEREAS the Council of the City of St. Catharines deems it expedient and necessary for the safety and well-being of the community to regulate the sale and use of fireworks and pyrotechnic special effects within the City of St. Catharines;

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

PART I

DEFINITIONS

1. In this by-law,

"Act" means the Explosives Act, Revised Statutes of Canada, 1985, Chapter E-17, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefor;

"City" or **"City of St. Catharines"** means the municipal corporation of the City of St. Catharines or the geographic area of the City of St. Catharines as the context requires;

"Commercial Cube Van" means a commercially licensed vehicle that is a van with a cube-shaped storage compartment that is wider and taller than the front of the vehicle and not exceed 16ft in length;

"Consumer Firework" means an outdoor, low hazard, recreational firework that is classed as a Class 7, Division 2, Subdivision 1 Firework under the Act and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes, and sparklers but does not include Christmas crackers and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap;

“Consumer Fireworks Sales Permit” means a permit issued in accordance with this By-law by the Fire Chief for the sale of Consumer Fireworks;

"Discharge" means to fire, ignite, explode or set off or cause to be fired, ignited, exploded or set off and the words "discharged" and "discharging" have a similar meaning;

"Display Firework" means an outdoor, high hazard, recreational firework that is classed as a Class 7, Division 2, Subdivision 2 Firework under the Act, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include Firecrackers;

“Display Fireworks Permit” means a permit issued in accordance with this By-law by the Fire Chief for the display of Display Fireworks;

"Display Supervisor" means a person who is an approved purchaser of Display Fireworks and who is qualified under the Act to supervise the Discharge of Display Fireworks;

“Enforcement Officer” means the Fire Chief, Deputy Fire Chiefs, Chief Fire & Risk Officer, every member of the St. Catharines Fire Services designated as an Assistant to the Fire Marshal, every By-law Enforcement Officer for the City of St. Catharines, and every police constable with the Niagara Regional Police;

"FPPA" means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and the Regulations enacted thereunder as amended from time to time or any Act and Regulations enacted in substitution therefor;

"Fire Chief" means the Chief of Fire Services of the City or authorized delegates;

"Firecracker" means a pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion, and includes those devices commonly known as Chinese firecrackers, but does not include paper caps containing not more than twenty-five one-hundredths of a grain of explosive on average per cap, or devices for use with such caps, safety flares, marine rockets, and other distress signals;

"Fireworks" means Display Fireworks, Pyrotechnic Special Effects Fireworks and Consumer Fireworks;

"Fireworks Display Supervisor Certification" authorizes a person to purchase and set off Display Fireworks.

"Prohibited Firework" includes but is not limited to cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers, throw down torpedoes and crackling balls, exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other trick devices or practical jokes as included on the most recent list of Prohibited Fireworks as published from time to time under the Act;

"Public Fireworks Display" means an exhibition of Fireworks in an outdoor assembly or open air occupancy to which the public is invited, attends, may attend, or is admitted with or without a fee being charged;

"Pyrotechnician" means a person who is certified under the Act as a Theatrical User, an Assistant, a Pyrotechnician or a Special Effects Pyrotechnician and is qualified to purchase and supervise the display of Pyrotechnic Special Effect Fireworks under the Act;

"Pyrotechnic Special Effect Firework" means a high hazard firework that is classed as a Class 7, Division A, Subdivision 5 Firework under the Act and that is used to produce a

special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, gerbs, lances and wheels;

“Pyrotechnic Special Effect Fireworks Permit” means a permit issued in accordance with this By-law by the Fire Chief for the display of Pyrotechnic Special Effect Fireworks;

"Sell" includes offer for sale, cause or permit to be sold and to possess for the purpose of sale and the words "selling" and "sold" have a similar meaning.

“Sky Lantern” means (also referred to as ‘Kongming’ or ‘Chinese Lantern’) a small hot air balloon made of paper with an opening at the bottom where a small fire supported by a flammable gel is in place to assist in keeping the lantern aloft, or similar contraption.

“Supply” means to furnish or provide with or without monetary or other form of exchange.

“Tent” means a portable shelter made of cloth, supported by one or more poles, which can be stretched tight by cords or loops attached to pegs driven into the ground, or other measures sufficient to secure them;

PART II

SALE AND DISCHARGE OF FIRECRACKERS

2. (1) No person shall Sell or Supply any Firecrackers.

(2) No person shall Discharge any Firecrackers.

PART III

SALE AND DISCHARGE OF PROHIBITED FIREWORKS

3. (1) No person shall Sell or Supply any Prohibited Fireworks.

- (2) No person shall Discharge any Prohibited Fireworks.

PART IV

SALE OF CONSUMER FIREWORKS

4. (1) No person shall Sell Consumer Fireworks unless a Consumer Fireworks Sales Permit has first been obtained from the Fire Chief in accordance with Part IV of this By-law.
- (2) A member of St. Catharines Fire Services, Community Risk Reduction Unit, shall be permitted to conduct a site inspection in relation to each permit application received pursuant to Part IV of this By-law.
- (3) No person shall Sell or Supply Consumer Fireworks in a building unless the provisions of the Ontario Fire Code and all other applicable Acts and Regulations are complied with.
- (4) A person applying for a Consumer Fireworks Sales Permit shall be required to submit the following:
- (a) A completed application, in the form provided by the Fire Chief;
 - (b) Written consent of the owner of the property on which the sale of Consumer Fireworks is proposed, unless the applicant is the owner of the property;
 - (c) The fee as prescribed by the schedule of rates and fees as approved by Council for the City of St. Catharines from time to time;
 - (d) A site plan for the sale location;
 - (e) A description of fire emergency procedures; and
 - (f) Such other information as required by the Fire Chief.

- (5) A Consumer Fireworks Sales Permit shall not be issued where:
 - (a) The permit application is incomplete;
 - (b) The property on which the sale of Consumer Fireworks is proposed is not zoned to permit a retail store;
 - (c) There are reasonable grounds for belief that the sale of Consumer Fireworks by the applicant will result in a breach of this By-law, the FPPA or the Act; or
 - (d) The information provided in support of the Consumer Fireworks Sales Permit pursuant to Section 4(4) of this By-law is deemed unacceptable by the Fire Chief in his or her sole discretion.

- (6) The Fire Chief may revoke a Consumer Fireworks Sales Permit where:
 - (a) The person to whom the permit is issued fails to comply with all provisions and conditions to which the permit is subject in accordance with this By-law;
 - (b) The application for the Consumer Fireworks Sales Permit contains false or misleading information;
 - (c) The building from which Consumer Fireworks are offered for sale is in non-compliance with the provisions of the Ontario Fire Code or any other applicable Act or Regulation.

- (7) No person shall Sell or Supply Consumer Fireworks unless they are eighteen (18) years of age or older.

- (8) No person shall Sell or Supply Fireworks to a person under the age of twenty-five (25) years without proof of age.

- (9) No person shall Sell or Supply Fireworks to a person who is not buying them for their own personal use but for a person under eighteen (18) years of age.

- (10) No person shall Sell or Supply Consumer Fireworks from an outdoor stand, tent, unenclosed trailer, shipping container, motor vehicle, or residential dwelling.
- (11) No person shall Sell Consumer Fireworks unless they are included on the most recent List of Authorized Explosives as published from time to time by the Explosives Branch of the Department of Natural Resources (Canada) or its successor.
- (12) No person shall Sell or Supply any version of a Sky Lantern.
- (13) No person shall store Consumer Fireworks except as permitted under the Act.
- (14) No person shall exhibit Consumer Fireworks unless the Consumer Fireworks are separated into individual lots that do not exceed 25 kilograms in gross weight, and such separation between lots shall be sufficient to prevent fire from spreading rapidly from one lot to the next by:
- (a) Maintaining a minimum aisle width of 1.1 metres between lots;
 - (b) Maintaining a partition, constructed of 6-millimetre plywood or other suitable material, that extends a minimum of 15 centimetres above the height of the lot or to the display shelf above; or
 - (c) Maintaining sufficient separation between lots by such other suitable method or means; and
 - (d) Ensuring that no more than ten percent (10%) of the area of any display shelf on which Consumer Fireworks are exhibited contain holes or other openings.

(12) No person shall exhibit Consumer Fireworks that are not in consumer packs, unless the Consumer Fireworks are inaccessible to the public and are displayed in a glass or Plexiglas case or other suitable receptacle.

(13) No person shall exhibit Consumer Fireworks that are exposed, or may be exposed, to the rays of the sun or to excess heat, or that are within close proximity to flammable goods.

(14) No person shall exhibit Consumer Fireworks on a display board or in a shop window unless the display consists of mock samples only and does not contain any explosive composition.

(15) No person who Sells Consumer Fireworks shall, at any time, keep or permit the keeping of Consumer Fireworks unless the location or shop is designated as a no smoking area, has been posted with "No Smoking" signs, and is equipped with the appropriate number and class of fire extinguishers as may be required by the Fire Chief.

(16) No person who Sells Consumer Fireworks shall exhibit Consumer Fireworks to the public at any time unless the location or shop is attended by the vendor or an employee thereof.

(17) No person shall exhibit Consumer Fireworks in an indoors shop or location, or in a trailer unless there are a minimum of two (2) unobstructed, clearly identified exits to ensure that employees and the public can quickly evacuate in the event of a fire.

(18) No person shall Sell or Supply Consumer Fireworks except on the following days:

(a) Victoria Day, Canada Day, Diwali and

- (b) Each of the seven (7) days immediately preceding Victoria Day
Canada Day, and Diwali.

(19) No person shall advertise the sale of Consumer Fireworks except on Victoria Day, Canada Day and Diwali and the preceding twenty one (21) days in each case.

(20) No person who has obtained a Consumer Fireworks Sales Permit from the Fire Chief as required by Part IV of this By-law shall be required to obtain a Hawker and Peddler business license, with respect to the sale of Consumer Fireworks, as required by the City's Business License By-law 2005-318, as amended, or any replacement by-law.

(21) Notwithstanding the provisions of Section 4.(10) above, a person is permitted to sell Consumer Fireworks from a Tent, using a Commercial Cube Van as temporary storage, provided that, in addition to the requirements as set forth in Sections 4.(1)-(20), and the conditions applying to a Consumer Fireworks Sales Permit as set forth in Section 5 of this By-law, the following conditions are fulfilled to the satisfaction of the Fire Chief:

- (a) All sales are carried out from a Tent that is certified as treated with a product listed to CAN/ULC-S109, "Flame Tests of Flame-Resistant Fabrics and Films" and supporting documentation of the product, certification, manufacturers' instructions, and application is submitted with the Application for a Consumer Fireworks Sales Permit;
- (b) Any Consumer Fireworks on display for sale at the Tent shall be displayed in accordance with the requirements of the Act;
- (c) Only a Commercial Cube Van is permitted to be used as the on-site storage location;

- (d) The Commercial Cube Van shall be attended by a minimum of 1 staff person, who is at least eighteen (18) years of age, at all times while the Commercial Cube Van is being used as the on-site storage location;
- (e) The Commercial Cube Van shall be kept secure, including any interior access (cab to cargo area), and only accessed by staff members of the permit holder;
- (f) All requirements for the storage of Consumer Fireworks, as detailed in the Act, shall be complied with at all times;
- (g) The Commercial Cube Van shall be removed from the sale location overnight or when the sales location is not in operation;
- (h) Proof of Commercial Vehicle Operator's Registration (CVOR), Vehicle License Plate, and VIN number shall be submitted with the Application for a Consumer Fireworks Sales Permit;
- (i) All Commercial Vehicle maintenance and operation records shall be retained at the sale location and made available to an Enforcement Officer upon the request;
- (j) All requirements for the transportation of dangerous goods as outlined in the *Transportation of Dangerous Goods Act*, 1992 (1992, c.34) as amended, shall be complied with at all times, and any paperwork required pursuant to the *Transportation of Dangerous Goods Act* shall be maintained on site and made available upon request;
- (k) The travel route and times from the Magazine (location of storage) to the sale location, whether within the City of St Catharines or located in another municipality, shall be included in the site plan provided for the sale location;

- (l) The Magazine location (including address & contact information) and the Magazine Permit Number, or copy thereof, as issued by the Explosives Regulatory Division, shall be submitted with the Application for a Consumer Fireworks Sales Permit;
- (m) Proof of Commercial General Liability Insurance for the selling location, subject to limits of not less than Two Million Dollars (\$2,000,000.00) naming The Corporation of the City of St Catharines as an additional insured shall be submitted with the Application for a Consumer Fireworks Sales Permit;
- (n) A copy of all documentation as required by this Section 4.(8.1) shall be retained at the sale location and made available to an Enforcement Officer upon request.
- (o) The Magazine location (including address & contact information) and the Magazine Permit Number, or copy thereof, as issued by the Explosives Regulatory Division, shall be submitted with the Application for a Consumer Fireworks Sales Permit;

PART V

CONDITIONS APPLYING TO CONSUMER FIREWORKS SALES PERMIT

- 5. (1) The Fire Chief may issue permits for the sale of Consumer Fireworks on the conditions set forth in Part V of this By-law.
- (2) The following conditions shall apply to all Consumer Fireworks Sales Permits:
 - (a) The permit is valid only for calendar year in which it is issued;
 - (b) The permit is valid only for the sale location specified in the permit;
 - (c) Every permit holder shall provide and maintain fully operational fire extinguishing equipment ready for immediate use;

- (d) The permit holder shall sell Consumer Fireworks in conformance with the information provided to the Fire Chief pursuant to Section 4(4) of this By-law;
 - (e) The permit holder shall comply at all times with the provisions of the Act, FPPA and the provisions of this By-law;
 - (f) Any other condition deemed reasonable in the circumstances by the Fire Chief.
- (3) No permit holder shall Sell Consumer Fireworks except in accordance with the conditions of the permit.

PART VI

DISCHARGE OF CONSUMER FIREWORKS

6. (1) No person shall Discharge Consumer Fireworks except on the following days:
- (a) Victoria Day;
 - (b) The day immediately preceding Victoria Day;
 - (c) The day immediately following Victoria Day;
 - (d) Canada Day;
 - (e) The day immediately preceding Canada Day;
 - (f) The day immediately following Canada Day;
 - (g) Diwali,
 - (h) The day immediately preceding Diwali;
 - (i) The day immediately following Diwali;
 - (j) Other religious or cultural events and such other dates as permitted by the Fire Chief.
- (2) No person under the age of eighteen (18) years shall Discharge any Consumer Fireworks.

(3) No person being the parent or guardian of any person under the age of eighteen (18) years shall allow the person under the age of eighteen (18) to Discharge any Consumer Fireworks.

(4) A person eighteen (18) years of age or older may Discharge Consumer Fireworks on any land belonging to him or her, or on any other privately owned land where the owner thereof has given permission for such display or Discharge of Consumer Fireworks.

(5) No person shall Discharge any Consumer Fireworks in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the Discharging of any Consumer Fireworks.

(6) No person shall discharge permitted Fireworks except between the hours of dusk and 11:00 pm, unless written permission has been obtained from the Fire Chief.

(7) No person shall Discharge any Consumer Fireworks in or into any building, doorway, or automobile.

(8) No person shall Discharge any Consumer Fireworks in or on or into any highway, street, lane, square, parkland or other public place, unless prior written permission has been obtained from the Fire Chief.

(9) When Fireworks are discharged from a property, the property owner is deemed to have permitted, allowed, or caused the setting of the Fireworks..

(10) No person shall launch any version of a Sky Lantern.

PART VII**DISPLAY FIREWORKS**

7. (1) No person or group of persons shall hold a display of Display Fireworks in the City of St. Catharines without first having obtained a permit to do so from the Fire Chief in accordance with Part VII of this By-law.
- (2) A member of St. Catharines Fire Services, Community Risk Reduction Unit, shall be permitted to conduct a site inspection in relation to each permit application received pursuant to Part VII of this By-law.
- (3) No person or group of persons shall hold a Public Fireworks Display using Consumer Fireworks.
- (4) Every application for a permit required under Part VII of this By-law shall be made to the Fire Chief a minimum of thirty (30) days prior to the event when the proposed display of Display Fireworks is to occur.
- (5) A person applying for a Display Fireworks Permit shall be required to submit the following:
- (a) A completed permit application, in the form provided by the Fire Chief;
 - (b) A site plan providing a description of the site to be used for the Discharging of the Display Fireworks;
 - (c) A description of the fire emergency procedures;
 - (d) Proof that the applicant is certified as a Display Supervisor;

- (e) Written consent of the owner of the property on which the Discharge of Display Fireworks is proposed, unless the Applicant is the owner of the property;
 - (f) Proof of permission from the City of St. Catharines if the display is taking place on city owned property;
 - (g) The fee as prescribed by the schedule of rates and fees as approved by Council for the City of St. Catharines from time to time;
 - (h) Proof of insurance as required by Part XI of this By-law;
 - (i) Signed Indemnity as required by Part XII of this By-law; and
 - (j) Such other information as required by the Fire Chief.
- (6) A Display Fireworks Permit shall not be issued where:
- (a) The permit application is incomplete;
 - (b) The applicant is not a Display Supervisor;
 - (c) The display is not being held under the auspices of an established club, association or group of persons;
 - (d) The purpose of the display is not of civic, national or international significance, or not of special significance for particular interest groups; or
 - (e) There are reasonable grounds for belief that the holding of the Display Fireworks will result in a breach of this By-law, the FPPA or the Act; or
 - (f) The information provided in support of the Display Fireworks Permit pursuant to Section 7(5) is deemed unacceptable by the Fire Chief in his or her sole discretion..
- (7) The Fire Chief may revoke a Display Fireworks Permit where:

- (a) The person to whom the permit is issued fails to comply with all provisions and conditions to which the permit is subject in accordance with this By-law;
- (b) The application for the Display Fireworks Sales Permit contains false or misleading information;
- (c) Environmental concerns such as weather conditions, wind speed and/or wind direction are a factor;
- (d) An Open Air Fire Ban has been instituted.

PART VIII

CONDITIONS APPLYING TO DISPLAY FIREWORKS PERMIT

- 8. (1) The Fire Chief may issue permits for displays of Display Fireworks on the conditions set forth in Part VII of this By-law.
- (2) The following conditions shall apply to all Display Fireworks Permits:
 - (a) The permit is valid only for the display at the place and on the date or dates set forth in the permit;
 - (b) The permit holder, who shall be a Display Supervisor, shall supervise the display of Display Fireworks at all times;
 - (c) The permit holder, who shall be a Display Supervisor, shall Discharge the Display Fireworks;
 - (d) Every permit holder shall provide and maintain fully operational fire extinguishing equipment ready for immediate use;
 - (e) The permit holder shall hold the display of Display Fireworks in conformance with the information provided to the Fire Chief pursuant to Section 7(5) of this By-law;
 - (f) The permit holder shall comply at all times with the provisions of the Act, FPPA, the Display Fireworks Manual published by Natural

Resources Canada or any successor publication, and the provisions of this By-law;

- (g) The permit holder shall comply with any wind speed or direction limitations imposed on the permit (Niagara Regional Airport shall be the referenced authority); and
- (h) Any other condition deemed reasonable in the circumstances by the Fire Chief.

- (3) No permit holder shall Discharge Display Fireworks except in accordance with the conditions of the permit.
- (4) The permit holder holding the display of Display Fireworks shall ensure that all unused Display Fireworks and all debris are removed forthwith from the site and safely disposed of.

PART IX

PYROTECHNIC SPECIAL EFFECTS FIREWORKS

- 9. (1) No person or group of persons shall Discharge any Pyrotechnic Special Effect Fireworks in the City of St. Catharines without first having obtained a permit authorizing the display of Pyrotechnic Special Effect Fireworks from the Fire Chief in accordance with Part IX of this By-law.
- (2) A member of St. Catharines Fire Services, Community Risk Reduction Unit, shall be permitted to conduct a site inspection in relation to each permit application received pursuant to Part IX of this By-law.
- (3) Every application for a permit required under Part IX of this By-law shall be made to the Fire Chief a minimum of thirty (30) days prior to the event when the proposed Discharge of Pyrotechnic Special Effect Fireworks is to occur.

(4) A person applying for a Pyrotechnic Special Effect Fireworks Permit shall be required to submit the following:

- (a) A completed permit application, in the form provided by the Fire Chief;
- (b) A site plan of the facility and room capacity, the stage and the Pyrotechnics Special Effect Fireworks storage area;
- (c) A description of the fire emergency procedures;
- (d) Proof that the applicant is certified as a Pyrotechnician;
- (e) Written consent of the owner of the property on which the Discharge of Pyrotechnic Special Effects Fireworks is proposed, unless the Applicant is the owner of the property;
- (f) Written permission is required from the City of St. Catharines for all city owned land including all parks and beaches;
- (g) The fee as prescribed by the current schedule of Rates and Fees for the City of St. Catharines;
- (h) Proof of insurance as required by Part XI of this By-law;
- (i) Signed Indemnity as required by Part XII of this By-law; and
- (j) Such other information as required by the Fire Chief.

(5) A permit for the display of Pyrotechnics Special Effects Fireworks shall not be issued where:

- (a) The application is incomplete;
- (b) The applicant is not a Pyrotechnician under the Act; or
- (c) There are reasonable grounds for belief that holding a display of Pyrotechnic Special Effect Fireworks will result in a breach of this by-law, the FPPA or the Act; or
- (d) The information provided in support of the Display Fireworks Permit pursuant to Section 9(4) of this By-law is deemed unacceptable to the Fire Chief in his or her sole discretion.

(6) The Fire Chief may revoke a Pyrotechnics Special Effects Fireworks Permit where:

- (a) The person to whom the permit is issued fails to comply with all provisions and conditions to which the permit is subject in accordance with this By-law;
- (b) The application for the Pyrotechnics Special Effects Permit contains false or misleading information;
- (c) Environmental concerns such as weather conditions, wind speed and/or wind direction are a factor;
- (d) An Open Air Fire Ban has been instituted.

PART X

CONDITIONS APPLYING TO PYROTECHNIC SPECIAL EFFECTS FIREWORKS

PERMIT

10. (1) The Fire Chief may issue permits for displays of Pyrotechnic Special Effect Fireworks on the conditions set forth in Part X of this By-law.

(2) The following conditions shall apply to Pyrotechnic Special Effect Fireworks Permits:

- (a) The permit is valid only for the display at the place and on the date or dates set forth in the permit;
- (b) The permit holder, who shall be a Pyrotechnician, shall supervise the display of Pyrotechnic Special Effect Fireworks;
- (c) The permit holder, who shall be a Pyrotechnician, shall Discharge the Pyrotechnic Special Effects Fireworks;
- (d) The permit holder shall provide and maintain fully operational fire extinguishing equipment ready for immediate use;

- (e) The permit holder shall comply at all times with the provisions of the Act, FPPA, the Pyrotechnics Special Effects Manual published by Natural Resources Canada or any successor publication, and the provisions of this By-law;
- (f) The permit holder shall hold the display of Pyrotechnic Special Effects Fireworks in conformance with the information provided to the Fire Chief pursuant to Section 9(4) of this By-law;
- (g) The permit holder shall comply with any wind speed or direction limitations imposed on the permit (Niagara Regional Airport shall be the referenced authority); and
- (h) Any other condition deemed reasonable in the circumstances by the Fire Chief.

(3) No permit holder shall Discharge Pyrotechnic Special Effect Fireworks except in accordance with the conditions of the permit.

(4) The permit holder holding the display of Pyrotechnic Special Effect Fireworks shall ensure that all unused Pyrotechnic Special Effect Fireworks and all debris are removed forthwith from the site and safely disposed of.

PART XI

INSURANCE

11. (1) The applicant for a permit under Parts VII and IX of this By-law shall provide and maintain Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name The Corporation of the City of St. Catharines as an additional insured thereunder. Such insurance shall include permission to conduct displays of Display Fireworks or Pyrotechnic Special Effects Fireworks. Such insurance policy shall contain an endorsement to provide the City

of St. Catharines with (30) days prior written notice of cancellation or of a material change that would diminish coverage, and a Certificate of Insurance evidencing such insurance coverage shall be provided to the City of St. Catharines prior to the issuance of a permit.

PART XII

INDEMNIFICATION

12. (1) The applicant for a permit under Parts VII and IX of this By-law shall provide a signed indemnity which indemnifies and saves harmless The Corporation of the City of St. Catharines from any and all claims, demands, causes of action, loss costs or damages that the City may suffer, incur or be liable for resulting from the performance of the applicant as set out in the by-law whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

PART XIII

PRODUCTION OF PERMIT

13. (1) Every holder of a Consumer Fireworks Sales Permit, Display Fireworks Permit or Pyrotechnic Special Effect Fireworks Permit shall produce his or her permit upon being so directed by the Fire Chief.

PART XIV

OFFENCES AND PENALTIES

14. (1) Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended from time to time.

PART XV

ENFORCEMENT AND ADMINISTRATION

15. (1) This By-law may be enforced by every Enforcement Officer.
- (2) No person shall obstruct, hinder or interfere with an Enforcement Officer in his or her enforcement of this By-law.
- (3) An Enforcement Officer may, at any reasonable time and without prior notice, inspect any land, property, places, premises, buildings or structures where Fireworks are stored or offered for sale.
- (4) An Enforcement Officer may, at any reasonable time and without prior notice, inspect any land, property, places, premises, buildings or structures for which an application for a permit under this By-law has been received for the purposes of conducting the site inspections required pursuant to Sections 4(2), 7(2), and 9(2) of this By-law.
- (5) An Enforcement Officer may, at any reasonable time and without prior notice, inspect any land, property, places, premises, buildings or structures for which a permit under this By-law has been issued for the purpose of ensuring compliance with the permit.
- (6) An Enforcement Officer may, at any reasonable time and without prior notice, inspect any land, property, places, premises, buildings or structures for the purpose of carrying out an inspection to determine if any section of this By-law is complied with.
- (7) Notwithstanding the provisions of Section 15(3)-(6) of this By-law, an Enforcement Officer shall not enter or remain in any room or place actually used as a dwelling unless the provisions of Section 437 of the Municipal Act, 2001 are complied with.

- (8) From time to time the Fire Chief may approve any and all forms as may be contemplated under this By-law, including forms of permit and applications for permit.

PART XVI

REINSTATEMENT

16. (1) Where any person is in contravention of any provision of this By-law, the City, in addition to any other action, may give or send notice to the person requiring the property be made to conform with this By-law. In the event that a notice is given or sent and the property is not reinstated to conform with the provisions of this By-law within the time period stated in the notice, the City, its employees, agent or contractor may enter upon the land and remove such things or carry out the work required to make the property comply with this By-law, and may charge any costs incurred for such work to the person.

- (2) Where the person refuses to pay the costs incurred by the City in Subsection 16(1), the City may recover the costs in accordance with Section 446 of the Municipal Act, S.O. 2001, c. 25.

- (3) Any notice given under this Section may be given in person or by registered mail and in the case of notice by registered mail, is deemed to be delivered on the 3rd day after which it was sent.

PART XVII

MISCELLANEOUS

17. (1) By-law Number 2016-6, as amended, of the City of St. Catharines entitled "A By-law to regulate the sale and use of fireworks and firecrackers in the City of St. Catharines" is hereby repealed.

(2) If there is a conflict between a provision of this By-law and a provision of any other By-law of the City of St. Catharines, the provision that establishes the higher standard to protect the health and safety of the public shall apply.

(3) If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall continue in full force and effect.

(4) This by-law may be referred to as the “Fireworks By-law”.

Read and passed this day of 2022.

CLERK

MAYOR



Corporate Report City Council

Report from: Office of the Chief Administrative Officer

Report Date: September 22, 2022

Meeting Date: September 26, 2022

Report Number: CAO-158-2022

File: 10.4.99

Subject: Update on Memorandum of Understanding with the Niagara Regional Native Centre and Indigenous Friendship Initiatives

Strategic Pillar:

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



Recommendation

That report CAO-158-2022, regarding updates on the City's Memorandum of Understanding with the Niagara Regional Native Centre and Indigenous Friendship Initiatives be received for information.

Summary

The Council approved a Memorandum of Understanding (MOU) with the Niagara Regional Native Centre (NRNC) attached as Appendix 1 has proven to be professional friendship that has been mutually beneficial to both the City of St. Catharines and NRNC. It has had a positive impact including:

- Reducing barriers in planning Indigenous activities;
- Increasing awareness and education around Indigenous history and culture;
- Encouraging community engagement and gathering;
- Supporting the Indigenous community and fostering diversity and inclusion; and
- Guiding and advising City staff to ensure respectful and appropriate representation of Indigenous culture.

Ensuring the MOU is maintained and strengthened is vital to the City, NRNC, and the community. It has created a solid foundation for building strong relationships with the Indigenous community. City staff will continue collaborate and consult the NRNC to implement future action items.

Relationship to Strategic Plan

This report relates to the City's social sustainability and cultural renaissance pillars through the rich history of First Nations forming an integral part of the City of St. Catharines cultural fabric, heritage, and future. The report highlights Indigenous friendship initiatives which foster awareness, education and socialization within the community.

Background

At the October 16, 2017 Council Meeting, City Council unanimously endorsed the following resolution regarding a partnership with the Niagara Regional Native Centre:

Therefore be it resolved, that the City of St. Catharines and Niagara Regional Native Centre form a partnership to strengthen economic, social, cultural and environmental relations and to advise the City on the implementation of the Calls to Action in the Truth and Reconciliation Report.

At the June 25, 2018 Council Meeting through [Report CAO-156-2018](#), Council approved a MOU with the NRNC attached as Appendix 1 with the following motion:

That Council approve the Memorandum of Understanding with the Niagara Regional Native Centre attached as Appendix 1; and

That Council direct staff to continue to work with the Niagara Regional Native Centre on the consultation and engagement initiatives identified in the Memorandum of Understanding and report annually to Council;

At the [August 29, 2022 Council Meeting](#), Council referred the following motions back to staff to be included in discussion at the upcoming meeting with the NRNC:

That City staff develop an action plan to fulfill the municipal parts of the [Truth and Reconciliation Commission Calls to Actions](#) with a time frame; and

That City staff implement an education plan for staff about legal obligations under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and about Indigenous rights; and

That City Council renounce the Doctrine of Discovery.

On September 6, 2022, City staff met with the NRNC to review the current MOU (Appendix 1), to discuss opportunities to strengthen the relationship between the City, NRNC and other Indigenous groups, and discuss current and future actions items including education and advisory opportunities. The MOU plays a crucial role in supporting Indigenous culture and events and in reducing barriers in event planning. Through the MOU, NRNC has guided and advised City staff through various initiatives involving Indigenous culture.

Report

The City's MOU with the NRNC has been an integral part of establishing, maintaining and strengthening relationships between the City and the Indigenous Community. The MOU has given flexibility to take immediate action when required for Indigenous initiatives and has been a symbol of a professional friendship between the NRNC and the City of St. Catharines.

On September 6, 2022 City staff met with the NRNC to review the current MOU (Appendix 1). The intent of the meeting was to identify the following:

- Opportunities for improvement and recommended changes in the current MOU
- Opportunities to strengthen and reinforce the relationship between the City, NRNC and other Indigenous groups and initiatives that extend beyond NRNC
- Past and current initiatives and future action items that reinforces the MOU and the City's commitment to Indigenous matters.

Improvement and Recommended Changes to the MOU

The purpose of the MOU is to promote co-operation and consultation between the partners by:

- Establishing the NRNC as the City's principal advisory body on Indigenous matters;
- Outlining areas where the partners will engage in collaborative consultation; and
- Strengthening education, training and cultural competency of City staff and elected officials.

During the September 6, 2022 meeting, staff from the NRNC recommended changes to the MOU that:

- Better reflects appropriate language;
- Creates opportunities to provide greater flexibility within the MOU; and
- Captures supporting Indigenous groups and friendships outside the NRNC

City staff will continue to consult with the NRNC to provide Council with an updated MOU for approval.

Strengthening and Reinforcing Current Relationship

The MOU has proven to be a successful friendship between the City and NRNC that positively impacts the community – an initiative that should remain sustainable. While the current MOU has been beneficial to the NRNC and City of St. Catharines, it has been identified that there are opportunities to support Indigenous friendships and initiatives that extend beyond the NRNC. Extending the MOU to support Indigenous groups within and beyond NRNC would benefit Indigenous groups and the City of St. Catharines by bringing cultural diversity into the community.

Past and Current Initiatives

The MOU has reduced barriers in planning and executing Indigenous activities and events and has allowed City staff to respond quickly when required. It has also been a

valuable professional friendship that has allowed City Staff to be guided through cultural interpretation, activities involving Indigenous culture, and development of City policies, procedures and processes identified to effect Indigenous people. Below highlights some of the initiatives that have been supported through the MOU.

Annual POW WOW

The City of St. Catharines has been proud to welcome the annual Pow Wow since 2017. This traditional event has increased the NRNC's profile in the community, celebrated Indigenous culture and brought awareness to barriers and injustices placed upon Indigenous people.

While traditionally held in Montebello Park, the 2022 Pow Wow will be held in the St. Catharines Meridian Centre on October 1, 2022. The event includes traditional dancing, drumming and influential speakers including Phyllis Webstad, residential school survivor, author, and creator of orange shirt day. City staff across the corporation have been working with NRNC to support the planning of the event.

Truth and Reconciliation Day (Orange Shirt Day)

The first National Day for Truth and Reconciliation took place in 2021, marked annually on September 30. In 2021, the City partnered with the NRNC in hosting a collaborative event at City Hall. The event included various guest speakers, an Orange Flag presentation and provided the opportunity for City staff and the community to learn the truth about residential schools. The focus of the event was on amplifying Indigenous voices, learning the truth, and healing together as a community.

For 2022, all City of St. Catharines staff will receive an Orange Shirt, designed by NRNC member Wanda Griffin, in recognition of Truth and Reconciliation Day. Proceeds from the shirts will go towards Mohawk Village Memorial Park which honours children that attended the Mohawk Institute Indian Residential School.

Totem Pole

The Totem Pole was commissioned in 1966 by a Kwakwaka'wakw artist, Doug Cranmer, and was originally erected in 1967 for Canada's Centennial. In 2018, the City identified concerns about the state of the totem pole, and led extensive engagement on its future. NRNC helped guide City staff in developing the consultations on the totem pole at Centennial Park, including assisting with locations, entertaining the consultant Bruce Alfred – who apprenticed under Cranmer during his stay and determining there should be an Indigenous specific meeting as part of community consultation.

The totem pole was removed from the park in 2019 and stored for drying and restoration purposes. Earlier this year, the City hired Bruce Alfred and two other Indigenous artists, Cole Speck and Dominique Wells, to conduct the restoration. NRNC were instrumental in making the artists feel welcome and even hosted events in recognition of their artwork.

The final location installation location was intended to be Richard Pierpoint Park, however, there has been a request made to explore options to an indoor venue to showcase the artwork.

Golden Moments 13 for 13 event – August 11, 2022

NRNC was consulted on the event and offered an opportunity to participate in the vendor fair and provide food offerings. Performers from the NRNC community (Strong Water Women, Phil Davis, Young Tribe, Ol' Child, Diyet and The Love Soldiers) performed.

REDress Project

A red dress was displayed outside City Hall from Feb. 7 - 14, 2022, as part of the REDress Project to support and create awareness for Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA Peoples.

Bogart Street Park Playground and Multi-Use Court

City staff and the NRNC worked collaboratively to plan for installing a mural at the top of the Port Weller Community Centre and planting indigenous plant material. Interpretive panels will also be installed to describe the mural.

Malcolmson Eco-Park

City staff are working with the Friends of Malcolmson Eco-Park and the NRNC to plant indigenous plant material in the park.

Richard Pierpoint Park – Interpretive Panels

City staff worked in consultation with the NRNC regarding the People on the Land portion of the interpretative panels.

Solidarity Day – June 21, 2022

A full day of programming delivered in partnership with NRNC acknowledging Indigenous Person's Day.

Opening ceremonies included representatives from the NRNC and included a drumming performance.

Museum Virtual Lectures

City staff worked with NRNC on the Museum virtual lecture series – Karl Dockstader was the first speaker for the 2022 Virtual Museum Lecture Series on Tuesday, September 20, 2022. Karl Dockstader presented a talk titled "One Dish, One History: There were people here before 1876."

St. Catharines Museum – NRNC Employee Training Program

On September 26, 2022 a contract employee will be joining the St. Catharines Museum through NRNC's Apatisiwin Employment and Training Program for a 12 month on the job training program as a Collections Assistant.

Let it Glow Event, 2021

NRNC designed a window display at the FirstOntario Performing Arts Centre (PAC) in partnership with the City that was on display for the month of December and first week of January. The window displays were part of the self-guided Let it Glow – A Celebration of Light tour with a theme of Feel the Glow and how that was representative of the Indigenous community. The cost of building this display was partially subsidized with City funding.

Arts and Culture Events

In addition to the above milestones, the City has worked with NRNC and other Indigenous groups on arts and culture events. Highlights include:

- More Than Words: Truth and Reconciliation art exhibit displayed at City Hall in partnership with NRNC. On display from November 2020 to April 2021 and intended to educate and inspire both artists and the community to move from the written words of the Truth and Reconciliation report.
- The City's Culture team worked with NRNC to record a story telling and responsive art-making virtual series, which was paired with the More than Words: Truth and Reconciliation exhibit. The videos were highlighted as part of the City's 2021 virtual Family Day activities.
- Displayed the Bridging Our Future exhibit at City Hall from November 2017 to January 2018. More than 200 people helped create this mobile mural during 2017 Pow Wow in October at Montebello Park. The mural, which was also on display at the FirstOntario Performing Arts Centre, was made up of five canvases designed to be displayed together. It explores a vision emerging from First Nations culture, as well as new connections and friendships, between Native and non-Native peoples.
- A Two Row Wampum belt metal sculpture, by artist Lily Otasevic, was unveiled at FirstOntario PAC as part of Celebration of Nations. In 2017, the City issued a nation-wide call to Canadian and Indigenous artists and creative teams for one of the largest public art projects. The belt promotes all Nations walking together, in parallel, with respect, compassion and understanding to cultivate an inclusive community for our shared future. The sculpture, which can be seen on the Carlisle Street side of the PAC, is part of the City's art collection.

Other Initiatives in Partnership with NRNC include:

- NRNC presented to Senior Leadership Team in June of 2019 and is collaboratively exploring opportunities for training and staff engagement.
- NRNC provided advice and perspectives during advisory committee recruitment.
- St. Catharines Fire Services provides support for various sacred fires for different activities throughout the community.
- NRNC Summer Picnic Series was approved for 50% fee waiving for this event series in City parks.
- NRNC has received two St. Catharines Cultural Investment Program (SCCIP) grants for their Culture Builds Community Program for the Pow wow.

The aforementioned events and initiatives reiterate the important role the MOU plays in collaborative efforts that supports the City of St. Catharines, NRNC, Indigenous culture and the community as whole.

Future Action Items

1. Staff will continue to consult with NRNC to update the current MOU and present to Council at a future date for approval;
2. City staff will develop an action plan to fulfill the municipal parts of the [Truth and Reconciliation Commission calls to actions](#) as well as any additional calls to action identified as priorities in consultation with NRNC; and
3. The Manager of DEI, in consultation with NRNC, will begin to implement an education plan for City staff including reviewing obligations under the [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#) and about Indigenous rights.

Financial Implications

There are no direct financial implications in receiving this report; however, various initiatives outlined included financial support.

Environmental Sustainability Implications

There are no environmental implications associated with this report.

Conclusion

The MOU between the City of St. Catharines and NRNC is integral part of developing, maintain and reinforcing the relationship between the City and the Indigenous Community. The MOU is a cornerstone for collaboration, education, awareness, celebration and cross-cultural exchange for City staff, elected officials, advisory committees, and the broader community.

Prepared and Submitted by

Trish Sorrenti
Corporate Executive Administrator

Approved by

David Oakes
Chief Administrative Officer

Appendices

1. MOU between the City of St. Catharines and Niagara Regional Native Centre



Memorandum

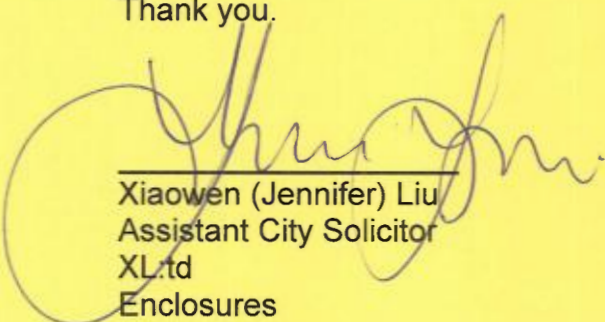
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To: Bonnie Nistico-Dunk, City Clerk
From: Xiaowen (Jennifer) Liu, Assistant City Solicitor
Date: September 21, 2018
Subject: City of St. Catharines Memorandum of Understanding with the Niagara Regional Native Centre created and developed in the Spirit of the Truth and Reconciliation Commission between the Board of Directors of the Niagara Regional Native Centre and the City of St. Catharines

I attach to be kept with City records the following documents:

1. Executed copy of the above-noted Memo of Understanding between The Corporation of the City of St. Catharines and the Niagara Regional Native Centre, which Memo of Understanding was authorized by By-law No. 2018-162;

Thank you.



Xiaowen (Jennifer) Liu
Assistant City Solicitor
XLtd
Enclosures

- Julie Rorison, Chief of Staff Mayor's Office (*by email only*)
- Purchasing, FMS (*by email only*)

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (MOU) dated 3 of July, 2018, and authorized by By-law No. 2018-162 of the City of St. Catharines.

BETWEEN:

THE CORPORATION OF THE CITY OF ST. CATHARINES
(hereinafter called the "City")

- and -

NIAGARA REGIONAL NATIVE CENTRE
(hereinafter called the "NRNC")

(the City and NRNC are collectively hereinafter called the "partners")

WHEREAS all levels of government of Canada are responsible for improving relations with and understanding with First Nations peoples of Canada;

WHEREAS municipalities have been called to advance the process of Canadian reconciliation by the Calls to Action published by the Truth and Reconciliation Commission of Canada;

WHEREAS the history with First Nations in the Region of Niagara forms a vital part of the region's and the City's cultural fabric, heritage and future;

WHEREAS the City commemorated Canada's 150th year with a focus on renewed relations with Indigenous peoples with the inaugural Celebration of Nations and the Nurturing Our Roots pow wow, creating new opportunities for cultural experiences and shared learning;

WHEREAS it is the NRNC's mission to promote the culture, interests, and native leadership of Aboriginal peoples in the community and to provide programs to alleviate and minimize adverse social and economic conditions encountered by Indigenous people;

WHEREAS the partners have expressed a desire to share cross-cultural learning and experiences in the spirit of reconciliation;

THEREFORE the partners wish to strengthen engagement and consultation efforts and, to this end, agree to the following provisions:

1. PURPOSE

The purpose of this MOU is to promote co-operation and consultation between the partners by:

- Establishing the NRNC as the City's principal advisory body on Indigenous matters;
- Outlining areas where the partners will engage in collaborative consultation; and
- Strengthening education, training and cultural competency of City staff and elected officials.

2. ESTABLISHMENT

This MOU formally establishes the NRNC as the principal advisory body to the City in relation to Indigenous matters and advancing Canadian reconciliation as set out in the Calls to Action published by the Truth and Reconciliation Commission of Canada.

3. CONSULTATION

The City commits to undertaking consultation with the NRNC in the following areas:

- Cultural interpretation;
- Implementation of the Calls to Action published by the Truth and Reconciliation Commission of Canada;
- Events and activities involving or featuring Aboriginal culture;
- Education and training of City staff and elected officials on Aboriginal issues;
- Provision of municipal services and programs as identified to impact Aboriginal peoples; and
- Development of new and review of existing City policies, procedures, processes, and by-laws as identified to impact Aboriginal peoples.

In return, the NRNC commits to providing advice and guidance to the City regarding the above-referred to areas and as the City may request.

4. STRENGTHENING CAPACITY AND PROVIDING SUPPORT

The partners commit to the following:

- Jointly developing and providing education programs and training for City staff and elected officials to promote competency, understanding and sensitivity of Aboriginal issues;
- Building on existing relationships and processes to strengthen mechanisms for consultative engagement;
- Exchanging experiences, ideas and best practices which will contribute to innovative approaches and development of tools to assist in consultations and decision-making;
- Providing mutual support on strategic priorities;
- Identifying emerging Aboriginal issues and co-ordinating joint responses, where appropriate; and
- Establishing a process with the NRNC and Niagara Region planning department to consult local First Nations on candidate sites for development / redevelopment where there is potential of archeological significance including Indigenous settlements.

5. JOINT RESPONSIBILITIES

The partners recognize the following are joint responsibilities of the partners:

- Providing leadership in support of the objectives of this MOU;
- Acting in good faith;
- Engaging in respectful, continuous, and collaborative dialogue even where positions of the partners diverge; and
- Facilitating communication and exchange of knowledge.

6. GENERAL MATTERS

The partners will meet at least once annually to review opportunities to work together to advance each party's strategic objectives and may schedule additional meetings on an ad hoc basis and as needed for cultural events, consultation, information sharing or for any other reason to further the purpose of this MOU.

The partners will review this MOU annually and may make such amendment as the partners consider necessary.

Communication between the partners will be through the Office of the Mayor or the Office of the Chief Administration Officer or both offices for the City and through the Executive Director for the NRNC.

This MOU is not a commitment of funds by either party. Each party is responsible for the costs of its respective activities including costs associated with travel, meetings, and communications.

7. TERMINATION


This MOU may be terminated by providing sixty (60) days of written notice of that intention from either party to the other.

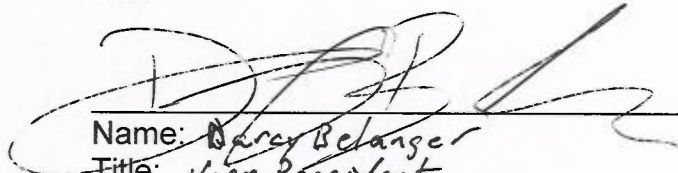
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IN WITNESS WHEREOF the parties have executed this MOU effective as of the last date written below.

Dated this 3 day of July, 2018.


NIAGARA REGIONAL NATIVE CENTRE


 Name: _____
 Title: _____



 Name: Darcy Belanger
 Title: Vice President

 Name: _____
 Title: _____

THE CORPORATION OF THE CITY OF ST. CATHARINES


 MAYOR

Approved _____
 Solicitor _____
 Clerk _____


 CLERK



Corporate Report City Council

Report from: Financial Management Services

Report Date: September 13, 2022

Meeting Date: September 26, 2022

Report Number: FMS-157-2022

File: 10.57.25

Subject: Financial Report and Auditor Findings and Observations for the Year Ended December 31, 2021

Strategic Pillar:

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



Recommendation

That Council approve the Annual Financial Report for the Year Ended December 31, 2021, as attached as Appendix 1.

Summary

All municipalities are required to complete an annual audit of their financial statements and have them approved by their Audit Committee and / or Municipal Council. The attached Annual Financial Report for the Year Ended December 31, 2021 (Appendix 1) includes the Audited Financial Statements for the City and each of its Agencies, Boards and Commissions, as well as the Financial Information Return required by the Ministry of Municipal Affairs and Housing.

Relationship to Strategic Plan

Reporting annual financial statements is a statutory requirement as mandated by *Section 294.1 of the Municipal Act, 2001*. Providing both the annual financial report and audit findings report ensures the City is following the guiding principle of demonstrating accountability and transparency.

Background

Section 294.1 of the Municipal Act, 2001 requires all municipalities to prepare annual financial statements in accordance with the generally accepted accounting principles as

recommended by the *Canadian Public Sector Accounting Board*. Section 296(1) of the *Municipal Act, 2001* requires that the municipality also appoint an auditor licensed under the *Public Accounting Act, 2004* to audit the accounts and transactions of the municipality and its local boards and express an opinion on the financial statements based on the audit.

The primary purpose of an audit is for an independent auditor (“Auditors”) to form an opinion on whether the City’s annual financial statements are prepared in accordance with Canadian Public Sector Accounting Standards and are presented fairly without material misstatements. At the completion of the audit, the Auditors have a responsibility under *Canadian Auditing Standards 260* to communicate with those charged with governance of the City any significant findings from the audit. Council performs the function of the City’s governance structure with whom to communicate.

Report

There are two purposes of this report:

1. For Council to approve the annual financial report for the year ended December 31, 2021; and
2. To inform Council on the results of the 2020 audit.

Annual Financial Report for the Year Ended December 31, 2021

The Financial Report for the Corporation of the City of St. Catharines and all related Boards and Commissions for the Year Ended December 31, 2021 is attached to this report as Appendix 1. A copy of the audited financial statements will be sent to the Library and made available in the Non-fiction / Reference Section for public review.

The Corporation submitted its 2021 Financial Information Return to the Ministry of Municipal Affairs and Housing on September 2, 2022. This is later than past years as a result of staffing changes, system challenges, and competing priorities, however these are challenges shared by municipalities across the Province as many others have also submitted their 2021 Financial Information Return later than they have in prior years.

At this time, it is appropriate for Council to perform its function as Audit Committee for external financial reporting. To fulfill these duties, a representative from KPMG LLP (the Auditors for the City) is present. Council may take this opportunity to question the Auditor to satisfy themselves that:

1. The audited financial statements present fairly the financial position and results of operations and that the Auditors have no reservations about them.
2. There are no unresolved issues between the management and the Auditors that could affect the audited financial statements.
3. Where there are unsettled issues that do not affect the audited financial statements (e.g. disagreements regarding correction of internal control weaknesses, or the application of accounting principles to proposed transactions), there is an agreed course of action leading to the resolution of these matters.

4. Generally, there is a good working relationship between management and the Auditors.

Results of the 2021 Audit

The results of the 2021 audit are communicated from the auditor via an Audit Findings Report (Appendix 2) to City Council.

Audit Findings Report – Appendix 2

This report communicates, in general, the findings or lack of findings as a result of the audit. For example, the Auditors confirm that there were no findings of fraud, non-compliance with laws and regulations, significant weaknesses in internal control, unidentified related party transactions or changes to significant accounting policies. They also confirm that they are satisfied with all management estimates contained in the financial statements, are not aware of matters of significance to communicate to Council and that they encountered no difficulties in the performance of the audit.

The Auditors are required under *Canadian Auditing Standard 450* to communicate with the Members of Council uncorrected misstatements and the effect that they may have, individually or in aggregate, on the opinion in the auditors' report. For 2021, there were no material uncorrected misstatements.

The Auditors report that they were provided with full co-operation and no limitations of any kind were placed on the scope of their examination. The observations for the year ended December 31, 2021, along with the Corporation's response follows:

Vailtech Accounting Software

Auditor's Comments

The City's accounting software creates certain limitations which impede management's ability to efficiently carry out their tasks. While Vailtech is used amongst municipalities as a software, the limitations and property tax focus create challenges for overall financial reporting. For example, annually, the City is required to create 600-800 new general ledger accounts due to the inability to adjust project accounts within funds. This creates a cumbersome, and difficult, ledger to analyze, interpret and track.

Consistent with previous audits, the auditor's noted that staff members who are on the list of eligible Journal Entry approvers can post and review their own entries. This provides a self-review threat, as entries can be posted without a secondary review and approval.

Further, Vailtech doesn't show the username of who created a journal entry in its transaction listing reports. While staff use the reference field to identify the initials of the journal creator, this field could be left blank or contain the initials of another user in an effort to hide the originator's identity. The City's process is to keep an electronic copy of all journals saved in a common file, and a printed copy as well which identify the username of the originator. However, if neither of those are properly retained, the assistance of Information Technology (IT) staff is required to pull this information from control records tables in the backend of the database.

There is a threat that someone could post entries pretending to be someone else by inputting their initials instead of their own. If neither a hard copy nor electronic copy of the original journal were saved, this could hide the originator's identity. The process is also inefficient especially in instances where copies of entries are not readily available.

The implementation of new systems should ensure that the above noted items are addressed.

Corporation's Response

These are software limitations which will continue until a new software solution is implemented. Management agree with the auditor's observations and recommendations. Management has made Council aware of the challenges posed by the current software and on July 18, 2022, Council approved entering into a shared services agreement with the Niagara Region regarding the PeopleSoft financial system. Discussions with the Region continue to progress, as does work on a Request for Proposal (RFP) for a system implementer which staff plan to have awarded prior to the end of this year. Upon implementation of PeopleSoft, the auditor's recommendation could be fully enacted.

With respect to journal entry approvals, the majority of journals are reviewed, it becomes more an issue of whether that occurs before or after the journal is approved and posted in Vailtech. This is because once a user closes a journal for approval, they can not start or create a new journal until after the first journal has been approved and posted. The number of users with the ability to both create and approve journal entries is limited and ensures timely processing. There are also compensating controls factors that limit the risk of this software deficiency, such as internal monthly statements prepared and reviewed internally and quarterly financial statements reviewed and reported to Budget Standing Committee.

It's important to note that the auditors do test journal entries for fraud risk and noted no instances of fraud or potential fraud arising from management override of controls related to journal entries.

Financial Implications

There are no financial implications associated with this report as it is historical in nature.

Environmental Sustainability Implications

As part of the audit, the auditors review management's estimates for liabilities related to contaminated sites owned by the City.

Conclusion

The City's 2021 financial audit has been completed by KPMG LLP, resulting in the annual audited consolidated financial statements provided for approval in this report. The auditors have also provided observations and recommendations to the City which will serve to improve processes and financial reporting moving forward, based upon the management responses provided.

Prepared and Submitted by

Adam Smith

Associate Director, Financial Management Services / Deputy City Treasurer

Approved by

Kristine Douglas

Director, Financial Management Services / Chief Financial Officer / City Treasurer

Appendices

- Appendix 1 - Annual Financial Report for the Year Ended December 31, 2021
- Appendix 2 - 2021 Audit Findings Report

Consolidated Financial Statements of

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

And Independent Auditors' Report thereon

Year ended December 31, 2021

DRAFT

REPORT ON MANAGEMENT RESPONSIBILITY

The accompanying consolidated financial statements of the The Corporation of the City of St. Catharines (the "City") are the responsibility of the City's management and have been prepared in accordance with Canadian Public Sector Accounting Standards established by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada, as described in Note 1 to the consolidated financial statements.

The preparation of consolidated financial statements necessarily involves the use of estimates based on management's judgement, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods.

City management maintains a system of internal controls designed to provide reasonable assurance that assets are safeguarded, transactions are properly authorized and recorded in compliance with legislative and regulatory requirements and reliable financial information is available on a timely basis for preparation of the consolidated financial statements. These systems are monitored and evaluated by management.

Council meets with management and the external auditors to review the consolidated financial statements and discuss any significant financial reporting or internal control matters prior to their approval of the consolidated financial statements.

The consolidated financial statements have been audited by KPMG LLP, independent external auditors appointed by the City. The accompanying Independent Auditors' Report outlines their responsibilities, the scope of their examination and their opinion on the City's consolidated financial statements.

Walter Sendzik
Mayor
(date)

David Oakes
Chief Administrative Officer
(date)

INDEPENDENT AUDITORS' REPORT

To the Members of Council, Inhabitants and Ratepayers of The Corporation of the City of St. Catharines

Opinion

We have audited the consolidated financial statements of The Corporation of the City of St. Catharines (the "Corporation"), which comprise:

- the consolidated statement of financial position as at December 31, 2021
- the consolidated statement of operations for the year then ended
- the consolidated statement of changes in net financial assets for the year then ended
- the consolidated statement of cash flows for the year then ended
- and notes to the consolidated financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the "financial statements")

In our opinion, the accompanying financial statements present fairly, in all material respects, the consolidated financial position of the Corporation as at December 31, 2021, and its consolidated results of operations, its consolidated changes in net financial assets and its consolidated cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the "**Auditors' Responsibilities for the Audit of the Financial Statements**" section of our report.

We are independent of the Corporation in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.



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In preparing the financial statements, management is responsible for assessing the Corporation's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Corporation or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Corporation's financial reporting process.

Auditors' Responsibility for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Corporation's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty



Page 3

exists related to events or conditions that may cast significant doubt on the Corporation's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Corporation to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.
- Obtain sufficient appropriate audit evidence regarding the financial information of the entities or business activities within the Group Corporation to express an opinion on the financial statements. We are responsible for the direction, supervision and performance of the group audit. We remain solely responsible for our audit opinion.

Chartered Professional Accountants, Licensed Public Accountants

St. Catharines, Canada

(date)

THE CORPORATION OF THE CITY OF ST. CATHARINES

Consolidated Financial Statements

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THE CORPORATION OF THE CITY OF ST. CATHARINES

Consolidated Statement of Financial Position

Year ended December 31, 2021, with comparative information for 2020
(In thousands of dollars)

	2021	2020
Financial Assets		
Cash	\$ 108,787	\$ 85,369
Investments (note 2)	24,994	30,138
Taxes receivable	8,456	6,927
Accounts receivable	25,310	27,389
Inventories held for resale	117	146
Loans receivable (note 3)	845	926
Note receivable - St. Catharines Hydro Inc. (note 4)	7,754	7,754
Other asset (note 19)	7,185	3,000
Investment in St. Catharines Hydro Inc. (note 4)	105,472	91,181
	<u>288,920</u>	<u>252,830</u>
Liabilities		
Accounts payable and accrued liabilities (note 5)	49,557	40,195
Deferred revenue - obligatory reserve funds (note 6)	30,723	29,722
Other current liabilities	7,604	6,524
Post-employment benefits (note 7)	18,310	18,139
Other liabilities (note 9)	9,564	11,212
Landfill post-closure liability (note 16)	4,174	2,838
Net long-term liabilities (note 10)	113,463	118,908
	<u>233,395</u>	<u>227,538</u>
Net financial assets	55,525	25,292
Non-Financial Assets		
Tangible capital assets (schedule 1)	777,084	763,468
Inventories	1,781	1,553
Prepaid expenses	2,286	2,111
	<u>781,151</u>	<u>767,132</u>
Contractual obligations and commitments (note 14)		
Contingent liabilities (note 15)		
Accumulated surplus (note 11)	\$ 836,676	\$ 792,424

See accompanying notes to consolidated financial statements.

Signed on behalf of the City:

Mayor

Chief Administrative Officer

THE CORPORATION OF THE CITY OF ST. CATHARINES

Consolidated Statement of Operations

Year ended December 31, 2021, with comparative information for 2020
(In thousands of dollars)

	Budget (note 18)	2021	2020
Revenue:			
Taxation	\$ 113,909	\$ 116,504	\$ 113,020
User fees and charges	85,354	76,153	72,913
Government grants (note 17)	17,923	27,447	16,121
Interest and penalties	2,151	1,966	1,704
Investment income	871	1,434	1,709
Donations	—	700	539
Other	93	8,351	8,148
Developer contributed tangible capital assets	—	5,098	16,107
Equity income in St. Catharines			
Hydro Inc. (note 4)	4,028	18,970	6,599
Loss on disposal of tangible capital assets	—	(296)	(300)
	224,329	256,327	236,560
Expenses:			
General government	20,559	19,899	19,491
Protection to persons and property	34,347	35,422	33,131
Transportation services	56,350	54,257	52,918
Environmental services	54,809	53,762	52,846
Health services	2,784	2,793	2,915
Social and family services	413	364	244
Recreation and cultural services	38,181	37,978	36,015
Planning and development	7,907	7,600	6,431
	215,350	212,075	203,991
Annual surplus	8,979	44,252	32,569
Accumulated surplus, beginning of year	792,424	792,424	759,855
Accumulated surplus, end of year	\$ 801,403	\$ 836,676	\$ 792,424

See accompanying notes to consolidated financial statements.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Consolidated Statement of Changes in Net Financial Assets

Year ended December 31, 2021, with comparative information for 2020
(In thousands of dollars)

	2021	2020
Annual surplus	\$ 44,252	\$ 32,569
Acquisition of tangible capital assets	(39,674)	(29,672)
Amortization of tangible capital assets	30,249	29,791
Loss on disposal of tangible capital assets	296	300
Developer contributed tangible capital assets	(5,098)	(16,107)
Proceeds on disposal of tangible capital assets	611	696
Change in inventories	(228)	3
Change in prepaid expenses	(175)	(223)
	30,233	17,357
Net financial assets, beginning of year	25,292	7,935
Net financial assets, end of year	\$ 55,525	\$ 25,292

See accompanying notes to consolidated financial statements.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Consolidated Statement of Cash Flows

Year ended December 31, 2021, with comparative information for 2020
(In thousands of dollars)

	2021	2020
Cash provided by (used in):		
Operations:		
Annual surplus	\$ 44,252	\$ 32,569
Items not involving cash:		
Amortization of tangible capital assets	30,249	29,791
Loss on disposal of tangible capital assets	296	300
Developer contributed tangible capital assets	(5,098)	(16,107)
Income from St. Catharines Hydro Inc.	(18,416)	(6,044)
	7,031	7,940
Change in non-cash assets and liabilities:		
Change in taxes receivable	(1,529)	3,237
Change in accounts receivable	2,079	(5,703)
Change in loans receivable	81	100
Change in inventories, total	(199)	(26)
Change in other financial assets	(4,185)	(3,000)
Change in prepaid expenses	(175)	(223)
Change in accounts payable and accrued liabilities	9,316	1,448
Change in deferred revenue - obligatory reserve funds	1,001	5,975
Change in other current liabilities	1,080	(1,040)
Change in post-employment benefits	217	198
Change in landfill post-closure liability	1,336	133
	9,022	1,099
Net increase in cash from operations	60,305	41,608
Capital:		
Acquisition of tangible capital assets	(39,674)	(29,672)
Proceeds on disposal of tangible capital assets	611	696
Net decrease in cash used in capital activities	(39,063)	(28,976)
Investing:		
Dividends received from St. Catharines Hydro Inc.	4,125	3,855
Change in investments	5,144	6,589
Net increase in cash from investing activities	9,269	10,444
Financing		
Repayment of NHS obligation	(1,648)	(1,570)
Long-term debt issued	8,500	13,444
Long-term debt repaid	(13,945)	(12,886)
Net increase in cash used in financing activities	(7,093)	(1,012)
Increase in cash	23,418	22,064
Cash, beginning of year	85,369	63,305
Cash, end of year	\$ 108,787	\$ 85,369

See accompanying notes to consolidated financial statements.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements

Year ended December 31, 2021
(In thousands of dollars)

The Corporation of the City of St. Catharines (the "City") is a municipality in the Province of Ontario that provides municipal services such as fire, public works, planning, parks and recreation, library and other general government operations.

1. Significant accounting policies:

The consolidated financial statements of the City are prepared in accordance with Canadian Public Sector Accounting Standards as recommended by Canadian Public Sector Accounting Board ("PSAB"). Significant accounting policies adopted by the City are as follows:

(a) Basis of consolidation:

- (i) These consolidated financial statements reflect the assets, liabilities, revenues, expenses and reserve balances of the reporting entity. The reporting entity is comprised of all commissions, committees and local boards accountable for the administration of the City's financial affairs and resources to the City and which are owned or controlled by the City, except for the City's government business enterprise, St. Catharines Hydro Inc., which is accounted for on the modified equity basis of accounting as described below.

These reporting entities include:

- St. Catharines Public Library Board
- St. Catharines Downtown Association
- St. Catharines Transit Commission
- FirstOntario Performing Arts Centre

Interdepartmental and inter-organizational transactions and balances between these organizations are eliminated.

St. Catharines Hydro Inc. (the "Company") is accounted for on a modified equity basis, consistent with the accounting treatment for government business enterprises. Under the modified equity basis, the business enterprise's accounting principles are not adjusted to conform with those of the City, and inter-organizational transactions and balances are not eliminated. The City recognizes its equity interest in the annual income or loss of the Company in its Consolidated Statement of Operations with a corresponding increase or decrease in its investment asset account. Any dividends that the City receives from the Company are reflected as reductions in the investment asset account.

During 2020, the City formally established its Municipal Service Board (the "Board"), the FirstOntario Performing Arts Centre, which began independent operations on January 1, 2020. The City transferred assets and liabilities previously under the City's financial reporting as at January 1, 2020 to FOPAC at book value which included a net payable to the City.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

1. Significant accounting policies (continued):

(a) Basis of consolidation (continued):

(ii) Partial-consolidated entities:

The Niagara District Airport Commission is operated with a joint local board and is proportionately consolidated. The City's share is 55%.

(iii) Accounting for Region and School Board transactions:

The taxation, other revenues, expenses, assets and liabilities with respect to the operations of the school boards and the Regional Municipality of Niagara are not reflected in these consolidated financial statements.

(iv) Trust funds:

Trust funds and their related operations are not included in these consolidated financial statements.

(b) Basis of accounting:

The City follows the accrual method of accounting for revenues and expenses. Revenues are recognized in the year in which they are earned and measurable. Expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and creation of a legal obligation to pay.

(c) Investments:

Investments are carried at amortized cost. Discounts and premiums arising on the purchase of these investments are amortized over the term of the investments. When there has been a loss in value that is other than a temporary decline in market value, the respective investment is written down to recognize the loss.

(d) Loans and note receivable:

Loans and note receivable are initially reported on the Consolidated Statement of Financial Position at cost. Recoverability is assessed annually and a valuation allowance is recorded when recoverability is impaired. The note receivable is written off when it is no longer recoverable. Recoveries of loans and note receivable previously written off are recognized as revenue in the year received. Interest revenue is recognized as it is earned. Loans and note receivable with significant concessionary terms, such as non-interest bearing notes, are accounted for as a grant and presented as an expense in the Consolidated Statement of Operations.

(e) Non-financial assets:

Non-financial assets are not available to discharge existing liabilities and are held for use in the provision of services. They have useful lives extending beyond the current year, and are not intended for sale in the ordinary course of operations.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

1. Significant accounting policies (continued):

(e) Non-financial assets (continued):

(i) Tangible capital assets:

Tangible capital assets are recorded at cost. Cost includes all directly attributable expenditures in the acquisition, construction, development and/or betterment of the asset required to install the asset at the location. Amortization is recorded to reflect the cost, net of anticipated residual value, associated with the use of the asset in providing government services on a straight-line or declining balance basis over the estimated useful life of the asset. Assets under construction are not amortized until the asset is available for productive use, at which time they are capitalized. Gains and/or losses on the disposal of an asset are recorded on the Consolidated Statement of Operations as gain/loss on disposal of tangible capital assets.

Tangible capital assets received as contributions are recorded at their fair market value at the date of receipt and are also recorded as revenue. Similarly, transfer of assets to third parties are recorded as an expense equal to the net book value of the asset as at the date of transfer. The historical cost of works of art or historical treasures has not been assigned to these assets nor disclosed in the consolidated financial statements.

Asset class	Basis	Years
General assets:		
Land		Nil
Land improvements	Straight-line and declining balance	10 to 75
Buildings and building improvements	Straight-line	10 to 75
Machinery and equipment	Straight-line	3 to 75
Furniture and fixtures	Straight-line	5 to 100
Information technology	Straight-line	3 to 12
Vehicles	Straight-line	5 to 20
Infrastructure:		
Land		Nil
Land improvements	Straight-line and declining balance	5 to 50
Buildings and building improvements	Straight-line	10 to 100
Machinery and equipment	Straight-line	5 to 40
Information technology	Straight-line	3 to 12
Vehicles	Straight-line	7 to 15
Linear	Straight-line and declining balance	10 to 100

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

1. Significant accounting policies (continued):

(e) Non-financial assets (continued):

(ii) Inventories:

Inventories are recorded at the lower of cost and replacement cost.

(f) Deferred revenue:

Deferred revenue represent user charges and fees which have been collected but for which the related services have yet to be performed. These amounts will be recognized as revenues in the fiscal year the services are performed.

Deferred revenue – obligatory reserve funds represent development charge contributions, payments in lieu of parking and parkland and gas tax, levied or received under authority of federal and provincial legislation and City by-laws. These amounts have been collected but the related services have yet to be performed. These amounts will be recognized as revenue in the fiscal year the services are performed.

(g) Other income:

Other income is recognized as revenue when the service is performed.

(h) Investment income:

Investment income earned on surplus current funds, capital funds, reserve and reserve funds other than obligatory reserve funds (deferred revenue) are reported as revenue in the period earned. Investment income earned on obligatory reserve funds is added to the reserve balance and forms part of the related deferred revenue.

(i) Taxation revenue:

Taxes receivables and tax revenue are recognized when they meet the definition of an asset, the tax is authorized and the taxable event has occurred.

(j) Post-employment benefits:

The City provides certain employee benefits which will require funding in future periods. These benefits include extended health and dental benefits for early retirees. The costs of life insurance and extended health and dental benefits are actuarially determined using management's best estimate of salary escalation, health care cost trends, earned days accumulated for certain employees payable at retirement, long term inflation rates and discount rates.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

1. Significant accounting policies (continued):

(k) Contaminated sites:

Contamination is a result of contamination being introduced into the air, soil, water or sediment of a chemical, organic, radioactive material or live organism that exceeds an environmental standard. The liability is recognized net of any expected recoveries. A liability for remediation of contaminated sites is recognized when all of the following criteria are met:

- i. an environmental standard exists;
- ii. contamination exceeds the environmental standard;
- iii. the City is directly responsible or accepts responsibility;
- iv. it is expected that future economic benefits will be given up; and
- v. a reasonable estimate of the amount can be made.

The liability is estimated based on information that is available when the financial statements are prepared. It is based upon the costs directly attributable to the remediation activities required using a present value measurement technique.

(l) Landfill post-closure care:

The City recognizes a liability for the post-closure care of landfills under its control based on the estimated total expenditure associated with post-closure care activities, discounted to year-end. Post-closure care is estimated to be required for the contaminating lifespan of landfill sites, which as at December 31, 2021 is estimated at 25 years remaining. Disbursements made related to post-closure care costs are charged against the liability in the Consolidated Statement of Financial Position. Changes in assumptions resulting in changes to the liability are expensed in the Consolidated Statement of Operations.

(m) Government transfers:

Government transfers are recognized in the consolidated financial statements in the period in which the transfer is authorized, any eligibility criteria have been met, and reasonable estimates of the amounts can be made, except when and to the extent that stipulations associated with the transfer give rise to a liability. Government transfers that meet the definition of a liability are recognized as revenue as the liability is extinguished. Government transfers made by the City are recognized as expenses once the grant is paid.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

1. Significant accounting policies (continued):

(n) Use of estimates:

The preparation of the consolidated financial statements in conformity with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the dates of the consolidated financial statements, and the reported amounts of revenues and expenses during the year. Accounts subject to significant estimates include accounts receivable, tangible capital assets, accounts payable and accrued liabilities, employee future benefits, and landfill post-closure liability. These estimates and assumptions are based on management's best information and judgement and may differ significantly from actual results.

2. Investments:

The market value of investments approximate cost given the nature of investments held by the City, being mainly Guaranteed Investment Certificates.

3. Loans receivable:

The City has the ability to recover costs related to the extension of municipal services from property owners through local improvement charges. Property owners may pay amounts in full, or they can choose to pay over a set period of time.

The current loans receivable, related to infrastructure improvements on Fourth Avenue South, are reported at cost, net of a valuation allowance of \$nil (2020 - \$nil). All loans bear interest at 2.0% and are repayable over a ten-year period commencing on the date of connection.

Scheduled principal repayments to the City are as follows:

2022	\$	101
2023		101
2024		101
2025		101
2026		101
Thereafter		340
Total	\$	845

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

4. Investment in St. Catharines Hydro Inc.:

	2021	2020
Statement of financial position:		
Current assets	\$ 8,520	\$ 6,832
Investments	113,700	95,393
Capital assets	13,497	13,844
Deferred tax asset	67	547
Total assets	135,784	116,616
Current liabilities	339	290
Long-term note payable***	7,754	7,754
Deferred tax liability	22,219	17,391
Total liabilities	30,312	25,435
Shareholder equity	\$ 105,472	\$ 91,181

	2021	2020
Statement of comprehensive income		
Revenue	\$ 25,815	\$ 8,848
Expenses (including income tax provision)	7,399	2,804
Net income	18,416	6,044
Total net income and comprehensive income	\$ 18,416	\$ 6,044

The equity in St. Catharines Hydro Inc.:

	2021	2020
Opening balance	\$ 91,181	\$ 88,992
Comprehensive income	18,416	6,044
Dividends received	(4,125)	(3,855)
Total assets and regulatory balances	\$ 105,472	\$ 91,181

*** The \$7,754 long-term note payable above by St. Catharines Hydro Inc. is due to the City and bears interest at 7.15% with no fixed terms of repayment and is unsecured. The City has agreed not to call the note prior to January 1, 2023. During the year, the City received \$554 (2020 - \$554) in interest on the outstanding notes receivable. The interest income of \$554 is included in equity income in St. Catharines Hydro Inc. on the Consolidated Statement of Operations.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

5. Accounts payable and accrued liabilities:

The accounts payable balance is as follows:

	2021	2020
Trade accounts payable	\$ 10,527	\$ 8,481
Payables to other governments	13,276	6,227
Payables to school boards	37	—
Tax Allowance	8,242	8,027
Special deposits	4,285	3,460
Accrued wages and benefits	3,413	4,054
Debenture interest	1,005	1,278
AD&D arbitration liability	1,938	1,783
Other	6,834	6,885
Total	\$ 49,557	\$ 40,195

6. Deferred revenue – obligatory reserve funds:

The deferred revenues – obligatory reserve funds reported on the Consolidated Statement of Financial Position are made up of the following:

	2020	Externally restricted inflows	Revenue earned	2021
Import and development	\$ 4,036	\$ 32	\$ 30	\$ 4,038
Subdivider deposits	900	—	370	530
Planning Act	5,790	1,030	—	6,820
Future sidewalks	1,290	115	—	1,405
Gasoline tax - provincial	4,617	690	1,995	3,312
Canada Community-Building Fund (formerly Gasoline tax – federal)	13,089	8,425	6,896	14,618
Total	\$ 29,722	\$ 10,292	\$ 9,291	\$ 30,723

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

7. Post-employment benefits:

The City provides certain employee benefits which will require funding in future periods. Under the sick-leave benefit plan, unused sick leave can accumulate and employees may become entitled to a cash payment when they leave the City's employment. The most recent actuarial valuation was completed for the year-ended December 31, 2019.

The City pays certain medical, dental and life insurance benefits on behalf of its retired employees. The City recognizes these post-retirement costs in the period in which the employees render the services. The accrued benefit obligation was determined by actuarial valuation using a discount rate of 2.90% (2020 - 2.90%).

The City has established a reserve for the accumulated sick leave liability. The balance as at December 31, 2021 is \$1,207 (2020 - \$1,362).

		2021		2020
Accrued benefit obligation, beginning of year	\$	18,296	\$	18,157
Interest		541		537
Payments		(1,566)		(1,502)
Current service cost - benefits		1,136		1,104
		18,407		18,296
Unamortized actuarial loss		(97)		(157)
Liability, end of year	\$	18,310	\$	18,139

Amortization of the net actuarial loss of \$60 (2020 - \$59) has been included in expenses on the Consolidated Statement of Operations. The main actuarial assumptions employed for the valuation are as follows:

General Inflation - Future general inflation levels, as measured by changes in the Consumer Price Index ("CPI"), were assumed at 2.00% in 2020 and thereafter.

Medical Costs - Medical costs were assumed to increase at a rate of 7.23%, downgrading to 4.00% by 2040.

Dental Costs - Dental costs were assumed to increase at a rate of 6.75% in 2020, downgrading to 4.00% by 2030.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

8. Credit facility:

The City has an authorized operating loan due on demand of \$20 million bearing interest at prime less 0.75% to assist with general operating requirements and to finance current expenditures. The credit facility is unsecured and due on demand. As at December 31, 2021, no credit has been drawn upon (2020 - \$nil).

9. Niagara Health System ("NHS") obligation:

The City, by way of Council motion and agreement with NHS, has agreed to contribute to the construction of the NHS hospital complex located in St. Catharines. The City agreed to contribute \$31,200 payable annually in the amount of \$2,209 until 2026. In order to fund the contribution, the City has approved a special hospital tax levy in the amount of \$2,209 until 2026.

Remaining principal payments are as follows:

2022	\$	2,209
2023		2,209
2024		2,209
2025		2,209
2026		2,209
		11,045
Interest		(1,481)
	\$	9,564

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

10. Net long-term liabilities:

- (a) The balance of net long-term liabilities reported on the Consolidated Statement of Financial Position is made up of the following:

	2021	2020
Serial debentures issued by Region of Niagara, beginning of year	\$ 111,383	\$ 110,644
Less: principal repayment	(13,764)	(12,705)
Add: new debt issued	8,500	13,444
Total serial debentures	106,119	111,383
Sinking fund debenture, beginning on year	9,333	9,333
Less: Sinking fund assets	(1,989)	(1,808)
Total sinking fund debenture	7,344	7,525
Net long-term debentures, end of year	\$ 113,463	\$ 118,908

Interest rates on serial debentures range from 1.39% to 4.80%.

2022	\$ 15,087
2023	13,511
2024	12,582
2025	11,081
2026	9,982
Thereafter	51,220
	\$ 113,463

- (c) The long-term liabilities in (a) issued in the name of the City approved after January 1, 1993 have been approved by by-law. The annual principal and interest payments required to service these liabilities are within the annual debt repayment limit prescribed by the Ministry of Municipal Affairs and Housing.
- (d) Interest expense on long-term debt amounted to \$3,991 (2020 - \$4,267).

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

11. Accumulated surplus:

	2021	2020
Invested in tangible capital assets	\$ 777,084	\$ 763,468
Unexpended capital financing	12,025	18,695
Operating fund	12,017	8,013
Reserves and reserve funds	62,837	54,163
Other asset (note 19)	7,185	3,000
Equity in St. Catharines Hydro Inc.	113,226	98,935
	984,374	946,274
Amounts to be recovered:		
Post-employment benefits	(18,356)	(18,191)
Landfill post-closure liability	(4,174)	(2,838)
Net long-term liabilities	(115,604)	(121,609)
Hospital obligation	(9,564)	(11,212)
	(147,698)	(153,850)
	\$ 836,676	\$ 792,424

(a) Operating fund balance:

	2021	2020
To be applied in the following year to operations:		
Operating fund	\$ 2,430	\$ 1,226
First Ontario Performing Art Centre	30	22
Airport commission	437	412
To be applied to water operations for the following year	9,120	6,353
	\$ 12,017	\$ 8,013

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

11. Accumulated surplus (continued):

(b) Reserves and reserve fund balances:

	2021	2020
Reserves set aside by council for specific purposes:		
Replacement of equipment	\$ 7,062	\$ 6,637
Cumulative sick leave	1,207	1,362
Library purposes	5,232	5,310
Encumbrances	10,369	8,407
Building improvements	2,604	1,935
Cemetery	19	19
Hydro funds	1,836	1,837
Winter control	1,510	1,103
Tax rate stabilization	4,284	3,471
Infrastructure levy	3,428	2,509
Litigation/insurance	739	658
Election reserve	650	100
Meridian Centre capital	425	425
Community Improvement Plan Funds	7,225	6,765
Sewer capital	633	(220)
FAIR program	30	—
Fallen Worker Memorial	235	—
Green Initiatives	372	—
Parks	16	—
FirstOntario Performing Arts Centre capital	397	367
	48,273	40,685
Reserves set aside by council for specific purposes:		
Actifest	6	6
Business improvement purposes	100	38
Civic Project Fund	9,733	9,365
Mausoleum	568	505
St Catharines Transit Commission Reserves	2,806	2,322
Parking	982	1,049
FirstOntario Performing Arts Centre	369	193
	14,564	13,478
	\$ 62,837	\$ 54,163

12. Trust funds:

Trust funds administered by the City amounting to \$10,150 (2020 - \$9,963) have not been included in the Consolidated Statement of Financial Position nor have their operations been included in the Consolidated Statement of Financial Activities.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

13. Pension agreements:

The City makes contributions to the Ontario Municipal Employees Retirement System ("OMERS"), which is a multi-employer plan, on behalf of 991 members of its staff. The plan is a defined benefit plan which specifies the amount of the retirement benefit to be received by the employees based on the length of service and rates of pay. As OMERS is a multi-employer plan, any pension plan surpluses or deficits are a joint responsibility of all Ontario municipalities and their employees. The OMERS pension plan has a deficit of \$3.1 billion as of December 31, 2021 (2020 - \$3.2 billion).

The amount contributed to OMERS for 2021 was \$7,168 (2020 - \$6,877) for current service and is included as an expense in the Consolidated Statement of Operations.

There was no change in contribution rates in 2021. OMERS expects the contribution and policy changes to return the plan to a fully funded position by 2025, if not sooner.

14. Contractual obligations and commitments:

Capital expenditures:

The estimated future capital expenditures based on projects in progress at December 31, 2021 is approximately \$51,222 (2020 - \$41,801) after deducting the expenditures incurred as at December 31, 2021. These projects will be financed by unexpended capital financing, grants, subsidies and long-term liabilities in future years.

15. Contingent liabilities:

From time to time, the City is subject to claims and other lawsuits that arise in the ordinary course of operations, some of which may seek damages in substantial amounts, including punitive or extraordinary damages. These claims may be covered by the City's insurance up to a maximum of \$20 million per occurrence. Liability for these claims and lawsuits are recognized to the extent that the probability of a loss is likely and it is estimable provided the claim is in excess of the City's established deductibles on insurance coverage.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

16. Landfill post closure liability:

The City is responsible for monitoring several landfill sites which were closed in prior years. The liability for post-closure care has been recognized based on monitoring costs expected to be incurred over the period of required monitoring ending in 2046 and have been inflation adjusted at 4.0% (2020 - 1.5%) per annum. These costs were then discounted to December 31, 2021 using a discount rate of 2.9% (2020 - 2.9%).

The total monitoring costs are estimated to be \$6,039 (2020 - \$4,059) over the estimated monitoring period before applying the discount rate. The liability for post-closure as at December 31, 2021 is \$4,174 (2020 - \$2,838). Estimated annual expenditures for post-closure care are \$145 (2020 - \$135) and are expected to be incurred for the next 25 years.

17. Government transfers:

The government transfers reported on the Consolidated Statement of Operations are:

	Budget	2021	2020
Municipal grants:			
Region of Niagara	\$ (623)	\$ (623)	\$ 2,479
Provincial grants:			
Ontario Municipal Partnership Fund	365	365	429
Safe Restart	—	3,668	5,672
Safe Restart – Transit	—	5,413	3,149
Provincial gas tax	1,995	1,995	251
Planning and Development	—	318	362
Other Provincial Grants	1,593	1,192	584
	3,953	12,951	10,447
Federal grants:			
Canada Community-Building Fund (formerly Federal Gas Tax)	6,896	6,896	1,717
Public Transit Infrastructure Funds	—	—	572
Investing in Canada Infrastructure Program	7,149	7,149	—
Other Federal Grants	548	1,074	906
	14,593	15,119	3,195
Total revenues	\$ 17,923	\$ 27,447	\$ 16,121
Expenses:			
Charitable and non-profit organizations	\$ 400	\$ 432	\$ 427
Total expenses	\$ 400	\$ 432	\$ 427

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

18. Budget figures:

The Budget data presented in these consolidated financial statements are based upon the 2021 operating and capital budgets approved by Council on December 14, 2020. The City does not budget for amortization and, as a result, amortization is included based on actual cost. The chart below reconciles the approved budget to the budget figures reported in these consolidated financial statements.

Revenue:	
Operating budget as approved	\$ 121,260
Add:	
Revenue in expense departments	15,240
Parking revenues	3,386
Water and wastewater revenues	55,234
Transit revenue	10,869
Library revenue	347
Airport revenue	278
Grants in capital budget	15,902
Hospital Levy	2,209
CIP expenses in revenue budget	1,250
Less:	
Transfers from reserve in revenue budget	(1,646)
Total budgeted revenue	224,329
Expenses:	
Operating budget as approved	\$ 121,260
Add:	
Revenue included in expense departments	15,240
Amortization - City	28,953
Transfers from reserve	4,397
Water and wastewater expenses	55,755
Parking expenses	3,468
Transit expenses	26,631
Library expenses	6,714
Airport expenses	743
BIAs expenses	368
Hospital Interest Expense	561
CIP expenses included in revenue	1,250
Employee future benefits and closed landfill liability	1,578
Less:	
Debt principal payments	(13,764)
Transfer to sinking fund	(181)
Transfers to reserve	(4,484)
Transfer to transit	(13,637)
Transfer to library	(5,677)
Transfer to airport	(437)
Transfer to FOPAC	(1,658)
Transfer to capital	(2,150)
Water and wastewater capital	(9,580)
Total budgeted expenses	215,350
Budgeted surplus	\$ 8,979

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

19. Other asset:

During the year, the City contributed \$4,185 (2020 - \$3,000) related to the City's overall \$10 million commitment to the Canada Summer 2022 games. As part of this commitment, the City and other unrelated parties have entered into a Consortium agreement. The Consortium agreement outlines the roles and responsibilities of each party as it relates to the capital activities during construction and operating activities upon completion of the Canada Summer 2022 Games. The City will become a 1/3 operating partner in the infrastructure upon completion of the Canada Summer 2022 Games.

20. Segmented reporting:

The City of St. Catharines is a lower-tier City that provides a wide range of services to its citizens. Segments include General Government, Protection, Transportation, Environmental and Recreation and Culture. Major services and activities provided by each segment are as follows:

(a) General Government:

Reported in the General Government functional area are the combined functions of general government, health services, social and family services and planning and development.

General Government includes services relating to governance, corporate management and program support. These are the combined services of the CAO's office, Financial Management, Legal and Corporate Support Services departments.

Health Services includes the administration, operation and maintenance of City cemeteries. Also included here is the City's commitment to the Niagara Health System hospital.

Social and Family Services includes the administration, operation and maintenance of seniors programs and facilities.

Planning and Development Services includes services relating to the Official Plan, zoning, community improvement, the attraction and retention of new and existing businesses and tourism. Also included here are the services provided by the Downtown Association and Port Dalhousie Business Improvement Area.

The mandate of this functional area is to provide political governance, administrative executive management and those expenses and revenues which are corporate in nature and cannot be easily apportioned to other departments. Reported in this functional area are departments such as Council, Clerks, CAO, Finance, Human Resources, Legal, Information Systems and Capital Assets.

(b) Protection to Persons and Property:

Reported in the Protection to Persons and Property functional area are services relating to fire suppression, prevention, training and communication, the issuance of permits, building inspections and property standards, enforcement of applicable municipal bylaws and technical analysis and recommendations for proposed and existing developments.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021
(In thousands of dollars)

20. Segmented reporting (continued):

(c) Transportation Services:

Reported in the Transportation Services functional area are services relating to the construction, rehabilitation and maintenance of City's road and sidewalk network, winter control, parking and parking enforcement and street lighting. Also included are Urban Transit Services and Paratransit Services provided by the St. Catharines Transit Commission and the City's portion of the Niagara District Airport.

(d) Environmental services:

Reported in the Environmental Services functional area are services relating to the construction, rehabilitation and maintenance of the City's storm sewer, sanitary sewer and waterline network, pollution control, environmental monitoring and the implementation of environmental programs.

(e) Recreation/Culture Services:

Reported in the Recreation/Cultural Services functional area are services relating to the administration, operations and maintenance of the City's parks, recreation facilities and programs, museum, heritage facilities and cultural programs. Also included are library services provided by the St. Catharines Public Library Board.

For each reported segment, revenues and expenses represent both amounts that are directly attributable to the segment and amounts that are allocated on a reasonable basis. Certain allocation methodologies are employed in the preparation of segmented financial information. Taxation is allocated to segments based on the segment's budgeted net expenditure. User charges and other revenue have been allocated to the segments based upon the purpose for which the transfer was made. Development charges earned and developer contributions received were allocated to the segment for which the charge was collected. The accounting policies used in these segments are consistent with those followed in preparation of the consolidated financial statements as disclosed in note 1.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Note 20 – Segmented reporting

Year ended December 31, 2021

2021	General Government	Protection	Transportation	Environment	Recreation/ Culture	Total
Revenue:						
Taxation	\$ 26,467	\$ 25,782	\$ 32,969	\$ 2,282	\$ 26,581	\$ 114,081
Taxation from other governments	562	548	700	48	565	2,423
User fees and charges	4,604	1,381	11,354	57,175	1,639	76,153
Government grants	5,441	3,135	17,050	665	1,156	27,447
Interest and penalties	456	444	569	39	458	1,966
Investment income	454	269	351	24	336	1,434
Donations	9	–	3	–	688	700
Other (including developer contributed TCA)	682	3,063	1,617	4,779	3,308	13,449
Equity income in St. Catharines						
Hydro Inc.	18,970	–	–	–	–	18,970
Gain (loss) on disposal of capital assets	293	–	–	(88)	(501)	(296)
Total revenues	57,938	34,622	64,613	64,924	34,230	256,327
Expenses:						
Salaries and wages	17,863	29,250	27,153	6,556	16,712	97,534
Operating materials and supplies	5,619	1,649	9,814	36,017	8,832	61,931
Contracted services	3,250	1,874	4,393	2,908	3,130	15,555
Rents and financial expenses	274	224	436	2	206	1,142
Interfunctional transfers	(455)	1,107	(2,194)	1,542	–	–
External transfer	1,661	–	–	–	12	1,673
Amortization	1,606	1,171	13,551	6,385	7,536	30,249
Debt service	838	147	1,104	352	1,550	3,991
Total expenses	30,656	35,422	54,257	53,762	37,978	212,075
Annual surplus (deficit)	\$ 27,282	\$ (800)	\$ 10,356	\$ 11,162	\$ (3,748)	\$ 44,252

THE CORPORATION OF THE CITY OF ST. CATHARINES

Note 20 – Segmented reporting (continued)

Year ended December 31, 2021

2020	General Government	Protection	Transportation	Environment	Recreation/ Culture	Total
Revenue:						
Taxation	\$ 25,666	\$ 25,006	\$ 31,975	\$ 2,213	\$ 25,780	\$ 110,640
Taxation from other governments	551	538	688	48	555	2,380
User fees and charges	3,609	1,367	11,103	55,504	1,330	72,913
Government grants	1,029	3,867	6,624	3,622	979	16,121
Interest and penalties	396	385	492	34	397	1,704
Investment income	540	321	419	28	401	1,709
Donations	10	—	—	—	529	539
Other (including developer contributed TCA)	823	2,256	3,795	13,652	3,729	24,255
Equity income in St. Catharines						
Hydro Inc.	6,599	—	—	—	—	6,599
Gain (loss) on disposal of capital assets	3	2	3	(148)	(160)	(300)
Total revenues	39,226	33,742	55,099	74,953	33,540	236,560
Expenses:						
Salaries and wages	17,228	28,293	24,863	6,108	15,317	91,809
Operating materials and supplies	4,934	1,775	9,038	35,719	8,187	59,653
Contracted services	2,654	1,589	5,070	3,028	3,065	15,406
Rents and financial expenses	1,122	—	743	3	224	2,092
Interfunctional transfers	(369)	233	(1,269)	1,405	—	—
External transfer	973	—	—	—	—	973
Amortization	1,577	1,111	13,326	6,193	7,584	29,791
Debt service	962	130	1,147	390	1,638	4,267
Total expenses	29,081	33,131	52,918	52,846	36,015	203,991
Annual surplus (deficit)	\$ 10,145	\$ 611	\$ 2,181	\$ 22,107	\$ (2,475)	\$ 32,569

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Consolidated Financial Statements (continued)

Year ended December 31, 2021

(In thousands of dollars)

21. COVID-19:

The COVID-19 pandemic continues to result in governments worldwide, including the Canadian, Ontario and municipal governments, enacting emergency measures to combat the spread of the virus. These measures, which include the implementation of travel bans, self-imposed quarantine periods and social distancing, have caused material disruption to businesses globally and in Ontario resulting in an economic slowdown. Governments and central banks have reacted with significant monetary and fiscal interventions designed to stabilize economic conditions however the success of these interventions is not currently determinable.

The City declared a state of emergency under the Emergency Management Act Ontario, on April 3, 2020. The declaration of a state of emergency provides the Mayor with the ability to take action and make orders, as necessary, to protect the health, safety and welfare of residents. Throughout 2020 and 2021, the City took extraordinary measures to support its residents through various financial relief measures such as waiving fines and penalties on overdue balances and waiving parking fees in City owned parking lots. The City continues to monitor the advice and recommendations from public health and the Province of Ontario.

The City continues to experience temporary closure of recreation facilities and administrative buildings as well as reduced temporary leaves of employees in non-essential services.

During the year, the City received \$9,081 (2020 - \$8,821), as described in note 17, under the Province of Ontario's Safe Restart funding initiative to support operating and transit pressures faced as a result of the COVID-19 pandemic.

The City continues to monitor the guidance from the Provincial government around opening of businesses and attractions. The current challenging economic climate may lead to adverse changes in cash flows, reduction of service levels and budgetary constraints, which may also have a direct impact on the City's revenues, annual surplus or deficit and reserve and reserve funds in the future. The situation is dynamic and the ultimate duration and magnitude of the impact on the City, surrounding economy and services are not known at this time.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Schedule 1 - Tangible Capital Assets

Year ended December 31, 2021

(In thousands of dollars)

2021	Cost				Accumulated amortization				
	Balance, beginning of year	Additions	Disposals	Balance, end of year	Balance, beginning of year	Amortization	Deletions	Balance, end of year	Total
General:									
Land	\$ 42,883	\$ –	\$ 6	\$ 42,877	\$ –	\$ –	\$ –	\$ –	42,877
Land improvements	74,142	4,114	133	78,123	35,492	1,975	79	37,388	40,735
Buildings, improvements and components	253,964	3,709	838	256,835	70,603	6,302	268	76,637	180,198
Machinery and equipment	27,453	1,304	2,362	26,395	16,658	1,767	2,141	16,284	10,111
Furniture and fixtures	11,316	175	67	11,424	5,165	618	66	5,717	5,707
Information technology	13,336	1,180	279	14,237	8,163	1,535	272	9,426	4,811
Vehicles	54,466	8,961	4,911	58,516	37,491	3,037	4,911	35,617	22,899
	477,560	19,443	8,596	488,407	173,572	15,234	7,737	181,069	307,338
Infrastructure:									
Land	2,280	–	–	2,280	–	–	–	–	2,280
Land improvements	11,948	1,303	74	13,177	3,980	260	71	4,169	9,008
Buildings, improvements and components	35,480	–	–	35,480	12,021	984	–	13,005	22,475
Machinery and equipment	26,423	539	309	26,653	11,721	1,351	252	12,820	13,833
Information technology	477	53	–	530	167	83	–	250	280
Vehicles	10,623	762	1,556	9,829	5,991	789	1,556	5,224	4,605
Linear	699,755	16,803	1,609	714,949	329,738	11,547	1,269	340,016	374,933
	786,986	19,460	3,548	802,898	363,618	15,014	3,148	375,484	427,414
Work in progress:									
Opening balance	127,073	26,610	–	153,683	–	–	–	–	153,683
Internal transfers	(90,961)	(20,390)	–	(111,351)	–	–	–	–	(111,351)
Subtotal: Work in progress	36,112	6,220	–	42,332	–	–	–	–	42,332
Total December 2021	\$ 1,300,658	\$ 45,123	\$ 12,144	\$ 1,333,637	\$ 537,190	\$ 30,248	\$ 10,885	\$ 556,553	\$ 777,084

THE CORPORATION OF THE CITY OF ST. CATHARINES

Schedule 1 - Tangible Capital Assets (continued)

Year ended December 31, 2021

(In thousands of dollars)

2020	Cost				Accumulated amortization				
	Balance, beginning of year	Additions	Disposals	Balance, end of year	Balance, beginning of year	Amortization	Deletions	Balance, end of year	Total
General:									
Land	\$ 42,596	\$ 287	\$ –	\$ 42,883	\$ –	\$ –	\$ –	\$ –	42,883
Land improvements	73,848	365	71	74,142	33,594	1,952	54	35,492	38,650
Buildings, improvements and components	252,417	1,916	369	253,964	64,603	6,223	223	70,603	183,361
Machinery and equipment	26,590	1,094	231	27,453	15,076	1,814	232	16,658	10,795
Furniture and fixtures	11,316	–	–	11,316	4,548	617	–	5,165	6,151
Information technology	12,572	1,000	236	13,336	7,039	1,354	230	8,163	5,173
Vehicles	54,231	336	101	54,466	34,479	3,113	101	37,491	16,975
	473,570	4,998	1,008	477,560	159,339	15,073	840	173,572	303,988
Infrastructure:									
Land	2,280	–	–	2,280	–	–	–	–	2,280
Land improvements	9,573	2,375	–	11,948	3,739	241	–	3,980	7,968
Buildings, improvements and components	35,480	–	–	35,480	11,037	984	–	12,021	23,459
Machinery and equipment	26,042	787	406	26,423	10,752	1,345	376	11,721	14,702
Information technology	139	338	–	477	103	64	–	167	310
Vehicles	11,127	1,092	1,596	10,623	6,826	761	1,596	5,991	4,632
Linear	672,390	32,205	4,840	699,755	322,457	11,323	4,042	329,738	370,017
	757,031	36,797	6,842	786,986	354,914	14,718	6,014	363,618	423,368
Work in progress:									
Opening balance	101,064	26,009	–	127,073	–	–	–	–	127,073
Internal transfers	(68,936)	(22,025)	–	(90,961)	–	–	–	–	(90,961)
Subtotal: Work in progress	32,128	3,984	–	36,112	–	–	–	–	36,112
Total December 2021	\$ 1,262,729	\$ 45,779	\$ 7,850	\$ 1,300,658	\$ 514,253	\$ 29,791	\$ 6,854	\$ 537,190	\$ 763,468

INDEPENDENT AUDITORS' REPORT

To the Members of Council, Inhabitants and Ratepayers of The Corporation of the City of St. Catharines

Opinion

We have audited the financial statements of the trust funds of The Corporation of the City of St. Catharines (the "Entity"), which comprise:

- the statement of financial position as at December 31, 2021
- the statement of operations and accumulated surplus for the year then ended
- and notes, including a summary of significant accounting policies and other explanatory information.

(Hereinafter referred to as the "financial statements")

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Entity as at December 31, 2021, and its results of operations for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the "***Auditors' Responsibilities for the Audit of the Financial Statements***" section of our auditors' report.

We are independent of the Entity in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Entity's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Entity's financial reporting process.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

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- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusion is based on the audit evidence obtained up to the date of our auditors report. However, future events or conditions may cause the Entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Chartered Professional Accountants, Licensed Public Accountants

St. Catharines, Canada

(date)

THE CORPORATION OF THE CITY OF ST. CATHARINES

Statement of Financial Position - Trust Funds

As at December 31, 2021, with comparative information for 2020

(In thousands of dollars)

	Cemetery Perpetual Care Fund	Marker Care and Maintenance Fund	Memorial Forest	2021 Total	2020 Total
Financial assets					
Cash	\$ 3,291	\$ 20	\$ —	\$ 3,311	\$ 184
Investments	5,823	591	—	6,414	7,451
Accrued interest	337	66	—	403	427
Due from operating fund	6	—	16	22	1,963
	\$ 9,457	\$ 677	\$ 16	\$ 10,150	\$ 10,025
Liabilities					
Due to operating fund	\$ —	\$ —	\$ —	\$ —	\$ 62
Accumulated surplus and net financial assets	\$ 9,457	\$ 677	\$ 16	\$ 10,150	\$ 10,025

See accompanying notes to financial statements.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Statement of Operations and Accumulated Surplus- Trust Funds

Year ended December 31, 2021, with comparative information for 2020

(In thousands of dollars)

	Cemetery Perpetual Care Fund	Marker Care and Maintenance Fund	Memorial Forest	2021 Total	2020 Total
Receipts:					
Sales of plots, crypts and markers	\$ 168	\$ 16	\$ —	\$ 184	\$ 235
Interest	161	16	—	177	209
Donations	—	—	14	14	3
	329	32	14	375	447
Expenditures					
Contribution to operating fund	161	16	—	177	209
Administration	—	—	11	11	5
	161	16	11	188	214
Annual surplus	168	16	3	187	233
Accumulated surplus, beginning of year	9,289	661	13	9,963	9,730
Accumulated surplus, end of year	\$ 9,457	\$ 677	\$ 16	\$ 10,150	\$ 9,963

See accompanying notes to financial statements.

THE CORPORATION OF THE CITY OF ST. CATHARINES

Notes to Trust Funds Financial Statements

Year ended December 31, 2021

1. Significant accounting policies:

The financial statements of The Corporation of the City of St. Catharines (the "City") trust funds (the "Trusts") are prepared by management prepared in accordance with Canadian public sector accounting standards established by the Public Sector Accounting Board ("PSAB") of CPA Canada.

(a) Basis of presentation:

The Trusts follow the accrual method of accounting for revenues and expenses. Revenues are normally recognized in the year in which they are earned and measurable. Expenses are recognized as they are incurred and measurable as a result of receipt of goods or services and/or the creation of a legal obligation to pay.

(b) Investment income:

Investment income is reported as revenue in the period earned.

(c) Investments:

Investments consist of bonds and guaranteed investment certificates and are recorded at amortized cost, which approximate market value based on the underlying nature of the investments. Discounts and premiums arising on the purchase of these investments are amortized over the term of the related investment. When there has been a loss in value that is other than a temporary decline in value, the respective investment is written down to recognize the loss.

2. Due to/from operating fund:

The amounts owing to/from the operating fund are held with the City and are non-interest bearing with no fixed terms of repayment.

Audit Findings Report for the year ended December 31, 2021

KPMG LLP

September 20, 2022

kpmg.ca/audit



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KPMG contacts

The contact at KPMG in connection with this report are:



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Our refreshed Values

What we believe

 Integrity
We do what is right.

 Excellence
We never stop learning and improving.

 Courage
We think and act boldly.

 Together
We respect each other and draw strength from our differences.

 For Better
We do what matters.

Audit Quality: How do we deliver audit quality?

Transparency report



Quality essentially means doing the right thing and remains our highest priority. Our **Global Quality Framework** outlines how we deliver quality and how every partner and staff member contributes to its delivery.

‘Perform quality engagements’ sits at the core along with our commitment to continually monitor and remediate to fulfil on our quality drivers.

Our **quality value drivers** are the cornerstones to our approach underpinned by the **supporting drivers** and give clear direction to encourage the right behaviours in delivering audit quality.

We define **‘audit quality’** as being the outcome when:

- audits are **executed consistently**, in line with the requirements and intent of **applicable professional standards** within a strong **system of quality controls**; and
- all of our related activities are undertaken in an environment of the utmost level of **objectivity, independence, ethics, and integrity**.



Visit our [Resources](#) page for more information.

Doing the right thing. Always.

Audit highlights

Purpose of this report¹

The purpose of this report is to assist you, as a member of Council, in your review of the results of our audit of the consolidated financial statements (“the financial statements”) of the Corporation of the City of St Catharines (“the City”) as at and for the year ended December 31, 2021. This report builds on the Audit Plan we presented to the Council.

Status of the audit

As of date of this Audit Findings Report, we have completed the audit of the consolidated financial statements, with the exception of certain remaining procedures, which include amongst others:

- Legal update - obtain an update on the existence of any material claims
- Completing our discussions with you.
- Obtaining evidence of the Board of Director’s approval of the financial statements.
- Receipt of the signed management representation letter (to be signed upon approval of the financial statements).

We will update the entire Council on significant matters, if any, arising from the completion of the audit, including the completion of the above procedures.

Our auditors’ report will be dated upon the completion of any remaining procedures.

Significant changes from the audit plan

There were no significant changes to our audit plan which was originally communicated to you in the audit planning report.

Going concern

No matters to report.

Significant risks and other significant matters

Our audit is risk-focused. In planning our audit, we have taken into account key areas of focus for financial reporting. These include:

- Significant financial reporting risks:
 - Fraud risk from management override of control
 - Fraud risk from revenue recognition
- Other areas of focus:
 - Post-employment benefit liabilities (estimates)
 - Tangible Capital Assets
 - Canada Summer 2022 Games
 - Government grants
 - Accounts payable, accrued liabilities, and operating expenditures
 - Landfill Sites Liability

¹ This report to the audit committee is intended solely for the information and use of Management, the audit committee, and the Board of Directors and should not be used for any other purpose or any other party. KPMG shall have no responsibility or liability for loss or damages or claims, if any, to or by any third party as this report has not been prepared for, and is not intended for, and should not be used by, any third party or for any other purpose.

Uncorrected audit misstatements

The management representation letter summarizes our audit difference identified. No differences remain uncorrected in the City's financial statements.

Control deficiencies

We did not identify any control deficiencies that we determined to be significant deficiencies in internal control over financial reporting. We have identified one other matters to highlight to you summarized further in the report.

Significant accounting policies and practices

There have been no initial selections of, or changes to, significant accounting policies and practices to bring to your attention.

Independence

We confirm that we are independent of the City in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada. There are no services we provide to the City or related parties which would infringe on our independence as auditors.

Audit risks and results

We highlight our significant findings in respect of **significant risks** as identified in our discussion with you in the Audit Plan, as well as any additional significant risks identified.

Significant risk	New or changed?	Estimate?
Fraud risk from revenue recognition (rebuttable): Required risks to be addressed in every audit under Canadian Auditing Standards.	No	No
Fraud risk from management override of controls (non-rebuttable): As permitted under Canadian Auditing Standards, we have rebutted the fraud risk from revenue recognition.		

Our response and significant findings

- Fraud risk from revenue recognition
- We performed substantive procedures over revenue recognition related to developer contributions and charges, as well as over the recognition of prior year deferrals and government transfers.
 - We did not identify any significant audit findings as a result of our testing.
- Fraud risk from management override of controls
- Our audit approach incorporated the required procedures in professional standards to address this risk. These procedures include testing of journal entries and other adjustments and making inquiries of the appropriate individuals:
 - Whether they have been asked to record, or are aware of, unusual or otherwise inappropriate journal entries or adjustments without adequate support or explanation for the entries or adjustments;
 - Whether there have been any instances of overrides of controls through recording of journal entries or other adjustments; and
 - Whether there have been any journal entries or other adjustments that have been initiated by management outside the normal course of business.
 - Based on the results of our procedures, we noted no instances of fraud or potential fraud arising from management override of controls.

Audit risks and results - Estimates

We highlight our significant findings in respect of **estimates**, as well as any additional areas of focus identified.

Asset/Liability	New or changed?	Estimate?	Amount (\$'000s)
Post-employment benefit liabilities	No	Yes	\$18,310 (2020 - \$18,139)

Our response

- The City provides certain employee benefits which will require funding in future periods. These benefits include long term disability, benefits under the Workplace Safety Insurance Board ("WSIB") Act and extended health and dental benefits for early retirees.
- The liability for these future benefits has been determined by actuarial valuation in 2020 with projections for 2021. Management noted that they were not aware of any matters from the previous valuation date to the date of report that would have a material effect on the valuation.
- We received the results of the third-party actuary's report and performed procedures to assess the reasonability of the key assumptions used by the actuary in creating their report.
- As this liability represents a material amount to the financial statements and involves significant elements of estimation uncertainty by nature, we have determined that this is an area of estimation that falls within the scope of the auditing standard for estimates with significant judgment (Canadian Auditing Standard 540).
- To satisfy the requirements of this standard, we were required to document management's process, and the actuary's methodology. As management has involved an independent third party, we have concluded that while estimation uncertainty is present and management has significant ability to exercise judgment in selecting inputs to the estimate, the reliance on the third-party actuary's report is the primary driver of management's input.
- Finally, we performed substantive testing including benchmarking to industry comparatives and sensitivity analysis of rates used by the actuary and determined that they were reasonable.
- We have no significant findings to report

Audit risks and results

We highlight our significant findings in respect of **areas of focus** as identified in our discussion with you in the Audit Plan, as well as any additional areas of focus identified.

Area of focus	New or changed?	Significant Estimate?	Amount (\$'000s)
Tangible Capital Assets	No	No	\$777,084 (2020 - \$763,468)

Our response and significant findings

- We substantively tested (on a sample basis) the additions to tangible capital assets and noted that management has correctly capitalized the additions from work in progress to capital assets and developer contributions acquisitions.
- We also substantively tested a sample of developer contributed assets and ensured that the cost recognized was in-line with the treatment of the tangible capital assets, that timing of cost recognition was appropriate for each item tested and supported by by-laws.
- We noted a \$4,185,000 addition to other assets during the year as a result of the Canada Summer 2022 games and the City's overall commitment to the games. Refer to next page for additional information.
- We have no other significant findings to report.

Audit risks and results

We highlight our significant findings in respect of **areas of focus** as identified in our discussion with you in the Audit Plan, as well as any additional areas of focus identified.

Area of focus	New or changed?	Significant Estimate?	Amount (\$'000s)
Canada Summer 2022 Games	Yes	No	\$7,185 (\$2020 - \$3,000)

Our response and significant findings

- In 2019, Council approved in principle the request to engage with the Canada Summer Games Host Society and other partners to establish support for the Canada Summer Games.
- Council approved a maximum funding commitment of \$10 million towards the infrastructure plan with the expectation that a partnership be formed to fund all capital costs as well as an operating agreement and model for the infrastructure once the games are complete.
- During the fiscal year 2020, the City made the initial contribution of \$3 million towards the games and the City’s capital commitment. During the fiscal year 2021, the City made an additional contribution of \$4.185 million. The resulting accounting impact is whether or not the contribution represents a tangible capital asset for the City, or a government transfer, or investment in a partnership.
- The City has received the Consortium and Co-Tenancy Agreement with the other respective parties which outlines the rights and responsibilities of each party once the games have concluded. Most notably, the City is a 1/3 party to the share of operating costs for operating the Canada Games Park once the 2022 games have concluded.
- For the December 31, 2021 year-end financial statements, the City has recognized an asset of \$7.185 million in the consolidated statement of financial position.
- In 2022, the City will be required to formally assess the treatment of the \$7.185 million based on the terms of the agreement and overall rights and responsibilities of the City. We are available to assist the City in this exercise.

Audit risks and results

We highlight our significant findings in respect of **areas of focus** as identified in our discussion with you in the Audit Plan, as well as any additional areas of focus identified.

Area of focus	New or changed?	Significant Estimate?	Key audit matter?
Government grants	No	No	\$27,447 (2020 – \$16,121)

Our response and significant findings

- We completed substantive procedures over testing of Government grants and related deferrals as well as any related operating expenditures.
- We executed procedures over COVID-19 Safe Restart funding and Recovery funding including analysis of use of funding to support municipal operating pressures and transit impacts.
- We substantively tested development charges including receipts of development charges in accordance with the City’s by-law and gained an understanding of the methods used in recognizing revenue from development charges.
- We have no significant findings to report.

Audit risks and results

We highlight our significant findings in respect of **areas of focus** as identified in our discussion with you in the Audit Plan, as well as any additional areas of focus identified.

Area of focus	New or changed?	Significant Estimate?	Key audit matter?
Accounts payable, accrued liabilities, and operating expenditures	No	No	No

Our response and significant findings

- As part of our audit approach, we perform standard procedures to obtain assurance over material payable balances as at year-end. This includes substantive testing and analytical procedures over the account's payable sub-ledger.
- Our procedures include cut-off tests which are substantive in nature and sample material items accounted for near the year-end cut-off date. Each item selected was inspected and compared to supporting documentation to ensure it was recorded in the correct fiscal period.
- No significant issues were identified with respect to the items tested.

Audit risks and results

We highlight our significant findings in respect of **areas of focus** as identified in our discussion with you in the Audit Plan, as well as any additional areas of focus identified.

Area of focus	New or changed?	Significant Estimate?	Amount (\$'000s)
Landfill Sites Liability	No	No	\$4,174 (2020 - \$2,838)

Our response and significant findings

- We reviewed management's process for identifying potential sites and reviewed management's listing of landfill sites and the analysis against the prescribed criteria to determine if a liability should be recorded.
- We discussed both previously identified potential sites as well as any potential new sites or contamination impacts. There were no new landfill sites in 2021 consistent with our understanding of the City. We obtained an understanding of the rationale for identifying sites which may be associated with future remediation liabilities and assessed the reasonability of the remediation estimates prepared by management.
- We obtained an understanding of management's methodology for estimating landfill site liabilities and are satisfied that the approach used to quantify the potential liabilities is reasonable.
- We have concluded that management's approach to identifying, evaluation and determining the liability in accordance with the PSAB standard is appropriate and that the liability recorded in the current year is reasonable.
- We note that there is a future accounting standard as noted in the appendices that will impact the City in 2023 with respect to Asset Retirement Obligations.

Uncorrected and corrected audit misstatements

Audit misstatements include presentation and disclosure misstatements, including omissions.

Uncorrected audit misstatements

We did not identify misstatements that remain uncorrected.

Corrected audit misstatements

We did not identify any misstatements that were communicated to management and subsequently corrected in the financial statements.

Control deficiencies and other observations

Consideration of internal control over financial reporting

A significant deficiency in internal control over financial reporting (ICFR) is a deficiency, or combination of deficiencies, in internal control that, in the auditor's professional judgment, is of sufficient importance to merit the attention of those charged with governance.

In planning and performing our audit, we considered ICFR relevant to the Entity's preparation of the financial statements in order to design audit procedures that are appropriate in the circumstances for the purpose of expressing an opinion on the financial statements, but not for the purpose of expressing an opinion on ICFR.

Our understanding of internal control over financial reporting was for the limited purpose described above and was not designed to identify all control deficiencies that might be significant deficiencies. The matters being reported are limited to those deficiencies that we have identified during the audit that we have concluded are of sufficient importance to merit being reported to those charged with governance.

Our awareness of control deficiencies varies with each audit and is influenced by the nature, timing, and extent of audit procedures performed, as well as other factors. Had we performed more extensive procedures on internal control over financial reporting, we might have identified more significant deficiencies to be reported or concluded that some of the reported significant deficiencies need not, in fact, have been reported.

Item	Observation
Vailtech accounting software	<ul style="list-style-type: none">Consistent with prior year, the City's accounting software creates certain limitations which impede management's ability to efficiently carry out their tasks. While Vailtech is used amongst municipalities as a software, the limitations and property tax focus create challenges for overall financial reporting. For example, annually, the City is required to create 600 – 800 new general ledger accounts due to the inability to adjust project accounts within funds. This creates a cumbersome, and difficult, ledger to analyze, interpret and track.As a system limitation of Vailtech, and consistent with prior years, we have noted that staff members who are on the list of eligible JE approvers are able to post, and review their own entries. This is a self-review threat, as entries could be posted without a secondary review and approval.Furthermore, Vailtech does not show the username of the staff member who created a journal entry. While staff use the reference field to identify the initials of the journal creator, this field could be left blank or contain the initials of another user in an effort to commit management override of controls. The City's current process is to keep an electronic copy of all journals saved in a common file, and a printed copy as well to identify the username of the originator. If neither of these are properly retained, the assistance of IT is required to pull the information from the database.There is a threat that someone could post entries pretending to be someone else by inputting their initials instead of their own. If they are attempting to post a fraudulent transaction then they have the potential to post under someone else's initials and hide the originator's identity. The process is also inefficient especially in instances where copies of entries are not readily available.The implementation of new systems should ensure that the above noted items are addressed.

Financial statement presentation and disclosure

Misstatements, including omissions, if any, related to presentation and disclosure items are in the management representation letter.

We also highlight the following:

Financial statement presentation - form, arrangement, and content	<p>The financial statements are, in all material respects, in accordance with the applicable financial accounting framework, Public Sector Accounting Standards. The disclosures in the notes to the financial statements are appropriate.</p> <p>KPMG provides management with recommendations on financial statement presentation and disclosure.</p>
Concerns regarding application of new accounting pronouncements	<p>See <i>Current developments and audit trends</i> in appendices.</p>
Significant qualitative aspects of financial statement presentation and disclosure	<p>There are no concerns at this time regarding significant qualitative aspects of financial statement presentation and disclosure.</p>

Significant accounting policies and practices



Initial selections of significant accounting policies and practices

There have been no significant accounting policies and practices that were selected and applied during the period.



Description of new or revised significant accounting policies and practices

There have been no changes to significant accounting policies and practices and the impact on the financial statements.



Future Implementation

There are a number of new standards becoming effecting over the next two to three years. As discussed previously, Asset Retirement Obligations is effective for fiscal 2023 and will require significant investment of time from management to ensure adoption is appropriate and complete. We are available to assist management in navigating the challenges of the implementation. The evidence to support the adoption of the standard will come from many sources and require inputs from departments across the City.

Refer to Appendices for additional information on the new standards that will become effective and detailed guidance on the Asset Retirement Obligation standard.

Appendices

Content

Appendix 1: Other required communications

Appendix 2: Technology in the audit

Appendix 3: Upcoming changes to auditing standards

Appendix 4: Audit and assurance insights

Appendix 5: The Cyber Landscape and Observations

Appendix 6: Asset retirement obligations

Appendix 7: Environment Social and Governance (ESG)



Appendix 1: Other required communications

Audit Quality in Canada	Engagement terms
<p>The reports available through the following links were published by the Canadian Public Accountability Board to inform audit committees and other stakeholders about the results of quality inspections conducted over the past year:</p> <ul style="list-style-type: none">• CPAB Audit Quality Insights Report: 2021 Interim Inspections Results• CPAB Audit Quality Insights Report: 2020 Annual Inspections Results	<p>A copy of the engagement letter and any subsequent amendments has been provided to the audit committee.</p>
Report	Representations of management
<p>Refer to the draft report in the consolidated draft financial statements.</p>	<p>A copy of the management representation letter will be provided to management.</p>

Appendix 2: Technology in the audit

As previously communicated in our Audit Planning Report, we have utilized technology to enhance the quality and effectiveness of the audit.

Technology	Areas of the audit where Advance Technology routines were used	Insights
KPMG Clara Client Collaboration	For receipt of client support	We have utilized this tool for requesting and receiving all the audit requests. This tool is web-based and would allow the finance team to upload responses to our specific requests via link on the web portal. This tool became very useful given the situation we found ourselves in under pandemic conditions.
Journal Entry Analysis	For journal entry testing	<p>We utilized our proprietary D&A tool, IDEA, to evaluate the completeness of the journal entry population through a roll-forward of all accounts, analyze journal entries and determine sub-populations for more focused and risk-based testing, and apply certain criteria to sub-populations to identify potential high-risk journal entries for further testing.</p> <p>We did not identify any issues in regard to the completeness of journal entries. Moreover, we are satisfied with the results of our testing of specific relevant journal entries.</p>

Appendix 3: Upcoming changes to accounting standards

Public Sector Accounting Standards

The following is a summary of the current developments that are relevant to the City:

Standard	Summary and implications
Asset Retirement Obligations (“ARO”)	<ul style="list-style-type: none"> – A new standard has been approved that is effective for fiscal years beginning on or after April 1, 2022 (<i>for City’s 2023 year-end</i>). – The new standard addresses the recognition, measurement, presentation and disclosure of legal obligations associated with retirement of tangible capital assets in productive use. Retirement costs would be recognized as an integral cost of owning and operating tangible capital assets. PSAB currently contains no specific guidance in this area. – The ARO standard would require the public sector entity to record a liability related to future costs of any legal obligations to be incurred upon retirement of any controlled tangible capital assets (“TCA”). The amount of the initial liability would be added to the historical cost of the asset and amortized over its useful life. – As a result of the new standard, the public sector entity would have to: <ul style="list-style-type: none"> • consider how the additional liability will impact net debt, as a new liability will be recognized with no corresponding increase in a financial asset; • carefully review legal agreements in relation to all controlled TCA to determine if any legal obligations exist with respect to asset retirements; • begin considering the potential effects on the organization as soon as possible to coordinate with resources outside the finance department to identify AROs and obtain information to estimate the value of potential AROs to avoid unexpected issues.
Financial Statement Presentation	<ul style="list-style-type: none"> – A new standard has been approved that is effective for fiscal years beginning on or after April 1, 2022 (<i>for City’s December 31, 2023 year-end</i>), and must be adopted simultaneously with PS3450, <i>Financial Instruments</i>, and PS2601, <i>Foreign Currency Translation</i>. – This standard introduces a new statement of remeasurement gains and losses which will report unrealized foreign exchange gains or losses, fair value remeasurements and other comprehensive income (OCI) from Government Business Enterprises (GBEs).
Financial Instruments	<ul style="list-style-type: none"> – This new standard is effective for fiscal years beginning on or after April 1, 2022 (<i>for City’s December 31, 2023 year-end</i>). – This standard provides guidance on recognition, measurement, presentation and disclosure of financial instruments and introduces fair value measurement for a number of financial instruments including derivatives.
Foreign Currency Translation	<ul style="list-style-type: none"> – A new standard has been approved that is effective for fiscal years beginning on or after April 1, 2022 (<i>for City’s December 31, 2023 year-end</i>). – This standard requires foreign exchange translation gains and losses to be reported in the statement of remeasurement gains and losses.

Portfolio Investments

- This new standard is effective for fiscal years beginning on or after April 1, 2022 (*for City's December 31, 2023 year-end*).
- This provides guidance on how to account for investments in organizations that do not form part of the government reporting entity. Such investments are normally in equity instruments or debt instruments issued by the investee.

Revenue

- A new standard has been approved that is effective for fiscal years beginning on or after April 1, 2023 (*for City's 2024 year-end*).
- The new standard establishes a single framework to categorize revenues to enhance the consistency of revenue recognition and its measurement.
- The standard notes that in the case of revenues arising from an exchange, a public sector entity must ensure the recognition of revenue aligns with the satisfaction of related performance obligations.
- The standard notes that unilateral revenues arise when no performance obligations are present, and recognition occurs when there is authority to record the revenue and an event has happened that gives the public sector entity the right to the revenue.

**Public Private Partnerships
("P3")**

- A taskforce was established in 2016 as a result of increasing use of public private partnerships for the delivery of services and provision of assets.
- An Exposure Draft ("ED") was issued in November 2019 which proposes new requirements for recognizing, measuring and classifying infrastructure procured through a public private partnership.
- The ED proposes that recognition of infrastructure by the public sector entity would occur when it controls the purpose and use of the infrastructure, when it controls access to the future economic benefits and risks of the infrastructure asset, and it controls any significant residual interest in the infrastructure at the end of the P3's term.
- The ED proposes the public sector entity recognize a liability when it needs to pay cash or non-cash consideration to the private sector partner for the infrastructure.
- The infrastructure would be initially measured at its fair value, as P3's are the result of a competitive bidding process, cost should be equal to the asset's fair value on day one of the transaction. A liability, when it exists, should be initially measured at the same amount as the infrastructure asset. Cost would be measured by discounting the expected cash flows by a discount rate that is the contract rate.
- This section is effective for fiscal years beginning on or after April 1, 2023 (*the City's December 31, 2024 year-end*).

**Public Sector Guideline 8,
Purchased Intangible**

- This guideline is effective for fiscal years beginning on or after April 1, 2023 (*for City's December 31, 2024 year-end*).
- This enables public sector entities to recognize intangible acquired through an arm's length exchange transaction as an asset where they meet the asset definition and general recognition criteria in PS1000, *Financial Statement Concepts*.

Appendix 4: Audit and assurance insights

Our latest thinking on the issues that matter most to audit committees, Boards and Management.

Featured insight	Summary	Reference
Accelerate 2022	The key issues driving the audit committee agenda in 2022	Learn more
Audit Committee Guide – Canadian Edition	A practical guide providing insight into current challenges and leading practices shaping audit committee effectiveness in Canada	Learn more
Unleashing the positive in net zero	Real solutions for a sustainable and responsible future	Learn more
KPMG Audit & Assurance Insights	Curated research and insights for audit committees and boards.	Learn more
Board Leadership Centre	Leading insights to help board members maximize boardroom opportunities.	Learn more
KPMG Climate Change Financial Reporting Resource Centre	Our climate change resource centre provides insights to help you identify the potential financial statement impacts to your business.	Learn more
The business implications of coronavirus (COVID 19)	Resources to help you understand your exposure to COVID-19, and more importantly, position your business to be resilient in the face of this and the next global threat.	Learn more
		Learn more
Momentum	A quarterly Canadian newsletter which provides a snapshot of KPMG's latest thought leadership, audit and assurance insights and information on upcoming and past audit events – keeping management and board members abreast on current issues and emerging challenges within audit.	Sign-up now
KPMG Learning Academy	Technical accounting and finance courses designed to arm you with leading-edge skills needed in today's disruptive environment.	Learn more

Appendix 5: The Cyber Landscape and Observations



Cyber Landscape and Observations

May 2022

—
kpmg.com/ca

Cyber Talking Points

- Cyber considerations from the conflict in Ukraine
- Cyber Insurance
- Anatomy of a Ransomware Incident
- Cyber Leading Practices
- Cyber considerations for the Board – key priorities
- How KPMG can help

Cyber considerations from the conflict in Ukraine

The Russian government's invasion of Ukraine has elevated concerns for cyber security incidents and the resilience of critical business functions, amongst international organizations.

Beyond protecting their employees and supporting the people of Ukraine, organizations are also assessing their exposure and vulnerability of their critical services to cyber incidents, technology disruption and supply chain impacts.

- As the pace of the ground war slows, an uptick in cyber operations related to the conflict between Russia and Ukraine has been observed. Western authorities have dealt a blow to Russian operators through the shutdown of Hydra Market. This shut down not only eliminated a large market used for everything from hacking to money laundering, but also resulted in the seizure of ~\$25M in bitcoin from criminal actors and the arrest of a Russian national.
- Additionally, new malware was deployed against a Ukrainian power company, "INDUSTROYER2", targets Industrial Control Systems (ICS), which are technology components used in industrial applications to regulate or report on mechanical systems and operations not governed by IT systems. The exploitation of Industrial Control Systems is noteworthy as it introduces potential physical consequences, including life safety consequences, when used against critical industrial equipment.
- These developments demonstrate that the cyber situation is escalating on both sides. These escalations will likely have unintended consequences, including the possibility of state-crafted malware targeting ICS and other systems being repackaged and deployed against infrastructure outside of the contested region

Cyber insurance

Cyber Insurance, as a form of Risk Transfer, is a crucial element of any risk management strategy. For the past 10 plus years, cyber insurance has become a most valued asset to many of you; help in your time of need, operating within a space where even the most sophisticated businesses are compromised on a regular basis.

The Hard Market

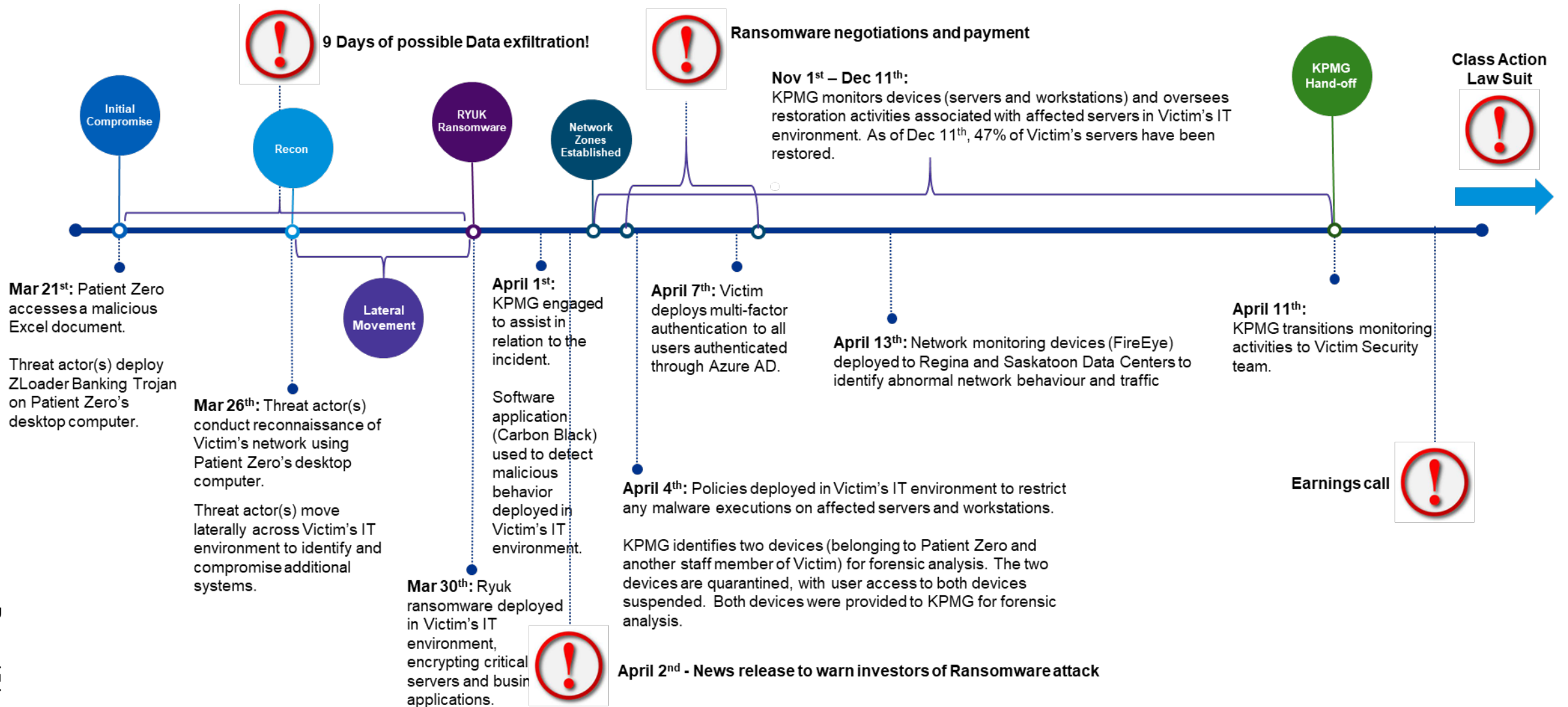
- With rising losses gripping the cyber-Insurance market, the conversation of obtaining and maintaining cyber insurance has become more troublesome than ever.
- Premiums are rising sharply, coverages are being pulled back, new restrictions and exclusions are being enforced, and for many of you the limit of insurance you once held has collapsed.
- All the above has placed a significant strain on your risk acceptance, your budgets, and your comfort.

What are Insurer's looking for?

- Fortunately, nothing entirely unique.
- The following, while recognized by cyber insurers as being crucial to mitigating the volume of claims entering the market, are nothing more than best practices promoted by industry frameworks such as NIST CSF and ISO standards.

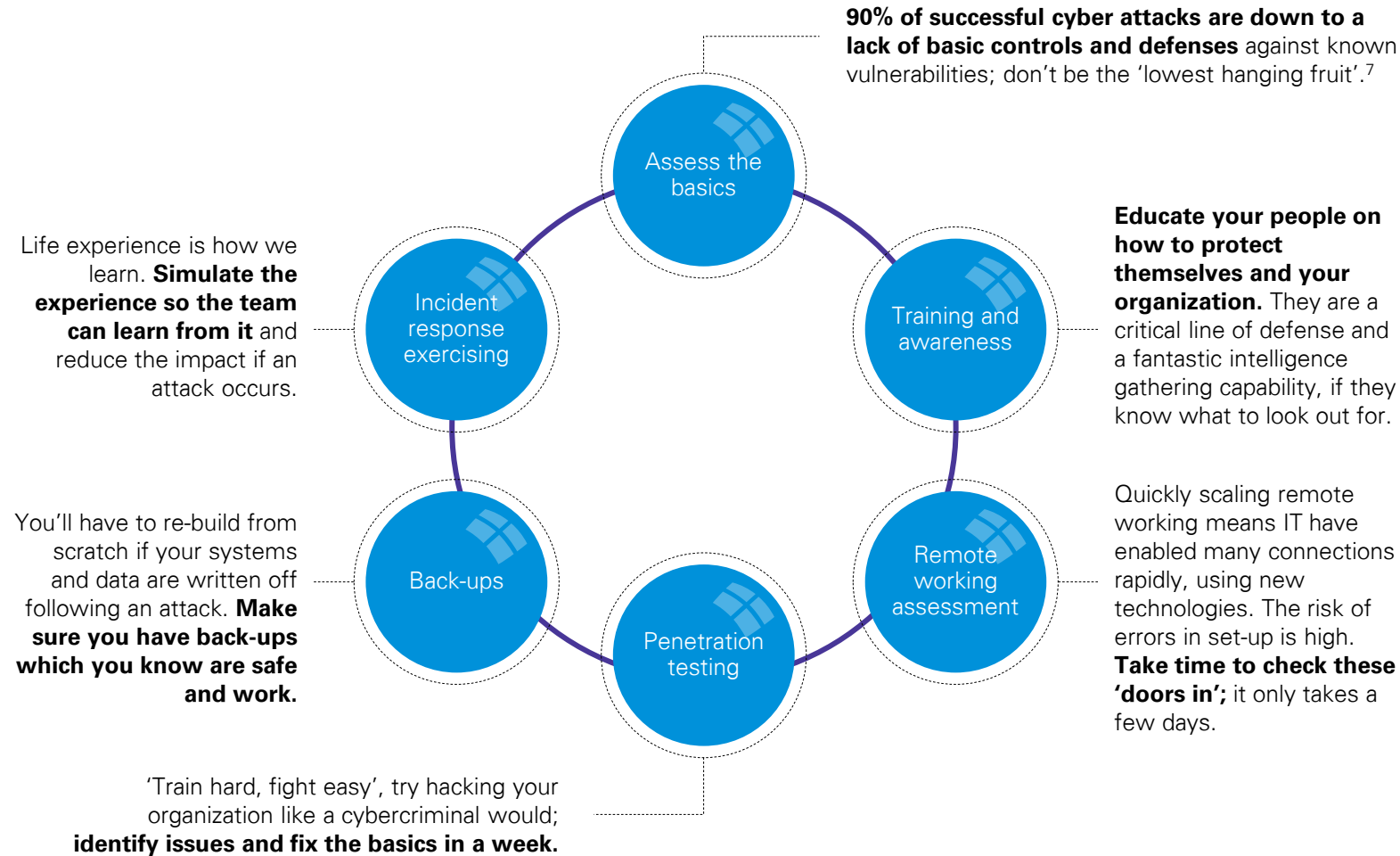
1	The uniform application and management of cyber security across your organization, and all entities to be insured under the same policy.	6	Back-ups which are offline, with strict access controls, and subject to regular testing of recovery and integrity.
2	The implementation of MFA for all remote access to the network, including any third party access.	7	Identity Access Management Solution in place, enforcing policies and authentication standards.
3	An Advanced EDR/EPP Solution implemented on all endpoints and servers.	8	A centralized SOC, including 24/7 monitoring of a SIEM solution that is configured to capture activity from across the network.
4	Advanced email filtering capabilities, with sandbox/detonation and quarantine functionality.	9	An Awareness Training program that incorporates regular phishing exercises.
5	Robust Patch & Vulnerability management, with regular scanning and tracking of vulnerabilities through to remediation.	10	Network Segmentation of critical and sensitive assets/environments.

Anatomy of a Ransomware Incident



Cyber Leading Practices

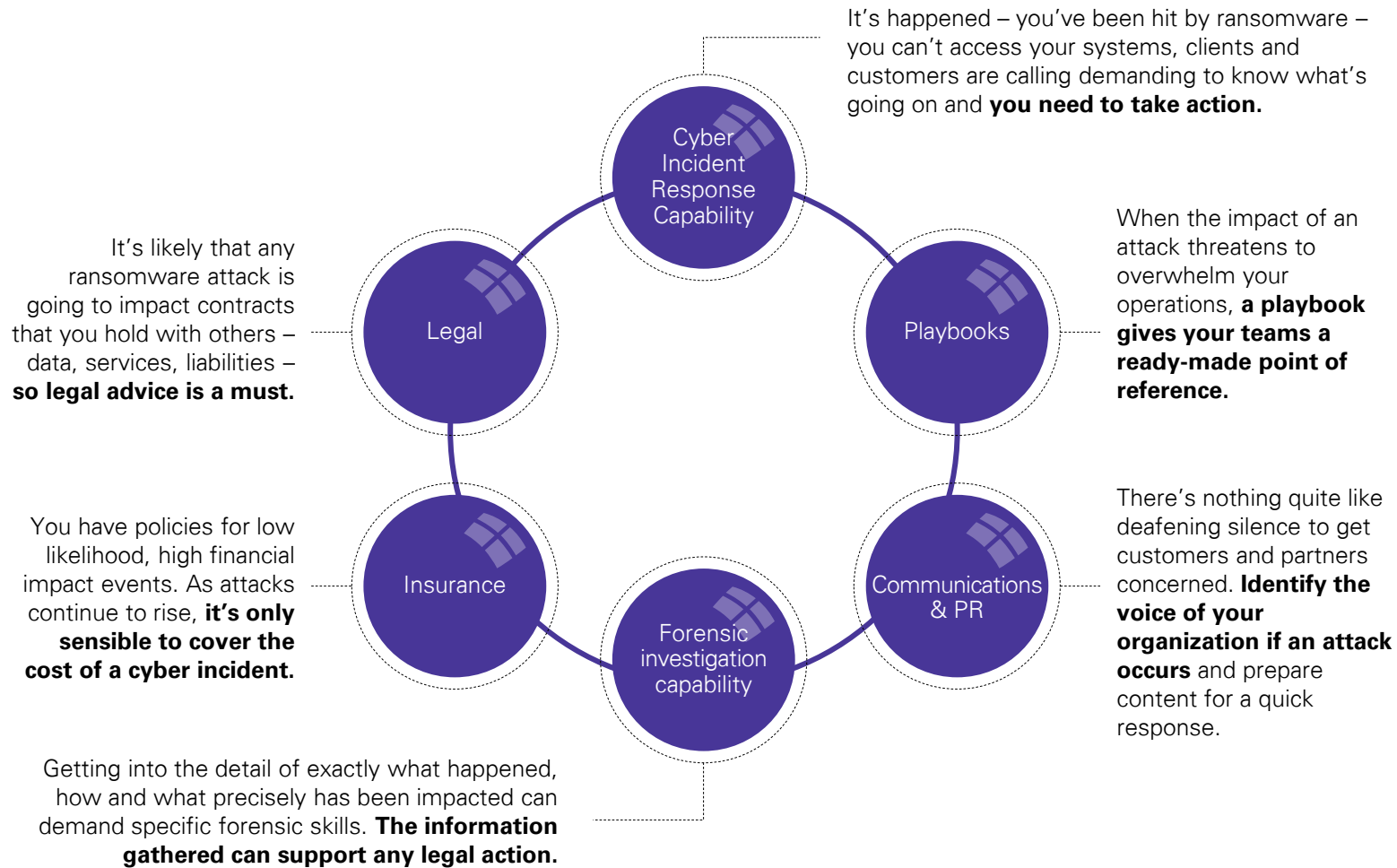
Be proactive: prepare for an attack



7 Verizon 2021 Data Breach Investigations Report



Be reactive: respond fast if your systems are breached



Cyber considerations for the Board – key priorities

Understanding Cyber Resource allocations

- Are the 'right' people with the right skills in the 'right' roles with the 'right' resources available to them
- Detailed discussions with Management on cyber strategy and alignment to business priorities and risk appetite. Understanding important 'assets' and views on threat landscape based on changes in the business and environment. Ensure cyber is viewed as a Enterprise business issue with the right strategic focus.
- How are decisions made, who decides what to spend budgets on?
- Are the right decisions made, are budgets allocated effectively, is there enough budget?

Breach Preparedness and Execution

Awareness into the development of Breach Playbooks, including clear understanding of Board involvement, protocols and exactly what needs to be done. Participation in dry runs ie. Tabletop Exercises

Governance over decision-making process and communications around ransomware payments – if and when to pay and who makes the final decision CEO? Board? How will it publicly viewed if ransom is paid.

Situational Awareness and access to expertise

- Does cyber experience exist on the Board and do they have access to external experts
- Benchmarking – Access to understanding how the organization rank to comparable companies?
- Industry collaboration and associations – ISACS (Information Sharing and Analysis Center)
- Periodic External Training Sessions – tailored intelligence
- Briefing on new regulations and frameworks (e.g. NIST, Privacy By Design) operating ecosystem.

Measure Cyber Progress and Effectiveness

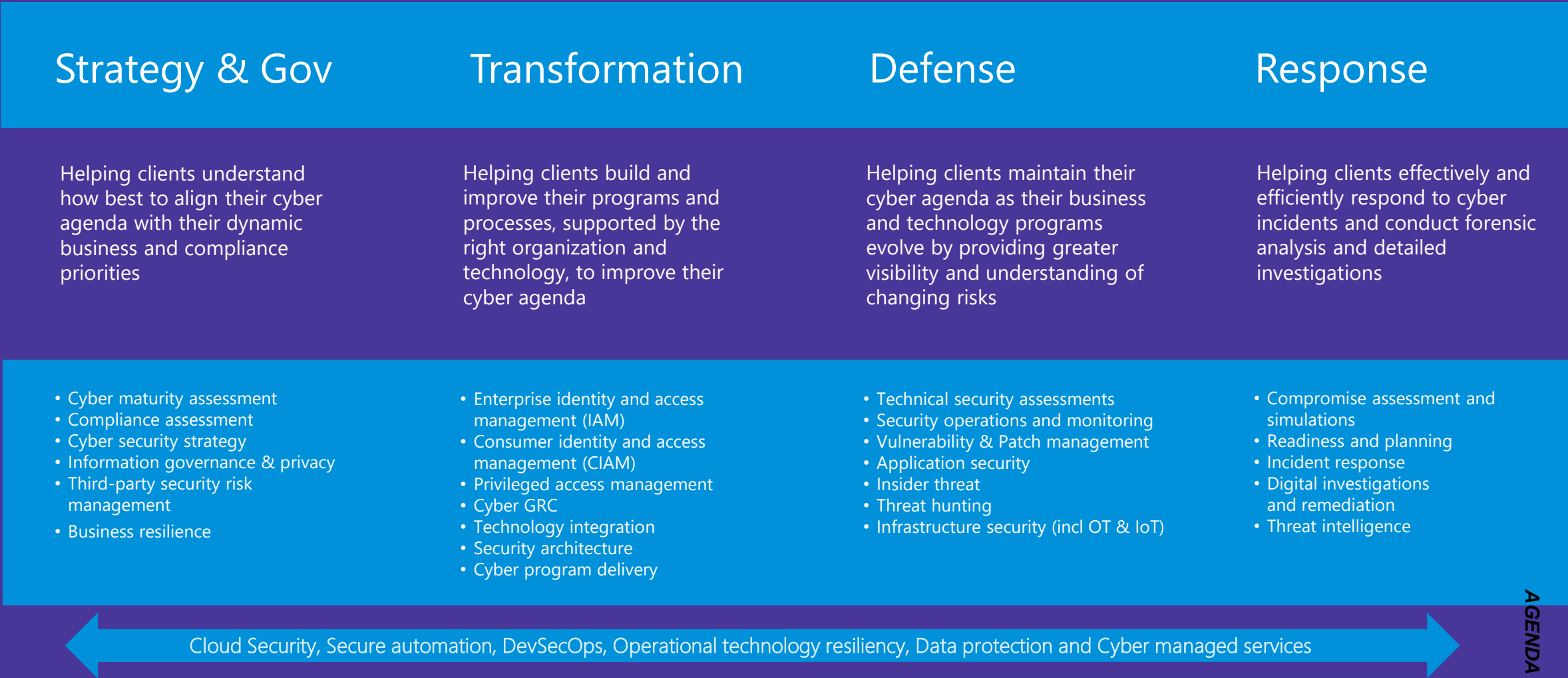
- Governance over frequency and extent of reporting and metrics to the Board, and status of remediation efforts.
- SOC for Cyber Security – Board perspective and confidence in an organization's cybersecurity risk management program

Individual, Sr. Management/Executive Liability

- Personnel leaving after a breach could testify against Management and the Board over nonexistent oversight, lack of due diligence and responsibility when it comes to cybersecurity.



How KPMG can help.



Contact us



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Partner

Cyber Security

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Appendix 6: Asset retirement obligations

Implications

Financial reporting implications

A liability for asset retirement costs will be recorded with a corresponding increase in the cost of tangible capital assets in productive use, resulting in a decrease (increase) to the net financial assets (net debt) reported in the Statement of Financial Position.

Asset retirement obligations associated with tangible capital assets that are not recognized or no longer in productive use are expensed.

Additional non-cash expenses for the amortization of tangible capital assets and accretion will be recognized annually.

The total cost of legally required retirement activities will be recognized earlier in a tangible capital asset's life. There is no change to the total cost recorded over an asset's life.

A rigorous process needs to be established to support updates to the ARO measurement on an annual basis post-initial implementation.

Asset management implications

The asset retirement date used to determine the asset retirement liability needs to be consistent with the useful life of the related tangible capital asset. As a result, public sector entities need to assess whether the useful lives of tangible capital assets continue to be accurate and consistent with asset management plans.

Many public sector entities are using the implementation of PS 3280 as an opportunity to develop or refine their asset management plans.

Funding implications

PS 3280 does not provide guidance on how the asset retirement liability should be funded. Many public sector entities currently fund retirement costs as they are incurred at the end of the asset's life. Public sector entities will need to assess whether this practice remains appropriate or if funding will be obtained over the life of the asset.

Budget implications

In addition to budgeting for costs associated with the initial implementation of PS 3280, public sector entities will need to consider if the non-cash accretion expense and additional amortization expense will be included in the annual budget.

Public sector entities operating under balanced budget legislation or similar guidelines will need to obtain guidance from the provincial government to determine the impact of PS 3280 on current requirements.

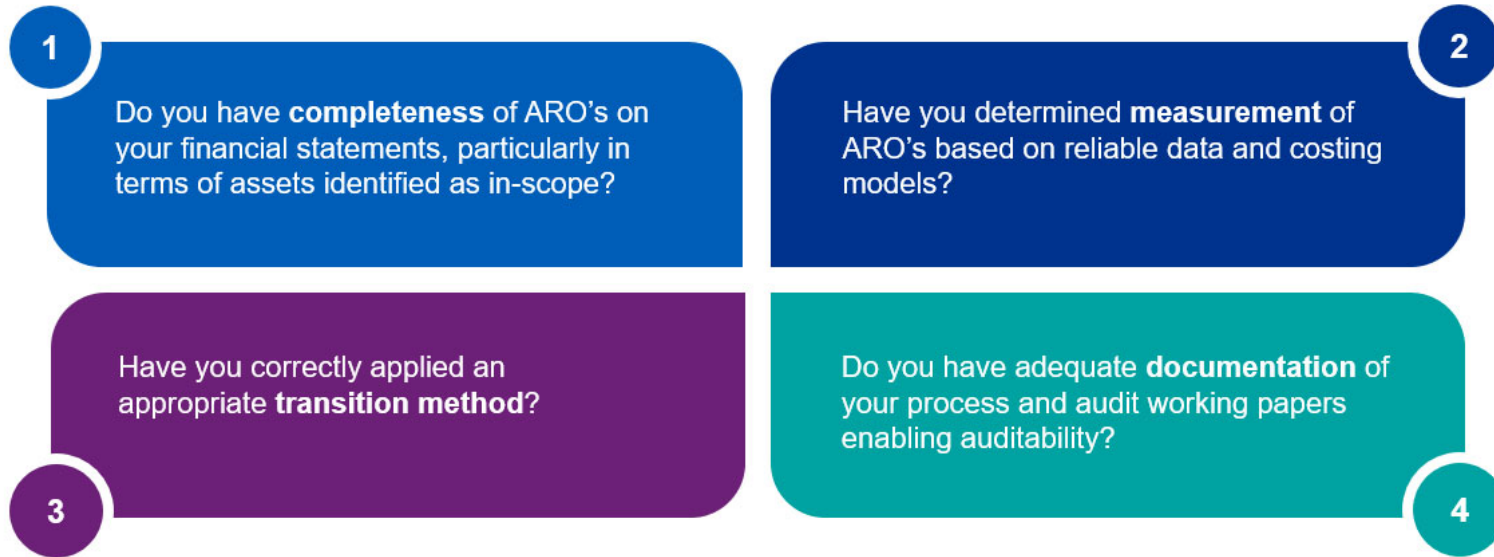
Capital planning implications

PS 3280 requires legal obligations associated with the retirement of tangible capital assets to be recorded when the assets are acquired, constructed or developed. As a result, the cost of legally required retirement activities will need to be considered at the inception of a capital project to determine the financial viability and impact of the project.

KPMG is available to help public sector entities analyze the implications of PS 3280 and determine how to mitigate resulting risks.

Appendix 6: Asset retirement obligations (continued)

Key audit risks



Appendix 6: Asset retirement obligations (continued)

Implementation project

Project planning

- ❑ Project team is cross-functional and includes Finance and non-Finance personnel.
- ❑ Sufficient personnel resources are available for the implementation project.
- ❑ Where required, external experts have been engaged.
- ❑ The project plan identifies who is responsible for each project task.
- ❑ Project timelines are reasonable.
- ❑ Auditor involvement has been scheduled at each significant project milestone.
- ❑ Asset retirement obligations policy has been drafted.
- ❑ Funding is available for PS 3280 implementation costs.
- ❑ Recurring project updates are provided to the Audit Committee or other governance body to engage them in the implementation process.

Scoping

- ❑ The tangible capital assets listing reconciles to the audited financial statements.
- ❑ Agreements (e.g. leases, statutory rights of way, etc.) have been reviewed for potential legal obligations.
- ❑ Productive and non-productive assets have been included in the scoping analysis.
- ❑ Assets with similar characteristics and risks have been grouped together in the scoping analysis.
- ❑ All relevant legal acts, regulations, guidelines, etc. have been identified.
- ❑ Relevant internal stakeholders have been interviewed to obtain information about potential retirement obligations.

Measurement

- ❑ Cost information is relevant and reliable.
- ❑ Only costs directly attributable to legally required retirement activities have been included in the liability.
- ❑ If applicable, the discount rate is consistent with the risks and timelines inherent in the cash flows.
- ❑ If discounting is applied, it is based on reliable information to inform the timing of future cash flows.
- ❑ Asset retirement obligations have been linked to specific tangible capital assets.
- ❑ The useful life of the tangible capital asset remain appropriate and are consistent with estimated asset retirement date.
- ❑ The transition method selected is appropriate based on the measurement information available.
- ❑ Calculations are mathematically accurate.

Financial reporting

- ❑ Financial statements have been mocked up to include asset retirement obligations.
- ❑ Note disclosures, including significant accounting policies, have been drafted.
- ❑ Documentation prepared during the project has been reviewed to ensure it is accurate and complete.
- ❑ Plans have been implemented for the annual post-implementation review and update of the asset retirement obligation liability.

Appendix 6: Asset retirement obligations (continued)

Implementation milestones

PHASE #1:	
Step #1	Development of a PS3280 compliant policy. Include a definition for in-scope assets, productive and non-productive assets, and document known sources of legal obligations (such as regulations and contracts) as well as key roles and responsibilities for retirement obligation identification, measurement and reporting.
Step #2	Identification of TCA/sites inventory. Develop an inventory of potential in-scope assets or sites based on existing TCA listings, and inventories used for PS3260 contaminated sites. Reconcile the listing of TCA items to the audited financial statements. Assess in-scope assets against PS3280 recognition criteria.
Milestone - Audit team review of PS3280 policy, asset listings and in-scope assets during Fall 2022.	
PHASE #2:	
Step #3	Measure the estimated liability. Assess available information, and consider the need for additional environmental assessment of any sites. Document key assumptions and variables, and selection of transition method. Determine if discounting will be applied for any assets. Consider impacts on useful life assumptions for in-scope assets. Document measurement methodology and range of estimate for in-scope assets.
Milestone - Audit team review of measurement methodology and range of estimates in Fall 2022.	
Step #4	Reporting. Prepare a library of documentation and assumptions supporting each retirement obligation for audit purposes, and comprehensive documentation of the process followed for implementation. Prepare template financial statements and related note disclosure for 2023 year end.
Milestone - Audit team review of working papers and template financial statements in Winter/Spring 2023.	

Appendix 7: Environment Social and Governance (ESG)

When thinking about ESG, the following are the two key considerations:

Financial Reporting Impacts

- How a Organization reflects the impacts of climate-related matters in the financial statements will depend on its specific facts and circumstances, including the nature and extent of those impacts on the Organization.
- IFRS Standards do not refer explicitly to climate-related risks or climate-related matters, but they implicitly require relevant disclosures in the financial statements when climate-related matters considered in preparing the financial statements are material.
- Organizations are required to consider materiality carefully in deciding what information to provide as information may be material even though there is no current-period financial impact.



Accounting impacts from **ESG**-related risks and opportunities on key areas of judgement and estimates that may be relevant will vary by industry.

Sustainability Reporting

- ESG-related information is frequently disclosed outside of traditional financial statements whether in be in separate sustainability reports but also could be within the MD&A and/or AIF
- Such information can be in the form of key metrics as identified by management or specific qualitative information around key risks and opportunities



Common voluntary disclosure frameworks used are Global Reporting Initiative (GRI), the Sustainability Accounting Standards Board (SASB) by industry, and the Taskforce on Climate-Related Financial Disclosures (TCFD).

Appendix 7: Environment Social and Governance (continued)

How might climate-related risks impact the financial statements?

The audit committee’s deep understanding of internal control and financial reporting puts it in a good position to challenge management to develop systems and processes for ESG risk and opportunity identification, to create resilient strategies to manage these risks, to develop metrics, processes and controls around data collection and ESG reporting.

The following are ten questions as a starting point to assess the impact on financial statements.



10 questions to start
impact assessment
of climate-related
risks to the financial
statements

- 01 Has your Organization made a net-zero commitment?
- 02 Does your Organization have polluting assets?
- 03 Is your Organization exposed to carbon-related regulation?
- 04 What about your inventory and production costs?
- 05 Does your Organization take part in an emissions scheme?
- 06 Does your Organization borrow funds?
- 07 Is your Organization a provider of finance?
- 08 What about your staff benefits?
- 09 What about your cash flow forecasts?
- 10 What about your disclosures?

Appendix 7: Environment Social and Governance (continued)

The Importance of ESG



Public Commitment

Increased public commitments to global initiatives and announcements relating to climate change, nature, sustainable development goals, impact and social issues.



Access to capital

Investors, lenders and underwriters increasingly factor in ESG considerations when making investment decisions, offer sustainability-linked products and require sustainability-related information from customers and clients.



Regulatory developments

ESG-related compliance costs and disclosure requirements continue to evolve, as securities commissions, prudential supervisors, stock exchanges and governments tighten the rules.



Reporting standards

Measurement and reporting of ESG-related information is maturing rapidly, as investor-centric disclosure standards are making headway (e.g. ISSB, TCFD, SASB).



Societal pressure

Stakeholders increasingly scrutinize companies' ESG performance and transparency affecting project approval, brand acceptance and consumer demand.



Climate change

Widespread recognition that climate change is a material financial risk – measuring and managing climate risks (and opportunities) is maturing and considered critical to financial risk management.



Enhanced risk management and investment returns

ESG integration has become an investment norm. 75% of institutional investors now consider ESG factors to be "material" to their investment analysis.



Workforce of the future

ESG has become a key factor in attracting and retaining top talent, as employees are seeking purpose from their work.

Appendix 7: Environment Social and Governance (continued)

Role of the Audit Committee

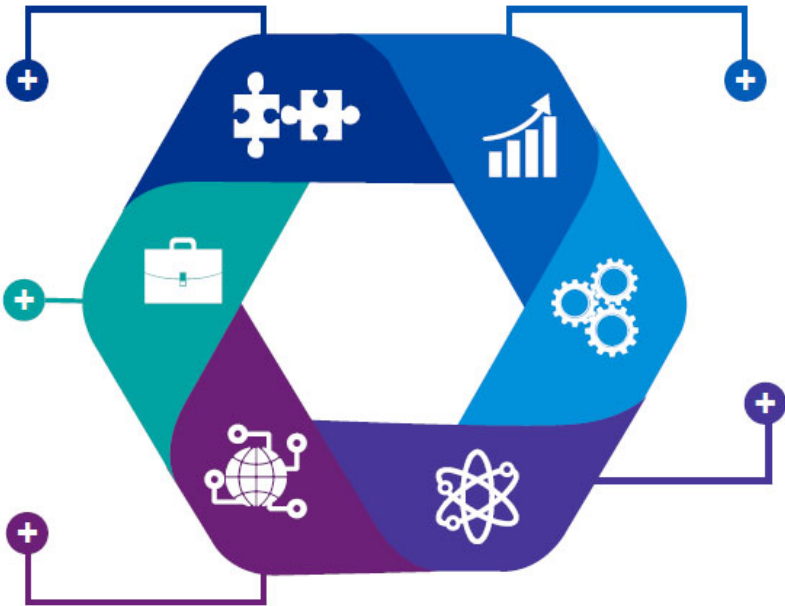
The Audit Committee will need to be involved in overseeing the development of policies, systems, processes, internal controls, governance and assurance for ESG data and reporting similar to that which is in place for collecting and disclosing financial information.

Questions for Management

What are the ESG topics that align to Organization's and stakeholders' priorities?
Audit committees should understand stakeholders' priorities and the Organization's material ESG issues, particularly, where those two topics overlap.

Is the Organization currently reporting on its ESG efforts, and where?
The data's importance to a Organization's ESG strategy, including financial materiality, should align with corresponding regulations and levels of risk associated with the data. This should determine the reporting method.

Are there established processes and controls in place for data collection and reporting?
Collecting data in a consistent method is important. In some cases, there is an established standard that is accepted by almost all investor groups. For example, the Greenhouse Gas Protocol is widely recognized as a way to report on emissions.



What level of assurance is the Organization getting on ESG metrics? What is being assured, by whom, and what is the value of the assurance?
It is critical for companies to begin to identify their priorities before pressure from customers, shareholders, and others push to accelerate the Organization's timeline. Audit committees are best positioned to understand which metrics merit assurance.

How should the Organization think about value creation and competitors when engaging on ESG?
Audit committees should take steps to understand the business and competitive environment regarding ESG strategy and reporting. Developing a clear ESG strategy, along with a standardized reporting process, can set a Organization apart from its competition, as investors, customers, and other stakeholders increase their scrutiny.



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Corporate Report City Council

Report from: Planning and Building Services, Planning Services

Report Date: September 2, 2022

Meeting Date: September 26, 2022

Report Number: PBS-149-2022

File: 60.73.1; 60.73.34

Subject: Municipal Housing Action Plan 2017: Status Update

Strategic Pillar:

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



Recommendation

That Report PBS-149-2022, regarding the Municipal Housing Action Plan 2017: Status Update, be received for information; and

That Council adopt the Accessory Dwelling Unit (ADU) Program as part of the City's Community Improvement Plan (2020CIP), as set out in Appendix 1; and

That By-law 2020-156 'A By-law to authorize delegation of certain matters to staff' be amended to delegate authority to the Director of Planning and Building Services, or designate, to approve ADU program applications under the 2020CIP; and

That Council direct the City Solicitor to prepare the necessary by-laws.

Summary

In 2017 Council directed staff to prepare a comprehensive report on policy tools and options to encourage the development of affordable housing in the municipality. In June 2017, Council adopted the recommendations of Planning and Building Services (PBS) staff [Report PBS-134-2017](#) prepared in response to Council's direction. The report recommends several priority and longer term initiatives, and action items, to address affordable and attainable housing in the municipality, and to be included in the development of a City Housing Action Plan. A comprehensive Housing Action Plan has not yet been completed and is in the PBS department workplan for 2023. However, many of the priority initiatives and action items identified in [Report PBS-134-2017](#)

towards supporting affordable and attainable housing have been completed or are currently in progress. This report provides a status update of the priority initiatives and action items identified in the [Report PBS-134-2017](#).

One of the action items identified in [Report PBS-134-2017](#) was an Accessory Dwelling Unit (ADU) grant program that was included in the 2020CIP. While funding was identified for the ADU program, Council opted to defer its implementation pending clarification. This report also addresses Council's inquiries and recommends implementation of the ADU program under the 2020CIP.

Relationship to Strategic Plan

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

Background

Recognizing the rising issue and need for affordable and attainable housing in the City, in January 2017, Council passed the following motion:

"That Council direct staff to prepare a comprehensive report on the City's policy tools and options to encourage the development of affordable housing, including a review of policies related to secondary suites and inclusionary zoning, regulations and allowances for mini houses, live work spaces, modular homes and laneway homes, as well as a review of the CIP program and development charges policy and other creative incentive options to support the creation of affordable housing in St. Catharines."

In June 2017, Council adopted the recommendations of PBS staff [Report PBS-134-2017](#) prepared in response to the above Council motion. The report provides extensive background research, including affordable housing definitions, vacancy rates, legislative context, and government / agency roles, and identifies issues, tools and opportunities to better support, encourage and facilitate the provision of affordable and attainable housing accommodation in the city.

That [Report PBS-134-2017](#) also recommends several priority and longer term initiatives, and action items, to address affordable and attainable housing in the municipality, and to be included in the development of a City Housing Action Plan (HAP). Due to limited staff resources and department workloads, a formal comprehensive HAP has not yet been completed, but is in the PBS workplan for 2023. Notwithstanding, many of the recommended initiatives and action items identified in [Report PBS-134-2017](#) have been completed or are currently under study.

This report provides a status update of the priority initiatives and action items recommended in the staff [Report PBS-134-2017](#) towards the provision of affordable and attainable housing, and to be included in the development of a HAP for the City. These items relate to the following:

- Official Plan and Zoning By-law amendments
- Condominium Conversion
- Community Improvement Plan, including consideration of the Accessory Dwelling Unit (ADU) grant program
- Development Charges
- Community Benefits Charges
- Inclusionary Zoning
- Surplus Public Lands
- Municipal Development Corporation
- Streamlining Development Processes, Approvals
- Advocacy / Collaboration / Education

Official Plan and Zoning By-law

The City currently has in place a number of policies and tools to encourage the provision of affordable and attainable housing. In the opinion of PBS staff, the City's Official Plan (Garden City Plan) and current Zoning By-law are well situated and suited to support the accommodation of affordable and attainable housing opportunities.

Notwithstanding the above, a number of Housing Action Plan (HAP) items support review of certain components of Official Plan policy and Zoning By-law regulation to further strengthen the planning framework in support of affordable and attainable housing. These items are being addressed through the Zoning By-law Housekeeping review currently being undertaken by PBS. Other items are to be more appropriately addressed through an Official Plan conformity exercise. The Province mandates that all lower tier municipalities undertake an Official Plan conformity exercise within one year of formal approval of an upper tier Official Plan. The upper tier Region of Niagara approved a new Official Plan in June 2022 and which is currently awaiting formal approval by the Ministry of Municipal Affairs and Housing. PBS has identified this required conformity exercise as a priority workplan item, anticipated to commence in Q2 2023.

The following sets out the current planning framework established in the Official Plan and Zoning By-law, and Housing Action Plan (HAP) priority items to be further addressed through amendments to the planning documents.

Current Framework

Prior to 2012, the City's Official Plan and Zoning By-law primarily supported a lower density development planning framework, typical of suburban type planning documents that were formulated in the 1970 / 80s across North America. This resulted in a significant amount of the City's vacant land base within the urban area to be developed for primarily land / space expansive low density detached housing. The housing mix in the city prior to 2012 was approximately 62% low density detached and semi-detached housing, and 19% for each of townhomes and apartments. This type of development scenario in of itself detracts from practical opportunities to support and encourage affordable and attainable housing accommodation.

In 2012, the City adopted a new Official Plan (Garden City Plan), and in 2013 a new city-wide Zoning By-law. Both of these documents take the existing land use planning framework for the City in a significantly different direction in terms of housing accommodation.

- The planning framework instilled in the Garden City Plan (GCP) and current Zoning By-law is primarily geared towards infill and intensification, land and service efficient, mixed use and transit supportive development. The planning framework provides for a wide range, variety and mix of housing types and tenure, and flexible accommodation options, in all neighbourhoods throughout the city's urban area, and which provides for and promotes opportunities for affordable and attainable housing development.
- Many municipalities across Ontario have varying degrees of 'exclusionary' zoning, whereby certain zone categories or neighbourhoods only permit low density detached housing types as the primary use. The City's Zoning By-law does not have exclusionary zoning. The Zoning By-law has four residential zone categories all of which provide for a range of housing opportunities. The zoning categories, ranging in order from lower to higher density zoning permissions, are as follows:
 - R1 zone: detached, semi-detached, quadruplex, townhouse
 - R2 zone: detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse
 - R3 zone: detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse, apartments
 - R4 zone: triplex, fourplex, quadruplex, townhouse, apartments
- As identified above, the pre-2012 housing mix in the city was approximately 62% / 19% / 19% low, medium and high-density housing. One of the intentions of the GCP and new Zoning By-law is to begin to balance out the overall type of housing provided in the City and lessen the gap between low- and high-density housing provision. This is a long-term goal as the gap is significant. However, from 2012 to the end of 2021, the ratio of new housing development within the municipality is 23.5% / 32.5% / 44% low-, medium- and high-density housing, and working towards a greater overall balance of housing provision in the city.
- The permissive flexibility built into the current planning documents also provides greater opportunity for cost effective / efficient development, only requiring the need for minor development approvals, site plan or subdivision approval for many development scenarios, and without the need for labour and time intensive development approvals through additional official plan and/or zoning by-law amendments. This supports the reduction in red-tape processes working towards obtaining development approvals, provides for greater certainties and development cost efficiencies, and in turn, more opportunity to pass cost savings

on to the consumer, and to advance a more favorable climate to provide affordable and attainable housing.

- Other components of the GCP and Zoning By-law that support affordable and attainable housing include:
 - 'as-of-right' permission for interior accessory dwelling units in all detached, semi-detached and townhouses, and detached accessory apartments subject to site specific zoning amendment.
 - require smaller minimum lot areas to support efficient development, and maximum lot areas and to ensure underdevelopment of lands does not occur.
 - supports the creation of lots and construction of dwellings in laneways subject to the availability of services and adequate access.
 - permit live-work options in a variety of zones and home-based businesses within a principal dwelling unit subject to certain zoning provisions.
 - permit residential units above, behind or beneath commercial units in the commercial zones.
 - encourage and permit transit supportive mixed-use zoning and development in appropriate locations.
 - establish parking exemptions in the City's downtown core.

Report

Housing Action Plan Items

A number of Housing Action Plan (HAP) items identified in [Report PBS-134-2017](#) recommend strengthening Official Plan policy and Zoning By-law regulation in support of affordable and attainable housing initiatives. Other HAP items identified may be related but are not the specific purview of Official Plan policy or Zoning By-law regulation. The following provides a status update on priority HAP items identified in [Report PBS-134-2017](#).

Accessory Apartments (Secondary Suites)

Provincial legislation requires that municipalities permit 'as-of-right' the creation of an accessory apartment within any detached, semi-detached or townhouse dwelling unit. The City's GCP and current Zoning By-law was one of the first in Ontario to do so, permitting 'as-of-right' the creation of an accessory apartment within any detached, semi-detached or townhouse dwelling unit subject to zoning regulations to ensure the subordinate size and function of the unit to that of the primary dwelling, and to provide appropriate parking accommodation. Detached accessory units (within an accessory structure to that of the primary dwelling unit) are also permitted subject to site specific zoning amendment.

One of the HAP priority items is to review accessory unit permissions to consider more flexibility in permitted unit sizes, evaluate parking requirements for accessory units, and to establish specific development criteria in order to permit detached accessory units without the need for a site-specific zoning amendment.

Status: Currently under review through the Zoning By-law housekeeping exercise. This review will also address opportunities, permissions and development standards for other housing types including tiny homes, laneway housing, container housing, special needs housing, and co-habitation housing.

Parking requirements

Required provision of parking affects the feasibility of projects. The downtown core is exempt from parking requirements. There is merit in examining additional locations, such as the GO Station Major Transit Station Area Secondary Plan, and high-density residential and mixed-use corridors that could be appropriate for parking exemptions.

Status: Currently under review through the Zoning By-law housekeeping exercise.

Height Allowances

To support the goal of increasing the feasibility of affordable housing projects, consideration be given to increasing height allowances for affordable housing projects through zoning regulations.

Status: To be addressed through the Official Plan conformity exercise, and potential zoning by-law amendment.

Downsizing

Consider the prohibition of redevelopment sites from downsizing. For example, if the current density of the site is 30 unit / ha, the project cannot be redeveloped below that density even if the zone provides for an allowance of 20-32 units / ha.

Status: To be addressed through Official Plan conformity exercise, and potential zoning by-law amendment.

Demolition

Add demolition control areas to restrict the demolition of existing apartment buildings to ensure that the existing supply is not diminished.

Status: To be addressed through Official Plan conformity exercise, and potential zoning by-law amendment.

Vacant Building Registry By-law

In an effort to drive re-development of derelict properties and protect public safety, on May 30, 2022, Council adopted the Vacant Building Registry By-law. The By-law requires owners to register their vacant buildings for a one-time administrative fee and an annual registration fee to cover staff resources of enhanced monitoring. In part, the By-law is intended to act as an impetus for property owners to fill vacant buildings, and thereby supporting increased housing and commercial building supply in the city. Although not specifically identified as an action item in the 2017 HAP [Report PBS-134-2017](#), the vacant building by-law serves to support potential enhanced provision of affordable housing supply in the city through promoting utilization of currently vacant buildings.

Condominium Conversion Policies

[Report PBS-134-2017](#) recommends more prohibitive wording, and review of applicable vacancy rates and timelines in Official Plan (GCP) policy when considering the conversion of rental accommodation to condominium tenure. The strengthening of condominium policies in the GCP can assist in ensuring that the city-wide and neighbourhood rental vacancy rates are appropriate and stabilized before conversion is considered.

In January 2018, Council adopted Official Plan Amendment 17 respecting the conversion of rental accommodation to condominium or other forms of housing ownership. The amendment clarifies and strengthens the wording of GCP policy to protect rather than discourage against the loss of affordable housing and strengthens the criteria for minimum rental vacancy rate thresholds in considering the conversion of rental accommodation to condominium or other forms of housing ownership. Policy revisions serve to strengthen the original intent of the policy to support a balance of housing tenure, and to ensure provision for rental accommodation and affordable housing within the city.

Status: Complete

Community Improvement Plan Review

Community Improvement Plans (CIPs) are one of the most effective tools available to the municipality to directly incentivize affordable housing projects. One of the priority items identified in [Report PBS-134-2017](#) is the review of the City's 2015 Community Improvement Plan (2015CIP) to support more affordable housing initiatives.

More specific CIP items identified for review included strengthening criteria for affordable housing provision in considering CIP project approvals, the addition of a dedicated staff position to administer the CIP program, and a sunset clause, whereby development projects previously approved for a CIP incentive, but not commenced within an appropriate timeline, would have approval rescinded and the incentive value amount originally allocated to the project would be re-directed to other affordable housing initiatives.

- a) In March 2019 Council directed a review of the 2015CIP and in November, 2020, Council adopted a new Community Improvement Plan for the City, the 2020CIP.

Among other matters, the 2020CIP adds the provision of affordable housing as a significant criteria and component in evaluating CIP project approvals for tax incentive programs, as well as increasing the value of the incentive for affordable housing developments versus those without an affordable housing component.

Status: Complete

b) Creation of Housing Reserve Fund to support affordable housing development

When adopting the 2020CIP, Council also approved a Housing Reserve Fund, where the budgeted incentive value of rescinded CIP projects is re-directed to the Housing Reserve Fund to support affordable housing initiatives. This may be in the form of waiving or rebating building permit or development application fees for affordable housing projects. The process and criteria to implement the Housing Reserve Fund is currently under review.

Status: Partial Complete / On-going

c) Accessory Dwelling Unit (ADU) Program

The 2020CIP also recommended a separate grant program to support the creation of accessory apartments (the Accessory Dwelling Unit (ADU) Program) to further incentivise the creation of affordable housing opportunities. Council did not approve this program when adopting the 2020CIP, and directed it be brought back for further consideration. On April 25, 2022 Council further considered the ADU Program and again deferred the matter for staff response to questions and issues raised at the April 2022 meeting.

The ADU Program, as originally constituted and recommended as part of the original 2020CIP, is set out in Appendix 1. An overview of the Program, and staff response to questions and issues raised by Council at the April 25, 2022 meeting, is set out in Appendix 2.

Status: On-going. This report recommends that the ADU Program, as originally constituted and recommended (Appendix 1) as part of the original 2020CIP, be approved.

Development Charges

The Development Charges Act, as amended by the Province in June 2019 (*Bill 108: More Homes, More Choices Act*), provides that municipalities may recover certain growth-related capital expenditures resulting from new development (versus expending capital projects through the municipal tax base) by applying development charges (DCs) for different types of development (residential, commercial, industrial, etc.). Providing DC exemptions, reductions or related grant programs for affordable housing developments is a significant means to supporting affordable housing initiatives.

The HAP [Report PBS-134-2017](#) makes reference to the Region of Niagara review (2017) of their DC By-law, and the need to support and encourage Regional DC exemptions for accessory apartments and affordable housing developments. At that time, the City did not have a DC By-law, the last one having expired in 2009.

In March 2020, Council approved undertaking a DC Study, and in September 2021, Council adopted a city-wide DC By-law 2021-140 (in effect January 1, 2022). The DC By-law establishes applicable charges for many different types of development,

including residential. However, it also provides DC exemptions, reductions and authorizes the introduction of grant programs supporting affordable housing initiatives, as follows:

- Exemptions: for interior and exterior detached accessory dwelling units; creating additional units in an existing rental building greater than four units; development or re-development of buildings for residential use by Not-for Profit Corporations or non-profit housing co-operatives.
- Reductions: for redevelopment and conversion for residential and mixed-use buildings.
- Grant Programs: intended to mirror those offered by the Region of Niagara
 - o Affordable Housing Development Grant: provides a grant of up to 100% towards any development charges payable for affordable housing developments that receive funding through agreement with Niagara Regional Housing or designated agencies.
 - o Urban Growth Centre Grant; provides a grant of up to 100% towards any development charges payable for any residential, commercial or mixed use development within the Urban Growth Centre that is three (3) storeys or greater in height.

Status: Complete

Community Benefits Charges

Introduced through Bill 108 and subsequently through Bill 197 in 2020, the Province enables municipalities to adopt a Community Benefits Charges (CBC) By-law applicable to higher density residential developments. The By-law enables the municipality to recover former-eligible DC services, now not eligible under DC legislation, for higher density developments, as well as land for park or other recreational purposes in excess of parkland dedication requirements established in the Planning Act.

In association with the above-referenced DC Study direction given in March 2020, Council also directed that a Community Charges Benefits Study be undertaken at that time. This study was recently completed, and on July 18, 2022, Council adopted a city-wide Community Benefits Charges (CBC) By-law 2022-133 (in effect September 1, 2022).

The City's CBC By-law imposes Community Benefit Charges on higher density residential developments for new and re-developed buildings that are five or more stories in height, and that adds 10 or more dwelling units. Notwithstanding, the CBC By-law also supports affordable housing initiatives, providing exemption of charges for development or re-development of buildings for residential use by Not-for-Profit Corporations and non-profit housing co-operatives. In addition, on August 8, 2022, Council adopted a Community Benefits Charges Affordable Housing Grant Program in

association with the CBC By-law, further supporting affordable housing initiatives, as follows:

- Grant Program: provides a grant of up to 100% of the net community benefits charges payable for the provision of new or expanded affordable housing developments that receive funding through agreement with Niagara Regional Housing or designated agencies. The program acts on a sliding scale, providing a higher grant with more affordable units provided. At least 5% of dwelling units must be affordable to qualify, and projects with 25% affordable units qualify for a 100% grant.

The HAP [Report PBS-134-2017](#) was prepared in 2017, well before Provincial legislation enabling CBCs was introduced, and as such, did not identify opportunities for affordable housing initiatives under a CBC perspective. However, with the subsequent introduction of CBCs, and the introduction of associated exemptions and the grant program referenced above, the CBC serves as an additional tool by the municipality to support housing affordability initiatives. The CBC specifically outlined that a Housing Action Plan be an eligible policy project and the Affordable Housing Reserve's (created by the 2020CIP) use will be contemplated through this process.

Status: Complete

Inclusionary Zoning

The HAP [Report PBS-134-2017](#) identifies Inclusionary Zoning as another method to support affordable housing initiatives and recommends that this initiative be studied by the municipality.

In 2016, the Province enacted legislation (Promoting Affordable Housing Act) enabling municipalities to establish Official Plan policies authorizing the use of Inclusionary Zoning within 800 metres of a major transit station area. In St. Catharines, this represents the Downtown bus terminal and the Go Transit Station in the west end. This zoning tool requires a certain percentage of units in new developments to be affordable housing units (ex. 10% of 200 units in a new residential development). The cost of providing affordable housing units is shifted to the private sector and ensures that affordable units are mixed with market value units. This eliminates segregation that can be created by construction of residential developments containing only affordable housing units. There is concern that the cost of constructing the affordable units can only be incorporated into the balance of the development when the number of units is very high. Additionally, it is very difficult to ensure that the constructed units remain affordable for an extended period of time, particularly when not of rental tenure.

At the same time as directing the above-referenced DC and CBC studies be undertaken in March 2020, Council also directed that an Inclusionary Zoning study also be completed. Given Provincial timeline requirements for implementation of the DC and CBC studies, the Inclusionary Zoning study was identified as the third component of Council's study direction. The Inclusionary Zoning Study is currently on-going and is expected to be completed in Q3 2023.

Status: On-going

Surplus Lands Development Task Force

The HAP [Report PBS-134-2017](#) identified the potential creation of municipal policy that, where appropriate, the condition of sale of lands declared surplus by the municipality should first be considered for affordable housing initiatives before being put to other uses.

In January 2020, originating from the potential sale of municipal lands declared surplus at 6-8 Academy Street, Council created the Surplus Lands Development Task Force, made up of the Mayor and four Councillors, with administrative support from various City departments.

In part, the Task Force is charged with review of Request For Proposal (RFP) specifications for the potential sale of surplus municipal lands in a manner to support affordable housing initiatives prior to consideration for other uses. One example of this is the sale of 320 Geneva Street formerly occupied by the City's Community, Recreation and Cultural Services Department. The property was declared surplus by the municipality, and recently sold to private interests with the condition that it may only be developed for a defined mix of affordable, social and market rate housing.

Status: Continuous / On-going

Municipal Development Corporation Study

The HAP [Report PBS-134-2017](#) identified the potential creation of a Municipal Development Corporation (MDC) as a tool to support affordable housing initiatives.

At the present time, staff manage the City's municipal real estate assets and projects, including the acquisition and disposition of land in accordance with existing City policies including the Sale and Disposition of Land Bylaw No. 2007-309. In addition, the Surplus Lands Development Task Force has terms of reference to guide the strategic disposition of certain key properties identified by Council. The creation of an MDC would transfer some or all of these responsibilities to a separate body independent of Council and staff.

The Municipal Act enables local municipalities to establish an MDC, and which may provide for a wide mandate, including disposition of municipal property, marketing of surplus lands, and making strategic acquisition of lands in accordance with municipal planning strategies, including the provision of affordable housing opportunities.

In November 2020, Council directed staff to report on the opportunity to develop an MDC, and in June 2021, directed that an RFP be prepared by the Surplus Lands Development Task Force, and a consultant be retained to study and assess the need for, function, and structure of an MDC or other external entity to undertake strategic real estate functions for the City.

Through the RFP process, staff engaged the consulting services of urbanMetrics inc. to undertake a Strategic Real Estate & Land Development Corporation Review. This review is evaluating the viability and merits of creating an entity that helps maximize potential surplus land development opportunities, improve fiscal responsibility, pursue affordable housing initiatives and partnerships, and implement major community building projects.

It is anticipated that an update report on the potential feasibility of an MDC for the municipality will be brought before Council in Q1 2023.

Status: Currently On-going

Streamlining Application Processes / Approvals

The level of certainty and timelines for the development approval process can be a significant factor in a project's success, and funding. To address this reality, the HAP [Report PBS-134-2017](#) supports greater certainty provided for development application processes, requirements and timelines, with a formal staff commitment from various departments / agencies for an expedited approvals process. This option is not limited to planning approvals but can extend to building permits, scheduling of inspections and external agency approvals. This information should be relayed to applicants at time of pre-consultation so that project success can be determined early on in the process. This applies to all planning applications, but it is also seen as a valuable tool to enhance opportunities to streamline affordable housing projects, which in many instances, involve assimilating other requirements, funding mechanisms and approvals from different agencies not typical to standard applications.

- a) In relation to the above, the City added a Development Expeditor position to the staff complement of Economic Development and Tourism Services in 2019 in order to provide support and assistance to development proponents in navigating the various planning policies, regulations, requirements, and timelines involved in the development approvals process.

Status: Complete

- b) As an effective staffing tool in supporting affordable housing initiatives, the HAP [Report PBS-134-2017](#) also recommends the addition of a planning staff member that specializes in affordable housing programs, requirements, grants and funding options offered by various levels of government and agencies, and to facilitate affordable housing collaborations and solicit funding options, to date, this position has not been created.

Status: No action to date

- c) Business Process Optimization for Development Approvals study

In January 2022 the Province announced the "Streamline Development Approval Fund" providing temporary financial support to 39 mid- and large-sized Ontario

municipalities, including St. Catharines, and which among other matters, is intended to implement actions to expedite development approvals with the goal of bringing more housing units online, and in doing so, to provide more housing supply, options, greater balance between supply and demand, and more stable and attainable market and rental housing values. The City was awarded funding by the Province to implement initiatives such as e-permitting systems, temporary staff, online application portals and improvement initiatives aimed at streamlining processes and expediting approvals that bring housing units to market. Utilizing this funding support, the City is currently undertaking a Business Process Optimization for Development Approvals study to address the above.

Status: Currently On-going

Advocacy / Collaboration / Education

- a) For any of the actions and tools presented in the recommended HAP to succeed, Council must make a political and financial commitment to continuously support affordable housing initiatives. This commitment can come in the form of motions to petition different levels of government for funding. Council can take an advocacy role and ensure that the issue and need for a solution is consistently raised with the public and amongst politicians and representative staff from all levels of government.

To this end, the municipality has added a Government Relations position to the staff complement of Economic Development and Tourism Services to communicate, advocate, and seek out partnerships and outside funding sources to support City initiatives, including those related to the provision of affordable housing.

- b) Robust compilation and sharing of information within the municipal organization, and between all local municipalities, the Region of Niagara, other levels of government, agencies, and professional associations (ex: Ontario Professional Planners Institute (OPPI), Canadian Institute of Planners (CIP), Large Municipalities Chief Building Officials (LMCBO), Association of Municipalities of Ontario(AMO)) can provide the municipality with enhanced knowledge base with respect to emerging trends, best practices, innovation and additional funding streams and sources to advance affordable housing initiatives.
- c) Some of the options that do exist within current policies and regulations are often not being used or known by the public and development industry. An important element in successfully integrating affordable housing within the community is public engagement, collaboration, education, and communication between all the various stakeholders, and availability and provision of information about current and future local housing needs, the social and economic benefits of meeting these needs, and the importance of achieving community acceptance of various forms of housing.

Status: Continuous, On-going. Needs to be appropriately formalized through the development of a comprehensive engagement strategy through the HAP.

Financial Implications

Many of the component studies of the HAP that require budget allocation have been completed or are underway and have already been accounted for through the municipal operating budget. There may be potential future additional financial obligations to be considered to complete certain components of HAP items, such as continued study of a municipal development corporation and streamlining application processes. The financial impact of each forthcoming component of the HAP will be evaluated and addressed in future reports at the implementation stage for the applicable item. The future HAP was identified as an eligible policy project under the Community Benefit Charge Strategy approved by Council in August 2022. There are no financial implications associated with this report.

Environmental Sustainability Implications

The implementation of HAP initiatives identified in this report supports the enhanced provision of a range of housing opportunities and accommodation for all users in a land, service, cost efficient, integrated and compatible manner.

Conclusion

This report provides a comprehensive set of priority and action items to support the provision of affordable and attainable housing in the municipality, including land use policy and regulation, economic development, innovation, process and procedures, social service provision, public perception, advocacy, and public funding at various levels of governments. Utilizing only one or two of these tools will not be enough. There must be a collaborative and comprehensive approach to tackling the issue of affordable and attainable housing accommodation in St. Catharines. The implementation of the various priority and action items set out in this report supports this collaborative and comprehensive approach.

Prepared and Submitted by

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Approved by

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Appendices

1. Accessory Dwelling Unit (ADU) Program as originally constituted and recommended as part of the 2020CIP.
2. Accessory Dwelling Unit (ADU) Program Overview / Staff response to questions and issues raised by Council on April 25, 2022.

Accessory Dwelling Unit Program (ADU)

1. PURPOSE

The Accessory Dwelling Unit (ADU) Program provides a one-time grant to help offset project costs for:

- the construction of an (interior) accessory apartment dwelling unit within an existing principal dwelling unit or as an addition thereto;
- the construction of an (exterior) accessory apartment dwelling unit within an existing or new detached accessory structure.

This grant is intended to support a greater mix and size of housing types in the City, and the increased availability of affordable rental housing accommodation.

2. ELIGIBILITY

- a) Only on properties in compliance with the location and regulatory use permissions established in the Official Plan and Zoning By-law for accessory dwelling units;
- b) For the construction of:
 - an accessory apartment unit within, or as an addition to, an existing principal dwelling unit that is 5 years in age or older at time of complete application;
 - an accessory apartment unit within an existing or new detached accessory structure, or for a pre-fabricated accessory dwelling unit placed on the property.
- c) The property owner shall not be in arrears of any property taxes, local improvement charges or any other arrears or charges from the City, Region or the Province.

3. **GRANT VALUE**

- i) After successful completion of the project, the applicant may receive a one-time grant from the City, as follows:
 - the value of the grant is up to 70 % of eligible project costs incurred, to a maximum of \$20,000, for the construction of an interior or exterior accessory dwelling unit.
- ii) Additional financial incentives may be secured for the same project from other government agencies, non-profit groups, or other agencies and associations. The amount, duration and provider of the incentives, including conditional approvals, must be declared to the municipality as a condition of rebate payment.

Where the value of all other incentives, combined with the City incentive, is greater than total project costs incurred, the value of the ADU incentive will be decreased accordingly to ensure that all incentives provided for the project do not exceed total project costs incurred.

4. **ELIGIBLE PROJECT COSTS**

Eligible Project Costs that may be claimed for an ADU grant are set out below.

- Only eligible project costs that are consistent with, and incurred after the Building Permit for the accessory apartment unit has been issued by the Chief Building Official, may be claimed for the ADU grant;
- Eligible Project Costs include building materials, labour costs, and new or upgraded HVAC systems and plumbing where required under the Building Permit to facilitate construction of the accessory dwelling unit;
- Ineligible costs include, but are not limited to, household appliances, decorative amenities, and financing, consulting fees, and fees to prepare building permit plans.

5. **APPLICATION INTAKE/REQUIREMENTS**

- i) Application Intake

A complete ADU application must be made within 30 days of a Building Permit issued by the Chief Building Official for the accessory apartment unit, and are received on a first come basis.

- ii) Minimum Requirements to submit a Complete Application

St. Catharines Community Improvement Plan (2020CIP)

i) Submission Materials

- a copy of the Building Permit plans approved by the Chief Building Official for the construction of the accessory apartment unit.
- Estimated Project Costs: An itemized estimate of total project costs, and component project costs, including proposed service providers.
- Picture documentation of the proposed building area to be retrofitted or constructed for the accessory dwelling unit, taken at time of application.
- Applications for an (exterior) accessory apartment unit must also include a site plan of the property, including all building dimensions and yard setbacks of the applicable detached accessory structure, and other applicable regulations established in the Zoning By-law, and may include the requirement for a grading plan or other plans.

6. PROJECT APPROVAL/ TIMELINE

i) Approval Authority

- City Council is the approval authority for ADU applications, except where authority is delegated to municipal staff.
- Complete applications will be processed on a first come basis;
- The ADU Program is subject to a Council approved annual budget allocation. Application approval is contingent on the program budget allocation, and the number of approvals that may have already been granted.

ii) Project Timeline

An approved project must be completed to the satisfaction of the municipality within 12 months from the date of issuance of the applicable Building Permit.

iii) Commencement of Grant payment

To commence the grant payment, the applicant must:

- provide written notice to the municipality within 30 days after project completion requesting to trigger the grant payment; and

St. Catharines Community Improvement Plan (2020CIP)

- satisfy all requirements of the ADU program, and those set out in Section 7 below.

7. REQUIREMENTS FOR COMMENCEMENT OF GRANT

Prior to disbursement of the grant payment, the property owner must satisfy all ADU program requirements, and including the following:

- i) That all municipal property taxes levied on the property are paid in full;
- ii) A final inspection has been made, and an occupancy permit has been issued by the municipality for the accessory dwelling unit;
- iii) Picture documentation of the accessory dwelling unit, taken at time of project completion;
- iv) submission of an Eligible Costs Form setting out in itemized detail all project costs incurred by the property owner, and broken down by project components, including but not limited to detailed invoices, contracts, service /material provider, materials supplied, purchase orders, proof of payment;
- v) declaration of any grants or financial incentives that have been secured, or received conditional approval, for the same project from other government agencies, non-profit groups, or other agencies and associations. The amount, duration and provider of the incentives must be set out in the declaration;
- vi) a Municipal Compliance Audit and confirmation of no tax arrears, outstanding work orders, local improvement charges or any other charges of the City or other agencies, property standards compliance, and may include third party review or audit of eligible project costs at the expense of the property owner.

ADU Program Overview / Staff response to questions and issued raised by Council on April 25, 2022.

1. ADU Program Overview

The proposed Accessory Dwelling Unit (ADU) program provides a one-time grant after project completion to help offset the costs of retrofit or construction of an accessory dwelling unit. The cost to retrofit or construct an accessory dwelling unit may be exorbitant for many property owners, especially with respect to achieving required compliance with Building and Fire Code regulations. Properties must also be in compliance with existing land use permissions and zoning regulations in order to be eligible for the Program.

The value of the grant is up to \$20,000 per accessory dwelling unit, and not to exceed a maximum of 70% of eligible costs. The incentive is not disbursed until the project is complete, appropriate documentation submitted, inspection and possible audits conducted.

The ADU program aligns with Provincial policy, the City's Official Plan, and the City's Zoning By-law which permits interior accessory apartments 'as-of-right' within any detached, semi-detached and townhouse dwelling unit. It also aligns with the City's Housing Action Plan approved by Council in 2017. The Housing Action Plan speaks directly to supporting the increased provision of accessory dwelling units and to incentivizing the provision of affordable housing through the City's CIP.

Rising housing market values and low rental vacancy rates are a significant concern in the City of St. Catharines. The ADU Program supports and encourages the development of a greater mix of housing types in the City, and the opportunity to increase the availability of affordable and attainable rental housing accommodation. It is also intended to support:

- property owners who want to legalize an existing ADU by achieving compliance with Building and Fire Code regulations
- older adults planning to 'age in place' and live independently in their community
- parents who wish to provide an attainable, quality housing option for an adult child who is struggling to find accommodation in the high housing market
- balanced growth through gentle intensification in areas served by existing infrastructure

Delegated Approval

In considering the ADU Program, staff also recommend that the Director of Planning and Building Services be delegated authority to review and approve ADU applications that meet program eligibility requirements, and within the approved budget allocation for the program. The recommended delegated authority is the same as that which has been approved for applications under the Façade Improvement (FIP) Program, another grant program in the 2020CIP.

Financial Implications

Should the ADU Program be adopted by Council as part of the 2020CIP, additional funding allocation for this grant program will not be required in the City's current operating budget. The City's 2022 Operating Budget allocates \$120,000 for 2020CIP grant approvals, which was intended to fund both the Façade Improve Program (FIP) and the proposed ADU Program under the CIP.

Based on the current budget allocation and the projected annual allocation, the ADU Program can fund approximately four to seven projects per year depending on the number of FIP applications received and the value of eligible costs calculated for approved projects.

2. Issues Identified for Additional Review

In consideration of the proposed ADU Program at the April 25, 2022 Council meeting, certain issues and questions were raised by Council with respect to the Program. Below is a summary of the discussion and staff's response.

Issue 1: Property Ownership

Concerns were raised that the ADU Program may incentivize ADU projects in investment properties.

The main purpose of the proposed ADU program is to encourage a greater mix and size of housing types in the city, and to increase the availability and supply of rental housing accommodation. In the opinion of staff, it is not significant to distinguish between property owners who add an ADU to their principal dwelling, or property owners who add an ADU to their investment property. In each instance, the rental supply increases which fulfills the primary purpose of the ADU program.

The addition of new eligibility criteria for owner occupancy requirements would prevent investment properties from receiving an incentive under the ADU program, yet it would be very challenging to monitor and enforce. The ADU program is a grant-based incentive. It is disbursed one-time to the property owner after project completion. After that point, the City loses a significant monitoring and enforcement tool. Staff can request approved applicants to present their driver's licence and / or identification displaying their primary dwelling at regular time intervals, however, this does not necessarily prove or disprove compliance for owner occupancy. Should sufficient evidence be gathered to prove the applicant has breached grant eligibility criteria, the only enforcement mechanism is a civil suit to recoup the grant payment and legal costs. That is a significant amount of staff resources, particularly in relationship to the value of the incentive.

Concerns of incentivizing ADU's on investment properties is also tied to the notion that 'absent landlords' would systematically result in less care of the property and increased nuisance issues such as tall grass, weeds, noise and waste. If situations like this become evident, the City currently provides other avenues to address property standards and nuisance issues, such as by-law enforcement and inspections under the Property Standards By-law, Weeds and Grass By-law and

Waste By-law as well as enforcement tools under the new Administrative Monetary Penalty System (AMPS).

Issue 2: Guaranteed Affordability

Questions were related to affordability and how to guarantee affordable housing supply.

While it is important to critically engage with issues of affordability and seek innovative solutions to tackle this pervasive problem, the implementation of requirements such as tenant income verification, rental rate thresholds and Affordable Housing Waitlist, tenant selection is beyond the scope and scale of the original ADU Grant Program. It also requires specialized knowledge and staff resources to administer. Niagara Regional Housing, as the provincially designated housing provider, has the staff resources, expertise and funding to provide housing options to residents on the Affordable Housing Waitlist, enforce annual rental rates and monitor tenant income levels.

As stated previously, the primary intent of the proposed ADU program is to encourage a greater mix and size of housing types in the city, and to increase the availability and supply of affordable, attainable rental housing accommodation. The regulated smaller and subordinate size and function of ADUs, compared to other dwelling types, in of itself supports enhanced affordability in the rental housing marketplace. Additionally, supporting increased affordable, attainable rental supply in one part of the housing continuum helps to relieve pressure on the availability of other housing accommodation in the rental housing sector.

In addition, extensively increasing the eligibility criteria and / or monitoring processes for ADUs may in effect dissuade those wishing to access the program, and effectively may detract from the intended purpose of the program to support and encourage a greater supply of affordable rental accommodation in the city.

Issue 3: Zoning By-law Requirements

Potential amendments to the requirements and permissions for ADUs under the City's Zoning By-law were suggested. Amendments to the City's Zoning By-law for ADUs are not considered as part of this report. Changing land use permissions is not the purview of a CIP. The CIP, including the proposed ADU Program, is only a tool intended to support and implement existing location and regulatory use permissions already established in the Official Plan and Zoning By-law. This is emphasized in the program's eligibility requirements, whereby ADUs are only permitted on properties in compliance with the location and regulatory use permissions established in the Official Plan and Zoning By-law for accessory dwelling units. In addition, PBS staff are currently reviewing regulatory permissions for ADUs as part of the current Zoning By-law housekeeping exercise being undertaken. Any recommended changes to ADU land use permissions should and will appropriately be considered through that public Planning Act process.



Corporate Report City Council

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

Report Date: September 7, 2022

Meeting Date: September 26, 2022

Report Number: CRCS/PBS-153-2022

File: 60.2.15

Subject: New Parkland Dedication By-law

Strategic Pillar:

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



Recommendation

That the City of St. Catharines adopt a new Parkland Dedication By-law, as outlined in Appendix 2; and

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

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

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

Summary

Parkland dedication is a growth-funding tool under the Planning Act that allows municipalities to receive, as a condition of development or redevelopment, land, or cash payments in lieu thereof, for parks purposes. The Act provides that parkland dedication may be imposed as a condition of development or redevelopment and sets out the corresponding rates based on land use type. The City's existing policies limit opportunities to receive parkland dedication by only imposing the requirement on residential uses.

In May 2022, City staff engaged Watson and Associates Ltd. to undertake a Parkland Dedication and Payment in Lieu Analysis. Their findings indicate that future parkland and payment in lieu deficits will significantly decrease if a broader range of parkland dedication rates is applied. These findings support staff's recommendation for a new parkland dedication by-law that will allow the City to receive five per cent land dedication or payment-in-lieu for residential and institutional uses, and two per cent for commercial and industrial uses. It will also allow the City to impose alternative residential rates that better correlate to density, versus land area alone.

Prioritizing the provision of a diverse network of parks and trails is an important part of community building that is entrenched in Provincial and local planning policy. The numerous social, health and ecological benefits that parkland provides makes it worthy of greater investment. A new parkland dedication by-law, as recommended by staff, will maximize opportunities to receive land or payments in lieu to better meet the City's parkland needs now and into the future.

Relationship to Strategic Plan

By providing opportunities to receive additional land and payments in lieu for parks purposes, the new Parkland Dedication By-law will support, either directly or indirectly, all pillars of the City's Strategic Plan.

Background

The Planning Act grants municipalities the authority to impose requirements for parkland dedication; it is a means by which land for parks purposes can be acquired and / or improved. Parkland dedication may be received as a condition of development or redevelopment in two ways: by either dedicating physical land to construct a park, or payment of money in lieu of dedicating land (payment in lieu). The *Planning Act* sets out the rates for parkland dedication for residential, institutional, commercial, and industrial uses. Like Development Charges and Community Benefits Charges, parkland dedication ensures growth pays for growth, where otherwise the cost of infrastructure and services would be paid entirely by using tax dollars.

The City has used parkland dedication as a means to acquire land for parks purposes since 1974. The existing Parkland Dedication By-law 74-72, as amended, does not, however, capture the full range of permissions granted to municipalities under the Planning Act. The By-law only provides for the residential rate of five per cent.

Through recent legislation the Ontario Government made changes to how municipalities may generate revenue from development. Consequently, the City undertook a Development Charges Background Study and Community Benefits Charges Strategy and adopted a new Development Charges By-law (2021-140) and Community Benefits Charges By-law (2022-133). A review and update of the City's parkland dedication policies and adoption of a new parkland dedication by-law represents the third part of the City's work on growth-funding tools stemming from the legislative changes.

Report

Parks are a key component in community building, drawing people together for celebrations, festivals, concerts, and cultural events and providing opportunities for daily social contact. Access to parks and open spaces is known to have a direct and significant impact on our quality of life, not only in the traditional sense of providing places for recreation and repose, but also in terms of supporting natural heritage features and ecological functions. In St. Catharines, our network of parks, trails and open spaces contributes to our prideful “Garden City” image.

St. Catharines recognizes the importance of parks through our policy documents. *Section 13 of the Official Plan* includes myriad policies that “promote a diverse and connected system of parks, open spaces and trails that make the most efficient use of resources, encourage stewardship, and provide the most benefit and enjoyment for all St. Catharines residents and visitors, while also conserving, protecting, and enhancing an integrated, connected, and sustainable network of the City’s natural heritage resources for the benefit of future generations.”

In May of this year, City staff engaged Watson and Associates Ltd. to undertake a Parkland Dedication and Payment in Lieu Analysis (Appendix 1) to understand future parkland needs in St. Catharines and how those needs can be better met using the various approaches available to the City for receiving parkland. The document outlines relevant legislation, reviews the City’s current policies, analyzes alternative policies, and recommends next steps and considerations, including adoption of a new parkland dedication by-law (Appendix 2). This report highlights key sections of that Analysis.

Legislative Overview

The authority granted to municipalities to receive land or payment in lieu of land for parks purposes is set out in the *Planning Act*. *Sections 42* (site plan control) and *51.1* (land division and subdivision) provide that the municipality may require land, or a payment in lieu, be conveyed in the amount of two per cent for industrial and commercial development uses and five per cent for all other uses (i.e., residential, and institutional).

The Act also allows for an alternative residential rate of one hectare of land dedication for each 300 dwelling units, and the cash equivalent of one hectare of land for each 500 dwelling units as payment-in-lieu. The alternative rate, which correlates to density, can result in a larger land dedication to the City for parks purposes (or a larger payment in lieu) than what would otherwise be received using the five per cent rate, particularly in higher density residential developments. To impose the alternative residential rate, the *Planning Act* requires that the Official Plan of a municipality include the relevant policies and that an implementing parkland dedication by-law be adopted.

Existing Policy

In keeping with the recommendations of the City’s Parks Policy Plan, approved by Council in 2005, the City updated its Official Plan, the Garden City Plan, in 2011 to include the full range of parkland dedication rates provided under the *Planning Act*.

However, in terms of the alternative residential rate for land dedication, the Official Plan provides for a “made-in-St. Catharines” approach where higher density development is incentivized by discounting the amount of land required to be dedicated as the number of dwelling units increases. These customized rates are set out in the table below.

Density of Proposed Residential Development	Alternative Parkland Dedication Rate
Up to 40 units per hectare	One hectare of parkland per 300 dwelling units
Between 40 and 80 units per hectare	One hectare of parkland per 400 dwelling units
Exceeding 80 units per hectare	One hectare of parkland per 500 dwelling units

When considering whether to apply the alternative rate or the five per cent rate for residential developments, the Garden City Plan provides guidance to take whichever amount is greater.

While both the Parks Policy Plan and the Garden City Plan capture the extent of parkland dedication permissions outlined in the Planning Act (with alternative residential rates discounted, as described above), the existing Parkland Dedication By-law 74-72 does not. As a result, the City may only receive parkland dedication (or payment in lieu) at a rate of five per cent for residential development and redevelopment. The By-law does not allow for the application of the alternative residential rates, nor the rates for commercial, institutional, and industrial development. Because of this missed opportunity, the City of St. Catharines has less parkland and payment in lieu reserves than it would if the full range of rates under the *Planning Act* was imposed. The staff recommendation herein includes a new, modern parkland dedication by-law in line with industry standards and legislative permissions.

Note: The City maintains transactions of payment in lieu of parkland receipts made and deposited into the Parkland Reserve Fund. These receipts range in value from a low of \$4,000 to a high of \$162,000. The average annual deposits to this reserve fund over the past five years is approximately \$500,000. Available balance of this reserve fund is reported on an annual basis to Council through the Year End Report and Reserve Update.

Parkland Service Standards and Supply

The City’s Parks Policy Plan defines the various parks classifications, sets out the service standards for the provision of parkland, provides an inventory of parkland in the City, and identifies service gaps. The following table summarizes the City’s parkland classifications and service standards.

Parkland Classification	Service Standard
Neighbourhood and Special Urban Parks (e.g., Partridge Park)	1 hectare per 1,000 population
District Parks	0.5 hectares per 1,000 population

(e.g., McCaffery Park)	
City-Wide and Regional Parks (e.g., Montebello Park)	1.5 hectares per 1,000 population
Overall	3.0 hectares per 1,000 population

At the time of its approval in 2005, the Parks Policy Plan confirmed that the City was meeting its overall parkland service standard, however, there were considerable variations in service levels within each district and between the various parkland classifications. The Central and West Districts were identified as having the least amount of park space per capita.

Analysis of Future Needs and Impacts of Rates

To quantify future parkland needs and the impacts of the various ways in which the City may receive or purchase parkland, Watson and Associates completed a series of calculations using figures from the City's parkland inventory, service standards set out in the Parks Policy Plan, and growth forecasts to 2041 from the Development Charges Background Study.

Table 4-2 below, excerpted from the analysis in Appendix 1, summarizes the amount of parkland the City currently has, the projected total amount of parkland the City will require in 2041, and the amount of additional parkland the City will need to acquire to bridge the resulting service gaps. When applying the City's overall parkland service standard, it appears that the City will have sufficient land to meet parkland needs in 2041, however an additional 54.65 hectares of parkland will be required to meet the service standards for District Parks and City-Wide / Regional Parks.

Parkland Category	Current Parkland (Hectares)	Parkland Required in 2041 (Hectares)	Additional Parkland Needed in 2041 (Hectares)
Neighbourhood and Special Urban	220.45	163.87	0.00
District	54.68	81.94	27.25
City-wide/Regional	218.41	245.81	27.40
Total	493.54	491.61	54.65

City of St. Catharines Required Parkland by 2041 (Watson and Associates Ltd.)

Watson then quantified the impacts of applying the various approaches the City may take in receiving land as parkland dedication in terms of bridging future gaps. The City's existing land dedication rates set out in the Parkland Dedication By-law were compared to rates provided for in the *Official Plan* and *Planning Act*, respectively. Watson's analysis indicates that applying the full range of rates prescribed by the *Planning Act* will result in the smallest future land deficit of 6.39 hectares, while the rates set out in the *Official Plan* will result in a somewhat larger deficit of 18.16 hectares. However, the application of either of those approaches will result in significantly smaller land deficits

than would otherwise occur if the City's existing approach were to continue (45.85 hectares). Table 4-7 below, excerpted from the Analysis, summarizes the comparisons.

Scenario	Current Practice (only residential)	5% for Residential and Institutional and 2% for Commercial and Industrial	Residential Using Varied Alternative Rate, Institutional at 5% and Commercial and Industrial at 2%	Residential Using 1 Hectare for 300 Dwelling Units Institutional at 5% and Commercial and Industrial at 2%
Residential Ha	8.80	8.80	28.95	43.06
Non-residential Ha	-	5.19	7.54	5.19
Total	8.80	13.99	36.49	48.26
Ha required (classification basis)	54.65	54.65	54.65	54.65
Deficit/(Surplus)	45.85	40.66	18.16	6.39

Summary Comparison of Current vs. Alternative Rate Approaches – Land Dedication (Watson and Associates Ltd.)

Similarly, Watson also quantified the various approaches to receiving payments in lieu of land as parkland dedication. Based on population projections, the total dollars required in 2041 for new parkland is estimated to be approximately \$251,000,000. When applying the rates under the existing Parkland Dedication By-law a deficit of approximately \$236,000,000 will result. This deficit decreases to approximately \$183,000,000 when the residential, institutional, commercial, and industrial rates are applied, and further decreases to \$55,000,000 when applying all the rates set out in the Planning Act, including the alternative residential rate. The table below, excerpted from the consultant's Analysis, summarizes the comparisons.

Summary	5% for Residential and 0% for Non-residential	5% for Residential, 2% for Commercial and Industrial, and 5% for Institutional	1 Hectare for 500 Dwelling Units, 2% for Commercial and Industrial, and 5% for Institutional
Residential Recovery	\$15,533,678	\$15,533,678	\$142,798,834
Non-residential Recovery	\$0	\$53,556,291	\$53,556,291
Total	\$15,533,678	\$69,089,969	\$196,355,125
Dollars required (classification basis)	\$251,383,041	\$251,383,041	\$251,383,041
Deficit/(Surplus)	\$235,849,363	\$182,293,072	\$55,027,916

Summary Comparison of Current vs. Alternative Rate Approaches – Payment in Lieu (Watson and Associates Ltd.)

Proposed New Parkland Dedication By-law Rates

The findings of the Parkland Dedication and Payment in Lieu Analysis confirm that the application of a broader range of parkland dedication rates will result in significantly lower land and payment in lieu of land deficits in the future than would otherwise result if the City were to continue with the status quo. The parkland dedication rates set out in the draft By-law, attached to this report as Appendix 2, are as follows:

- Two per cent land or payment in lieu for industrial and commercial uses;
- Five per cent land or payment in lieu for residential and institutional uses;

- Alternative residential rates:
 - Up to 40 units per hectare: one hectare of land per 300 dwelling units;
 - Between 40 and 80 units per hectare: one hectare of land per 400 dwelling units;
 - Exceeding 80 units per hectare: one hectare of land per 500 dwelling units;
 - Payment in lieu rate, irrespective of density: one hectare of parkland per 500 dwelling units.

The By-law will also provide for new a new per lot payment in lieu rate (indexed annually) that may be applied through the consent to sever process only. This per lot rate of \$6,100 will apply only in situations where one new lot is being created for the purposes of one new detached dwelling. The per lot rate eliminates the need for the applicant to have an appraisal report completed for the purposes of determining the value of the lot and the corresponding payment in lieu. This represents a savings for the applicant, both in terms of cost and time.

All of the parkland dedication rates set out in the draft new Parkland Dedication By-law attached to this report as Appendix 2 are consistent with those allowed under the *Planning Act*, with the exception of the alternative residential rate, which is instead consistent with the City's Official Plan. Alternative residential rates will be revisited in the future as part of an Official Plan review exercise, at which time the discounted "made-in-St. Catharines" rates may be deleted, as is supported by the findings of Watson and Associates' analysis.

Applicability and Exemptions

The new Parkland Dedication By-law will come into effect on January 1, 2023 and will apply to the entirety of the Urban Area, where the majority of development in St. Catharines is directed and occurs. Development and redevelopment in the Rural Area will not be subject to parkland dedication requirements, where otherwise its application could result in negative impacts on the agricultural industry.

The By-law also sets out certain exemptions from parkland dedication, consistent with the relief provided in the City's new Community Benefits Charges By-law. These include, among others:

- Lands owned or leased by the City of St. Catharines, Region of Niagara, Niagara Peninsula Conservation Authority, and other government bodies;
- Lands owned or leased by a school board for school purposes;
- Development or redevelopment intended for affordable housing;
- Development or redevelopment intended for daycares.

Furthermore, transition clauses have been included in the By-law to provide relief for those applicants who currently have development applications under review. Provided final approval of a development application is received within one year of the By-law coming into effect (i.e., before January 1, 2024), the new parkland dedication rates will

not be imposed. Instead, the existing parkland dedication rates under By-law 74-72 will apply.

Future Work

For Council's information, the Parkland Dedication and Payment in Lieu Analysis sets out considerations for future work the City may wish to undertake as it relates to its parkland policies. This work includes:

1. Undertaking a comprehensive review of the City's Parks Policy Plan.
2. Updating the City's Official Plan to remove the discounted land dedication approach to the alternative rate and replacing it with the rate of one hectare per 300 dwelling units for all densities, consistent with the *Planning Act*.
3. Updating the Official Plan to provide additional guidance on when to apply the five per cent residential rate versus the alternative rate(s).
4. Updating the City's Local Service Policy as part of the next Development Charges Study to ensure the City's minimum expectation for the condition of lands to be developed is clear and aligns with the Official Plan.
5. Refining the definitions set out in the Official Plan, Parks Policy Plan, Zoning By-law, and other policy documents to clearly differentiate between parkland vs. recreation land. This will allow for more land to be recovered through Development Charges, freeing up parkland dedication and payment-in-lieu funds to be used for parkland.

Stakeholder and Public Engagement

The City launched a public engagement campaign through local and social media inviting people to the EngageSTC webpage with content on the proposed changes to the City's Parkland Dedication By-law. The City published a press release and sent invitations to the Development Studies Task Force, which includes the Niagara Homebuilders Association and the Niagara Construction Association. Stakeholders and the public were able to read the Parkland Dedication and Payment in Lieu Analysis and complete a survey. To-date, 46 people have visited the webpage, 24 of whom completed the survey. Survey results, attached to this report as Appendix 3, suggest that the public is supportive of the application of a broader range of parkland dedication rates to better meet growth-related parkland needs.

Beyond the survey results, no specific comments or questions have been received to-date regarding the proposed new Parkland Dedication By-law or Watson and Associates' analysis. The EngageSTC webpage will remain live until end-of-day on September 22, 2022, after which time final survey results and any correspondence received will be provided to Council.

Environmental Sustainability Implications

The City's network of parks includes natural assets that provide important environmental functions (e.g., counteracting the urban heat island effect, facilitating stormwater management). By increasing opportunities to acquire and improve more parkland, the new Parkland Dedication By-law will support the City's strategic goals surrounding environmental sustainability. Beyond the environmental sustainability goal,

the Parkland Dedication By-law directly relates to the actions included in the Climate Adaptation Plan. The By-law would support several adaptation actions such as continuing to achieve the Urban Canopy Tree Targets supported by the Urban Forestry Management Plan, as well as fostering the principles within the Horticultural Management Plan.

Financial Implications

Growth-related development tools like parkland dedication are a key component of funding growth-related infrastructure and services in the City. Maximizing the application of the parkland dedication authorities granted under the *Planning Act* significantly reduces and may eliminate the need for tax or ratepayer support for new parks and park improvements. Council approval of the recommended Parkland Dedication By-law will better improve parkland reserve amounts available for future use.

Conclusion

Parkland Dedication is a growth-funding tool available to municipalities under the Planning Act where land or payment in lieu thereof is received for parks purposes as a condition of development or redevelopment. The application of parkland dedication by the City dates back to 1974, however, opportunities to receive parkland and payments in lieu are limited under By-law 74-72. By expanding the parkland dedication rates and the uses to which they apply, the City will be positioned to better meet future parkland needs stemming from population growth.

Prepared by:

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Submitted by:

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Approved by:

Phil Cristi, Director of Community, Recreation and Culture Services
Tami Kitay, Director of Planning and Building Services

Appendices:

- Appendix 1 – Parkland Dedication and Payment in Lieu Analysis
- Appendix 2 – Draft New Parkland Dedication By-law
- Appendix 3 – Public Consultation: Preliminary Survey Results

Memorandum

To	Amanda Knutson
Cc:	Tami Kitay, Phil Cristi, Margaret Josipovic
From	Gary Scandlan, Managing Partner, Watson & Associates Economists Ltd.
Date	August 29, 2022
Re:	Parkland Dedication and Payment-in-lieu of Parkland Analysis

Fax ☐ Courier ☐ Mail ☐ Email ☒

This memorandum is being provided to summarize Watson & Associates Economists Ltd. (Watson)'s review and analysis of the City of St. Catharines's (City) parkland dedication and payment-in-lieu of parkland policies.

1. Introduction

Watson was retained by the City to undertake a review and analysis of the City's current policies with respect to parkland dedication and payment-in-lieu of parkland. This memo outlines the relevant legislation, the City's current policies, analysis of alternative policies, and next steps/considerations for City staff. Summary information along with the City's draft by-law are provided in the appendices.

2. Legislative Overview

The Planning Act provides municipalities with the authority to impose conditions on development and redevelopment to receive parkland or payment-in-lieu of parkland. Section 42 of the Planning Act provides for the rules with respect to conveyance of land for park purposes (to be imposed by by-law) and Section 51.1 provides the rules for the conveyance of parkland imposed as a condition of approval of a plan of subdivision. The following outlines the relevant paragraphs of Section 42. Note: the rules under Section 51.1 are similar except for the date of determination of value for payment-in-lieu of parkland, which is noted below. Additionally, no by-law is required to impose the base dedication provisions under Section 51.1.



Parkland Dedication

Section 42 (1) provides that the municipality may require land be conveyed in the amount of 2 per cent for industrial and commercial development and 5 per cent for all other development (i.e. residential and institutional):

“42 (1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes. R.S.O. 1990, c. P.13, s. 42 (1).

(2) A by-law passed under this section comes into force on the day it is passed or the day specified in the by-law, whichever is later. 2020, c. 18, Sched. 17, s. 2 (2).”

Alternative Parkland Dedication Rate

For residential development or redevelopment, the municipality may also impose an alternative requirement to the 5 per cent dedication based on a rate of one hectare for each 300 dwelling units, as follows:

“(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law. R.S.O. 1990, c. P.13, s. 42 (3).”

Requirement for a Parkland Dedication By-law

To use the residential alternative requirement of one hectare for each 300 dwelling units, a municipality must have the policy in their Official Plan document and pass a by-law which outlines parkland dedication (and payment-in-lieu of parkland) requirements. As of the passage of Bill 73 (Smart Growth for our Communities Act) in 2015, Section 42 of the Planning Act was amended to include a requirement to complete a Parks Plan prior to including the use of the alternative rate provisions in an Official Plan. Note: as the City already has the alternative provisions included in their Official Plan, it would not appear that a Parks Plan is required. If a Parks Plan was required, Section 42 (4.1) and (4.2) denote the requirement for a Parks Plan and the need for consultation with school boards and other persons as the municipality considers appropriate. There is no prescription as to the contents of the Parks Plan.



To impose the alternative rate under Section 42 or 51.1 of the Planning Act, the City must pass a by-law. Section 42 (3.1) and (4.4) to (4.24) provide for the rules/requirements to pass a by-law with the inclusion of the alternative rate. A brief summary of the subsections is as follows:

- **Consultation:** the municipality shall consult with persons and public bodies as the municipality considers appropriate;
- **Notice of Passage:** the municipality shall give written notice of the passing of the by-law within 20 days of passage and identify the last day for appealing the by-law (40 days after passage). Details of the notice requirements are set out in O.Reg. 509/20 and are provided in Appendix A;
- **Appeal of By-law to the Ontario Land Tribunal:** A by-law may be appealed. The Clerk has certain duties on appeal which are listed in subsection 4.10. The Tribunal has various powers to dismiss the appeal or direct the municipality to amend the by-law.

Although a by-law is required to impose any parkland dedication under Section 42 of the Planning Act, the notice and consultation requirements do not appear to apply if the by-law does not include provision for the alternative rate.

Payment-in-lieu of Parkland

The municipality may receive payment-in-lieu of parkland based on the value of the land otherwise to be conveyed. Further, if the municipality has authorized the use of the alternative rate for parkland dedication, payment-in-lieu may be received instead, at a rate of one hectare for each 500 dwelling units.

“(6) If a rate authorized by subsection (1) applies, the council may require a payment in lieu, to the value of the land otherwise required to be conveyed. 2015, c. 26, s. 28 (4).”

“(6.0.1) If a rate authorized by subsection (3) applies, the council may require a payment in lieu, calculated by using a rate of one hectare for each 500 dwelling units proposed or such lesser rate as may be specified in the by-law. 2015, c. 26, s. 28 (4).”

Determination of Value of Parkland

The value of the land for payment-in-lieu of parkland purposes shall be determined as of the day before the building permit is issued.

“(6.4) For the purposes of subsections (4.19), (6), (6.0.1) and (6.2), the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day



before the day the first permit is issued. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (8); 2020, c. 18, Sched. 17, s. 2 (5)."

Note, for parkland conveyed as a condition of a plan of subdivision, the value shall be determined as of the day of approval of the draft plan of subdivision. Section 51.1 (4) provided for the following:

"(4) For the purpose of determining the amount of any payment required under subsection (3) or (3.1), the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision. 1994, c. 23, s. 31; 2015, c. 26, s. 32 (3)."

Special Account and Reporting Requirements

All money received by the municipality for the purposes of payment-in-lieu shall be paid into a special account and spent only for the following purposes:

- acquisition of land to be used for park or other public recreational purposes;
- erection, improvement or repair of buildings; and
- acquisition of machinery for park or other public recreational purposes.

Subsection 42(17) of the Planning Act provides that a council that passes a by-law under Section 42 shall provide the reports and information as prescribed in the regulation. Ontario Regulation 509/20, Section 7 identifies the information that shall be provided to the public each year (for the previous year):

1. Statements of the opening and closing balances of the special account and of the transactions relating to the account.
2. In respect of the special account referred to above, statements identifying,
 - a) land and machinery acquired during the year with funds from the special account,
 - b) buildings erected, improved or repaired during the year with funds from the special account,
 - c) details of the amounts spent, and
 - d) for each asset mentioned in subparagraphs i and ii, the manner in which any capital cost not funded from the special account was or will be funded.
3. The amount of money borrowed from the special account and the purpose for which it was borrowed.
4. The amount of interest accrued on any money borrowed from the special account.



3. Current Practice and Analysis

3.1 Overview of Guiding Documents

Section 13.1: Parkland and Open Space of St. Catharines's Official Plan (O.P.) sets out policies with respect to parks and open space along with policies regarding parkland dedication. This section discusses a variety of topics including the types of parks, where they may be located, requirements for parks and recreational facilities, and parkland dedication guidelines. Section 13.1 Part 4 notes that parkland dedication may be required at the rates of 2% for commercial and employment (industrial) development and 5% for all other purposes. Additionally, the City may require residential development to dedicate parkland based on the following density parameters:

- Up to 40 units per hectare of land - Alternative rate may be requested of up to one hectare for each 300 dwelling units proposed;
- Between 40 units and 80 units per hectare of land - Alternative rate may be requested of up to one hectare for each 400 dwelling units proposed; and
- Exceeding 80 units per hectare of land - Alternative rate may be requested of up to one hectare for each 500 dwelling units proposed.

It also notes that the City may accept payment-in-lieu of parkland dedication at a rate of one (1) hectare per 500 units. Finally, this section notes that "Land conveyed to the City as parkland dedication will be expected to meet standards for location, size, drainage, grading, topography, and other criteria as outlined in the Parks Policy Plan and the policies of the Plan".

In 2005, the City undertook a detailed Parks Policy Plan. This plan undertook a review of Municipal policies with respect to parks and recreation, identified the current inventory of parks, and identified the potential need for future parks. As part of this analysis, staff undertook a review and updated the inventory data.

The City's parkland dedication by-law (74-72), and its amendments (75-273 and 77-90), set out the relevant policies related to parkland dedication and payment-in-lieu, and provide the authority to impose parkland dedication and payment-in-lieu as a condition of development or redevelopment.

The City's Zoning provides definitions for public parks, community centres, and commercial outdoor recreation facilities.

A review of the City's 2021 Development Charge (D.C.) Background Study was undertaken. The D.C. study sets out the inventory of parkland, amenities, vehicles, and recreation facilities over the previous 10-year period. The study also sets out the growth-related capital needs for parks and recreation services (except purchase of parkland) that are to be recovered through D.C.s, as well as the anticipated growth forecast.



Finally, a review of the City's 2022 Community Benefits Charge (C.B.C.) Strategy was undertaken. This report provided recent assumptions on high-density land values as well as additional growth and development assumptions.

3.2 Current Parkland Dedication and Payment-in-Lieu Policies

The O.P. provides the overarching policies with respect to parkland dedication and payment-in-lieu of parkland and notes that additional details may be provided by the Parks Policy Plan. Further, the City's parkland dedication by-law (74-72) outlines the parameters for dedication of land for park purposes or payment-in-lieu of dedication.

3.2.1 Parkland Dedication

Overview

The policies with respect to parkland dedication in the O.P. allow for the requirement of land dedication at a rate of 2% for commercial and employment (industrial) developments and 5% in all other cases. Additionally, the City may utilize the alternative residential rate as follows:

- one (1) hectare of land for each 300 dwelling units for developments with up to 40 units per hectare;
- one (1) hectare of land for each 400 dwelling units for developments with between 40 and 80 units per hectare; and
- one (1) hectare of land for each 500 dwelling units for developments exceeding 80 units per hectare.

The alternative residential rate is not currently utilized as it is not included in the City's parkland dedication by-law. Additionally, the parkland dedication requirements for non-residential development have not been applied.

Alternative Rate Requirement for Parkland Dedication

As provided in the O.P., for residential development, the City may require parkland be dedicated using an alternative residential rate, as indicated above. This may be used as an alternative to the requirement of 5% of the land area. The guidance in the O.P. is to take whichever amount is greater. To maximize parkland dedication, the City should clearly define when it is appropriate to use the 5% rate and when it is appropriate to use the alternative rate(s). This can be done by analyzing the density of development at the breakeven point (i.e. where both rates provide the same land dedication).

To calculate the breakeven point of density, if we assume there is a 20-hectare development, the parkland dedicated at the 5% rate would yield a dedication of one (1) hectare. If we utilize the alternative rate of one (1) hectare for 300 dwelling units, this would imply that to get the same amount of land dedication, there would need to be a density of 300 units on the 20 hectares of development. This equates to a density of 15



units per hectare or 6 units per acre. If density exceeds this breakeven point, the City would receive more land by using the alternative rate. As the City provides for discounted alternative rates depending on density, the following table shows the breakeven density analysis for each rate:

Table 3-1
Summary of Breakeven Density
Based on Discount Alternative Rates

Description	1 ha for 300 units	1 ha for 400 units	1 ha for 500 units
Breakeven Density (units per hectare)	15	20	25

Analysis

Based on the above the City would receive more land through use of the alternative rate for all development where the density is 15 units per hectare or greater. As a result, the City may consider updating their O.P. and include in a parkland dedication by-law to provide guidance on when to utilize the alternative rate. Note that recommendations regarding the discounted alternative rates are provided in Section 5 of this memo.

3.2.2 Quality of Land Received Through Dedication

The O.P. provides direction with respect to the suitability of the land to be dedicated for park purposes. Section 13.1(4) provides the following:

- “e) Land conveyed to the City as parkland dedication will be expected to meet standards for location, size, drainage, grading, topography, and other criteria as outlined in the Parks Policy Plan and the policies of this Plan.
- f) The municipality will generally not accept the conveyance of lands for parkland dedication that are designated Natural Area or zoned for environmental protection, or that are to be designated Natural Area or zoned for environmental protection as part of the development approval process.
- g) Land conveyed to the City as parkland dedication in the Downtown will be taken, where suitable, to increase landscaped areas along the street front to enhance pedestrian circulation, opportunities for streetscape amenities, and to extend or establish special urban parks and active transportation routes.
- h) Lands conveyed to the City as parkland dedication on properties adjacent to the Lake Ontario waterfront will be taken, where suitable, as the lands on that portion of the property adjacent to the waterfront.
- i) Lands conveyed to the City as parkland dedication on properties within the GO Transit Station Secondary Plan (GTSSP) Area will be taken, where suitable, to



support potential new public spaces and public space improvements as identified on Schedule E6/7 - C (Public Realm & Active Transportation Plan), and as set out in Section 15.3.3 GO Transit Station Secondary Plan (GTSSP) and the approved GTSSP Urban Design Guidelines.

- j) The municipality encourages the provision of indoor and outdoor recreation and amenity space in the design of medium and high-density residential developments. The provision of private open space and recreational and amenity space in medium and high-density developments will be in addition to the requirements for parkland dedication.”

The City’s D.C. background study includes a Local Service Policy (Appendix E of the City’s 2021 D.C. background study). This policy establishes what costs would be the responsibility of a developer versus what costs are included in the D.C. study for recovery through the D.C. by-law. Through a review of the City’s Local Service Policy, the following section is provided for parkland development:

“8 Parkland Development

Parkland - Parkland Development for Community Parks, District Parks, Neighbourhood Parks and Village Squares: direct developer responsibility to provide at base condition, as per the parks standards as developed, as a local service provision.

Program facilities, amenities, and furniture, within parkland are included in D.C.s.”

Analysis

The Official Plan and Local Service Policy are not prescriptive with respect to the specific requirements for the dedication of the land. Other municipalities include a more detailed description of the state of the land to be dedicated (e.g. seeded, sodded, graded, fencing, etc.). The City may seek to update their Local Service Policy to outline the specific requirements.

3.2.3 *Payment-in-Lieu of Parkland*

Overview

With respect to policies regarding payment-in-lieu of parkland, the O.P. states that the City may accept payment-in-lieu of parkland dedication if it is determined that:

- required dedication of land would render the remainder of the site unsuitable or impractical for development or redevelopment; or
- required dedication of land fails to provide an area of suitable shape, size, location or other criteria, including priority for land acquisition as set out in Section 13.1.3 of this Plan, and in the Parks Policy Plan.”



Alternative Rate Requirement for Parkland Dedication

The Planning Act allows for use of the alternative rate for payment-in-lieu of dedication, however, the rate at which the value is determined is based on one (1) hectare for each 500 dwelling units. Similar to parkland dedication, the City should clearly define when it is appropriate to use the alternative rate relative to the 5% rate. This can be estimated by analyzing the density of development at the breakeven point (i.e. where both rates provide the same payment-in-lieu of dedication).

To calculate the breakeven point of density, if we assume there is a 20-hectare development, the payment-in-lieu would be based on dedication at the 5% rate and would yield an equivalent dedication of one (1) hectare. If we utilize the alternative rate of one (1) hectare for 500 dwelling units, this would imply that to get the same amount of equivalent land dedication, there would need to be a density of 500 units on the 20 hectares of development. This equates to a density of 25 units per hectare or 10 units per acre. If density exceeds this breakeven point, the City would receive more payment-in-lieu by using the alternative rate.

Analysis

To maximize receipt of payment-in-lieu of parkland dedication, the City may consider including guidance, in a parkland dedication by-law, on the use of the alternative rate requirement (i.e. when development equals or exceeds a density of 25 units per hectare or 10 units per acre).

As a result, the City may consider utilizing the alternative rate for all medium and high-density developments and reviewing the density of each low-density development on a case-by-case basis.

Per Lot Rate

Many municipalities across the Province utilize a per lot rate for residential severances and consents, rather than imposing the 5% rate. This provides the property owner with a flat fee, rather than requiring the property owner to get a property appraisal, which in some cases, may cost more than the per lot rate. The City does not currently utilize a per lot rate but may want to consider using one for residential severances and consents.

As the Planning Act states that the rate to be imposed on residential development and redevelopment can be no higher than 5% of the value of the land or the value of one (1) hectare of land for every 500 dwelling units, the per lot rate cannot be higher than these rates. To estimate a potential per lot rate, a review of land values in the City was undertaken. For the C.B.C. strategy, estimates of the value of land in the City were analyzed based on land appraisals completed by various appraisers such as Ridley & Associates Appraisal Services Limited, IGL Appraisal Group, Antec Appraisal Group, Colliers International, etc. A summary table of the vacant properties reviewed is provided in Appendix C. The estimated land value per hectare for single-detached units



is \$3.30 million per hectare. As utilized in the analysis presented in Section 4, the average density for single detached units is 27 units per hectare. This equates to an assumed value per lot of \$122,000. At 5% of the value of the lot, the estimated per lot fee would be \$6,100.

Table 3-1
City of St. Catharines
Per Lot Equivalent Value Calculations

Residential Lots	Calculated Charge Based on Land Values
Average price per Hectare	\$3,300,000
Assumed Density per Hectare	27
Assumed Value per Lot	\$122,000
P.I.L. Parkland Charge per Lot	\$6,100

Analysis

The City may consider imposing a per lot fee for residential severances and consents. This will assist property owners by not requiring an appraisal which may cost more than the per lot fee itself. It is recommended that the City include this fee in their parkland dedication by-law with provision for annual indexing. Note that if a homeowner disagrees with the per lot fee, they may get a property appraisal and pay at the 5% rate.

With respect to the non-residential rates per lot, it is unclear as to a typical lot size as properties vary depending on the nature of the business. As a result, it would be recommended that the City require an appraisal be undertaken and the 2% dedication rate be applied.

3.3 Current Recoveries from Development Charges

3.3.1 Overview of Parks vs. Recreation

The Development Charges Act (D.C.A.) allows for the recovery of growth-related capital costs. Section 2(4) of the D.C.A. lists the services for which recovery of capital costs are eligible; this includes parks and recreation services. There is an exception however, with respect to land for parks which is outlined in Section 2.1 of Ontario Regulation 82/98. Ineligible parkland includes land for woodlots and land that is acquired because it is environmentally sensitive. Land for an enclosed structure used throughout the year for public recreation and land that is necessary for the structure to be used for that purpose, including parking and access to the structure is eligible for inclusion in a D.C. background study and by-law.

In summary, land for park purposes is not eligible for inclusion in a D.C., however, land for recreation is eligible. The distinction between parkland and land for recreation



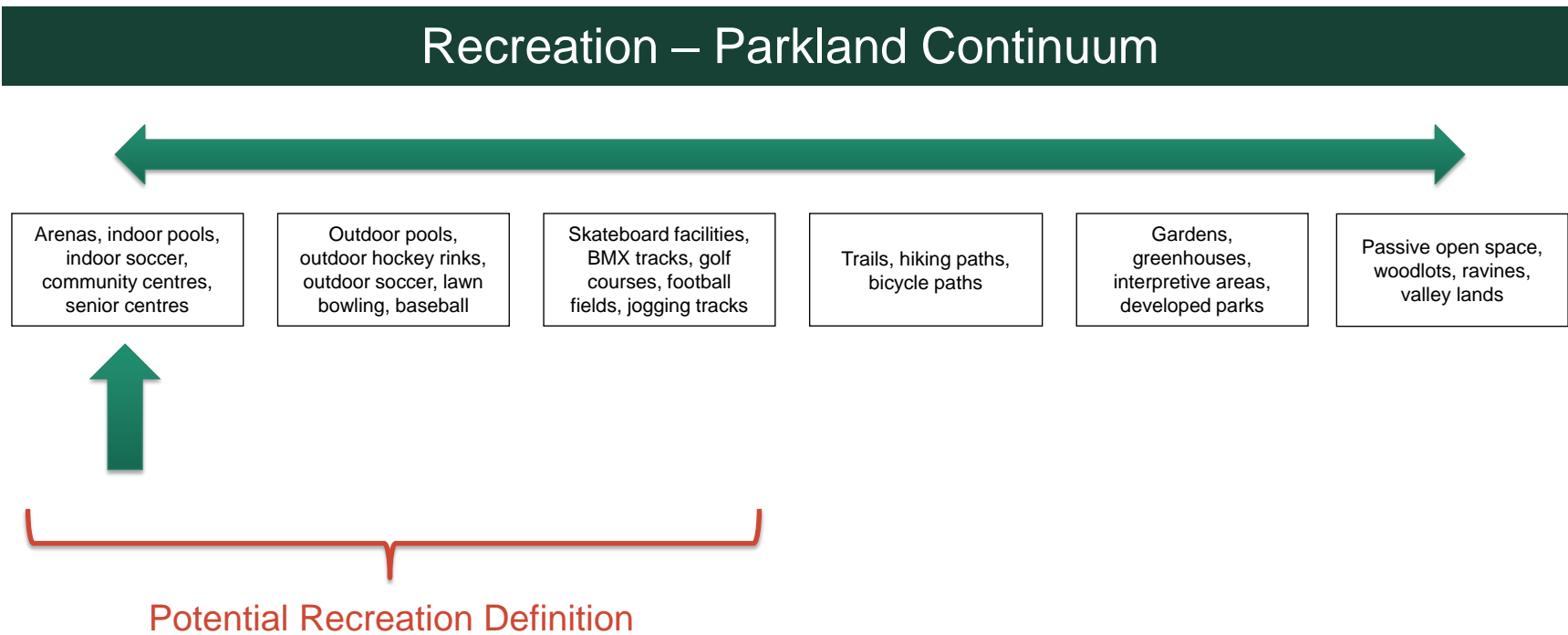
purposes is important in determining which lands may be recovered from new development through D.C.s as this will help maximize the recovery of costs.

Recently, the City has imposed a new D.C. by-law. Through this by-law the City has identified recovery of costs for land for indoor recreation facilities (e.g. arenas, community centres, etc.) through D.C.s and all other parkland was to be acquired through dedication or paid with funds collected from payment-in-lieu of parkland. However, a consideration of “recreation” may be undertaken. For example, an indoor soccer field built inside of an air supported structure would be considered an indoor facility and the land for the facility may be funded with D.C.s. If the soccer field was constructed outside, the land would be funded from the parkland reserve. In both cases, the use of the “facility” is the same, however, the funding is different. If soccer facilities (both indoor and outdoor) were defined as “recreation” in all of the City’s policies (e.g. O.P., parks and recreation master plans, zoning by-law, etc.) there is the potential for the City to recover the cost of the land from D.C.s.

Figure 3-1 provides for a continuum of parks and recreation uses. These range from indoor facilities such as arenas to open space parkland. The green arrow on the left denotes the current definition of recreation utilized by the City (i.e. for which land is included in the D.C. study). There is a potential for the recreation definition to be expanded to include outdoor recreation uses such as pools, outdoor hockey rinks, outdoor soccer, lawn bowling, baseball diamonds, skateboard facilities, BMX tracks, golf courses, football fields, and jogging tracks.



Figure 3-1
City of St. Catharines
Recreation to Parkland Continuum





3.3.2 Current Definitions in St. Catharines Documents

To assess and confirm the City's current definitions of parkland and recreation land, Watson undertook a review of the following documents:

- City of St. Catharines Official Plan (consolidated 2018);
- City of St. Catharines Zoning By-law (2013);
- City of St. Catharines Parkland Dedication by-law (74-72) and its amendments (75-273 and 77-90);
- City of St. Catharines Recreation Facility and Programming Master Plan (2015); and
- City of St. Catharines Parks Policy Plan (2005).

Through a review of these documents, each reference to parks and/or recreation was noted to ascertain the City's assumed definition of each term. The O.P. utilizes the terms in various contexts as a result, the delineation between parkland and recreation land is not clear. For example, in the Section 13.1: Parkland and Open Space, some areas speak to parks as providing active and passive recreation opportunities, implying recreation occurs on parkland.

In general, the terminology between parks and recreation implies they occur on the same land, thereby not clearly delineating the two lands as distinct.

Table B-1 in Appendix B provides for a list of all of the relevant instances of the term parks and recreation in the above listed documents, along with notes on the implication of the definitions/references.

3.3.3 Opportunities for Maximizing Recoveries

The City may seek to maximize recovery of costs for recreation land by utilizing recovery through D.C.s as much as possible. To achieve this, the City must first update their existing policy documents to clearly define land for parks versus land for recreation. These refined definitions should be consistent between all policy documents. Should the City wish to proceed with this approach, sample definitions can be provided for the City's consideration.

4. Impacts of Current Practice vs. Alternative Approaches

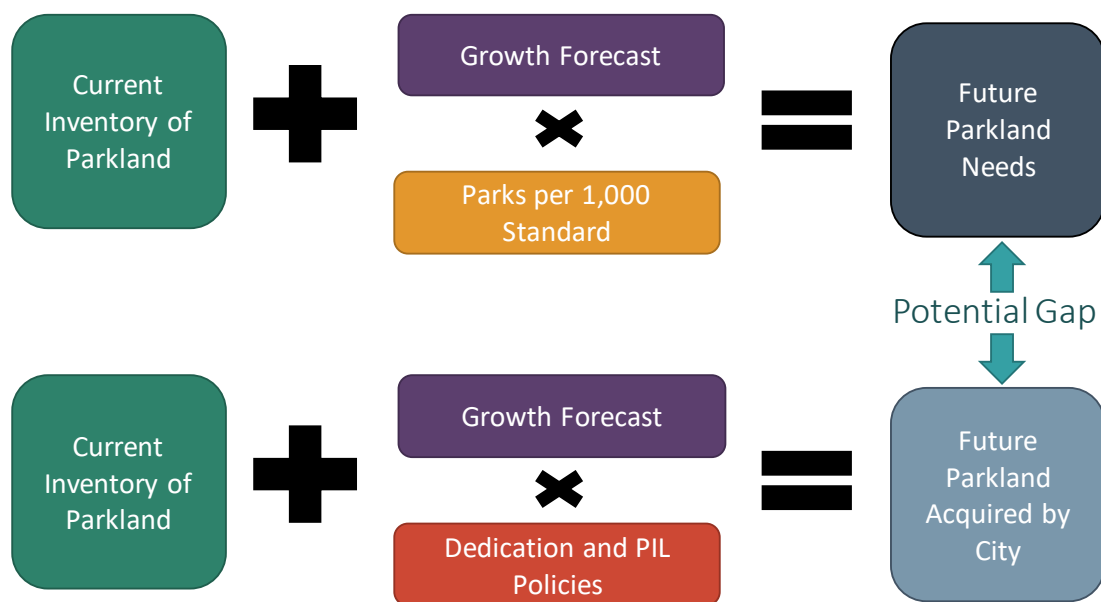
4.1 Approach to Analysis

To quantify the impacts of the various approaches on the City's ability to receive and purchase parkland, the following section provides for the anticipated parkland dedication and payment-in-lieu of dedication, calculated by using the City's 2021 D.C. background study growth forecast, and the various rates described above.



Figure 4-1 provides an overview of the analysis. To estimate the future parkland needs, the current parkland inventory is added to the parkland needs arising from new development. This analysis is presented in section 4.2. To estimate the potential future parkland received and/or payment-in-lieu of parkland received, various dedication and payment-in-lieu policies are applied to the anticipated growth and added to the current inventory of parkland. Once the anticipated parkland/ payments received analysis is complete, the potential gap in parkland/funding may be identified.

Figure 4-1
City of St. Catharines
Parkland Needs Analysis



4.2 Current Inventory of Parkland and Future Need

4.2.1 Summary of Current Inventory

Staff identified the current inventory of parks in the City. The City currently has 220.45 hectares of neighbourhood and special urban parks, 54.68 hectares of district parks and 218.41 hectares of City-wide/Regional parks, for a total of 493.54 hectares of parkland. This is presented in Table 4-1.



Table 4-1
City of St. Catharines
Inventory of Parkland (2022)

Parkland Category	Current Parkland (Hectares)
Neighbourhood and Special Urban	220.45
District	54.68
City-wide/Regional	218.41
Total	493.54

As part of the 2005 Parks Policy Plan, recommended service levels of 1, 0.5, and 1.5 hectares of parkland per 1,000 residents were identified for neighbourhood, district, and City-wide parks, respectively.

The anticipated parkland needs to 2041 were identified based on these service levels and the anticipated population (as provided in the 2021 D.C. background study). The calculations provide that the City would require 491.61 hectares of parkland by 2041. This implies that the City currently has more parkland than required in 2041. However, when each park category is analysed relative to its service level, the City would require an additional 27.25 ha of district parks and 27.40 ha of City-wide/Regional parks by 2041. In total the City would require 54.65 ha of parkland to accommodate the anticipated growth to 2041. This information is presented below in Table 4-2.

Table 4-2
City of St. Catharines
Required Parkland by 2041 as per Recommended Service Level and Anticipated Growth

Parkland Category	Current Parkland (Hectares)	Parkland Required in 2041 (Hectares)	Additional Parkland Needed in 2041 (Hectares)
Neighbourhood and Special Urban	220.45	163.87	0.00
District	54.68	81.94	27.25
City-wide/Regional	218.41	245.81	27.40
Total	493.54	491.61	54.65



4.2.2 Analysis

Parkland Inventory

In reviewing the inventory from the 2021 D.C. study staff provided updated inventory data wherein parkland was categorized into four (4) categories including Neighbourhood, District, City-wide/Regional and Special Urban parks.

4.3 Parkland Dedication

4.3.1 Current Approach (5% Residential 0% Non-residential)

With respect to parkland dedication, currently the City receives parkland dedication in the amount of 5% of the land area for residential developments only. Through discussions with staff, parkland dedication requirements have not been imposed on non-residential development.

The current inventory was measured as of 2021. As a result, the growth forecast period utilized for this analysis is based on growth from 2021 to 2041. When defining the need for parkland based on the total population of the City, St. Catharines appears to have sufficient parkland. However, when analysing parkland needs based on each category's service level, the City would require an additional 54.65 hectares of parkland by 2041.

Table 4-3 provides for a summary of the anticipated residential units to be constructed over this time period and the anticipated parkland dedication to be received. Through discussions with staff, the anticipated density of future development is 27 units per hectare for low density development and 42 units per hectare for medium density development. With respect to high-density development (e.g. apartments), information from the 2022 C.B.C. strategy was utilized. As a result, assumed densities ranging from 124 units per hectare to 371 units per hectare were assumed. This analysis provides for a total developable land area of 175.93 hectares (434.72 acres). At a parkland dedication rate of 5%, the total parkland to be dedicated would be 8.80 hectares (or 21.74 acres).



Table 4-3
City of St. Catharines
Residential Parkland Dedication at 5%

Unit Type	Anticipated Units (2021 to 2041)	Density Assumption (units/hectare)	Total Hectares of Developable Land Area	Total Hectares Dedicated at 5%
Singles	1,349	27	49.63	2.48
Towns	2,621	42	62.39	3.12
Apartments				
Downtown	555	371	1.50	0.07
Merritton	745	136	5.48	0.27
Glenridge and Surrounding Area	679	124	5.50	0.27
Western Hill	750	124	6.07	0.30
Port Dalhousie	899	235	3.83	0.19
Queenston, Haig and Surrounding Area	2,089	136	15.37	0.77
Other Areas	3,232	124	26.16	1.31
Total	12,919		175.93	8.80

4.3.2 Residential and Institutional (5%) and Commercial and Industrial (2%)

The Planning Act allows municipalities to require parkland dedication at a rate of 2% of land for commercial and industrial development and 5% for all other development (i.e. residential and institutional).

The calculation for residential parkland dedication is the same under this approach. Therefore the total parkland to be dedicated from residential development is anticipated to be 8.80 hectares (or 21.74 acres).

Table 4-4 provides for a summary of the anticipated non-residential development to be constructed over the 2021 to 2041 time period. Based on the D.C. growth forecast, there is approximately 12,000 employees that will be added. Utilizing the sq.ft. per employee assumptions from the D.C. study, the anticipated floor space totals approximately 7.84 million sq.ft. Assuming the industrial buildings have a lot coverage of 25% and the institutional/commercial buildings have a lot coverage of 30%, the total land area for non-residential development is approximately 28 million sq.ft. or 259.75 hectares. At the 2% dedication rate for industrial and commercial developments, and 5% for institutional developments, this would provide the City with a total of 5.19 hectares over the forecast period.



Table 4-4
City of St. Catharines
Non-Residential Parkland Dedication
2% for Industrial and Commercial, 5% for Institutional

Type	Anticipated Employment (2021 to 2041)	Sq.ft. per Emp	Anticipated Sq.ft. (2021 to 2041)	Assumed Lot Coverage	Total Sq.ft. of Land Area	Total Hectares of Land Area	Total Hectares Dedicated at 2%*
Industrial	2,467	1,100	2,713,700	25%	10,854,800	100.84	2.02
Commercial	5,786	450	2,603,700	30%	8,679,000	80.63	1.61
Institutional	3,717	680	2,527,560	30%	8,425,200	78.27	1.57
Total	11,970	-	7,844,960	-	27,959,000	259.75	5.19

*Note: Institutional calculated at 5%

In total, this approach would yield the City approximately 14 hectares of parkland if every property provided parkland dedication.

4.3.3 Alternative Residential Rate (Discounted Approach)

Although the Planning Act allows for the use of an alternative residential dedication rate of one (1) hectare of land for each 300 dwelling units, the City's O.P. provides for discounted alternative residential rates varied by density as follows:

- up to 40 units per hectare of land, park dedication will be calculated based on 1 hectare of land for every 300 dwelling units;
- between 40 units and 80 units per hectare of land, parkland dedication will be calculated based on 1 hectare of land for every 400 dwelling units;
- exceeding 80 units per hectare of land, parkland dedication will be calculated based on 1 hectare of land for every 500 dwelling units.

Table 4-5 provides for a summary of the anticipated residential units to be constructed over the 2021 to 2041 time period and the anticipated parkland dedication to be received at each discounted rate.



Table 4-5
City of St. Catharines
Alternative Residential Rate (Discounted Approach)

Applicable Density (Units per ha.):			0-40	41-80	81+
Unit Type	Anticipated Units (2021 to 2041)	Density Assumptions (Units per ha)	One Hectare per 300 dwelling units	One Hectare per 400 dwelling units	One Hectare per 500 dwelling units
Singles	1,349	27	4.50		
Towns	2,621	42		6.55	
Apartments					
Downtown	555	371			1.11
Merritton	745	136			1.49
Glenridge and Surrounding Area	679	124			1.36
Western Hill	750	124			1.50
Port Dalhousie	899	235			1.80
Queenston, Haig and Surrounding Area	2,089	136			4.18
Other Areas	3,232	124			6.46
Total	12,919		4.50	6.55	17.90

At the varied rates, this approach would provide the City with a total of 28.95 hectares over the forecast period for residential parkland dedication. Adding the non-residential dedication from the previous approach, the total dedication anticipated would be 34.14 hectares.

4.3.4 Alternative Residential Rate (as per the Planning Act)

With respect to use of the alternative rate for parkland dedication of one (1) hectare for every 300 dwelling units (i.e. without discounting), the non-residential dedication would remain the same at 5.19 hectares. However, if the City were to utilize the alternative rate for residential developments (without discounting), the City would receive 43.06 hectares from residential dedication for a total of 48.26 hectares of parkland. Table 4-6 provides for the anticipated hectares of parkland dedication based on the residential growth forecast from the D.C. study and the alternative rate.



Table 4-6
City of St. Catharines
Residential Parkland Dedication at One Hectare for Each 300 Dwelling Units

Unit Type	Anticipated Units (2021 to 2041)	One Hectare per 300 dwelling units
Singles	1,349	4.50
Towns	2,621	8.74
Apartments	-	-
Downtown	555	1.85
Merritton	745	2.48
Glenridge and Surrounding Area	679	2.26
Western Hill	750	2.50
Port Dalhousie	899	3.00
Queenston, Haig and Surrounding Area	2,089	6.96
Other Areas	3,232	10.77
Total	12,919	43.06

4.3.5 Summary of Analysis

Table 4-7 provides for a comparison of the approaches to parkland dedication for residential development (5% vs. varied alternative rate vs. one hectare for 300 dwelling units) and non-residential development (currently policy vs. 2% for industrial/commercial and 5% for institutional).

Table 4-7
City of St. Catharines
Summary Comparison of Current vs. Alternative Rate Approaches

Scenario	Current Practice (only residential)	5% for Residential and Institutional and 2% for Commercial and Industrial	Residential Using Varied Alternative Rate, Institutional at 5% and Commercial and Industrial at 2%	Residential Using 1 Hectare for 300 Dwelling Units Institutional at 5% and Commercial and Industrial at 2%
Residential Ha	8.80	8.80	28.95	43.06
Non-residential Ha	-	5.19	7.54	5.19
Total	8.80	13.99	36.49	48.26
Ha required (classification basis)	54.65	54.65	54.65	54.65
Deficit/(Surplus)	45.85	40.66	18.16	6.39



Based on the hectares of parkland required by 2041 as presented in Table 4-2 (54.65 hectares), the current approach would provide a deficit of 45.85 hectares. If the full provisions of the Planning Act were utilized, the anticipated deficit would reduce to 6.39 hectares.

4.4 Payment-in-Lieu of Parkland

With respect to Payment-in-Lieu of Parkland, there are three approaches to imposing these fees on development and redevelopment in the City:

1. **Current Policy:** impose the equivalent value of 5% of the land area for residential development;
2. **5%/2% Rates:** impose the equivalent value of 5% of the land area for residential development and the equivalent value of 2% of the land area for non-residential development; and
3. **Alternative Rate:** impose the equivalent value of one (1) hectare of land for each 500 dwelling units.

Similar to the analysis with respect to parkland dedication, the D.C. growth forecast was used to estimate the amount of development in the City from 2021 to 2041. Refinements to identify various areas for high-density development were provided based on the C.B.C. strategy.

For the C.B.C. strategy, estimates of the value of land in the City were analyzed based on land appraisals completed by various appraisers such as Ridley & Associates Appraisal Services Limited, IGL Appraisal Group, Antec Appraisal Group, Colliers International, etc. A summary table of the vacant properties reviewed is provided in Appendix C. Based on the properties appraised in the C.B.C. strategy, the average sales price, per hectare, of vacant land is estimated as follows:

- Singles (low-density) - \$3,300,000;
- Towns (medium-density) - \$3,600,000;
- Apartments:
 - Downtown - \$14,300,000
 - Merritton - \$2,800,000
 - Glenridge and Surrounding Area - \$7,600,000
 - Western Hill - \$7,000,000
 - Port Dalhousie - \$11,200,000
 - Queenston, Haig and Surrounding Area - \$2,100,000
 - Other Areas - \$7,000,000

For non-residential land values, additional appraisals were reviewed. A review of these properties provided an average price per hectare of \$7.10 million. As appraisals were not available for industrial or institutional properties, the values utilized in this analysis



for all non-residential land is based on the average price per hectare for commercial lands.

As discussed with parkland dedication, based on the total population and parks standard per 1,000 people, by 2041 the City would require an additional 54.65 hectares of parkland. At a City-wide average land value estimate of \$4.60 million per hectare, the total revenue required would be approximately \$251.38 million.

4.4.1 Current Policy - 5% for Residential and 0% for Non-residential

Similar to parkland dedication, the Planning Act allows municipalities to require payment-in-lieu of parkland dedication at a rate of 2% for commercial and industrial development and 5% for all other development (i.e. residential and institutional). Note, the City does not currently impose the 2% requirement for commercial and industrial developments or the 5% for institutional developments. Similar to the calculations presented in Table 4-3, Table 4-8 provides for a summary of the anticipated residential units to be constructed to 2041. The total acres of residential development lands equal 71.19 hectares (or 175.93 acres) based on the following assumed densities:

- Low-density – 27 units per hectare;
- Medium-density – 42 units per hectare;
- Apartments:
 - Downtown – 371 units per hectare;
 - Merritton – 136 units per hectare;
 - Glenridge and Surrounding Area – 124 units per hectare;
 - Western Hill – 124 units per hectare;
 - Port Dalhousie – 235 units per hectare;
 - Queenston, Haig and Surrounding Area – 136 units per hectare; and
 - Other Areas – 124 units per hectare.

At the land values identified above, the total value of the developable lands would be approximately \$310.67 million. At a rate of 5% of the land value, the City would receive approximately \$15.53 million in payment-in-lieu.



Table 4-8
City of St. Catharines
Anticipated Payment-in-Lieu of Parkland Dedication Revenues – 5%

Unit Type	Anticipated Units (2021 to 2041)	Density Assumption (units/hectare)	Total Hectares	Value of Land per Hectare	Total Value of Developable Lands	5% of the Total Value
Singles	1,349	27	20.08	3,300,000	66,278,113	3,313,906
Towns	2,621	42	25.25	3,600,000	90,898,671	4,544,934
Apartments						
Downtown	555	371	0.61	14,300,000	8,665,122	433,256
Merritton	745	136	2.22	2,800,000	6,211,386	310,569
Glenridge and Surrounding Area	679	124	2.22	7,600,000	16,902,475	845,124
Western Hill	750	124	2.46	7,000,000	17,195,952	859,798
Port Dalhousie	899	235	1.55	11,200,000	17,357,655	867,883
Queenston, Haig and Surrounding Area	2,089	136	6.22	2,100,000	13,062,671	653,134
Other Areas	3,232	124	10.59	7,000,000	74,101,509	3,705,075
Total	12,919		71.19	58,900,000	310,673,554	15,533,678

4.4.2 5% and 2% Rates as per the Planning Act

Utilizing the base provisions of the Planning Act, the City may impose a rate of 2% for commercial and industrial developments and 5% for all other development. As a result, for residential development, the anticipated payment-in-lieu of dedication would remain the same as presented in Table 4-8 (\$15.53 million).

With respect to non-residential development, Table 4-9 provides for a summary of the anticipated non-residential development to be constructed over the 2021 to 2041 time period. Based on the D.C. growth forecast, there is approximately 12,000 employees that will be added. Utilizing the sq.ft. per employee assumptions from the D.C. study, the anticipated floor space totals approximately 7.84 million sq.ft. Assuming the industrial buildings have a lot coverage of 25% and the institutional/commercial buildings have a lot coverage of 30%, the total land area for non-residential development is approximately 27.00 million sq.ft. This equates to a total land area of 259.75 hectares. At a value of \$7.10 million per hectare, the total value of the developable lands would be approximately \$1.84 billion. At a rate of 2% of the land value for industrial and commercial development and 5% for institutional development, the City would receive approximately \$53.56 million.

Table 4-9
City of St. Catharines
Anticipated Payment-in-Lieu of Parkland Dedication Revenues
2% for Industrial/Commercial and 5% for Institutional

Type	Anticipated Employment (2021 to 2041)	Sq.ft. per Employee	Anticipated Sq.ft. (2021 to 2041)	Assumed Lot Coverage	Total Sq.ft. of Land Area	Total Hectares of Land Area	Value of Land per Hectare	Total Value of Developable Lands	2% of the Total Value*
Industrial	2,467	1,100	2,713,700	25%	10,854,800	100.84	\$7,100,000	\$715,995,875	\$14,319,918
Commercial	5,786	450	2,603,700	30%	8,679,000	80.63	\$7,100,000	\$572,477,448	\$11,449,549
Institutional	3,717	680	2,527,560	30%	8,425,200	78.27	\$7,100,000	\$555,736,490	\$27,786,824
Total	11,970	2,230	7,844,960		27,959,000	259.75		\$1,844,209,812	\$53,556,291

*Note: Institutional calculated at 5%



In total, this approach would provide for an estimated \$69.09 million in parkland dedication revenues.

4.4.3 *Alternative Residential Rate*

With regard to receipt of payment-in-lieu of dedication the Planning Act allows the use of an alternative rate to the 5% rate for residential development, however the alternative rate is the value of the land equal to one (1) hectare for each 500 dwelling units.

If the City were to utilize the alternative rate for residential developments, the City would receive approximately \$142.80 million. Table 4-10 provides for the anticipated payment-in-lieu of parkland based on the residential growth forecast from the D.C. study and the use of the alternative rate.

Table 4-10
City of St. Catharines
Residential Payment-in-Lieu of Dedication at One Hectare for Each 500 Dwelling Units

Unit Type	Anticipated Units (2021 to 2041)	1 Hectare per 500 dwelling units	Value of Land per Hectare	Total Value of Developable Lands
Singles	1,349	2.70	\$3,300,000	\$8,903,400
Towns	2,621	5.24	\$3,600,000	\$18,871,200
Apartments				
Downtown	555	1.11	\$14,300,000	\$15,873,000
Merritton	745	1.49	\$2,800,000	\$4,172,000
Glenridge and Surrounding Area	679	1.36	\$7,600,000	\$10,320,800
Western Hill	750	1.50	\$7,000,000	\$10,500,000
Port Dalhousie	899	1.80	\$11,200,000	\$20,137,600
Queenston, Haig and Surrounding	2,089	4.18	\$2,100,000	\$8,773,800
Other Areas	3,232	6.46	\$7,000,000	\$45,247,034
Total	12,919			\$142,798,834

In addition to the non-residential payment-in-lieu of dedication of \$53.56 million presented in Table 4-9, this approach would provide for a total payment-in-lieu of dedication of approximately \$196.36 million.

4.4.4 *Summary of Approaches*

Table 4-11 provides for a comparison of the approaches to payment-in-lieu of parkland for residential development (5% vs. one hectare for 500 dwelling units) and non-residential development (0% vs. 2% for industrial and commercial and 5% for institutional).



Table 4-11
City of St. Catharines
Summary Comparison of Current vs. Alternative Rate Approaches

Summary	5% for Residential and 0% for Non-residential	5% for Residential, 2% for Commercial and Industrial, and 5% for Institutional	1 Hectare for 500 Dwelling Units, 2% for Commercial and Industrial, and 5% for Institutional
Residential Recovery	\$15,533,678	\$15,533,678	\$142,798,834
Non-residential Recovery	\$0	\$53,556,291	\$53,556,291
Total	\$15,533,678	\$69,089,969	\$196,355,125
Dollars required (classification basis)	\$251,383,041	\$251,383,041	\$251,383,041
Deficit/(Surplus)	\$235,849,363	\$182,293,072	\$55,027,916

The current approach provides for a deficit of approximately \$235.85 million when compared to the value of parkland required to meet the service level targets. If the City were to utilize the full provisions of the Planning Act, this deficit would be reduced to approximately \$55.03 million.

5. Observations and Comments

The Regional Municipality of Niagara is currently undertaking an update to their Official Plan and the City of St. Catharines is anticipated to update their Official Plan in 2023. Based on the analysis and discussion above, the following provides a summary of our observations and potential recommendations for the City's consideration in preparing a parkland dedication by-law and updating their Official Plan.

1. **Parkland Categories and Service Levels:** The service standards currently outlined in the 2005 Parks Policy Plan along with the categories of parkland should be reviewed in a new parks and recreation master plan (or parks policy plan update). Based on these categories, service levels, and the anticipated growth in the City, it appears the City may not be able to meet these requirements without funding from the tax base.
2. **Parkland Dedication:** The City's current approach for imposing parkland dedication is to impose the 5% dedication requirement on residential development only. The City should consider the following:
 - a. Impose 2% dedication requirements on commercial and industrial developments;
 - b. Impose 5% dedication requirements on institutional developments;



- c. Use the alternative rate for residential development (where the alternative rate provides for more dedication). As stated, this is when development density is 15 units per hectare or greater.
 - d. Update the O.P. to remove the discounted land dedication approach to the alternative rate and use the one (1) hectare for 300 dwelling units for all densities.
 - e. Incorporate the above into the parkland dedication by-law. Note that if the parkland dedication by-law is passed prior to update of the O.P., then the discounted alternative rate should be incorporated in the initial by-law.
3. **Payment-in-Lieu:** The City's current approach for imposing payment-in-lieu of dedication is to impose the 5% of the value of the land on residential development only. The City should consider the following:
- a. Impose payment-in-lieu of dedication at a rate of 2% of the value of the land on commercial and industrial developments;
 - b. Impose payment-in-lieu of dedication at a rate of 5% of the value of the land on institutional developments;
 - c. Use the alternative rate for residential development (i.e. the value of the land equivalent to one (1) hectare for each 500 dwelling units) and identify when to use the alternative rate vs. the 5%. This is when development density is 25 units per hectare or greater.
 - d. Impose a per lot fee for residential severances and consents. This fee may be imposed at \$6,100 per lot.
 - e. Incorporate the above into the parkland dedication by-law. Note that if the parkland dedication by-law is passed prior to update of the O.P., then the discounted alternative rate should be incorporated in the initial by-law.
4. **Local Service Policy:** Consider updating the City's Local Service Policy as part of the next D.C. study process to ensure alignment with the O.P. This policy states the level of parkland development required by the developer when dedicating land to the City for park purposes.
5. **Parkland vs. Recreation Land:** To maximize recovery of costs for parkland and recreation land, the City may consider refining definitions in the Official Plan, Parks Policy Plan, Zoning By-law, and other policy documents to clearly delineate parkland vs. recreation land. This will allow for more land to be recovered through D.C.s, freeing up the dedication and payment-in-lieu funds to be used for parkland.



6. Next Steps

With respect to next steps, City staff may consider the observations provided in the above section. The City may incorporate these observations into a parkland dedication and payment-in-lieu of parkland by-law. Sample by-laws will be provided with this draft memo for the City's consideration. A draft by-law may be included as an appendix to the final memo.

We trust that the information provided in this memo is useful and we would be happy to discuss further.



Appendix A

Parkland Dedication By-law Passage Notice Requirements



APPENDIX A: PARKLAND DEDICATION BY-LAW PASSAGE NOTICE REQUIREMENTS

Section 4(2) of O.Reg. 509/20 provides the following notice requirements:

- 2) Notice shall be given,
 - a) by personal service, fax, mail or email to,
 - i) as determined in accordance with subsection (3), every owner of land in the area to which the by-law applies,
 - ii) every person and organization that has given the clerk of the municipality a written request for notice of the passing of the by-law and has provided a return address,
 - iii) in the case of a by-law passed by the council of a lower-tier municipality, the clerk of the upper-tier municipality that the lower-tier municipality is in, and
 - iv) the secretary of every school board having jurisdiction within the area to which the by-law applies; or
 - b) by publication in a newspaper that is, in the clerk's opinion, of sufficiently general circulation in the area to which the by-law applies to give the public reasonable notice of the passing of the by-law.
- 3) For the purposes of subclause (2) (a) (i), an owner is any person who is identified as an as owner on the last revised assessment roll, subject to any written notice of a change of ownership of land the clerk of the municipality may have received.
- 4) A notice given by mail to an owner shall be mailed to the address shown on the last revised assessment roll or, if applicable, to the address shown on the notice of a change of ownership of land received by the clerk.
- 5) Notice shall contain the following information:
 - (1) A statement that the council of the municipality has passed a community benefits charge by-law or a by-law under section 42 of the Act, as the case may be, and the statement shall set out the number of the by-law and the date on which the by-law passed.
 - (2) A statement that any person or organization may appeal the by-law to the Local Planning Appeal Tribunal under subsection 37 (17) or 42 (4.9) of the Act, as applicable, by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.
 - (3) The last day on which the by-law may be appealed.



- (4) In the case of a notice of the passing of a community benefits charge by-law, an explanation of the community benefits charges imposed by the by-law.
 - (5) In the case of a notice of the passing of a by-law under section 42 of the Act, an explanation of the parkland and payment in lieu requirements imposed by the by-law.
 - (6) A description of the lands to which the by-law applies, a key map showing the lands to which the by-law applies, or an explanation why no description or key map is provided.
 - (7) The location and times during which persons may examine a copy of the by-law.
- 6) For the purposes of subsection 37 (16) and 42 (4.8) of the Act, the prescribed day is,
- a) if the notice is by publication in a newspaper, the first day on which the publication is circulated;
 - b) if the notice is given by fax, the day that the notice is faxed;
 - c) if the notice is given by mail, the day that the notice is mailed; or
 - d) if the notice is given by email, the day that the notice is emailed.



Appendix B

Parkland vs. Recreation Definitions Review



Table B-1
City of St. Catharines
Parkland vs. Recreation – Review of Definitions in Current Policy Documents

Document	Document Reference	Wording Included in Document	Notes/Observations
Official Plan	2.3. Managing Growth and Change 2.3.1 Municipal Planning Structure 2) Settlement Pattern Page 5	Settlement Pattern: The City was incorporated in 1876 and developed early as a centre of industry, commerce and agriculture. Over the last 50 years, the City has grown as a typical suburban community, moving away from the traditional street grid pattern neighbourhoods that promoted walkable and bikeable communities, and towards expansive development of low density residential neighbourhoods over viable agricultural lands, major activity centres located out of Downtown, and an extensive vehicular transportation network. Today the City is comprised of an Urban Area that encompasses approximately 7060 hectares of land and 70 % of the municipal planning area. This area is characterized by stable residential communities; traditional, distinct and suburban neighbourhoods; employment, commercial, recreational , institutional and mixed use activity centres; an extensive system of community and neighbourhood parks, open space and natural areas ; and an historic downtown within the central core area of the City, affording direct linkage and connection with all parts of the City.	This section speaks to the City having an "extensive system of community and neighbourhood parks, open space, and natural areas. Recreation is not included in this sub-list of spaces, implying that recreational uses occur on parkland. To clarify the distinction between recreation land and park land, recreation land may be listed separately from parks and open space.
Official Plan	2.3.3 Accommodation of Growth 4 (vi) - intensification Areas Page 9	Intensification Areas are set out on Schedule D 'Municipal Structure', and are to be planned to support: i) minimum housing densities that are generally higher than surrounding areas together with a range and mix of commercial, employment, institutional, recreational and cultural uses primarily intended to serve the local area neighbourhood;	Recreation is noted; however, parks and open space are not implying that recreational uses may occur on park land.
Official Plan	2.3.3 Accommodation of Growth 5 - Housing Page 10	All types of new housing will be provided in a manner not to compromise, but to accentuate and enhance the character, structure, function and accessibility of established residential neighbourhoods and other activity areas; cultural and heritage landscapes, buildings and identities; and the City's network of parks, open space and natural areas, and public realm opportunities .	This section speaks to parks, open space and natural areas but does not identify recreation or recreation lands as distinct from parks and open space. To clarify the distinction between recreation land and park land, recreation land may be listed separately from parks and open space.
Official Plan	2.3.3 Accommodation of Growth 6 - Employment Page 11	iii) Employment Lands are designated to accommodate a full range and scale of business and industrial employment uses, office, subordinate retail and service commercial, recreation and institutional uses, and major large scale institutional and recreation uses which by virtue of scale, size, function and operation cannot appropriately locate in the Urban Growth Centre or other land use designations.	Recreation is noted; however, parks and open space are not implying that recreational uses may occur on park land.
Official Plan	4.6 The Public Realm Page 23	The public realm – the streets, parks , squares, public buildings, and open spaces , is a critical component of city life, drawing people together and providing the setting for festivals, cultural events, and recreational and leisure activities , as well as for daily casual contact. They create strong social bonds and help establish our public identity.	This section speaks to recreational activities occurring in parks, squares, open spaces etc. which implies that recreational uses occur on parkland. This may be clarified by noting recreation land separate from park land.
Official Plan	8.2 General Policies Page 44	New Medium and High Density development sites may be permitted in the Neighbourhood Residential designation by way of zoning by-law amendment, provided: ... b) the subject lands are located on arterial or collector roads, in close walkable proximity and accessibility	This section appears to identify community facilities separate from parks. This can be further clarified by including recreation land



		to commercial centres, community facilities and parks , are well served by public transit and should most appropriately be located adjacent to or in close proximity to existing medium or high density residential sites;	or recreation facilities in the list of items.
Official Plan	8.3 Ancillary Uses Page 45	<p>The Neighbourhood Residential designation also permits elementary and secondary schools, places of worship and other local public serving institutional uses, neighbourhood commercial uses, home based business, parks and open space uses.</p> <p>1. Parkland and open space uses are permitted by way of zoning by-law amendment where they are compatible with the residential environment.</p> <p>...</p> <p>3. a) Local Neighbourhood Convenience Commercial Centres cater to the day-to-day convenience needs of nearby local residents and may include small scale retail and service commercial, office, institutional and indoor recreation uses, and residential dwelling units.</p>	<p>Recreation is not listed in section 1. Recreation land may be identified separate from parkland by adding recreation land and/or recreation facilities to the list.</p> <p>With respect to local neighbourhood convenience commercial centres, indoor recreation is listed as a use, however, it is unclear as to the definition</p>
Official Plan	9. Commercial Page 46	The Commercial land use designation, as set out on Schedule D1 'General Land Use Plan' is primarily intended to provide concentrations of retail and service commercial uses to accommodate local resident needs, as well as to provide significant employment opportunities. Other uses permitted may include institutional, recreation , cultural, civic, office, and residential.	Recreation is listed as a permitted use on commercial lands, however, no definition is provided to define how a recreation use on commercial land may differ from recreation uses on "recreation lands" provided by the City.
Official Plan	11. Downtown & 12. Mixed Use Page 54 to 59	<p>11.1. The Downtown land use designation, as set out on Schedule D1 'General Land Use Plan' is intended to provide the highest concentration, density, range and mix of office, commercial, entertainment, civic, government, institutional, recreational, creative and cultural employment uses and residential accommodation within the municipality.</p> <p>12. MIXED USE The lands designated Mixed Use on Schedule D1 'General Land Use Plan' are intended to provide for a broad array and mix of medium and higher density housing, work live accommodation, commercial, local office, institutional, indoor recreation, and cultural uses intended to primarily serve the immediate neighbourhood and community population.</p>	Recreation is listed as a permitted use in the Downton and on mixed use lands, however, no definition is provided to define how a recreation use on these lands may differ from recreation uses on "recreation lands" provided by the City.
Official Plan	13: Green Space Page 59 and 60	<p>The City enjoys a variety of green spaces including parks, open spaces, and trail systems, as well as many natural areas and features such as the Niagara Escarpment, Martindale Pond, Fifteen Mile Creek, Twelve Mile Creek, the Lake Ontario shoreline, wetlands, woodlots, forests, and other valleylands. Together they contribute to the City's green infrastructure. Green spaces are recognized as having a direct and significant impact on our quality of life and a healthy landscape, both in the traditional role of providing recreational and quiet places, and in providing essential self-sustaining ecosystem services such as pollution reduction, water absorption, and biodiversity habitats.</p> <p>The policies of this Plan promote a diverse and connected system of parks, open spaces and trails that make the most efficient use of resources, encourage stewardship, and provide the most benefit and enjoyment for all St. Catharines residents and visitors, while also conserving, protecting and enhancing an integrated, connected and sustainable network of the City's natural heritage resources for the benefit of future generations. The policies of this Section are to be read in conjunction with Part C, Section 6 'Achieving a Sustainable City' and other applicable policies of this Plan.</p> <p>Green spaces are designated on Schedule D1 'General</p>	<p>In this section Green Spaces are defined as Parkland and Open Space or Natural Area. In these land use designations, recreation uses are identified. This implies that recreation occurs on parkland and that recreation land is not distinct from recreation land.</p> <p>To make the distinction between parkland and recreation land, a separate land use designation may be considered for recreation land. Then in the subsections, recreation uses (e.g. facilities, outdoor courts, fields, etc.) may be identified for uses on recreation lands.</p>



		<p>Land Use Plan’ and on District Plans in Part E under the following two land use designations:</p> <ul style="list-style-type: none">- Parkland and Open Space- Natural Area	
Official Plan	<p>13: Green Space</p> <p>13.1 Parkland and Open Space</p> <p>Page 60</p>	<p>The Parkland and Open Space designation is intended to provide opportunities for a variety of active and passive recreational opportunities, to provide relief from the built environment, and to support opportunities for conservation and enhancement of cultural and natural heritage.</p> <p>Parkland and Open Space is designated on Schedule D1 ‘General Land Use Plan’ and on District Plans in Part E.</p> <p>Schedule F1 ‘Parkland and Major Trails’ of this Plan also identifies public parkland, and existing and proposed major trails.</p> <p>For the convenience of mapping, not all parkland and open space may necessarily be shown on the Schedules of this Plan, primarily where they are small in size such as small trails and special urban parks. Specific reference should be made to the City’s Parks Policy Plan and the Recreation Master Plan.</p>	<p>In the introduction to this section, it is noted that parkland and open space are intended to provide active and passive recreational opportunities. This means that recreation uses occur on parkland.</p> <p>To delineate these concepts, a new land use designation and section may be considered which speaks to recreational uses on recreation lands.</p>
Official Plan	<p>13: Green Space</p> <p>13.1 Parkland and Open Space</p> <p>1. Permitted Uses</p> <p>Page 60</p>	<p>1. Permitted Uses</p> <p>Permitted uses include:</p> <ul style="list-style-type: none">i) private and public parks, and open space linkages;ii) cemeteries;iii) active or passive indoor and outdoor recreational facilities;iv) cultural heritage;v) essential operations for service infrastructure and utilities. <p>a) Permitted uses may be allowed provided that:</p> <ul style="list-style-type: none">i) the use of land does not conflict with the policies in this Plan related to natural hazard lands, natural heritage or cultural heritage resources;ii) the design minimizes or eliminates any potential instability of slopes;iii) all structures, parking areas and active playing fields are attractively designed and landscaped in order to enhance their appearance, and are appropriately setback and buffered between adjacent properties. <p>b) Ancillary uses may be permitted where they provide complementary services and facilities to the main use, and will be limited in size subject to zoning bylaw regulation.</p>	<p>Permitted uses for parks and open space include active or passive indoor and outdoor recreational facilities. To delineate parkland versus recreation land, this may be separated out into a new land use category.</p>



Official Plan	<p>13: Green Space</p> <p>13.1 Parkland and Open Space</p> <p>2. Parks Classification</p> <p>Page 60 and 61</p>		
Official Plan	<p>13: Green Space</p> <p>13.1 Parkland and Open Space</p> <p>3. Park Acquisition</p> <p>Page 61 and 62</p>	<p>3. Park Acquisition</p> <p>Parkland acquisition to achieve the objectives of the Parks Policy Plan and the Recreation Master Plan may occur through purchase, donation, bequest, expropriation, and dedication,</p> <p>i) the City should establish incentive programs, including preferred or beneficial zoning, to encourage acquisition of parkland.</p> <p>a) Priorities for Acquisition</p> <p>Parkland acquisition priorities that should be implemented on an opportunity basis include:</p> <p>i) lands to link, connect and extend the City’s Green Space and cultural heritage landscapes and routes, and link together with other local municipal and upper tier government or agency parkland, open space, natural and cultural heritage areas and corridors;</p> <p>ii) lands to complete gaps in the trail system along the Lake Ontario waterfront, increasing public access to the waterfront, and improve waterfront parkland;</p> <p>iii) lands to establish special urban parks to support the creation of parkettes, urban squares and plazas in urbanized core areas and at nodes;</p> <p>iv) lands to establish, and link to, greened gateway initiatives and opportunities at key entrance</p>	<p>Parkland acquisition priorities include land for playing fields to accommodate recreational demand. This implies that these uses occur on parkland. The City may consider noting that parkland acquisition will be used to obtain parkland and include a definition (e.g. open space, play areas, non-programmable play fields, etc.). A separate section on recreation land may note that recovery of costs for these lands will occur through the D.C. background study and by-law to the extent possible.</p>



		<p>locations into the City’s urban fabric, the Downtown, and residential, employment, commercial and mixed use neighbourhoods;</p> <p>v) lands to establish, extend and link active transportation connections between the City’s Green Space, the Downtown, residential, employment, commercial and mixed use neighbourhoods, community facilities and other activity use areas;</p> <p>vi) lands to support streetscape improvements;</p> <p>vii) lands for playing fields to accommodate recreational demand.</p>	
Official Plan	<p>13: Green Space</p> <p>13.1 Parkland and Open Space</p> <p>4. Parkland Dedication</p> <p>Page 63</p>	<p>4. Parkland Dedication</p> <p>a) The City will, as a condition of development, redevelopment or subdivision of land, require that land in an amount not exceeding, in the case of land proposed for commercial and employment purposes, 2 % and in all other cases 5 % of the land proposed for development, redevelopment or subdivision be conveyed to the municipality for parks or other recreational purposes, pursuant to the provisions of the Planning Act.</p>	
Official Plan	Definitions	N/A	<p>No definitions for parkland or recreation land are provided. Including definitions for both will help clarify the difference between the two types of land. Parkland would be defined to include the uses on the spectrum the City would deem parkland (e.g. passive parks, open space, playgrounds, etc.) whereas recreation land may be defined as including indoor facilities, outdoor facilities such as baseball diamonds, soccer fields, etc.</p>
Official Plan	<p>13.2 Natural Area</p> <p>13.2.2 General Policies</p> <p>Page 67</p>	<p>1. Permitted Uses</p> <p>vi) passive small scale recreation features such as trails, walkways, and bicycle paths that will have no significant negative impact on natural features or ecological functions</p>	<p>"</p> <p>" "</p>
Official Plan	<p>Woodlands</p> <p>Page 130</p>	<p>Woodlands: means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.</p>	<p>This statement notes that recreational activities occur on woodlands rather than on recreation lands. This mixed the two concepts as discussed above. The City may consider refining this section to remove the reference to recreation activities</p>



Zoning By-law	Section 4: Establishment of Zones Page 23 to 28	Zones: G1 - Conservation / Natural Area G2 - Minor Green Space G3 - Major Green Space	Outdoor recreation facilities are permitted in green space (and institutional) categories. The City may consider including a separate land use for recreation land and identify outdoor recreation separately from parkland
Zoning By-law	Section 12: Definitions - Page 69 to 73	Amenity Space: means an area for outdoor recreation or leisure and does not include a parking area. Recreation Facility: means a premises used for participatory and/or spectator-oriented recreation and entertainment uses, and may include ancillary office, restaurant, retail and service commercial uses	No definition for park/parkland in the zoning by-law. The City may consider including definitions for "parkland" and "recreation land" as noted above.
Recreation Facility & Programming Master Plan (2015)	Entire document	The master plan analyses the need for indoor and outdoor recreation facilities. This implies that the following uses are indoor recreation; arenas, indoor aquatic centres, indoor artificial turf fields, gyms, fitness space, community centres, older adult centres, and youth centres. The following uses are identified as outdoor recreation facilities; rectangular sports fields, ball diamonds, splash pads, outdoor pools, tennis courts, multi-use courts, skateboard parks, playgrounds, golf courses, leash-free dog parks, and parks, beaches, and trails.	As a result, it appears that parks, beaches and trails have been defined as outdoor recreation. The City should consider (for future updates to the master plan) separating parks, beaches, trails, leash-free dog parks, playgrounds and other categories into a "parkland" category. This would make a distinction between outdoor recreation which would occur on recreation land versus what would be included on parkland.
Parks Policy Plan (2005)	Section 5 - page 20	Facilities/Activities at Neighbourhood Parks and Playgrounds - backstop for children's ball, junior-sized soccer field/playfield, playground equipment, paved areas for informal games/ basketball , shaded areas for passive recreation, parking areas if appropriate Facilities/Activities at District Parks and Playfields - regulation-sized soccer fields, softball and baseball diamonds, football fields, tracks, swimming pools, arenas, community centres , parking facilities, etc. Facilities/Activities at City-Wide Parks and Regional Open Spaces - multi-purpose or specialized - golf courses, museums, art galleries, bicycle trails, major sports facilities, etc.	Based on the description, it appears recreational facilities and amenities are included as part of parkland. This may be clarified by identifying a separate class of park which may be called "recreation land", for example. The uses that would be considered for inclusion as part of the recreation land definition (i.e. land would be funded from the D.C.) may be identified for this category.



Appendix C

Survey of Vacant Sales Prices



Table C-1
City of St. Catharines
Land Appraisals

2016	Colliers International	S of Lakeshore		Oct. 4, 2016	Community Commercial	Commercial	0.11	\$424,152	\$3,732,537
2020	Colliers International	S of Grapeview		Jul. 7, 2011	Major Commercial	Commercial	6.20	\$1,310,168	\$211,488
2019	Ridley & Associates	Glendale		Aug. 1, 1973	Community Commercial	Commercial	0.21	\$181,544	\$845,205
2017	n/a	Port Dalhousie		Jun. 1, 2017	Community Commercial	Commercial	1.86	\$9,643,071	\$5,184,447
2019	n/a	Port Dalhousie		Mar. 4, 2019	Community Commercial	Commercial	1.11	\$10,503,645	\$9,462,743
2021	Colliers International	Port Dalhousie		Sept. 24, 2019	High Density Residential	High Density	3.87	\$9,236,516	\$2,386,697
2019	Ridley & Associates	Western Hill		Sept. 17, 2019	Low Density Residential (R2)	Low Density	0.12	\$363,089	\$3,096,016
2020	Ridley & Associates	Merritton		Nov. 3, 2020	Low Density Residential (R2)	Low Density	0.09	\$196,525	\$2,292,005
				Sept. 6, 2019	Low Density Residential (R2)	Low Density	0.09	\$155,610	\$1,648,432



2018	Ridley & Associates	Western Hill	[REDACTED].	Nov. 22, 2018	Low Density Residential (R2)	Low Density	0.08	\$166,680	\$1,970,308
			[REDACTED]						
2020	Ridley & Associates	Western Hill	[REDACTED]	Apr. 23, 2021	Low Density Residential (R2)	Low Density	0.09	\$150,669	\$1,643,666
			[REDACTED]						
2018	Colliers International	Queenston neighbourhood - Central St. Catharines	[REDACTED]	Nov. 1, 2018	Low Density Residential	Low Density	0.10	\$666,720	\$6,593,637
			[REDACTED]						
2020	Colliers International	Western Hill	[REDACTED]		Low Density Residential	Low Density	0.11	\$366,847	\$3,280,834
			[REDACTED]						
2020	Colliers International	Grantham	[REDACTED]	Mar-20	Low Density Residential	Low Density	0.16	\$228,885	\$1,456,393
			[REDACTED]						
2020	Colliers International	Grantham	[REDACTED].	Sept. 30, 2016	Low Density Residential	Low Density	0.14	\$229,279	\$1,613,735
			[REDACTED]						
2021	Ridley & Associates	Queenston neighbourhood - Central St. Catharines	[REDACTED]	Apr. 22, 2021	Low Density Residential	Low Density	0.53	\$754,691	\$1,423,848
			[REDACTED]						
2020	Ridley & Associates	Queenston neighbourhood - Central St. Catharines	[REDACTED]	Apr. 16, 2021	Low Density Residential	Low Density	0.09	\$131,017	\$1,506,267
			[REDACTED]						
2021	Colliers International	Port Dalhousie	[REDACTED]	Apr. 1, 2002	Low Density Residential	Low Density	0.50	\$153,191	\$307,612
			[REDACTED]	Nov. 17, 2020	Low Density Residential	Low Density	0.07	\$508,377	\$7,295,495



2020	Colliers International	Glenridge	[REDACTED]	Aug. 1, 2019	Low Density Residential & Conservation/Natural Area	Low Density	0.81	\$1,002,279	\$1,240,110
			[REDACTED]						
2020	Ridley & Associates	Western Hill	[REDACTED]	Mar. 3, 2020	Medium Density Residential (R3)	Medium Density	0.06	\$131,017	\$2,304,965
			[REDACTED]						
2021	antec appraisal	Queenston neighbourhood - Central St. Catharines	[REDACTED]	Feb. 15, 2018	Medium Density Residential	Medium Density	3.44	\$1,858,567	\$540,281
			[REDACTED]						
2021	Colliers International	Queenston neighbourhood - Central St. Catharines	[REDACTED]	Oct. 1, 1995	Medium Density Mixed-Use	Medium Density	0.77	\$867,331	\$1,126,404
			[REDACTED]						
2021	Ridley & Associates	Haig	[REDACTED]	13-May-20	Medium Density Residential	Medium Density	0.14	\$73,216	\$540,291
			[REDACTED]						
2020	Humphreys Appraisal	Western Hill	[REDACTED]	Jul. 30, 2021	Medium Density Residential	Medium Density	1.06	\$2,140,168	\$2,019,027
			[REDACTED]						
2021	Colliers International	Merritton	[REDACTED]	Dec. 16, 2021	Medium Density Residential (R3)	Medium Density	2.49	\$3,942,415	\$1,583,299
			[REDACTED]						
2021	Colliers International	Western Hill	[REDACTED]	Aug. 18, 2021	Medium Density Mixed-Use (M1)	Medium Density	0.23	\$450,562	\$1,958,964
			[REDACTED]	- -	-				
2021	Colliers International	Merritton	[REDACTED]	Mar. 25, 2021	Medium Density Residential (R3)	Medium Density	0.36	\$664,579	\$1,846,052
		-	[REDACTED]	Mar. 19, 2021	Medium Density Mixed-Use (M1)	Medium Density	0.57	\$794,115	\$1,393,184



2021	Colliers International	Western Hill		Nov. 29, 2019	Medium Density Residential (R3)	Medium Density	2.06	\$4,787,219	\$2,323,893
				Jun. 5, 2018	Medium Density Residential (R3)	Medium Density	0.76	\$2,055,688	\$2,704,853



Appendix D

Draft Parkland Dedication By-law



THE CORPORATION OF THE CITY OF ST. CATHARINES

By-law Number XX-2022

**BEING A BY-LAW TO PROVIDE FOR THE DEDICATION OF PARKLAND OR
THE PAYMENT OF CASH IN LIEU THEREOF AS A CONDITION OF
DEVELOPMENT OR REDEVELOPMENT**

Provided under separate cover.

CITY OF ST. CATHARINES

BY-LAW NO. 2022-

A by-law to provide for the dedication of parkland or the payment in lieu thereof as a condition of Development or Redevelopment.

WHEREAS section 42 of the *Planning Act* provides that, as a condition of the Development or Redevelopment of land, the council of a local municipality may, by by-law, require that land in an amount not exceeding, in the case of land proposed for Development or Redevelopment for Commercial or Industrial purposes two per cent (2%), and in all other cases five per cent (5%), be conveyed to the municipality for park or other public recreational purposes;

AND WHEREAS section 51.1 of the *Planning Act* provides that an approval authority may impose, as a condition of the approval of a plan of subdivision, that land be conveyed to the local municipality for park or other public recreational purposes, such land not to exceed, in the case of a subdivision proposed for Commercial or Industrial purposes two per cent (2%), and in all other cases five per cent (5%);

AND WHEREAS section 53 of the *Planning Act* provides that section 51.1 of the *Planning Act* also applies to the granting of consents;

AND WHEREAS in the case of land proposed for Development or Redevelopment for residential purposes, pursuant to the *Planning Act*, a municipality may require that such land be conveyed at the rate of up to one (1) hectares for each three hundred (300) Dwelling Units, provided that the municipality has specific policies dealing with the provision of lands for park or other public recreational purposes, and the use of this alternative requirement is included within its official plan;

AND WHEREAS the City of St. Catharines has such specific policies dealing with the provision of land to be conveyed at the rate of up to one (1) hectare for each three hundred (300) Dwelling Units;

AND WHEREAS the Council for the Corporation of the City of St. Catharines wishes to use the provisions of the *Planning Act*, as adjusted by Official Plan, for the purposes of acquiring and providing parkland for the use and enjoyment of the residents of the City of St. Catharines.

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

1.0 INTERPRETATION

1.1 This By-law may be referred to as the "Parkland Dedication By-law".

1.2 In this By-law, the following items shall have the corresponding meanings:

“Accessory Dwelling Unit” has the same meaning as detached accessory dwelling unit and interior accessory dwelling unit, each as defined in the City of St. Catharines Comprehensive Zoning By-law No. 2013-283.

“Board of Education” means a board as defined under the *Education Act* 1997, S.O. 1997, c.E.2.

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

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

“Complete Application” means an application for Development or Redevelopment submitted to the City pursuant to the Planning Act and includes all of the supporting information and materials required under the Planning Act and any other legislation or regulation, and any other supporting information or materials identified as being required by the City, in its sole and absolute discretion, and is confirmed to be submitted by the City.

“Council” means the Council for the Corporation of the City of St. Catharines.

“Detached Dwelling” has the same meaning as in the City of St. Catharines Comprehensive Zoning By-law No. 2013-283.

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

“Dwelling Unit” has the same meaning as in the City of St. Catharines Comprehensive Zoning By-law No. 2013-283, and does not include an Accessory Dwelling Unit.

“Gross Floor Area” has the same meaning as in the City of St. Catharines Development Charges By-law No. 2021-140.

“Industrial” means the use of land, buildings, or structures in connection with:

- a) manufacturing, producing, or processing of raw goods for a commercial purpose, as well as storing or distribution of goods manufactured, produced, or processed on site;

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

“Mixed-Use” means the physical integration of two or more uses within a building or structure or separate buildings or structures on the land proposed for Development or Redevelopment.

“Natural Areas” has the same meaning as in the City of St. Catharines Official Plan, and includes but is not limited to shorelines, floodplains, significant valleylands, wetlands, significant woodlands, fish habitat, areas of natural and scientific interest, significant habitat of endangered species, significant natural habitat, natural corridors, and key hydrologic features.

“Net Area of the Lands” means the total area of the lands being Developed or Redeveloped, less the area of any lands to be conveyed gratuitously to St. Catharines, the Regional Municipality of Niagara, or any local Conservation Authority, pursuant to an approval or provisional consent issued in accordance with the Planning Act, in support of natural areas and other environmentally sensitive lands and other matters such as, but not limited to, road allowance widenings, as determined by St. Catharines in its sole and absolute discretion.

“Official Plan” means the official plan adopted for the City, and approved.

“Parks Policy Plan” means the St. Catharines Parks Policy Plan.

“PIL” means payment in lieu of parkland otherwise required to be conveyed.

“Planning Act” means the *Planning Act*, R.S.O. 1990, c.P.13,.

“Redevelopment” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure on such land has been previously demolished, or the removal of a building or structure from land and the further Development of the land, or the expansion or renovation of a building or structure which results in a change in the character or density of the use in connection therewith, or changing the use of all or part of a

building from a residential purpose to a non-residential purpose or from a non-residential purpose to a residential purpose, or changing all or part of a building from one form of residential development to another form of residential development or from one form of non-residential development to another form of non-residential development.

“Residential” means the use of land, buildings, or structures of any kind whatsoever for living accommodations for one or more individuals.

“Urban Area” means those lands designated as being within the urban area by the City of St. Catharines Official Plan.

2.0 APPLICATION OF BY-LAW

- 2.1 This By-law applies to all lands located within the Urban Area of the City of St. Catharines.

3.0 CONVEYANCE OF LAND FOR PARKS PURPOSES

- 3.1 As a condition of Development or Redevelopment of land pursuant to the Planning Act, the City shall require the conveyance of land for park purposes as follows:

- a) In the case of lands proposed for Residential uses, dedication rates are as follows.
 - i) If the density of the development is up to forty (40) units per hectare, at a rate of one (1) hectare for each three hundred (300) Dwelling Units proposed; or
 - ii) If the density of the development is between forty (40) units per hectare and eighty (80) units per hectare, at a rate of one (1) hectare for each four hundred (400) Dwelling Units proposed; or
 - iii) If the density of the development is greater than eighty (80) units per hectare, at a rate of one (1) hectare for each five hundred (500) Dwelling Units proposed.
- b) In the case of lands proposed for Commercial or Industrial uses, land in the amount of two per cent (2%) of the land to be Developed or Redeveloped;
- c) In the case of lands proposed for Development or Redevelopment for a use other than those referred to in subsections 3.1(a) and 3.1(b) of this By-law, land in the amount of five per cent (5%) of the land to be Developed or Redeveloped;
- d) In the case of a Mixed-Use Development or Redevelopment, land in the aggregate, calculated as follows:

- i) the Residential component, if any, as determined by the City, of the lands being Developed or Redeveloped, shall require the conveyance of land as determined in accordance with subsection 3.1(a) of this By-law; plus
 - ii) the Commercial or Industrial component of the lands being Developed or Redeveloped, if any, as determined by the City, shall require the conveyance of land as determined in accordance with subsection 3.1(b) of this By-law; plus
 - iii) the component of the lands proposed for any use other than Residential, Commercial, or Industrial, if any, as determined by the City, shall require the conveyance of land as determined in accordance with subsection 3.1(c) of this By-law.
- e) Notwithstanding subsection 3.1(a) of this By-law, not more than 30% of any lands proposed for Development or Redevelopment shall be required for parkland dedication.

4.0 LOCATION OF CONVEYANCE AND CONDITION OF TITLE

- 4.1 The location and configuration of land required to be conveyed pursuant to section 3 of this By-law shall be as determined by the City and all such lands shall be free of all encumbrances, including, but not limited to, such easements which the City, in its sole and absolute discretion, is not prepared to accept and shall be free of any contamination, including, but not limited to, any toxic, noxious or dangerous contaminants, and shall otherwise be in a condition satisfactory to the City.
- 4.2 Land conveyed to the City as parkland dedication shall meet standards for location, size, drainage, grading, topography, and other criteria as outlined in the Parks Policy Plan and the policies of the Official Plan, or as may be otherwise determined by the City in its sole and absolute discretion.

5.0 TIMING OF CONVEYANCE

- 5.1 Where land is required to be conveyed in accordance with section 3 of this By-law, the lands shall be conveyed as follows:
- a) In the case of Development or Redevelopment to be approved pursuant to sections 51.1 or 53 of the Planning Act, the conveyance of land may be required as a condition of approval, and said lands shall be conveyed to the City either prior to or immediately upon registration of the plan of subdivision or upon the consent being given, as determined by the City;
 - b) In the case of Development or Redevelopment where land has not been conveyed or has not been required pursuant to sections 51.1 or 53 of the Planning Act, the City shall require the conveyance of land as a condition of

Development or Redevelopment prior to execution of the related site plan agreement.

6.0 PAYMENT IN LIEU OF PARKLAND

6.1 In lieu of requiring the conveyances referred to in section 3 of this By-law, the City, in its sole and absolute discretion, may require the payment of the value of the lands otherwise required to be conveyed, calculated in accordance with the following:

- a) Where the payment in lieu has been required as a condition of consent for the creation of one new lot for a Detached Dwelling, payment in lieu shall be \$6,100.
 - i) The per lot rate identified in subsection 6.1(a) of this By-law shall be indexed annually on the first day of January, commencing January 1, 2024, by the CMHC Housing Starts by Dwelling Type Index.
- b) For all other Development or Redevelopment, payment in lieu shall be calculated as the equivalent value of the land required as follows:
 - i) In the case of lands proposed for Residential uses, payment in lieu is calculated as follows:
 - 1) if the density of the development is twenty-five (25) units per hectare or less, at a rate of five per cent (5%) of the value of land being Developed or Redeveloped; or
 - 2) if the density of the development is greater than twenty-five (25) units per hectare, at a rate of the value of one (1) hectare of land for each five hundred (500) Dwelling Units proposed.
 - ii) In the case of lands proposed for Commercial or Industrial uses, the value of two per cent (2%) of the land being Developed or Redeveloped;
 - iii) In the case of lands proposed for Development or Redevelopment for a use other than those referred to in subsections 6.1(b)(i) and 6.1(b)(ii) of this By-law, the value of five per cent (5%) of the land being Developed or Redeveloped;
 - iv) In the case of a Mixed-Use Development or Redevelopment, the value of the land in the aggregate, calculated as follows:
 - 1) the Residential component, if any, as determined by the City, of the lands being Developed or Redeveloped, shall require the PIL of the value of land as determined in accordance with subsection 6.1(b)(i) of this By-law; plus

- 2) the Commercial or Industrial component of the lands being Developed or Redeveloped, if any, as determined by the City, shall require the conveyance of land as determined in accordance with subsection 6.1(b)(ii) of this By-law; plus
 - 3) the component of the lands proposed for a use other than Residential, Commercial or Industrial, if any, as determined by the City, shall require the conveyance of land as determined in accordance with subsection 6.1(b)(iii) of this By-law.
- c) Notwithstanding subsection 6.1(b)(i) of this By-law, not more than 30% of the value of lands proposed for Development or Redevelopment shall be required as payment in lieu of the lands otherwise required to be conveyed.

7.0 TIMING OF PIL PAYMENT AND DETERMINATION OF VALUE

7.1 PIL shall be paid as follows:

- a) For Development or Redevelopment where the payment of PIL is required as a condition of an approval or a consent pursuant to either sections 51.1 or 53 of the Planning Act, PIL shall be paid prior to registration of the plan of subdivision or prior to the consent being given, as the case may be.
 - i) The value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision or consent, as the case may be.
- b) For Development or Redevelopment where the payment of PIL is not required as a condition of an approval or a consent, pursuant to either sections 51.1 or 53 of the Planning Act, PIL shall be paid prior to execution of a site plan agreement in respect of the Development or Redevelopment.
 - i) The value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued.

8.0 LIMITS OF THE LANDS TO BE DEVELOPED OR REDEVELOPED

8.1 For the purposes of calculating the land conveyance or PIL requirements of sections 3 or 6 of this By-law, the following shall be used as the area of the lands being Developed or Redeveloped:

- a) For Development or Redevelopment of land which does not occur pursuant to section 51 or 53 of the Planning Act, the Net Area of the Lands denoted within the plan or drawings;

- b) For Development or Redevelopment of land which occurs pursuant to section 51 of the Planning Act, and for which the conveyance of land or the payment of PIL is required as a condition of approval, the Net Area of the Lands denoted within the approved draft plan of subdivision;
- c) For Development or Redevelopment of land which occurs pursuant to section 53 of the Planning Act, and for which the conveyance of land or the payment of PIL has been required as a condition of approval, the Net Area of the Lands to be severed pursuant to the consent;
- d) In all other cases, the area of the lands to be Developed or Redeveloped shall be determined by the City in accordance with the Planning Act, and the Net Area of the Lands, as determined by the City, shall be used for the purposes of calculating land conveyance or PIL requirements pursuant to sections 3 or 6 of this By-law.

9.0 PHASED DEVELOPMENT

- 9.1 For Development or Redevelopment for which approvals are issued in phases, the City shall calculate and require the conveyance of land for parks purposes or the payment of PIL, in accordance with the provisions of sections 3 through 7 of this By-law, on a phase-by-phase basis.

10.0 PARKLAND CONVEYANCE AGREEMENTS

- 10.1 Nothing in this By-law shall limit the City's ability to enter into a parkland conveyance agreement with one or more landowners for the purposes of assembling parkland. Parkland conveyance agreements entered into by the City shall include provisions for the conveyance of land for parks purposes or PIL, the calculation of which shall be as provided in this By-law.

11.0 EXEMPTIONS

- 11.1 Notwithstanding the provisions of this By-law, the conveyance of land for parks purposes or payment in lieu thereof shall not be required with respect to:
 - a) Development or Redevelopment of that component of land, buildings, or structures intended for use as a long-term care home as defined under the *Long-Term Care Homes Act*, 2007, S.O. 2007, c. 8;
 - b) Development or Redevelopment of that component of land, buildings, or structures intended for use as a retirement home as defined under the *Retirement Homes Act*, 2010, S.O. 2010, c. 11;
 - c) Development or Redevelopment of that component of land, buildings, or structures intended for use as a daycare as defined under the *Child Care and Early Years Act*, 2014, S.O. 2014, c. 11, Sched. 1;

- d) Development or Redevelopment of that component of land, buildings, or structures intended for use by any of the following post-secondary institutions for the objects of the institution:
 - i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario;
 - ii) a college or university federated or affiliated with a university described in subparagraph (i);
 - iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act*, 2017, S.O. 2017, c. 34, Sched. 20.
- e) Development or Redevelopment of that component of land, buildings, or structures intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion;
- f) Development or Redevelopment of that component of land, buildings, or structures intended for use as a hospice to provide end of life care;
- g) Development or Redevelopment of that portion of land, buildings, or structures intended for Residential use by any of the following entities:
 - i) a corporation to which the *Not-for-Profit Corporations Act*, 2010, S.O. 2010, c. 15 applies, that is in good standing under that Act and whose primary objective is to provide housing;
 - ii) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing;
 - iii) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*, R.S.O. 1990, c. C.35.
- h) Development or Redevelopment of land, buildings, or structures owned by and used for the purposes of the City or a local board thereof;
- i) Development or Redevelopment of land, buildings, or structures owned by and used for the purposes of the Regional Municipality of Niagara or a local board thereof;
- j) Development or Redevelopment of land, buildings or structures owned by and used for school uses by a Board of Education;
- k) The replacement of any building that is a direct result of destruction due to accidental fire or other accidental cause, provided that no intensification or change of use is proposed, including but not limited to an increase in total Dwelling Unit count or Gross Floor Area;

- l) The enlargement of an existing Dwelling Unit provided that the enlargement does not result in additional Dwelling Units, but may result in an Accessory Dwelling Unit;
- m) Where the total PIL payable for Development or Redevelopment is less than \$100.

12.0 TRANSITION PERIOD

- 12.1 For any Complete Application for site plan approval, subdivision approval, condominium approval, or consent to sever that has been submitted to the City pursuant to the Planning Act prior to January 1, 2023, parkland shall be conveyed at the rates prescribed under City of St. Catharines By-law 74-72, provided final approval of the application is received by no later than December 31, 2023.
- 12.2 The City of St. Catharines Parkland Dedication By-law 74-72, and any amendments thereto, shall be repealed on January 1, 2024.
- 12.3 Notwithstanding subsection 12.2 above, as of January 1, 2023 all applications for Development or Redevelopment shall be subject to the provisions of this By-law, and where there is a conflict between this By-law and By-law 74-72, the contents of this By-law shall prevail.

13.0 GENERAL

- 13.1 Severability. If any part or provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of this By-law, its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 13.2 Singular and plural. In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural.
- 13.3 And/or. The word “and” is an inclusive conjunction, the use of which indicates that all items or phrases in that subsection, article, or list in which it appears are permitted or required as the case may be. The word “or” is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word “or” may also be an inclusive conjunction having the same meaning as the word “and”.
- 13.4 Amendments and successors. Any reference to legislation, plans, or policies in this By-law includes the legislation, plan, or policy referred to and its amendments as well as any subsequent legislation, plan, or policy which may replace it, and its amendments thereto.

13.5 Headings. Headings do not form part of this By-law, they are included only for ease of reference and convenience.

14.0 DATE BY-LAW IN FORCE

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

THE CORPORATION OF THE CITY OF ST. CATHARINES

Read and passed this _____ day of _____, 2022.

Mayor, Walter Sendzik

Clerk, Kristen Sullivan

SurveyTool:		New Parkland Dedication Engagement Survey																
Tool Status	Published	Date of contribution	Contributor Details		Survey Response						Sign Up form Details							
Visitors	46		Login (Screen name)	Contributor Summary (Signup form Qs - Detailed breakup on the right >)	What is your interest in Parkland Dedication?	What is your interest in Parkland Dedication? (Other (please specify))	Do you currently visit or use any part of the City's network of parks, trails and open spaces?	The City is dedicated to providing a diverse network of parkland, trails and open spaces, including developing new spaces and improving existing ones. Do you believe that expansion or improvement of the above offerings should be provided in communities where development and intensification occurs?	If new, expanded, or improved parkland, trails and open spaces are required to accommodate the changing needs and size of the growing population, should these public assets be paid for by the existing tax base, or by growth (i.e., increased population)?	If new or expanded infrastructure with a community focus is required to accommodate the changing needs and size of the growing population, should these investments be paid for by the existing tax base, or by growth (increased population)?	The City of St. Catharines currently imposes the requirement for 5% Parkland Dedication (or payment-in-lieu) on residential uses. Based on the findings of a recently completed Parkland Dedication and Payment-in-lieu Analysis, the City is now also considering imposing the requirement for 5% Parkland Dedication for institutional uses, and 2% for commercial and industrial uses. The City is also considering imposing alternative Parkland Dedication rates for residential uses where the amount of parkland to be dedicated (or cash payment in lieu) is based on the number of new residential units being provided, instead of the land area of the property being developed. The alternative rates result in a larger land dedication to the City for parks purposes (or a larger cash payment in lieu) than what would otherwise be received using the existing 5% rate. Please rate your level of agreement with the collection of these new and alternative rates of Parkland Dedication.	Usertype	User Name/Login (will be visible to other users in forums)	Email	Postal Code (A1B 2C3)	What is your birth year?	Response ID	
Contributors	24		Sep 01 22 01:50:04 pm	I am a resident of St. Catharines		Yes, occasionally	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Somewhat agree	User					1951	4378352	
Registered	24			Sep 01 22 08:11:39 pm	I am a resident of St. Catharines		Yes, frequently	Yes	Growth/New Development/Redevelopment	Existing tax base	Definitely agree	User					1958	4379205
Unverified	0			Sep 01 22 08:18:38 pm	I am a resident of St. Catharines		Yes, frequently	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Definitely agree	User					1992	4379216
Anonymous	0			Sep 01 22 08:21:16 pm	I am a resident of St. Catharines		Yes, frequently	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Definitely agree	User					1950	4379219
Admin	0			Sep 01 22 08:22:55 pm	I am a resident of St. Catharines		Yes, frequently	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Definitely agree	User					1952	4379222
SUBMISSIONS	24			Sep 01 22 10:21:43 pm	I am a resident of St. Catharines		Yes, occasionally	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Somewhat agree	User					1944	4379323
Demographics Graphs Below				Sep 02 22 07:43:01 am	I am a resident of St. Catharines		Yes, occasionally	Yes	Growth/New Development/Redevelopment	Existing tax base	Somewhat agree	User					1991	4379594

Date of contribution	Contributor Details	Survey Response							Sign Up form Details			
	Login (Screen name) Contributor Summary (Signup form Qs - Detailed breakup on the right >)	What is your interest in Parkland Dedication?	What is your interest in Parkland Dedication? (Other (please specify))	Do you currently visit or use any part of the City's network of parks, trails and open spaces?	The City is dedicated to providing a diverse network of parkland, trails and open spaces, including developing new spaces and improving existing ones. Do you believe that expansion or improvement of the above offerings should be provided in communities where development and intensification occurs?	If new, expanded, or improved parkland, trails and open spaces are required to accommodate the changing needs and size of the growing population, should these public assets be paid for by the existing tax base, or by growth (i.e., increased population)?	If new or expanded infrastructure with a community focus is required to accommodate the changing needs and size of the growing population, should these investments be paid for by the existing tax base, or by growth (increased population)?	The City of St. Catharines currently imposes the requirement for 5% Parkland Dedication (or payment-in-lieu) on residential uses. Based on the findings of a recently completed Parkland Dedication and Payment-in-lieu Analysis, the City is now also considering imposing the requirement for 5% Parkland Dedication for institutional uses, and 2% for commercial and industrial uses. The City is also considering imposing alternative Parkland Dedication rates for residential uses where the amount of parkland to be dedicated (or cash payment in lieu) is based on the number of new residential units being provided, instead of the land area of the property being developed. The alternative rates result in a larger land dedication to the City for parks purposes (or a larger cash payment in lieu) than what would otherwise be received using the existing 5% rate. Please rate your level of agreement with the collection of these new and alternative rates of Parkland Dedication.	Usertype	User Name/Login (will be visible to other users in forums) Email Postal Code (A1B 2C3)	What is your birth year?	Response ID
Sep 02 22 02:58:06 pm		I am a resident of St. Catharines		Yes, frequently	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Definitely agree	User		1967	4380362
Sep 02 22 07:23:49 pm		I am a resident of St. Catharines		Yes, frequently	Occasionally	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Somewhat disagree	User		1943	4380625
Sep 02 22 11:17:16 pm		I am a resident of St. Catharines		Yes, frequently	Yes	Existing Tax Base	Growth, new development, redevelopment	Definitely agree	User		1995	4380757
Sep 03 22 06:18:35 am		I am a resident of St. Catharines		Yes, frequently	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Definitely agree	User		1958	4380832
Sep 03 22 07:21:17 am		I am a resident of St. Catharines		Yes, frequently	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Definitely agree	User		1970	4380877
Sep 03 22 10:54:58 am		I am a resident of St. Catharines		Yes, frequently	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Definitely agree	User		1960	4381066
Sep 03 22 03:41:43 pm		I am a resident of St. Catharines		Yes, frequently	Yes	Growth/New Development/Redevelopment	Existing tax base	Definitely agree	User		1956	4381263

Date of contribution	Contributor Details	Survey Response							Sign Up form Details			
	Login (Screen name) Contributor Summary (Signup form Qs - Detailed breakup on the right >)	What is your interest in Parkland Dedication?	What is your interest in Parkland Dedication? (Other (please specify))	Do you currently visit or use any part of the City's network of parks, trails and open spaces?	The City is dedicated to providing a diverse network of parkland, trails and open spaces, including developing new spaces and improving existing ones. Do you believe that expansion or improvement of the above offerings should be provided in communities where development and intensification occurs?	If new, expanded, or improved parkland, trails and open spaces are required to accommodate the changing needs and size of the growing population, should these public assets be paid for by the existing tax base, or by growth (i.e., increased population)?	If new or expanded infrastructure with a community focus is required to accommodate the changing needs and size of the growing population, should these investments be paid for by the existing tax base, or by growth (increased population)?	The City of St. Catharines currently imposes the requirement for 5% Parkland Dedication (or payment-in-lieu) on residential uses. Based on the findings of a recently completed Parkland Dedication and Payment-in-lieu Analysis, the City is now also considering imposing the requirement for 5% Parkland Dedication for institutional uses, and 2% for commercial and industrial uses. The City is also considering imposing alternative Parkland Dedication rates for residential uses where the amount of parkland to be dedicated (or cash payment in lieu) is based on the number of new residential units being provided, instead of the land area of the property being developed. The alternative rates result in a larger land dedication to the City for parks purposes (or a larger cash payment in lieu) than what would otherwise be received using the existing 5% rate. Please rate your level of agreement with the collection of these new and alternative rates of Parkland Dedication.	Usertype	User Name/Login (will be visible to other users in forums) Email Postal Code (A1B 2C3)	What is your birth year?	Response ID
Sep 05 22 09:50:08 am		I am a resident of St. Catharines		Yes, frequently	Yes	Existing Tax Base	Growth, new development, redevelopment	Definitely agree	User		1951	4382322
Sep 05 22 02:00:28 pm			Grew up in the city and still have family there	Yes, occassionally	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Definitely agree	User		1996	4382514
Sep 06 22 10:46:51 am		I am a resident of St. Catharines		Yes, frequently	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Definitely agree	User		1962	4383370
Sep 12 22 04:41:34 pm		I am a resident of St. Catharines		Yes, frequently	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Somewhat agree	User		1947	4391248
Sep 12 22 05:59:44 pm		I am a resident of St. Catharines		Yes, frequently	Yes	Existing Tax Base	Existing tax base	Definitely disagree	User		1949	4391385
Sep 13 22 06:17:02 am		I am a resident of St. Catharines		Yes, frequently	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Definitely agree	User		1957	4391867
Sep 13 22 06:35:55 am		I am a resident of St. Catharines		Yes, frequently	Yes	Existing Tax Base	Existing tax base	Somewhat agree	User		1945	4391900
Sep 15 22 09:25:29 pm		I am a resident of St. Catharines		Yes, frequently	Yes	Growth/New Development/Redevelopment	Growth, new development, redevelopment	Somewhat agree	User		1987	4398988
Sep 15 22 09:42:28 pm		I am a resident of St. Catharines		Yes, frequently	Yes	Existing Tax Base	Existing tax base	Definitely agree	User		1983	4399015



By-laws to be considered Monday, September 26, 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 stop sign locations at Moffatt Street and Marshal Lane. 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 parking prohibitions on Willcher Drive. Delegation of Powers and Duties By-law No. 2020-156.)
- (c) A By-law to assume and declare certain lands to be a highway and to be known as Bunting Road. (One reading – with respect to easterly limit of Bunting Road lying between Welland Avenue and Carlton Street. Delegation of Powers and Duties By-law No. 2020-156.)
- (d) A By-Law to authorize a Franchise Agreement between The Corporation of the City of St. Catharines and Enbridge Gas Inc. (One reading – with respect to renewal of the Franchise Agreement in accordance with the Ontario Energy Board's Letter of Direction. Council, June 13, 2022, Item No. 6.7.)
- (e) A By-law to amend By-law No. 2021-68 entitled "A by-law to establish a system for non-parking related administrative penalties. (One reading – with respect to adding a penalty for violation of the City's Waste By-law No. 2020-106. To be considered by Council, September 26, 2022.)
- (f) A By-law to regulate the sale and setting off of fireworks and pyrotechnic special effects within the City of St. Catharines. (One reading – with respect to adoption of a new "Fireworks By-law" and repealing the old By-law No. 2016-6, as amended. To be considered by Council. September 26, 2022.)
- (g) A By-law to amend By-law No. 2020-156 entitled "Delegation of Powers and Duties By-law." (One reading – with respect to the Accessory Dwelling Unit (ADU) Program under the 2020 Community Improvement Plan (2020CIP). To be considered by Council. September 26, 2022.)
- (h) A by-law to provide for the dedication of parkland or the payment in lieu thereof as a condition of Development or Redevelopment. (One reading – with respect to adopting of a new "Parkland Dedication By-law". To be considered by Council. September 26, 2022.)
- (i) A By law to confirm the proceedings of council at its meetings held on the 19th day of September 2022 and on the 26th day of September 2022. (One reading - with respect to confirming the proceedings of the meeting held on September 19 and September 26, 2022.)